City of Palm Coast
Agenda

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

City Council Business Meeting

Mayor Michael Norris
Vice Mayor Theresa Pontieri
Council Member Charles Gambaro
Council Member Ty Miller
Council Member David Sullivan

Tuesday, September 15, 2026	**9:00 AM**	**City Hall - Jon Netts Community Wing**

City Staff
Michael McGlothlin, City Manager
Marcus Duffy, City Attorney
Kaley Cook, City Clerk

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- It is proper meeting etiquette to silence all electronic devices, including cell phones while Council is in session. Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to hire a court reporter to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

C. ROLL CALL

D. PROCLAMATIONS AND PRESENTATIONS

1. PROCLAMATION - SEPTEMBER 15, 2026, TO OCTOBER 15, 2026, AS HISPANIC HERITAGE MONTH

2. PROCLAMATION - SEPTEMBER 21-25, 2026, AS STORMWATER AWARENESS WEEK

3. PROCLAMATION - SEPTEMBER 2026 AS NEONATAL INTENSIVE CARE AWARENESS MONTH

4. PROCLAMATION - OCTOBER 2026 AS "RAISE THE PINK FLAG WITH THE PINK ARMY" MONTH IN SUPPORT OF BREAST CANCER AWARENESS

5. PRESENTATION - LEGISLATIVE PRIORITIES

E. PUBLIC PARTICIPATION

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(4) Public speakers may address their comments to the Council as a whole, the Mayor, or to an individual Council Member
(5) When addressing the City Council on specific, enumerated Agenda items, speakers shall:
(a) make their comments concise and to the point;
(b) not speak more than once on the same subject;
(c) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;
(d) obey the orders of the Mayor or the City Council; and (e) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.
(6) Any person who becomes disorderly or who fails to confine his or her comments to the identified subject or business, shall be cautioned by the Mayor and thereafter must conclude his or her remarks on the subject within the remaining designated time limit. Any speaker failing to comply, as cautioned, shall be barred from making any additional comments during the meeting and may be removed, as necessary, for the remainder of the meeting. Members of the public may make comments during the public comment portion of the meeting. Please be advised that public comment will only be permitted during the public comment portions of the agenda at the times indicated by the Chair during the meeting.

F. APPROVAL OF MINUTES

1. **MINUTES OF THE CITY COUNCIL: SEPTEMBER 1, 2026 BUSINESS MEETING SEPTEMBER 8, 2026 WORKSHOP MEETING SEPTEMBER 9, 2026, BUDGET HEARING**

G. CONSENT

1. **RESOLUTION 2026-XX APPROVING A GRANT AGREEMENT TO ASSIST DEVELOPMENT OF 7.5 ACRE INDUSTRIAL SITE**

2. **RESOLUTION 2026-XX APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT (ILA) FOR PUBLIC SCHOOL FACILITY PLANNING**

3. **RESOLUTION 2026-XX APPROVING PIGGYBACKING THE LAKE COUNTY CONTRACT WITH ALFRED & BENESCH COMPANY, INC., FOR PUBLIC SAFETY CONSULTING SERVICES**

4. **RESOLUTION 2026-XX APPROVING A WORK ORDER WITH JACOBS ENGINEERING GROUP, INC., FOR POTABLE WATER, WASTEWATER, AND RECLAIMED WATER HYDRAULIC MODELING SERVICES**

5. **RESOLUTION 2026-XX APPROVING PIGGYBACKING THE TIPS CONTRACT WITH CLEARGOV FOR SOFTWARE AND SERVICES**

6. **RESOLUTION 2026-XX SUNSETTING THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE (BEAC)**

H. APPOINTMENTS

1. **APPOINT ONE (1) MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

2. **APPOINT MEMBERS TO THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD**

3. **APPOINT MEMBERS TO THE CODE ENFORCEMENT BOARD**

I. ORDINANCES FIRST READING

1. **ORDINANCE 2026-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE**

2. **ORDINANCE 2026-XX PROHIBITING THE TRANSFER OF THE CITY OF PALM COAST FIRE RESCUE DEPARTMENT**

3. **ORDINANCE 2026-XX PROHIBITING DIRECT POTABLE REUSE**

4. **ORDINANCE 2026-XX LAKEVIEW ESTATES COMPREHENSIVE PLAN AMENDMENT - APPLICATION #5576**

5. **ORDINANCE 2026-XX LAKEVIEW ESTATES MPD AMENDMENT - APPLICATION #5575**

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

K. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

L. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

M. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

1. **REPORTING OF EMERGENCY AND SOLE SOURCE FOR AUGUST 2026**

N. ADJOURNMENT

1. **AGENDA WORKSHEET AND CALENDAR**

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** D.1

Department CITY ADMINISTRATION **Division**	**Amount** **Org/Account #**

Subject: PROCLAMATION - SEPTEMBER 15, 2026, TO OCTOBER 15, 2026, AS HISPANIC HERITAGE MONTH

Presenter: **Mayor and City Council**

Attachments:

1. Proclamation

Background:

The City of Palm Coast would like to proclaim September 15, 2026, to October 15, 2026, as Hispanic Heritage Month.

Recommended Action:

PROCLAIM SEPTEMBER 15, 2026, TO OCTOBER 15, 2026, AS HISPANIC HERITAGE MONTH

PROCLAMATION

WHEREAS, the City of Palm Coast is proud to recognize and celebrate the rich cultural heritage, contributions, and achievements of Hispanic and Latino Americans who have enriched our community with their diverse traditions, customs, and talents; and

WHEREAS, Hispanic Heritage Month is a time to honor the cultures, histories, and vital contributions of Hispanic and Latino Americans to our nation, fostering a deeper understanding and appreciation of our shared heritage; and

WHEREAS, the Hispanic American Cultural Society, Inc. (HACS), a non-profit, community-focused organization, has played an integral role in uplifting Hispanic residents with fewer resources in Florida by providing assistance, resources, and community connection; and

WHEREAS, HACS hosts numerous community and fundraising events throughout the year to fund its mission and strengthen the bonds between people of all backgrounds, with the help of many dedicated sponsors and supporters who share in its vision of *"Bringing people together"*; and

WHEREAS, the City of Palm Coast is committed to recognizing Hispanic and Latino culture and heritage as an important part of the city and its strong and diverse community.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and the City Council of the City of Palm Coast, Florida, that September 15, 2026, to October 15, 2026, be officially designated as:

HISPANIC HERITAGE MONTH

in the City of Palm Coast, and we encourage all residents to join us in celebrating the diverse cultures, traditions, and contributions of Hispanic and Latino Americans. We further commend the Hispanic American Cultural Society for its outstanding service, dedication, and impact in bringing people together and strengthening our community.

SIGNED this 15th day of September 2026.

ATTEST: CITY OF PALM COAST

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Kaley Cook, City Clerk Michael Norris, Mayor

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** D.2

Department **Division**	CITY ADMINISTRATION	**Amount** **Org/Account #**	
Subject:	PROCLAMATION - SEPTEMBER 21-25, 2026, AS STORMWATER AWARENESS WEEK		
Presenter:	**Mayor and City Council**		
Attachments: 1. Proclamation			
Background: The City of Palm Coast would like to proclaim the week of September 21-25, 2026, as Stormwater Awareness Week.			
Recommended Action: **PROCLAIM THE WEEK OF SEPTEMBER 21-25, 2026, AS STORMWATER AWARENESS WEEK**			

PROCLAMATION

WHEREAS, untreated stormwater pollution is the #1 source of natural liquid pollution in America, as it can pick up litter, sand, and chemicals and carry it out through our water systems; and

WHEREAS, Palm Coast's stormwater system is designed to control this pollution, storing and moving the runoff through swales, drains, under-road pipes, canals, and waterways to protect residents and their properties from flooding while supporting healthy water sources; and

WHEREAS, the Florida Department of Environmental Protections (FDEP) has worked to coordinate multiple workshops where experts educate stormwater and utility professionals about effective stormwater drainage systems; and

WHEREAS, the City of Palm Coast has supported stormwater education by providing drainage maintenance training for field employees, organizing communication instruction for customer service representatives, offering residents informative experiences at community events such as the Annual Intracoastal Cleanup, Citizens Academy classes and informational displays at City celebrations; and

WHEREAS, the goal of Palm Coast's Stormwater Awareness Program is to ensure that all of us continue to maintain and value our City's well-managed stormwater system.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Palm Coast, Florida, that the week of September 21-25, 2026, be officially designated as:

STORMWATER AWARENESS WEEK

SIGNED this 15th day of September 2026.

ATTEST: CITY OF PALM COAST, FLORIDA

_____ _____

Kaley Cook, City Clerk Michael Norris, Mayor

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** D.3

Department CITY ADMINISTRATION **Division**	**Amount** **Org/Account #**
Subject: PROCLAMATION - SEPTEMBER 2026 AS NEONATAL INTENSIVE CARE AWARENESS MONTH	
Presenter: **Mayor and City Council**	
Attachments: 1. Proclamation	
Background: The City of Palm Coast would like to proclaim September 2026 as Neonatal Intensive Care Awareness Month.	
Recommended Action: **PROCLAIM SEPTEMBER 2026 AS NEONATAL INTENSIVE CARE AWARENESS MONTH**	

PROCLAMATION

WHEREAS, every neonatal intensive care journey entails a different personally intense healthcare journey for premature infant boys, girls and their brand-new moms and dads; and

WHEREAS, the month of September is the time of year when our nation comes together to shine a light on hope, strength and support for neonatal intensive care unit (NICU) families; and

WHEREAS, proceeds from the Pink Army's fundraising efforts remain in Flagler County to provide qualified individuals with early detection screenings, diagnostic testing, cancer-related education, and supportive resources; and

WHEREAS, the March of Dimes organization annually highlights the daily challenges and experiences of pre-term birth and honors families and staff of NICU's across our country; and

WHEREAS, the March of Dimes sponsors programs that recognize NICU families by supporting healthcare professionals who deliver lifesaving care and love to families and their children who are born prematurely.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Palm Coast, Florida, that September 2026, be officially designated as:

NEONATAL INTENSIVE CARE AWARENESS MONTH

And encourages all residents to hold all premature babies and their new families near and dear to their hearts and show gratitude and respect for the nurses, hospital staff and healthcare professionals who care for them.

SIGNED this 15th day of September 2026.

ATTEST:

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Kaley Cook, City Clerk

CITY OF PALM COAST, FLORIDA

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Michael Norris, Mayor

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** D.4

Department CITY ADMINISTRATION **Division**	**Amount** **Org/Account #**
Subject: PROCLAMATION - OCTOBER 2026 AS “RAISE THE PINK FLAG WITH THE PINK ARMY” MONTH IN SUPPORT OF BREAST CANCER AWARENESS	
Presenter: **Mayor and City Council**	
Attachments: 1. Proclamation	
Background: AdventHealth requests that the City of Palm Coast proclaim October 2026 as “Raise the Pink Flag with the Pink Army” Month in support of breast cancer awareness.	
Recommended Action: **PROCLAIM OCTOBER 2026 AS “RAISE THE PINK FLAG WITH THE PINK ARMY” MONTH IN SUPPORT OF BREAST CANCER AWARENESS**	

PROCLAMATION

WHEREAS, breast cancer is one of the most commonly diagnosed cancers among women, and early detection through timely screenings and diagnostic services can save lives; and

WHEREAS, the AdventHealth Palm Coast Pink Army, with the support of the City of Palm Coast and the Flagler County community, works to raise awareness, promote early detection, and provide resources to individuals impacted by breast cancer; and

WHEREAS, proceeds from the Pink Army's fundraising efforts remain in Flagler County to provide qualified individuals with early detection screenings, diagnostic testing, cancer-related education, and supportive resources; and

WHEREAS, since 2010, these efforts have helped more than 772 patients receive more than 1,000 procedures related to breast cancer screenings and diagnostics. In 2025 alone, 65 patients received 139 procedures and testing services; and

WHEREAS, ongoing support has helped provide free cancer-related supplies through the Judith C. Macko Cancer Center, including wigs, prostheses, bras, scarves, turbans, pillows, drainage vests, and lymphedema arm sleeves, as well as the SOZO lymphedema early detection system, "Radiant Wraps," and Huggers for radiation patients; and

WHEREAS, the City of Palm Coast is proud to support the Pink Army and encourages residents to participate in Pink Army 5K and 1 mile Pet Friendly Walk, support local fundraising efforts, and take proactive steps toward breast cancer awareness, screening, and early detection.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Palm Coast, Florida, that October 2026, be officially designated as:

"RAISE THE PINK FLAG WITH THE PINK ARMY" MONTH IN SUPPORT OF BREAST CANCER AWARENESS

And encourage all residents to support breast cancer awareness, pursue recommended screenings and diagnostic services, and join the Pink Army in its efforts to provide life-saving resources and support to those affected by breast cancer in Flagler County.

SIGNED this 15th day of September 2026.

ATTEST: CITY OF PALM COAST, FLORIDA

_____ _____

Kaley Cook, City Clerk Michael Norris, Mayor

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** D.5

Department CITY ADMINISTRATION **Division**	**Amount** **Org/Account #**
Subject: PRESENTATION - LEGISLATIVE PRIORITIES	
Presenter: **Laura Boehmer, The Southern Group, and Kyle Berryhill, Interim Deputy City Manager**	
Attachments:	
Background: The City of Palm Coast has a contract with The Southern Group to provide state lobbying services. Our registered lobbyist, Laura Boehmer, specializes in advocating for local governments. Ms. Boehmer will present an overview of the 2026 legislative session and describe key legislation that will affect local governments and residents of Palm Coast.	
Recommended Action: **FOR PRESENTATION AND DISCUSSION**	

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** F.1

Department CITY CLERK **Division** CITY CLERK	**Amount** **Org/Account #**
Subject: MINUTES OF THE CITY COUNCIL: SEPTEMBER 1, 2026 BUSINESS MEETING SEPTEMBER 8, 2026 WORKSHOP MEETING SEPTEMBER 9, 2026, BUDGET HEARING	
Presenter:	
Attachments: 1. Minutes (3)	
Background:	
Recommended Action: **MINUTES OF THE CITY COUNCIL: SEPTEMBER 1, 2026 BUSINESS MEETING SEPTEMBER 8, 2026 WORKSHOP MEETING SEPTEMBER 9, 2026, BUDGET HEARING**	

City of Palm Coast Minutes

City Council Business Meeting

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Mayor Michael Norris
Vice Mayor Theresa Pontieri
Council Member Charles Gambaro
Council Member Ty Miller
Council Member David Sullivan

Tuesday, September 1, 2026 **6:00 PM** **City Hall - Jon Netts Community Wing**

City Staff
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Marcus Duffy, City Attorney
Kaley Cook, City Clerk

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A. PROCLAMATIONS - 5:30 P.M.

1. PROCLAMATION - AUGUST 31, 2026, AS INTERNATIONAL OVERDOSE AWARENESS DAY

The recipient was not present, so the proclamation was not presented.

B. CALL TO ORDER THE CITY COUNCIL BUSINESS MEETING - 6 P.M.

Mayor Norris called the meeting to order at 6:00 p.m.

C. PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

D. ROLL CALL

City Clerk Kaley Cook called the roll. All members were present with Council Member Gambaro

appearing virtually.

E. PUBLIC PARTICIPATION

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Mayor Norris provided the rules and procedures of public comment.

Chantal Preuninger discussed the spread of viruses, use of organic compost, federal regulations and codes, and challenged Council to make laws preventing toilet-to-tap and blackwater use.

Mark Stancel discussed updates to Code Enforcement and asked about staff's approach.

Jeani Duarte asked Council to postpone today's items and votes, discussed the authority of appointed Council Members, a recent special meeting, several major developments on today's agenda, and asked Council to postpone all matters until the authority of the districts 3 and 4 seats are resolved.

Darlene Shelley discussed increases in water and sewer bills, a State consent order, growth outpacing the utility systems, that residents deserve to know about major changes before they are finalized, Land Development Code, and that future decisions must prioritize fiscal health and quality of life for people who already call Palm Coast home.

Gary Kunnas discussed prior conversations with Stormwater & Engineering, temporary fixes for the sewer system and flooding, and a trespass warning issued.

Mike Martin, Commissioner on the East Flagler Mosquito Control District, shared about how the

district works and details regarding trapping and spraying.

Mr. McGlothlin replied to public comment to share the details of code enforcement.

Vice Mayor Pontieri replied to public comment regarding upcoming ordinances, shared details of the LDC, and thanks to Mr. Martin.

Mayor Norris replied to discuss Code Enforcement.

F. APPROVAL OF MINUTES

1. MINUTES OF THE CITY COUNCIL: AUGUST 4, 2026 BUSINESS MEETING, AUGUST 11, 2026 WORKSHOP MEETING, AUGUST 19, 2026 SPECIAL BUSINESS MEETING, AUGUST 25, 2026 BUDGET WORKSHOP MEETING

Motion made to approve by Council Member Miller and seconded by Council Member Sullivan. The Motion passed unanimously.

City Council then moved to the consent agenda.

G. RESOLUTIONS

1. RESOLUTION 2026-108 FLAGLER LANDINGS TECHNICAL SITE PLAN - TIER 3, APPLICATION #6587

Mayor Norris read the title into the record and called for any ex parte communications.

The City Clerk swore in individuals testifying on the items.

Michael Hanson, Senior Planner, presented the topic to Council.

Topics presented included: Request, background, FLUM designation, zoning map, overall site plan, architectural elevations, site development requirements, conditions for approval, Planning and Land Development Regulation Board, and recommendations.

Phong Nguyen, Deputy Director of Community Development, presented Resolution 2 of the agenda.

City Council held discussion on the following topics: parking, concerns for foreseeable requests for exceptions to reduce parking, mitigating such issues with the site plan, approval with conditions, traffic plan, FDOT study, and procedure for parking flexibility requests.

Mr. Hanson replied to Council comments and questions to share the parking space details and potential condition options for approval.

Mr. Nguyen shared parking review of developments in the City and recommended approval without restriction.

City Council received a presentation on the accompanying proportionate share and impact fee credit agreement (resolution 2 of the agenda).

Motion by Vice Mayor Pontieri and seconded by Council Member Miller to approve the technical site plan with the staff conditions.

Passed

Approved – 5- Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan, Mayor Michael Norris

2. RESOLUTION 2026-109 APPROVING PROPORTIONATE SHARE AND IMPACT FEE CREDIT AGREEMENT WITH FLAGLER PINES PROPERTIES FOR IMPROVEMENTS TO SR-100

Mayor Norris read the title into the record and called for any ex parte communications.

The City Clerk swore in individuals testifying on the items.

Jay Livingston, on behalf of the applicant, presented the topic to City Council.

City Council held discussion on the following topics: support for the applicant willingness to have a package plant onsite, capacity improvements required by FDOT, sidewalks, section 6b of the agreement, traffic mitigation, support for the approach, and to confirm that there will be no negative impacts to future additional lanes on SR 100.

Mr. Livingston, Mr. Nguyen, Mr. Hanson, and Kirsten Fawcett, with Lassiter Transportation Group, provided a response to Council comments and questions.

Public comment was held on Resolutions 1 and 2.

Dylana Galery asked to clarify what items still have to come back to be approved and if anything is being approved that would limit actions of future Council Members.

Darlene Shelley discussed the resolutions and proportionate share and impact fee credit agreement, felt that it leaves the City short of cash, cited Florida Statutes, and that City Council is not required to adopt a supercenter that falls short of the current level of service.

Tony Amaral discussed transportation impact analysis, roads overcapacity, asked for funding details if the project does not move forward, asked if the impervious area includes outparcels, asked if the wetland quality assessment scores were accepted, and discussed resource permits.

Mr. Nguyen, Mr. Livingston, Mr. Hanson, and Kimberly Buck, Project Engineer, replied to public comments to share the remaining developments, outparcels, proportionate share payments, that there are no credits, details of the projects on Old Kings Road and road improvements, willingness to address the conditions, and the impervious thresholds accounting for future development.

Motion by Council Member Sullivan and seconded by Vice Mayor Pontieri to approve the proportionate share and impact fee credit agreement.

Passed

Approved – 5- Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan, Mayor Michael Norris

3. RESOLUTION 2026-110 APPROVING THE NUISANCE ABATEMENT FINAL ASSESSMENT

Mayor Norris read the title into the record.

Luis Mendez provided a brief overview of the item.

Public Comment:
There were none.

Motion to approve the nuisance abatement final assessment by Council Member Miller and seconded by Council Member Sullivan.

Approved – 5- Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan, Mayor Michael Norris

4. RESOLUTION 2026-111 APPROVING THE FISCAL YEAR 2026-27 NON-AD VALOREM ASSESSMENT ROLL FOR THE OLD KINGS ROAD SPECIAL ASSESSMENT DISTRICT TO BE TRANSMITTED TO THE FLAGLER COUNTY TAX COLLECTOR

Mayor Norris read the title into the record.

Michael Vespucci, Senior Accountant, provided a brief overview of the item.

Public Comment:
There were none.

Motion to approve by Council Member Miller and seconded by Vice Mayor Pontieri.

Approved – 5- Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan, Mayor Michael Norris

H. CONSENT

Motion by Vice Mayor Pontieri and seconded by Council Member Sullivan to pull item 2 from the consent agenda.

1. RESOLUTION 2026-112 APPROVING PIGGYBACKING THE OMNIA PARTNERS CONTRACT WITH NEOGOV FOR THE PURCHASE OF THE LEARN AND PERFORM MODULES

Mayor Norris read the title into the record.

Public comment:
Darlene Shelley asked if the amount is for a year or for the entire contract, and if this is a requirement or just nice to have.

Tony Amaral discussed the contract terms, escalating scale, and asked where the savings come in.

Doug Akins, Director of IT, shared the contract details, and purpose for the software.

Motion made to approve the item by Council Member Sullivan and seconded by Vice Mayor Pontieri. The motion passed unanimously.

2. RESOLUTION 2026-113 APPROVING THE GRANT AGREEMENT WITH FLORIDA INLAND NAVIGATION DISTRICT (FIND) FOR THE 2026 PALM COAST WATERWAY CLEANUP

Mayor Norris read the title into the record.

City Council shared thanks to Mr. Stapleford.

Alyssa Roscoe, Collection & Sanitation Division Supervisor, shared about the waterway cleanup and annual events.

Mr. Stapleford shared about the upcoming 20th anniversary and total donated dollars.

Ms. Roscoe shared about details of the event and this year's mascot.

Motion made to approve the item by Vice Mayor Pontieri and seconded by Council Member Sullivan.

Public Comment:
There were none.

The motion passed unanimously.

I. ORDINANCES FIRST READING

1. ORDINANCE 2026-XX LAKEVIEW ESTATES COMPREHENSIVE PLAN AMENDMENT - APPLICATION #5576

Mayor Norris highlighted that Ordinances 1 and 2 will be presented together.

Mayor Norris read the title into the record and called for any ex parte communications.

The City Clerk swore in individuals testifying on the items.

Mr. Hanson presented the topic to City Council.

Topics presented included: applicant request, background, existing versus proposed

FLUM, zoning map and MPD conceptual site plan, public notice and participation, FLUM amendment analysis and recommendation, master planned development analysis and recommendation, and next steps.

City Council held discussion on the following topics: policy change for this one particular parcel and how many times that has been done in the past, has the applicant offered any public benefit, stormwater connection to the London Waterway Drainage, tract 8 current zoning, consistency with LDC, view protection zones, Planning and Land Development Regulation Board comments, traffic impact considerations, staff's position on the TIA, gross square feet of building area, alleviate the ability to have massive building space, who on staff requested the park location, limiting factors, arsenic soil testing, a recommendation to require 18 inches of soil boring testing and remediation to be included in the agreement, and applicant willingness to donate the balance of the property or to put the balance into conservation.

Michael Chiumento, on behalf of the applicant, presented the topic to City Council. Topics presented included: project overview, approved scattered lots, proposed concept plan, parks master plan, tract 9, tract 3, and tract 8.

Mr. Hanson, Mr. Nguyen, and Mr. Chiumento replied to City Council comments and questions.

Public Comment was held on Ordinance items 1 and 2:
Jeff Adams asked when the enhancements will take place and looked for assurances that everything promised will be received.

John Furlong thanked Council for their consideration, discussed soil testing, asked Council to consider why they are offering that tract, and took offense to the comment that the neighbors in the area are having a knee-jerk reaction.

Darlene Shelley discussed public benefit, the view the neighbors were promised, that the process is incomplete, neighborhood meeting records, and that the Planning Board told Council to deny it.

Tony Amaral discussed considerations, public benefit, and making sure this will be usable.

Council continued comments on the following topics: tract 9 not in compliance with LDC section, desire to see this not continue to come back, doing what is best for the community as a whole, tract 9 limit of 250,000 sq ft of buildable space, view protection zone, tract 3 natural vegetation, to strike certain com 2 uses, and deeding the property to the City.

Motion by Vice Mayor Pontieri and seconded by Council Member Miller to table Ordinance items 1 and 2 to the next business meeting on 9/15.

Passed

Approved – 4- Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan

Denied – 1 - Mayor Michael Norris

2. ORDINANCE 2026-XX LAKEVIEW ESTATES MPD AMENDMENT – APPLICATION #5575

3. ORDINANCE 2026-XX A FUTURE LAND USE MAP (FLUM) AMENDMENT FOR 331.1+/- ACRES TO INCREASE THE MAXIMUM NUMBER OF DWELLING UNITS FROM 416 TO 743 AND AMENDING THE RESIDENTIAL AND CONSERVATION AREAS IN THE SUBJECT AREA

Mayor Norris highlighted that Ordinances 3 and 4 will be presented together.

Mayor Norris read the titles into the record and called for any ex parte communications.

The City Clerk swore in individuals testifying on the items.

Jose Papa, Senior Planner, presented the topic to City Council. Topics presented included: background, future land use map existing versus proposed, zoning map existing versus proposed, public participation and notice, public facilities impact analysis, recommendation, and next steps.

Eric Morrisette, on behalf of the co-applicant, and Mr. Chiumento presented the topic to City Council.

City Council held discussion on the following topics: public benefit, secondary access for emergency use, well sites, applicant ownership interest, ownership for tract 6, historical perspectives of the project, setback issues, lack of public benefit, and concern for density bonuses and the LDC.

Mr. Morrisette and Mr. Chiumento replied to Council comments and questions.

Public comment was held for both items:
Sue Dufner stated that there are no planned phases 5 and 6 for Grand Landings, discussed that this item has been brought forward multiple times, asked how many times the applicant is able to come in and try to get additional units built, discussed displaced animals, and asked when the board will stop saying yes to developments.

Donna Stancel discussed the history of the property, congestion in the Seminole Woods area, denial from the Planning and Land Development Regulation Board, the request as a trick by the developers, and asked Council to deny the item.

Kyle Meyer shared kudos to Vice Mayor Pontieri, asked why we are here for a fourth attempt, supported the planning board discussion and decision to deny the request, discussed impacts to animals, traffic and pedestrian concerns, infrastructure concerns, no public benefit to residents, and encouraged smart and thoughtful growth that adds to the lives of residents who are already here.

Liz Shanahan was grateful for the City's past decisions on this request, discussed the applicant seeking a fourth revision, unanimous denial from the Planning and Land Development Regulation Board, incompatibility, an analysis she emailed to the City

Council, and asked Council to deny the applications.

Joe Corraliza wanted to address the unsafe and unfinished turn into the neighborhood, predictable and preventable traffic hazards, retention ponds and rising water table, and asked City Council to deny the proposal or request items to be addressed before approval.

Darlene Shelley stated that this is the same project that has already been brought to City Council, the Planning Board refused to support approval, code requirement for a public benefit, Flagler County projects and lack of concurrency, and asked for the project to be denied.

Mr. Morrisette replied to comments to discuss LDC concerns, public benefit, and encouraged meetings with staff to address the concerns and requests.

City Council held additional discussion on how long the application has been with the City and staff's response to the applicant with concerns.

Mr. Morrisette suggested tabling the item to allow time to sit down with City staff and work through the items raised.

Council Member Gambaro motioned to table the items for 6 months*.*

City Council held discussion on the length of time and felt 6 months was too long.

Council Member Gambaro withdrew the motion.

Motion by Council Member Miller and seconded by Council Member Sullivan to table the Ordinance items 3 and 4 for 3 months.

Passed

Approved – 4- Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan

Denied – 1 - Mayor Michael Norris

4. ORDINANCE 2026-XX A ZONING MAP AMENDMENT FOR 331+/- ACRE AREA TO BE REFFERED TO AS SEMINOLE TRACE FROM SINGLE FAMILY RESIDENTIAL-1 (SFR-1) AND PRESERVATION (PRS) TO MASTER PLANNED DEVELOPMENT (MPD) WITH A DEVELOPMENT AGREEMENT

J PUBLIC COMMENTS

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

There were none.

K. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Council Member Miller shared sports updates, highlighted the 25th anniversary of 9/11, and shared

about upcoming events.

Vice Mayor Pontieri hoped to see people at the events, discussed the City's waste hauler ordinance and unintended consequence, staff recommendations to address the items, and asked for consensus to allow staff to present an amended ordinance. City Council provided consensus.

City Council held discussion on meeting with the HBA and the need to refine the ordinance.

Vice Mayor Pontieri asked for Council to consider expanding the geographical commercial corridor for economic development incentives. City Council held brief discussion on the topic and provided consensus.

Vice Mayor Pontieri provided an update on canal dredging.

Council Member Sullivan discussed the joint City/County meeting last week and looked to see if a follow-up meeting needs to be scheduled.

City Council held discussion on viable land options, staff's request for time to review the options, and the request that staff provide City Council with an update.

L. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

There were none.

M. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

1. REPORTING OF EMERGENCY AND SOLE SOURCE FOR JULY 2026

Mr. McGlothlin requested that City Council provide him with their appropriation requests.

Vice Mayor Pontieri asked if Council can receive last year's appropriations asks.

N. ADJOURNMENT

The meeting was adjourned at 10:59 p.m.

Respectfully submitted by: Kaley Cook, CMC, FCRM City Clerk

City of Palm Coast
Minutes

City Council Workshop Meeting

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

Mayor Michael Norris
Vice Mayor Theresa Pontieri
Council Member Charles Gambaro
Council Member Ty Miller
Council Member David Sullivan

Tuesday, September 8, 2026	**9:00 AM**	**City Hall - Jon Netts Community Wing**

City Staff
Michael McGlothlin, City Manager
Marcus Duffy, City Attorney
Kaley Cook, 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.
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- In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a reasonable accommodation to participate in any of these proceedings or meeting should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.
- City Council Meetings are streamed live on YouTube at https://www.youtube.com/@PalmCoastFL.
- It is proper meeting etiquette to silence all electronic devices, including cell phones while Council is in session. Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to hire a court reporter to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE: This meeting is being live streamed on the City of Palm Coast YouTube channel and audio recorded for public record and transparency.

A. CALL TO ORDER

Vice Mayor Pontieri called the meeting to order at 9:00 a.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

C. ROLL CALL

Deputy City Clerk Alison Palmer called the roll. Mayor Norris and Council Member Gambaro were absent.

D. PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes.
And pursuant to the City Council's Meeting Policies and Procedures:

(1) This agenda item has a thirty (30) minute limit.

(2) Each speaker shall at the podium, provide their name and may speak for up to 3 minutes.
(3) The Public may provide comments to the City Council relative to matters not on the agenda at the times indicated in this Agenda. Following any comments from the public, there may be discussion by the City Council.
(4) Public speakers may address their comments to the Council as a whole, the Mayor, or to an individual Council Member
(5) When addressing the City Council on specific, enumerated Agenda items, speakers shall:
(a) make their comments concise and to the point;
(b) not speak more than once on the same subject;
(c) not, by speech or otherwise, delay or interrupt the proceedings or the peace of the City Council;
(d) obey the orders of the Mayor or the City Council; and
(e) not make any irrelevant, impertinent or slanderous comments while addressing the City Council; which pursuant to Council rules, shall be considered disorderly.
(6) Any person who becomes disorderly or who fails to confine his or her comments to the identified subject or business, shall be cautioned by the Mayor and thereafter must conclude his or her remarks on the subject within the remaining designated time limit.

Any speaker failing to comply, as cautioned, shall be barred from making any additional comments during the meeting and may be removed, as necessary, for the remainder of the meeting.

Members of the public may make comments during the public comment portion of the meeting. Please be advised that public comment will only be permitted during the public comment portions of the agenda at the times indicated by the Chair during the meeting

Vice Mayor Pontieri provided the rules and procedures of public participation.

Paulette Hatfield shared compliments to City Council for the appearance of Palm Coast Parkway, thanked Council for having the road repaved, and asked if Florida Park Drive would be repaved.

Council responded to public comment, and Vice Mayor Pontieri thanked staff and shared about the flags displayed on Palm Coast Parkway for Live Like Cameron.

E. PRESENTATIONS

1. RESOLUTION 2026-XX AMENDING POLICY RELATING TO THE STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM LOCAL HOUSING ASSISTANCE PLAN PURCHASE ASSISTANCE PROGRAM FOR AFFORDABLE RENTAL DEVELOPMENT AND FIRST TIME HOMEBUYERS' DOWN PAYMENT ASSISTANCE

Vice Mayor Pontieri read the title into the record.

Jose Papa, Senior Planner, Joseph Hegedus, Director, Flagler County Health and Human Services Department, and Jacqueline Gonzalez, Site Development Coordinator, presented the item to Council.

Topics presented included: background, LHAP Amendment 1: Affordable Rental Development, and LHAP Amendment 2: Purchase Assistance Program.

Mr. Papa, Mr. Hegedus, and Ms. Gonzalez provided a response to Council questions.

Council held additional discussion on the following topics: the need for local data, where the money actually goes, live local, broadening the eligibility scope for purchase assistance, keeping homes in the program, subjectivity in language, and how long houses are listed for sale.

Vice Mayor Pontieri requested that the following data be provided to Council: how many affordable rental units are in the community, the availability rate, what the need is, waitlist data, vacancy rate, the number of residents who have applied for SHIP for rehabilitation but did not receive funding, and for staff to bring back a proposed amount of time based on how long houses are listed that they would suggest, possibly 4-6 months.

Council gave consensus.

Public comment:
There were none.

2. PRESENTATION - PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE

Vice Mayor Pontieri read the title into the record.

Jose Papa, Senior Planner presented the item to Council.

Topics presented included: summary of amendments since the City Council June 9 Workshop, items to be brought forward after the adoption of the LDC updates, ordinance to address Data Centers, ordinance to establish penalties and fines for unpermitted tree removal, and next steps.

Mr. Papa, Phong Nguyen, Interim Director of Community Development, and Michael Hanson, Senior Planner, provided a response to Council questions.

Vice Mayor Pontieri asked for consensus for the following changes:
2.05.02 Neighborhood meeting requirements; A.1 strike language "unless waived by the land use administrator."
3.03.02 Table 3.4 add language to the footnote 1. "subject to City Council approval based on compatibility" and 2:09:04.
14 Glossary: add definition of data center.
14 Glossary: Kennel, staff will clarify and make consistent with chapter 8 and 2:09:04.

Council provided consensus.

Council held discussion on phased development, and provided direction for staff to research phased development and bring back proposed amendments to the LDC.

Public comment:
Paulette Hatfield asked about reducing the square footage for the data center, and discussed the need to do something about the pet situation.

Council Member Miller provided a response to public comment.

Vice Mayor Pontieri thanked staff and asked that staff delineate the changes from today's meeting for the September 15 Business Meeting.

3. ORDINANCE 2026-XX PROHIBITING THE TRANSFER OF THE CITY OF PALM COAST FIRE RESCUE DEPARTMENT

Vice Mayor Pontieri read the title into the record.

Marcus Duffy, City Attorney, and Kyle Berryhill, Interim Deputy City Manager, and presented the item to Council.

Topics presented included: history of the Palm Coast Fire Department, the terms of the ordinance, and next steps.

Mr. Duffy and Chief Berryhill provided a response to Council questions and comments.

The item will be brought back for first read at the September 15 Business meeting.

Public comment:
There were none.

4. ORDINANCE 2026-XX PROHIBITING DIRECT POTABLE REUSE

Vice Mayor Pontieri read the title into the record.

Marcus Duffy, City Attorney, and Brian Roche, Director of Utility, presented the item to Council.

Topics presented included: the terms of the ordinance and next steps.

Mr. Duffy and Mr. Roche provided a response to Council questions.

The item will be brought back for first read at the September 15 Business meeting.

Public comment:
There were none.

F. PUBLIC COMMENTS

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

There were none.

G. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Council Member Miller provided a sports update, and discussed the stair climb at Hammock Beach

and a candle lighting ceremony at Veterans Memorial Park being held for the 25th anniversary of 9/11.

Council Member Sullivan discussed the 25th anniversary of 9/11 and the school system and education, and asked people to think about where they were and how their life has changed since then.

Vice Mayor Pontieri discussed the 25th anniversary of 9/11 and the stair climb fundraiser, and provided a sports update.

H. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

There were none.

I. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

Mr. McGlothlin shared support for the 9/11 events, and asked for Council support for sunsetting the Beautification and Environmental Advisory Committee (BEAC) and transferring those responsibilities to the Parks & Recreation Advisory Board (PRAB). Council provided support for the consolidation.

J. ADJOURNMENT

1. AGENDA WORKSHEET AND CALENDAR

The meeting was adjourned at 11:28 a.m.

Respectfully submitted by: Alison Palmer, Deputy City Clerk

City of Palm Coast Agenda

City Council Budget Hearing

City Hall
160 Lake Avenue
Palm Coast, FL 32164
www.palmcoast.gov

Mayor Michael Norris
Vice Mayor Theresa Pontieri
Council Member Charles Gambaro
Council Member Ty Miller
Council Member David Sullivan

Wednesday, September 9, 2026	**5:15 PM**	**City Hall - Jon Netts Community Wing**

City Staff
Michael McGlothlin, City Manager
Marcus Duffy, City Attorney
Kaley Cook, City Clerk

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NOTICE: This meeting is being live streamed on the City of Palm Coast YouTube channel and audio recorded for public record and transparency.

A. CALL TO ORDER

Mayor Norris called the meeting to order at 5:15 p.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG AND A MOMENT OF SILENCE

C. ROLL CALL

Deputy City Clerk Alison Palmer called the roll. All members were present.

D. PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. And pursuant to the City Council's Meeting Policies and Procedures:

(1) This agenda item has a thirty (30) minute limit.
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Mayor Norris provided the rules and procedures of public comment.

Jeani Duarte discussed transparency, the data center, the City Charter, appointed Council seats, voting, water reports, and declining public trust.

Muffin Nelson discussed the Frieda Zamba pool, asked that the pool be kept open on Saturday and Sunday through Halloween, and discussed her petition.

John Subers discussed his participation on the PRAB and asked Council to fund the Parks.

Agnes Lightfoot discussed her participation on the PRAB and that the players at the tennis center are happy with what is going on.

E. PRESENTATION

1. PRESENTATION – PROPOSED FISCAL YEAR 2027 BUDGET AND REVISED FISCAL YEAR 2026 BUDGET FOR ALL APPROPRIATED FUNDS - FIRST PUBLIC HEARING

Helena Alves, Financial Services Director, and Gwen Ragsdale, Budget & Procurement Manager, presented the topic to Council.

Topics presented included: General Fund Revenues Summary, General Fund Expenditure Summary, Proprietary Funds Budget Summary, Capital Projects Funds Budget Summary, Capital Projects Funds Major Projects Fiscal Year 2027, Special Revenue Funds Budget Summary, Internal Services Funds Budget Summary, Fiscal Year 2027 Proposed Budget

Summary, CRA Land Purchase Funding, SR 100 Community Redevelopment Agency Fund, Millage Rate Options, and next steps.

Ms. Alves, Ms. Ragsdale, Kyle Berryhill, Interim Deputy City Manager, and Carl Cote, Director of Stormwater and Engineering, provided a response to Council questions.

Ms. Alves asked for guidance on the 1.5 million 2026 line item allocation for the YMCA from the SR 100 CRA Fund.

Council held discussion and provided direction to move the $1.5 million for the YMCA from 2026 to 2027.

Per Council direction from the August 25 Budget Workshop meeting, Ms. Alves presented Council with options on reducing general fund reserves.

Council held discussion on the topic. Mayor Norris asked for consensus for fund balance at 15%. Council Member Miller, Council Member Sullivan, and Council Member Gambaro gave consensus. Vice Mayor Pontieri did not give consensus.

Council continued discussion on the topic. Mayor Norris asked for consensus to go with staff recommendation of 20% minus the $250,000 for the animal shelter. Council Member Miller, Council Member Sullivan, and Council Member Gambaro gave consensus. Vice Mayor Pontieri did not give consensus.

Ms. Alves presented additional financial strategies associated with this purchase: 1. Assign any future General Fund Reserves over the 20% goal to debt repayment, 2. Amend CRA Plan to clearly delineate the use of TIF dollars for repayment to the General Fund, 3. Assign any Future CRA dollars to the repayment of Line of Credit and Interest as Incurred. 4. Initiate Marketing Plan for Sale of Prime Parcels.

Vice Mayor Pontieri recommended options 2-4. Council gave consensus.

Council held discussion on the FC3 grant and gave direction to increase the amount from $75,000 to $90,000.

Flagler County Sheriff Rick Staly addressed Council and provided a response to Council questions.

John Walsh, YMCA taskforce, addressed Council and provided a response to Council questions.

Interim Deputy City Manager Kyle Berryhill addressed Council on millage rate options.

RECESS CITY COUNCIL AND CONVENE THE SR 100 CORRIDOR CRA BOARD

City Council recessed at 6:48 p.m. and convened the SR 100 Corridor CRA Board.

F. SR 100 CORRIDOR CRA RESOLUTIONS

1. STATE ROAD 100 CORRIDOR COMMUNITY REDEVELOPMENT AGENCY (SR 100 CRA) RESOLUTION 2026-114 ADOPTING THE SR 100 CORRIDOR CRA TENTATIVE BUDGET FOR FISCAL YEAR 2026-2027 AND AMENDING THE STATE ROAD 100 CORRIDOR CRA BUDGET FOR FISCAL YEAR 2025-2026

Ms. Alves provided a brief overview and reiterated the SR 100 CRA budget for FY 2026-2027 to be $4,003,956 and the amended budget amount for FY 2025-2026 budget to be $3,375,357.

Motion made to approve by Council Member Miller and seconded by Council Member Sullivan.

Public Comment:
There were none.

Passed

Approved - 4 - Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan, Mayor Michael Norris

Denied - 1 Vice Mayor Theresa Pontieri,

ADJOURN THE SR 100 CORRIDOR CRA BOARD AND RECONVENE CITY COUNCIL

The SR 100 Corridor CRA Board adjourned at 6:51 p.m. and the City Council meeting reconvened.

G. CITY RESOLUTIONS

1. RESOLUTION 2026-115 SETTING THE TENTATIVE MILLAGE RATE (TRIM) FOR THE FISCAL YEAR 2026-2027

Mayor Norris announced that the City of Palm Coast proposes to levy a tentative millage rate of 4.1387 mills. This is an increase of 0% from the rolled-back rate of 4.1387 mills.

Motion made to approve by Vice Mayor Pontieri and seconded by Council Member Miller to adopt the tentative millage rate as stated with the caveat that we fund $330,000 to the Flagler County Sheriff's Office budget for 2 additional deputies.

Public comment:
There were none

Mayor Norris announced that the City of Palm Coast proposes to adopt a tentative millage rate of 4.1387 mills.

Passed

Approved - 4 - Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Mayor Michael Norris

Denied - 1 Council Member David Sullivan

2. RESOLUTION 2026-116 ESTABLISHES THE TENTATIVE BUDGET FOR THE FISCAL YEAR 2026-2027 AND AMENDS THE FISCAL YEAR 2025-2026 BUDGET

Mayor Norris announced that the City of Palm Coast proposes to adopt a tentative budget with total appropriated expenditures and reserves of $533,947,885.

Motion made to approve by Council Member Sullivan and seconded by Vice Mayor Pontieri.

Public Comment:
There were none.

Mayor Norris announced that the City of Palm Coast proposes to adopt a tentative budget of $533,947,885.

Mayor Norris announced the Public Hearing to adopt the final millage rate and budget is scheduled for September 23, 2026, at 5:15 p.m., at the Palm Coast City Hall - Jon Netts Community Wing.

Passed

Approved - 5 - Vice Mayor Theresa Pontieri, Council Member Charles Gambaro, Council Member Ty Miller, Council Member David Sullivan, Mayor Michael Norris

H PUBLIC COMMENTS

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

There were none.

I. DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA

Council Member Miller discussed local events for the 25th anniversary of 9/11.

Vice Mayor Pontieri discussed the 25th anniversary of 9/11 and the final alarm as impactful.

Council Member Sullivan discussed the 25th anniversary of 9/11, to make sure children are aware of what happened, and reflect on what happened to you.

Council Member Gambaro discussed the 25th anniversary of 9/11 as a day that changed the trajectory of our lives, tremendous cost and sacrifice, and remembered the servicemembers killed at the Pentagon.

Council Member Gambaro also discussed Raydient.

Mayor Norris discussed the 25th anniversary of 9/11 as a day that changed the world and changed his family's life.

J. DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA

There were none.

K. DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA

There were none.

L. ADJOURNMENT

The meeting was adjourned at 7:09 p.m.

Respectfully submitted by: Alison Palmer, Deputy City Clerk

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** G.1

Department	COMMUNITY DEVELOPMENT	**Amount**	$100,000.00
Division	ECONOMIC DEVELOPMENT	**Org/Account #**	10012103-082000

Subject: RESOLUTION 2026-XX APPROVING A GRANT AGREEMENT TO ASSIST DEVELOPMENT OF 7.5 ACRE INDUSTRIAL SITE

Presenter: **Community Development**

Attachments:

1. Resolution
2. Grant Agreement

Background:

This grant provides financial support to assist Commercial Construction Inc. with the development of a new 7.5-acre industrial site in the City of Palm Coast. The project includes constructing two industrial buildings that will expand the city's limited supply of manufacturing space, promote job creation, and diversify the local ad valorem tax base. The grant specifically helps offset a portion of the wetland mitigation costs required to build the second structure, reducing the financial risk associated with constructing industrial space without pre-committed tenants. By contributing $100,000 toward these mitigation expenses, the city aims to encourage continued commercial and industrial development, support the expansion of existing manufacturers, and strengthen long-term economic growth within Palm Coast.

Source of Funds Worksheet
Original Budget: $1,343,042.00
Total Expended/Encumbered to Date: $33,000.00
Pending Work Orders.Contracts:
Current (WO/Contract): $100,000.00
Balance: $1,210,042.00

Recommended Action:
ADOPT RESOLUTION 2026-XX APPROVING A GRANT AGREEMENT TO ASSIST DEVELOPMENT OF 7.5 ACRE INDUSTRIAL SITE

RESOLUTION 2026-___
COMMERCIAL CONSTRUCTION, INC., GRANT AGREEMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING A GRANT AGREEMENT WITH COMMERCIAL CONSTRUCTION, INC.; AUTHORIZING THE CITY MANAGER, OR DESIGNEE TO EXECUTE THE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Community Construction, Inc., (CCI) has requested a grant to assist with the development of land located in the Commerce Park area; and

WHEREAS, CCI is planning to invest in the development of a 7.5-acre industrial site located within the City of Palm Coast with two (2) industrial buildings, each 40,980 sq. ft.; and

WHEREAS, the total capital investment incurred in connection with the Project is estimated to be approximately $3,224,000 for site development and $2,650,000 for the development of each building for a total investment of $8,524,000; and

WHEREAS, from an economic development standpoint, the City has a lack of manufacturing sites and buildings available within its boundaries and strongly desires the creation of such for the purpose of meaningful job creation and ad valorem tax diversification; and

WHEREAS, the City has determined that the grant described in the Agreement shall promote and foster economic development in the City by making a site with buildings available for employment opportunities and that will also help diversify its ad valorem tax base; and

WHEREAS, City Council has already approved a separate budget specifically for economic incentives for the purpose of encouraging and supporting new commercial and industrial development that provide new employment opportunities increase commercial and industrial ad valorem revenues; and

WHEREAS, sufficient funds exist in the designated budget to fund this added development expense; and

WHEREAS, the City of Palm Coast desires to present a grant to Commercial Construction, Inc., to promote and foster economic development within the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the findings of the City Council of the City of Palm Coast.

SECTION 2. APPROVAL OF GRANT AGREEMENT. The City Council of the City of Palm Coast hereby approves the terms and conditions of the Grant agreement with Commercial Construction, Inc., as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 3. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the necessary documents.

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 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 5. CONFLICTS. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

SECTION 6. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 7. EFFECTIVE DATE. This Resolution shall become effective immediately upon adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on the 15th day of September 2026.

ATTEST: CITY OF PALM COAST

_____ _____

KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____

MARCUS DUFFY, CITY ATTORNEY

Attachment: Exhibit "A" Grant Agreement with Commercial Construction, Inc.

GRANT AGREEMENT

This Grant Agreement (this "Agreement") is made as of this _____, 2026, by and between City of Palm Coast, Florida, a political subdivision of the state of Florida (the "CITY"), and Commercial Construction Inc., a Florida Company authorized to do business in the State of Florida (the "APPLICANT"), whose address is 7 Sunshine Blvd., Ormond Beach, FL 32174.

RECITALS

WHEREAS, APPLICANT is planning to invest in the development of a 7.5-acre industrial site located within the City of Palm Coast with two (2) industrial buildings, each 40,980 sq. ft. The total capital investment incurred in connection with the Project is estimated to be approximately $3,224,000.00 for site development and $2,650,000.00 for the development of each building for a total investment of $8,524,000.00 and;

WHEREAS, from an economic development standpoint, the City has a lack of manufacturing sites and buildings available within its boundaries and strongly desires the creation of such for the purpose of meaningful job creation and ad valorem tax diversification, and;

WHEREAS, APPLICANT has submitted and received approval of site plans from the Planning, Land Development and Regulation Board, paid all impact and utility connection fees associated with this proposed development and received a development order for the site, and;

WHEREAS, upon City approval of the building plans for the first building, APPLICANT plans to immediately construct the first building and have confirmed that its entire available tenant space is committed to Alleima, an existing and adjoining manufacturing company that desires to further expand its manufacturing operations in Palm Coast, and;

WHEREAS, APPLICANT has incurred $197,750.00 for wetland mitigation expenses in order to facilitate construction of the second building, and

WHEREAS, the APPLICANT has requested $100,000.00 in funding support from the CITY to help offset the cost for the required wetland mitigation needed to construct the second building and help de-risk speculative building without committed tenants, and;

WHEREAS, the CITY has determined that the grant described herein shall promote and foster economic development in the City by making a site with buildings available for employment opportunities and that will also help diversify its ad valorem tax base, and;

WHEREAS, City Council has already approved a separate budget specifically for economic incentives for the purpose of encouraging and supporting new commercial and industrial development that provide new employment opportunities increase commercial and industrial ad valorem revenues, and;

WHEREAS, sufficient funds exist in the designated budget to fund this added development expense, and;

WHEREAS, the parties desire to set forth herein the terms and conditions applicable to such grant.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, CITY and APPLICANT hereby agree as follows:

ARTICLE 1 - DEFINITIONS

"Complete Construction" or "Completion of Construction" means the date on which the Project is ready and available for its intended purposes, which date shall be no later than _____.

ARTICLE 2 - GRANT FUNDS

CITY shall make a City of Palm Coast Business and Industry Grant ("Grant") to APPLICANT. The one-time Grant payment of $100,000 shall be paid to APPLICANT upon receipt of the Certificate of Occupancy of the second building of the Project.

ARTICLE 3 - AUTHORITY TO WARRANT

Applicant hereby represents and warrants that it will maintain all licenses and approvals required to conduct its business at the Facility, and, that it will at all times conduct its business activities at the Facility in a commercially reasonable manner.

ARTICLE 4 - CONTINGENT FEES

APPLICANT warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for APPLICANT, to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for APPLICANT, a commission, percentage, gift, or any other consideration contingent upon or resulting from the award or making of this Agreement.

ARTICLE 5 - NONDISCRIMINATION

APPLICANT warrants and represents that it has adopted and -will maintain throughout the term of this Agreement a policy of nondiscrimination or harassment against any person -with regard to race, color, religion, physical handicap, sex, age, national origin or other status protected by law.

ARTICLE 6 - AMENDMENT

None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, except by a written instrument executed by the parties hereto.

ARTICLE 7 - DEFAULTS AND REMEDIES

7.1 Defaults.

Subject to the notice and cure provisions of this Section 7.1, the parties agree that CITY'S damages recoverable from APPLICANT shall be limited to the following:

7.2 Force Majeure.

APPLICANT shall not be deemed in default hereunder where such a default is based on a delay in performance as a result of war, insurrection, strikes, lockouts, riots, floods, hurricanes, earthquakes, fires, casualty, acts of God, acts of public enemy, epidemic, quarantine restrictions, freight embargo, shortage of labor or materials, interruption of utilities service, lack of transportation, severe weather, market conditions, and other acts or failures beyond the control or without the control of APPLICANT; provided, however, that the extension of time granted by CITY for any delay caused by any of the foregoing shall not exceed the actual period of such delay, and in no event shall any of the foregoing excuse any financial liability of APPLICANT.

ARTICLE 8 - GOVERNING LAW; VENUE

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. Any and all legal action necessary to enforce the Agreement will be held in the Seventh Judicial Circuit in and for Flagler County, Florida Court.

ARTICLE 9 - SEVERABILITY

If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 10 - SUCCESSOR AND ASSIGNS

This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, legal representatives and permitted assigns.

This Agreement is not assignable, except that APPLICANT shall have the right at any time to assign all its rights and obligations in and to the Project and to transfer this Agreement or any part thereof to any entity (i) which as a result of merger, consolidation, reorganization, or other restructuring of any type, or sale of all or substantially all of APPLICANT'S assets succeeds to the business carried on by APPLICANT or (ii) that directly or indirectly through one or more intermediaries controls, is controlled by or is under common control with APPLICANT. Nothing herein shall be deemed to constitute any restriction or condition on APPLICANT'S ability to: freely sell, transfer or assign any ownership of the Project or any portion thereof or any ownership interest in APPLICANT at any time.

Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of CITY which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than CITY and APPLICANT.

ARTICLE 11 - AVAILABILITY OF FUNDS

The obligations of CITY under this Agreement are subject to the availability of funds as appropriated by the City Council of the City of Palm Coast.

ARTICLE 12 - NOTICE

All notices required in this Agreement shall be sent by certified mail, return receipt requested, to the following:

City of Palm Coast
Attn: City Manager
160 Lake Ave.
Palm Coast, FL 32164

Commercial Construction, Inc.
Gary Roberts, President
7 Sunshine Blvd
Ormond Beach Fl. 32174

ARTICLE 13 - TERM OF AGREEMENT

The term of this Agreement shall expire on the date on which the final payment of the Grant is made pursuant to this Agreement unless sooner terminated by APPLICANT, by forfeiting any remaining Grant payments, or by CITY in accordance with this Agreement.

IN WITNESS WHEREOF, the City of Palm Coast has made and executed this Agreement on behalf of CITY and APPLICANT has hereunto set its hand as of the day and year first above written.

THIS SPACE LEFT INTENTIONALLY BLANK

SIGNATURE PAGES TO FOLLOW

Witnesses:

CITY OF PALM COAST

_____
Witness Signature

By: _____
Mike McGlothlin, City Manager

_____
Print Name

Attest:

_____
Witness Signature

_____
Kaley Cook, City Clerk

_____
Print Name

(Seal)

STATE OF FLORIDA)
COUNTY OF)

The foregoing instrument was executed and acknowledged before me on this _____ day of _____, 2026, by means of ___Physical Presence or ___ Online Notarization, by _____, as _____ and who is personally known to me or has produced a Driver's License as Identification.

[Notary Seal or Stamp]

_____
Notary Public
Print Name:
My commission expires:

Witnesses:

APPLICANT:

_____
Witness Signature

By: _____
Print name:

_____
Print Name

Applicant Address:

_____
Witness Signature

_____
Print Name

STATE OF FLORIDA)
COUNTY OF)

The foregoing instrument was executed and acknowledged before me on this _____ day of _____, 2026, by means of ___Physical Presence or ___ Online Notarization, by _____, as _____ and who is personally known to me or has produced a Driver's License as Identification.

[Notary Seal or Stamp]

_____
Notary Public
Print Name:
My commission expires:

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** G.2

Department COMMUNITY DEVELOPMENT **Division** PLANNING	**Amount** **Org/Account #**

Subject: RESOLUTION 2026-XX APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT (ILA) FOR PUBLIC SCHOOL FACILITY PLANNING

Presenter: **Jose Papa, AICP, Senior Planner, Lisa Divina, School Board Representative**

Attachments:

1. Resolution

Background:

This item is an amendment to the ILA for Public School Facility Planning will provide flexibility for scheduling the required meetings for the Working Group (staff) and Oversight Committee (appointed elected officials) to discuss and review the Tentative Educational Facilities Plan (TEFP) as required by the ILA. Flexibility in scheduling is necessitated due to the inconsistency and uncertainty of when the State of Florida provides the document to the School District.

The ILA for School Planning was approved by the City Council on October 4, 2022. Other signators to the agreement (the School District, Flagler County, and the Cities of Bunnell and Flagler Beach) approved the agreement at various dates in 2022.

This is a legislative item.

Recommended Action:

ADOPT RESOLUTION 2026-XX APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT (ILA) FOR PUBLIC SCHOOL FACILITY PLANNING

RESOLUTION 2026-___
2nd AMENDMENT TO THE ILA FOR PUBLIC SCHOOL FACILITY PLANNING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING (ILA); AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the School Board and Local Governments are required to enter into an Interlocal Agreement pursuant to Sections 163.31777, 1013.33, 163.3177(6)(h)3. and 163.3180(6), Florida Statutes, to jointly establish the specific ways in which the plans and processes of the School Board and Local Governments are to be coordinated; and

WHEREAS, the City of Palm Coast, the Flagler County School Board, the Cities of Bunnell and Flagler Beach, and Flagler County cooperated to develop an updated Interlocal Agreement for Public Schools Facility Planning, which requires cooperative planning processes and a process for determining and monitoring school concurrency and proportionate fair share payments; and

WHEREAS, the City adopted Resolution 2022-132, the ILA for Public School Facility Planning; and

WHEREAS, the ILA was amended by Resolution 2025-159, to conduct biennial Student Generation Rate studies rather than on an annual basis; and

WHEREAS, the Interlocal Agreement specifies that the Working Group is to meet on the first Thursday of March each year and the first Thursday of September or October each year; and

WHEREAS, since the Interlocal Agreement was approved, the State of Florida has not yet made a work plan platform available in time for the Working Group to satisfy the yearly meeting requirement; and

WHEREAS, the Parties, pursuant to the Section 9.6 of that ILA, desire to amend the ILA to modify the meeting requirements of the Working Group to allow flexibility based on the State of Florida delayed timing in issuing the work plan platform; and

WHEREAS, the City Council of Palm Coast, desires to amend the ILA consistent with the recommendation of the Working Group and Oversight Committee for the ILA.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the findings of the City Council of the City of Palm Coast.

SECTION 2. APPROVAL OF AGREEMENT. The City Council of the City of Palm Coast hereby approves the 2nd amendment to the ILA, as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 3. AUTHORIZATION TO EXECUTE. The Mayor is hereby authorized to execute the necessary documents.

SECTION 4. 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 5. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 7. 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 15th day of September 2026

ATTEST: CITY OF PALM COAST

_____ _____

KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____

MARCUS DUFFY, CITY ATTORNEY

Attachment: Exhibit "A" 2nd Amendment to the ILA for Public School Facility Planning

SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

THIS SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING (the "Second Amendment") is entered into as of the Effective Date (as defined below) by and between the School District of Flagler County, an agency of the Florida State government, acting through its School Board ("School Board"); Flagler County, a political subdivision of the State of Florida, acting through the Flagler County Board of County Commissioners ("County"); the City of Palm Coast, a Florida municipal corporation, acting through the Council of the City of Palm Coast ("Palm Coast"); the City of Flagler Beach, a Florida municipal corporation, acting through the Commission of the City of Flagler Beach ("Flagler Beach"); and the City of Bunnell, a Florida municipal corporation, acting through the Commission of the City of Bunnell ("Bunnell"), all collectively referred to as "Parties" and individually referred to as "Party". The County, Palm Coast, Flagler Beach, and Bunnell are sometimes referred to herein singularly as "Local Government" or collectively as "Local Governments."

RECITALS

WHEREAS, the Parties entered into that certain Interlocal Agreement for Public School Facility Planning, on October 20, 2022, recorded as Instrument No. 2022050857 in the Official Public Records of Flagler County, Florida, Book 2729, page 1233, which was amended by that certain First Amendment to the Interlocal Agreement for Public School Facility Planning recorded as Instrument No. 2025048831 in the Official Public Records of Flagler County, Florida, Book 3010, Page 1675 on December 5, 2025, (the "First Amendment")(the Interlocal Agreement for Public School Facility Planning and the First Amendment shall collectively be referred to herein as the "Interlocal Agreement" or "ILA"); and

WHEREAS, the Interlocal Agreement specifies that the Working Group is to meet on the first Thursday of March each year and the first Thursday of September or October each year; and

WHEREAS, since the Interlocal Agreement was approved, the State of Florida has not yet made a work plan platform available in time for the Working Group to satisfy the yearly meeting requirement; and

WHEREAS, the Parties, pursuant to the Section 9.6 of that ILA, desire to amend the ILA to modify the meeting requirements of the Working Group to allow flexibility based on the State of Florida delayed timing in issuing the work plan platform.

NOW, THEREFORE, be it mutually agreed by and among the Parties as follows:

1. Recitals. The recitals stated above are true and correct and are incorporated herein by this reference.

2. Defined Terms. Capitalized terms used in this Second Amendment and not otherwise defined herein shall have the meanings ascribed to them in the ILA.

3. Effective Date. The Effective Date of this Second Amendment shall be the date when the fully executed Second Amendment is filed with the Clerk of the Circuit Court.

4. Amendment to Section 2. Coordinating and Sharing Information.

A.) Section 2.1, entitled The Working Group is amended by deleting it in its entirety and replacing it with the following:

> **2.1 The Working Group.** There is hereby established a working group consisting of staff of the School Board and the Local Governments whose purpose is to facilitate the planning of educational facilities on behalf of the governing bodies of the Parties to this Agreement and to make recommendations to the Oversight Committee, as defined below (the "Working Group"). The Working Group will meet at least once per year. The Working Group meetings will depend on the timing of the Tentative Educational Facilities Plan, as described below, and may meet as many other times, as necessary. The Working Group is a staff-level, fact-finding body not subject to the Sunshine Law. However, staff of the School Board will publish notice and take minutes of all meetings of the full Working Group, which shall be open to the public. All efforts shall be made to include meaningful public participation in these meetings; however, public participants shall not be considered members of the Working Group and shall not vote or provide consensus as members of the Working Group.

B.) Section 2.2, entitled Population Projections is amended by deleting the last sentence and replacing it with the following:

> The information will be discussed at the meeting of the Working Group.

C.) Section 2.3, entitled Student Population Projections is amended by deleting the first sentence and replacing it with the following:

> At the meeting of the Working Group, the School Board shall provide a snapshot of the number of students in seats as of October of the then current school year, or Enrollment, to be used by the Parties for evaluating capacity and impact fee adjustments.

5. The Annual Report. Section 2.4, entitled The Annual Report is amended by deleting the first sentence in its entirety and replacing it with the following:

> By April 1st of each year, or as soon thereafter as practicable, the Working Group will produce a report (the "Annual Report") to the Oversight Committee, identified in Section 3 below, which will address the coordination of land use and school facilities phasing, including population projections and Student Enrollment projections, development trends, school needs, and any other relevant matter pertaining to school facility planning. It is the intent of the Parties that the Annual Report be delivered thirty (30) days prior to the annual Oversight Committee meeting.

6. Educational Facilities Plan. Section 2.5 entitled Educational Facilities Plan is amended by deleting the second paragraph in its entirety and replacing it with the following:

> Subject to the Department of Education making the work plan for the district available, the School Board will endeavor to provide the Local Governments with the Tentative Educational Facilities Plan within thirty (30) days of it becoming available, each year, including the five-year District Facilities Work Program and Educational Plant Survey required by Section 1013.31, Florida. Statutes, for review and comment. The Working Group will convene as soon as practicable after the Tentative Educational Facilities Plan is delivered to discuss the same. The final adopted plan shall be provided to the Local Governments within fifteen (15) days after adoption by the School Board.

7. Meetings of the Oversight Committee. Section 3.2, entitled Meetings of the Oversight Committee, is amended by deleting the first sentence in its entirety and replacing it with the following:

> The Oversight Committee shall meet annually on the second Thursday of May or June, or as soon as practicable after delivery of the Annual Report, and may meet in as many specially called meetings, as necessary.

8. Effect of this Second Amendment. Except as modified by the First Amendment and this Second Amendment, the ILA remains unmodified, and in full force and effect. In the event of any inconsistency or conflict between the terms of this Second Amendment and the terms of the ILA, the terms of this Second Amendment shall control only as necessary to resolve any such inconsistency or conflict.

9. Counterparts. This Second Amendment may be executed in several counterparts, each of which may be deemed an original, and all the counterparts together shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Second Amendment to the Interlocal Agreement for Public School Facility Planning has been executed by the Parties hereto on the dates indicated below.

SCHOOL DISTRICT

Signed, witnessed, executed, and acknowledged on this_____day of_____, 202__.

WITNESS:

_____
Print Name: _____
Address_____
_____

_____
Print Name: _____
Address_____
_____

SCHOOL DISTRICT OF FLAGLER COUNTY, FLORIDA, a body corporate and politic existing under the laws of the State of Florida

By: _____
Christy Chong
Title: School Board Chair

Date:_____

ATTEST
By: _____
LaShakia Moore
Title: Superintendent of Schools

Approved as to form and legality by legal counsel to The School District of Flagler County, Florida, exclusively for its use and reliance.
C.J. Wilson Law, P.A., Counsel
By: _____
Christopher Wilson, Esq.

Date:_____

STATE OF FLORIDA
COUNTY OF FLAGLER}

The foregoing instrument was acknowledged before me by means of ☐ physical present or ☐ online notarization, this _____day of _____, 202__, by_____,_____

{AFFIX NOTARY STAMP}

Notary Public of Florida

_____
PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known _____
OR Produced Identification _____
Type of Identification Produced_____

LOCAL GOVERNMENT
CITY OF PALM COAST

Signed, witnessed, executed, and acknowledged on this___day of_____, 202__.

WITNESS:

_____
Print Name: _____
Address_____
_____

_____
Print Name: _____
Address_____
_____

By:_____
Mike Norris
Title: Mayor

ATTEST
By: _____
Kaley Cook
Title: City Clerk

Approved as to form and legality.

_____
Marcus Duffy
City Attorney

STATE OF FLORIDA
COUNTY OF FLAGLER}

The foregoing instrument was acknowledged before me by means of ☐ physical present or ☐ online notarization, this _____day of _____, 202__, by_____,_____

{AFFIX NOTARY STAMP}

Notary Public of Florida

_____
PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known _____
OR Produced Identification _____
Type of Identification Produced_____

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

Signed, witnessed, executed, and acknowledged on this___day of_____, 202__.

WITNESS:

_____
Print Name: _____
Address_____
_____

_____
Print Name: _____
Address_____
_____

By: _____
Leann Pennington
Title: Chair

ATTEST
By: _____
Tom Bexley
Title: Clerk of the Circuit Court and Comptroller

Approved as to form and legality.

_____
Sean S. Moylan
Deputy County Attorney

STATE OF FLORIDA
COUNTY OF FLAGLER}

The foregoing instrument was acknowledged before me by means of ☐ physical present this _____day of _____, 202__, by _____ as _____.

{AFFIX NOTARY STAMP}

Notary Public of Florida

_____
PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known _____
OR Produced Identification _____
Type of Identification Produced_____

LOCAL GOVERNMENT CITY OF FLAGLER BEACH

Signed, witnessed, executed, and acknowledged on this___day of_____, 202__.

WITNESS:

_____
Print Name: _____
Address_____
_____

_____
Print Name: _____
Address_____
_____

By: _____
Patti King
Title: Mayor

ATTEST
By: _____
Penny Overstreet
Title: City Clerk

Approved as to form and legality.

_____
Drew Smith
City Attorney

STATE OF FLORIDA
COUNTY OF FLAGLER}

The foregoing instrument was acknowledged before me by means of ☐ physical present or ☐ online notarization, this _____day of _____, 202__, by_____,_____

{AFFIX NOTARY STAMP}

Notary Public of Florida

_____
PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known _____
OR Produced Identification _____
Type of Identification Produced_____

LOCAL GOVERNMENT
CITY OF BUNNELL

Signed, witnessed, executed, and acknowledged on this___day of_____, 202__.

WITNESS:

_____
Print Name: _____
Address_____
_____

_____
Print Name: _____
Address_____
_____

By: _____
Catherine Robinson
Title: Mayor

ATTEST
By: _____
Kristen Bates
Title: City Clerk

Approved as to form and legality.

_____
Paul Waters
City Attorney

STATE OF FLORIDA
COUNTY OF FLAGLER}

The foregoing instrument was acknowledged before me by means of ☐ physical present or ☐ online notarization, this _____day of _____, 202__, by_____,_____

{AFFIX NOTARY STAMP}

Notary Public of Florida

_____
PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known _____
OR Produced Identification _____
Type of Identification Produced_____

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** G.3

Department FINANCE **Division** FINANCE	**Amount** **Org/Account #** 10014000-034000

Subject: RESOLUTION 2026-XX APPROVING PIGGYBACKING THE LAKE COUNTY CONTRACT WITH ALFRED & BENESCH COMPANY, INC., FOR PUBLIC SAFETY CONSULTING SERVICES

Presenter: **Helena Alves, CGFO,CIA,MBA, Director of Finance**

Attachments:

1. Resolution
2. Draft Agreement
3. Assessment

Background:

City staff is recommending piggybacking the Lake County Contract (#24-516) with Alfred & Benesch Company, Inc., for public safety consulting services as needed. This item utilizes a piggyback contract, allowing the City to adopt competitively solicited agreements established by other governmental entities. This method reduces administrative burden, accelerates procurement timelines, and provides access to pre-negotiated pricing, terms, and vendor performance standards. All piggyback contracts are reviewed by the City Attorney to ensure legal sufficiency and compliance with applicable laws. When the original contract originates from an agency outside the State of Florida, the City incorporates necessary provisions to ensure conformity with Florida law and local procurement requirements. This approach maintains compliance with state purchasing standards while promoting cost efficiency and enabling staff to focus on core service delivery.

City staff will make purchases on an as-needed basis using budgeted funds appropriated by City Council.

Recommended Action:
ADOPT RESOLUTION 2026-XX APPROVING PIGGYBACKING THE LAKE COUNTY CONTRACT (#24-516) WITH ALFRED & BENESCH COMPANY, INC., FOR PUBLIC SAFETY CONSULTING SERVICES

RESOLUTION 2026-___
PIGGYBACKING THE LAKE COUNTY CONTRACT WITH ALFRED & BENESCH COMPANY, INC., FOR PUBLIC SAFETY CONSULTING SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING PIGGYBACKING LAKE COUNTY CONTRACT WITH ALFRED & BENESCH COMPANY, INC., FOR PUBLIC SAFETY CONSULTING SERVICES; 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, Alfred & Benesch Company, Inc., has expressed a desire to provide public safety consulting services to the City of Palm Coast; and

WHEREAS, the City Council of the City of Palm Coast desires to approve piggybacking the Lake County contract with Alfred & Benesch Company, Inc., for public safety consulting services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the findings of the City Council of the City of Palm Coast.

SECTION 2. APPROVAL OF PIGGYBACK. The City Council of the City of Palm Coast hereby approves piggybacking the contract between Lake County and Alfred & Benesch Company, Inc., for public safety consulting services as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 3. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the necessary documents.

SECTION 4. FUTURE AMENDMENTS. The City Manager, or designee, is hereby authorized to approve any future amendments for changes totaling less than $100,000.00 as long as this amount does not exceed the line-item limit for the budgeted

purchase. Further, the City Manager has the authority to execute amendments to the Piggyback Agreement on behalf of the City for any other changes that may be necessary.

SECTION 5. 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 6. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 8. 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 15th day of September 2026.

ATTEST: CITY OF PALM COAST

_____ _____

KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____

MARCUS DUFFY, CITY ATTORNEY

Attachment: Exhibit "A" Piggyback Contract with Alfred & Benesch Company, Inc.

DocuSign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

BPO Review

CONTRACT EXECUTIVE OVERVIEW

Vendor Name: Alfred & Benesch Company

Bid/Contract Ref # Public Safety Consulting Services RFP #24-516

Agency Name: Lake County, Florida

Contract Type: Piggyback

Contract Value OVER $100K

Resolution # 2026-_____ **City Council Approval Date:**_____

Contract Term End Date 12/15/2027

Renewable Y/N Y **If yes # and length of renewals:** 1 Additional 2-year Renewal

City's Project Manager(s) Finance Department

In Process

Brief Description/Purpose:

To utilize the terms, conditions, scope and pricing of the Lake County Agreement Agreement for public safety consulting services as needed.

Approvals:

Responsible Dept. Director _____ **Date:**_____

City Finance _____ **Date:**_____

City Attorney _____ **Date:**_____

City Manager _____ **Date:**_____

Vendor Name and Email Nilgun Kamp nkamp@benesch.com

Docusign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

city of PALM COAST

Finance Department
Procurement Office

160 Lake Avenue
Palm Coast, FL 32164
386-986-3710

Alfred & Benesch Company
Attn: Bill Ball, Senior Vice President
1000 N. Ashley Drive Suite 400
Tampa, FL 33602

RE: Engagement Letter Authorizing Piggyback

Public Safety Funding Consulting Services
Contract Name

Lake County Contract 24-516
Contract Reference

Dear Bill,

The City of Palm Coast, Florida requests permission to utilize your company's above referenced contract in accordance with its terms and conditions and pricing. If agreed, please indicate approval by electronically signing below as well as the Addendum covering the E-Verify and Public Records requirements.

Contractor is aware of and agrees to comply with the requirements of Florida Statutes § 287.138. To the extent that, under this Agreement, Contractor has access to personal identifying information, Contractor agrees that: Contractor is not owned by the government of a foreign country of concern; the government of a foreign country of concern does not have a controlling interest in Contractor; and Contractor is not organized under the laws of and does not have its principal place of business in a foreign country of concern. Per Florida Statutes § 287.138(1)(c), "foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern. Breach of this provision shall be considered a material breach of this Agreement and shall entitle City to, in its sole discretion, terminate this Agreement.

All invoices should be sent via email to ap@palmcoastgov.com. If email is not possible, please mail invoices to: City of Palm Coast, Attn: Accounts Payable, 160 Lake Avenue, Palm Coast, Florida 32164. All legal notices should be sent to the attention of the City Manager at the same address.

Please feel free to contact me at the email address below if you have any questions.

Regards,
Shannon Nolan
Shannon Nolan
Procurement Coordinator
sknolan@palmcoastgov.com

This Engagement Letter is hereby acknowledged and agreed to:

CITY OF PALM COAST	**ALFRED & BENESCH COMPNAY**
By: _____	By: Signed by: Elisabeth Schuck (Authorized Signatory) 1D2FFEE9D7F3A6...
Print Name: Michael McGlothlin	Print Name: Elisabeth Schuck
Title: City Manager	Title: Vice President
Date: _____	Date: Aug 24, 2026 | 3:44 PM EDT

Docusign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

ENGAGEMENT LETTER ADDENDUM

1. **E-Verify Registration and Use.**

"Effective January 1, 2021, public and private employers, contractors and subcontractors must require registration with, and use of the E-verify system to verify the work authorization status of all newly hired employees. Contractor acknowledges and agrees to utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of:

a) All persons employed by Contractor to perform employment duties within Florida during the term of the contract; and

b) All persons (including sub vendors/subconsultants/subcontractors) assigned by Contractor to perform work pursuant to the contract with the City. The Contractor acknowledges and agrees that use of the U.S. Department of Homeland Security's E-Verity System during the term of the contract is a condition of the contract with the City of Palm Coast.

By entering into this Agreement, the Contractor becomes obligated to comply with the provisions of Section 448.05, F.S. (2023), "Employment Eligibility," as amended from time to time. This includes, but is not limited to, utilization of the E-Verify System to verify the work authorization status of all newly hired employees and requiring all subcontractors to provide an affidavit to Contractor attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Contractor agrees to execute the same affidavit and to maintain a copy of such affidavits for the duration of this Agreement. Failure to comply with this paragraph will result in the termination of this Agreement as provided in Section 448.095, F.S. (2023), as amended, and the Contractor will not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Contractor will also be liable for any additional costs to City incurred because of the termination of this Agreement in accordance with this section."

In Process

2. **Prohibition against considering social, environmental, political, or ideological interests in government contracting**

Pursuant to Section 287.05701, F.S., the City cannot give preference to a Contractor based on the Contractor's social, political, or ideological interests such as:

a. The Contractor's political opinions, speech, or affiliations.
b. The Contractor's religious beliefs, religious exercise, or religious affiliations.
c. The Contractor's lawful ownership of a firearm.
d. The Contractor's lawful engagement in lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition.
e. The Contractor's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture.
f. The Contractor's support of the state or federal government in combating illegal immigration, drug trafficking, or human trafficking.
g. The Contractor's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described herein.
h. The Contractor's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such Contractor is in compliance with applicable state or federal law: 1) environmental standards, including emissions standards, benchmarks, requirements or disclosures; 2) social governance standards, benchmarks, or requirements, including, but not limited to, environmental or social justice; corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992; or policies or procedures requiring or encouraging employee participation in social justice programming, including, but not limited to, diversity, equity, or inclusion training.

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3. **Scrutinized Companies**

A. Contractor hereby certifies that it: a) has not been placed on the Scrutinized Companies that Boycott Israel List, nor is engaged in a boycott of Israel; b) has not been placed on the Scrutinized Companies with Activities in Sudan List nor the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and c) has not been engaged in business operations in Cuba or Syria. If City determines that Contractor has falsely certified facts under this paragraph or if Contractor is found to have been placed on the Scrutinized Companies Lists or is engaged in a boycott of Israel after the execution of this Contract, City will have all rights and remedies to terminate this Contract consistent with Section 287.135, F.S., as amended. The City reserves all rights to waive the certifications required by this paragraph on a case-by-case exception basis pursuant to Section 287.135, F.S., as amended.

4. **Public Records.**

A. The Parties specifically acknowledge that the Agreement is subject to the laws of the State of Florida, including without limitation, Chapter 119, Florida Statutes, which generally make public all records or other writings made or received by the Parties. If SUPPLIER is either a "contractor" as defined in Section 119.0701(1)(a), Florida Statutes, or an "agency" as defined in Section 119.011(2), Florida Statutes, SUPPLIER shall:

5. Keep and maintain all public records required by CITY to perform the Services herein; and
6. Upon request from CITY's custodian of public records, provide CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S. or as otherwise provided by law; and
7. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement Term and following completion of the Agreement if SUPPLIER does not transfer the records to CITY; and
8. Upon completion of the Agreement, transfer, at no cost, to CITY all public records in possession of SUPPLIER or keep and maintain public records required by CITY to perform the Services herein. If SUPPLIER transfers all public records to CITY upon completion of the Agreement, SUPPLIER shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If SUPPLIER keeps and maintains public records upon completion of the Agreement, SUPPLIER shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to CITY, upon request from CITY'S custodian of public records, in a format compatible with the information technology systems of CITY.

In Process

B. All requests to inspect or copy public records relating to the Agreement shall be made directly to CITY. Notwithstanding any other provision of this Agreement to the contrary, failure to comply with the requirements of this paragraph shall result in the immediate termination of the Agreement, without penalty to CITY. A contractor who fails to provide the public records to CITY within a reasonable time may be subject to penalties pursuant to Section 119.10, Florida Statutes. Further, SUPPLIER shall fully indemnify and hold harmless CITY, its officers, agents and employees from any liability and/or damages, including attorney's fees through any appeals, resulting from SUPPLIER'S failure to comply with these requirements.

C. IF THE SUPPLIER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUPPLIER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY CLERK'S OFFICE AT 386-986-3713, cityclerk@palmcoastgov.com, 160 LAKE AVENUE, PALM COAST, FLORIDA 32164.

9. Governing Law:

This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida, without regard to its conflict of laws principles. The parties agree that any action or proceeding required to enforce or interpret the terms of this Agreement, venue shall be of the Seventh Judicial Circuit in and for Flagler County, Florida, or the Middle District of Florida in Orlando, FL., if in federal court. Each party hereby consents to the personal jurisdiction of such courts and waives any objection based on venue or inconvenient forum.

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10. Sovereign Immunity

City of Palm Coast expressly retains all rights, benefits and immunities of sovereign immunity and nothing herein shall be deemed to affect the rights, privileges, and immunities of City of Palm Coast as set forth in Section 768.28, Florida Statutes.

11. Taxes

Taxes, customs and tariffs on commodities or contractual services purchased under this contract will not be assessed against the City of Palm Coast unless mandated by State or Federal Law.

CITY OF PALM COAST

By: _____

Print Name: Michael McGlothlin

Title: City Manager

Date: _____

SUPPLIER

Signed by:
By: Elisabeth Schuck
1D21FEE9DFF3447...
(Authorized Signatory)

Print Name: Elisabeth Schuck

Title: Vice President

Date: Aug 24, 2026 | 3:44 PM EDT

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FORM 7 – PUR 1355

FOREIGN COUNTRY OF CONCERN ATTESTATION
(PUR 1355)

This form must be completed by an officer or representative of an entity submitting a bid, proposal, or reply to, or entering into, renewing, or extending, a contract with a Governmental Entity which would grant the entity access to an individual's Personal Identifying Information. Capitalized terms used herein have the definitions ascribed in Rule 60A-1.020, F.A.C.

Company is not owned by the government of a Foreign Country of Concern, is not organized under the laws of nor has its Principal Place of Business in a Foreign Country of Concern, and the government of a Foreign Country of Concern does not have a Controlling Interest in the entity.

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

In Process

Printed Name: Elisabeth Schuck

Title: Vice President

Signature: Signed by: Elisabeth Schuck 1D21FEE9DFF3447...

Date: Aug 24, 2026 | 3:44 PM EDT

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E-Verify Affidavit Instructions

Beginning January 1, 2021, pursuant to Section 448.095 Florida Statutes, every public employer, contractor, and subcontractor shall register with and use the E- Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-verify system.

1. Please create an Affidavit on your company's letter head in a similar form to that attached below.

2. Have it signed and notarized.

3. Then attach the notarized affidavit and the proof of registration where indicated.

ATTACH NOTARIZED AFFIDAVIT HERE

In Process

ATTACH PROOF OF REGISTRATION HERE

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CONTRACTOR E-VERIFY AFFIDAVIT

I hereby certify that _____ *[insert contractor company name]* does not employ, contract with, or subcontract with an unauthorized alien, and is otherwise in full compliance with Section 448.095, Florida Statutes.

All employees hired on or after January 1, 2021 have had their work authorization status verified through the E-Verify system.

A true and correct copy of _____ *[insert contractor company name]* proof of registration in the E-Verify system is attached to this Affidavit.

_____

Print Name: _____

Title: _____

Date: _____

In Process

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20___ by _____ *[name of officer or agent, title of officer or agent]* of _____ *[name of contractor company acknowledging]*, a _____ *[state or place of incorporation]* corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ *[type of identification]* as identification.

[Notary Seal]

_____

Notary Public

_____

Name typed, printed or stamped

My Commission Expires: _____

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AFFIDAVIT OF COMPLIANCE WITH ANTI-HUMAN TRAFFICKING LAWS

State of _____

County of _____

In accordance with section 787.06 (14), Florida Statutes, the undersigned, on behalf of _____ (the "Entity"), hereby attests under penalty of perjury, that the Entity does not use coercion for labor or services as defined in Section 787.06, Florida Statutes, entitled "Human Trafficking."

The undersigned representative of the Entity is authorized to execute this affidavit on behalf of the Entity.

Date: _____ Signed: _____

Entity: _____ Name: _____

Title: _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 202_, by _____.

In Process

Notary Signature

_____

PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known_____

OR Produced Identification_____

Type of Identification Produced_____

[NOTARY SEAL]

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LAKE COUNTY, FL
REAL FLORIDA • REAL CLOSE

MODIFICATION OF CONTRACT

Modification Number:One (1) Effective Date: 12/17/2025	Contract Number: 24-516 Title: Public Safety Funding Consultant Effective Date: 12/17/2024
OFFICE OF PROCUREMENT SERVICES Contracting Officer: Amy Munday E-mail: amy.munday@lakecountyfl.fov Telephone Number: 352-343-9768	**CONTRACTOR** Name: Alfred & Benesch Company Address: 1000 N. Ashley Drive Suite 400 City: Tampa FL, 33602 ATTENTION: Bill Ball Division Manager, Senior Vice President

INSTRUCTIONS: Contractor to sign Signature Block showing acceptance of this written modification and return to Procurement Services within ten (10) days after receipt. An executed copy will be sent to the Contractor for Contract inclusion.

DESCRIPTION OF MODIFICATION: This Contract Modification is to extend agreement for Two (2) Year, Expiring December 15, 2027.

CONTRACTOR SIGNATURE BLOCK	LAKE COUNTY SIGNATURE BLOCK
Signature: [signature]	Signature: Amy Munday
Print Name: Elisabeth Schuck, AICP, LEED GA	Print Name: Amy Munday
Title: Vice President, Florida Division Manager	Title: Contracting Officer II
Date: June 5, 2025	Date: 6.5.25
E-mail: eschuck@benesch.com	
Secondary E-mail:	

Distribution:
Original – Bid File
Copy – Contractor
Contracting Officer

Docusign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

RECEIVED
DEC 18 2024
COMMISSIONER'S OFFICE

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA
OFFICE OF THE COUNTY MANAGER
AGENDA ITEM COVER SHEET

DATE: 11/26/2024
TO: Jennifer Barker, County Manager
THRU:
David Kilbury, Public Safety Director
BY: Amy Munday, Contracting Officer II
SUBJECT: Public Safety Funding Consultant

MEETING DATE: 12/17/2024
ITEM TYPE: Consent Item
ITEM ID: 34345

RECOMMENDATION/REQUIRED ACTION: Approve

Recommend approval:
1. Of Contract 24-516 for Public Safety Consulting Services to Alfred Benesch & Company, Inc. (Tampa, FL); and
2. To authorize the Office of Procurement Services to execute all supporting documentation.

The estimated annual fiscal impact is $79,810 (expenditure) and is within, and will not exceed, the Fiscal Year 2025 Budget. Expenditures will not exceed available funding in future fiscal year budgets.

BACKGROUND SUMMARY: The Office of Procurement Services, in coordination with the Office of Fire Rescue, issued Request for Proposal (RFP) 24-516 for public safety consultant services to determine more accurate and appropriate financing formulas based on property and building square footage data collected by the Lake County Property Appraiser.

Bid notification was sent to 166 registered vendor emails with a proposal received from one vendor as shown on the attached respondent tabulation sheet. The overall pricing associated with the recommended vendor is competitive with market pricing for these services. Based on the County's needs and in its best interests, the recommendation is to award the contract to Alfred Benesch & Company, Inc.

Fiscal Impact: $79,810.00 (expenditure)
Account No.:

Fund Name	Fund Number	Org Code	Object Code	Project Number	Amount
County Fire Fund	1680	2136300	830310		$79,810

Advertised Date: Paper:
Attachments:

1.	24-516 Respondent Tabulation Sheet
2.	24-516 Public Safety Consulting.Alfred Benesch_rev final_12.02.24_signed

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STAFF APPROVALS AND DATES:

Docusign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

Amy Munday	Created/Initiated - 11/26/2024
Ron Falanga	Approved - 12/2/2024
David Kilbury	Approved - 12/2/2024
Elizabeth Gouveia-Miner	Approved - 12/2/2024
Tabitha Kocielko	Approved - 12/2/2024
Thomas Carpenter	Approved - 12/2/2024
Kandace Pourbaix	Approved - 12/2/2024
Todd Thornton	Approved - 12/3/2024
David Langley	Approved - 12/3/2024
Allison Teslia	Approved - 12/3/2024
Melanie Marsh	Approved - 12/7/2024
Jennifer Barker	Approved - 12/9/2024
Misty Spahn	Final Approval - 12/9/2024

ACTION TAKEN BY BOARD:

Action: New

Continued/Deferred Until:

Other:

Docusign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

AGREEMENT BETWEEN LAKE COUNTY, FLORIDA, AND ALFRED BENESCH & COMPANY FOR PUBLIC SAFETY CONSULTING SERVICES, RFP # 24-516

This is an Agreement between Lake County, Florida, a political subdivision of the State of Florida (the COUNTY), by and through its Board of County Commissioners, and Alfred Benesch & Company, a Foreign Profit Corporation, its successors and/or assigns (the CONSULTANT).

WITNESSETH:

WHEREAS, the COUNTY publicly submitted a Request for Proposal (RFP) #24-516 seeking firms or individuals qualified to provide public safety consulting services for the COUNTY; and

WHEREAS, the CONSULTANT desires to perform such services subject to the terms of this Agreement; and

WHEREAS, the provision of such services will benefit the parties and the residents of Lake County, Florida.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, promises, covenants, and payment set forth in this Agreement, and intending to be legally bound, the parties hereby agree as follows:

ARTICLE 1. LEGAL FINDINGS

1.1 The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Agreement upon adoption hereof.

ARTICLE 2. PURPOSE

2.1 The purpose of this Agreement is for the CONSULTANT to provide public safety consulting services regarding potential financing formulas in conjunction with data collected from the Lake County Property Appraiser ("the Service") as detailed in the Scope of Work, Submittals, and Proposed Solution attached hereto and incorporated herein as **Composite Exhibit A.** This is lump sum professional fee arrangement.

ARTICLE 3. SCOPE OF SERVICES

3.1 On the terms and conditions set forth in this Agreement, the COUNTY hereby engages the CONSULTANT to provide all labor, materials, and equipment to complete the Service in accordance with the Scope of Work, Submittals, and Proposed Solution attached and incorporated by reference as **Composite Exhibit A.** It is understood that the Scope of Services may be modified by change order as the Service progresses, but to be effective and binding, any such change order must be in writing, executed by the parties, and in accordance with the COUNTY'S Purchasing Policies and Procedures. A copy of these policies and procedures will be made available to the CONSULTANT upon request.

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3.2 This Agreement will commence upon the first day of the next calendar month after approval by the authorized authority.

3.3 This Agreement will be in effect for an initial one (1) year term with the option for two (2) subsequent two (2) year renewals. Renewals are contingent upon mutual written agreement. The terms and conditions of this Agreement shall remain in effect until completion of all express and implied warranty periods. COUNTY reserves the right to negotiate for additional services/items similar in nature not known at time of solicitation.

3.4 CONSULTANT shall utilize the U.S. Department of Homeland Security's E-Verify system in accordance with the terms governing use of the system to confirm the employment eligibility of all new persons hired by CONSULTANT during the term of this Agreement. CONSULTANT shall include in all contracts with subcontractors performing work pursuant to any contract arising from this Agreement an express requirement that the subcontractors utilize the U.S. Department of Homeland Security's E-Verify system in accordance with the terms governing use of the system to confirm the employment eligibility of all new employees hired by the subcontractors during the term of the contract.

ARTICLE 4. PAYMENT

4.1 Payment shall be based upon a lump sum fee attached hereto and incorporated herein as **Exhibit B**.

4.2 Invoicing. The CONSULTANT will submit invoices to the COUNTY no later than the thirtieth (30th) day beyond the date the work was completed and accepted by the COUNTY. Under no circumstances shall the invoices be submitted to COUNTY in advance of the delivery and acceptance of the work. All invoices must contain the contract or purchase order number, date, and location of delivery of service. CONSULTANT may be assigned work by task work order and each task work order will be assigned a single identification number for billing purposes.

4.3 The COUNTY will make payment on all invoices in accordance with the Florida Prompt Payment Act, Chapter 218, Part VII, Florida Statutes. Failure to submit invoices in the prescribed manner will delay payment, and CONSULTANT may be considered in default and this Agreement may be terminated.

4.4 Other than the lump sum fee set forth in **Exhibit B**, CONSULTANT shall not be entitled to payment for any expenses, fees, or other costs it may incur at any time and in any connection with its performance hereunder.

4.5 In the event any part of this Agreement is to be funded by federal, state, or other local agency monies, CONSULTANT agrees to comply with all requirements of the funding entity applicable to the use of the monies, including full application of requirements involving the use of minority firms, women's business enterprises, and labor surplus area firms. CONSULTANT is advised that payments under this Agreement may be withheld pending completion and submission of all required forms and documents required of CONSULTANT pursuant to the grant funding requirements. A copy of the requirements will be supplied to CONSULTANT by the COUNTY upon request.

ARTICLE 5. COUNTY RESPONSIBILITIES

5.1 The COUNTY shall pay in accordance with the provisions set forth in this Agreement.

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5.2 The COUNTY retains the right to inspect all work to verify compliance with the contract documents.

ARTICLE 6. SPECIAL TERMS AND CONDITIONS

6.1 Qualifications. CONSULTANT shall during the entire duration and renewal(s) of this Agreement shall be registered with the State of Florida and have obtained at least the minimum thresholds of education and professional experience required to perform the services required under this Agreement. CONSULTANT shall be registered with the Florida Department of State in accordance with the provisions of Chapter 607, Florida Statutes.

6.2 Standard of Care. CONSULTANT shall perform its services consistent with the professional skill and care ordinarily provided by firms practicing in the same or similar locality under the same or similar circumstances (hereinafter the "Standard of Care")

6.3 Key Personnel. CONSULTANT agrees that each person listed or referenced in the solicitation package submitted to the COUNTY by CONSULTANT (RFP 24-516) shall be available to perform the services described herein for the COUNTY barring illness, accident, or other unforeseeable events of a similar nature in which case CONSULTANT must be able to promptly provide a qualified replacement. In the event CONSULTANT desires to substitute personnel, CONSULTANT shall propose a person with equal or higher qualifications and each replacement person is subject to prior written approval of the COUNTY, which approval shall not be unreasonably withheld. In the event the requested substitute is not satisfactory to the COUNTY and the matter cannot be resolved to the satisfaction of the COUNTY, the COUNTY reserves the right to terminate this Agreement.

6.4 Termination. This Agreement may be terminated by the COUNTY upon twenty (20) days advance written notice to the other party; but if any service under this Agreement is in progress but not completed as of the date of termination, then this Agreement may be extended upon written approval of the COUNTY until said service is completed and accepted.

A. Termination for Convenience. In the event this Agreement is terminated or cancelled upon the request and for the convenience of the COUNTY with the required twenty (20) day advance written notice, COUNTY shall reimburse CONSULTANT for actual work satisfactorily completed and reasonable expenses incurred.

B. Termination for Cause. Termination by the COUNTY for cause, default, or negligence on the part of CONSULTANT shall be excluded from the foregoing provision. Termination costs, if any, shall not apply. The 20-day advance notice requirement is waived in the event of termination for cause. However, CONSULTANT shall have an opportunity to cure any specified deficiencies within a reasonable time (no less than ten (10) days) of receipt of the notice of termination.

C. Termination Due to Unavailability of Funds in Succeeding Fiscal Years. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal year, this Agreement shall be canceled, and CONSULTANT shall be reimbursed for services satisfactorily performed and the reasonable value of any non-recurring costs incurred but not amortized in the price of the services delivered under this Agreement.

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D. Effects of Termination. Neither CONSULTANT, nor its subconsultants shall be responsible for errors or omissions in documents which are incomplete as the result of an early termination under this Agreement.

6.5 Assignment of Agreement. This Agreement shall not be assigned or sublet except with the written consent of COUNTY'S Procurement Services Director. No such consent shall be construed as making the COUNTY a party to the assignment or subcontract or subjecting the COUNTY to liability of any kind to any assignee or subcontractor. No assignment or subcontract shall under any circumstances relieve CONSULTANT of liability and obligations under this Agreement and all transactions with the COUNTY must be through CONSULTANT. In the event CONSULTANT is acquired in whole or in part by another entity, including any takeovers effectuated by a stock buyout, or similar acquisition process, CONSULTANT shall notify the COUNTY immediately. The COUNTY shall have the option of terminating this Agreement in the event the acquiring entity does not meet with the COUNTY'S approval. Any acquisition or hostile takeover may result in termination of this Agreement for cause.

6.6 Insurance.

A. CONSULTANT will purchase and maintain at all times during the term of this Agreement, without cost or expense to the COUNTY, policies of insurance as indicated below, with a company or companies authorized to do business in the State of Florida, and which are acceptable to the COUNTY, insuring the CONSULTANT against any and all claims, demands, or causes of action, for injuries received or damage to property relating to the performance of duties, services, or obligations of the CONSULTANT under the terms and provisions of this Agreement. An original certificate of insurance, indicating that CONSULTANT has coverage in accordance with the requirements of this section must be received and accepted by the COUNTY prior to contract execution or before any work begins. It will be furnished by CONSULTANT to the COUNTY'S Project Manager and Procurement Services Director within five (5) working days of such request.

The parties agree that the policies of insurance and confirming certificates of insurance will insure the CONSULTANT in accordance with the following minimum limits:

1. General Liability insurance on forms no more restrictive than the latest edition of the Occurrence Form Commercial General Liability policy (CG 00 01) of the Insurance Services Office or equivalent without restrictive endorsements, with the following limits and coverage:

Each Occurrence/General Aggregate	$1,000,000/2,000,000
Products-Completed Operations	$2,000,000
Personal & Adv. Injury	$1,000,000
Fire Damage	$50,000
Medical Expense	$5,000
Contractual Liability	Included

2. Automobile liability insurance, including owned, non-owned, and hired autos with Combined Single Limit of $1,000,000

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3. Workers' compensation insurance based on proper reporting of classification codes and payroll amounts in accordance with Chapter 440, Florida Statutes, and any other applicable law requiring workers' compensation (Federal, maritime, etc.).

4. Employers Liability with the following limits and coverage:

Each Accident	$1,000,000
Disease-Each Employer	$1,000,000
Disease-Policy Limit	$1,000,000

B. Lake County, a Political Subdivision of the State of Florida, and the Board of County Commissioners, will be included as additional insured as their interest may appear all applicable policies. Certificates of insurance must identify the RFP or ITB number in the Description of Operations section on the Certificate.

C. CONSULTANT must provide a minimum of thirty (30) days prior written notice to the County of any change, cancellation, or nonrenewal of the required insurance.

D. Certificates of insurance must evidence a waiver of subrogation in favor of the COUNTY, that coverage must be primary and noncontributory, and that each evidenced policy includes a Cross Liability or Severability of Interests provision, with no requirement of premium by the COUNTY.

E. CONSULTANT must provide a copy of all policy endorsements, reflecting the required coverage, with Lake County listed as an additional insured along with all required provisions to include waiver of subrogation. Contracts cannot be completed without this required insurance documentation. **A certificate of insurance (COI) will not be accepted in lieu of the policy endorsements.**

F. Certificate holder must be:

LAKE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AND THE BOARD OF COUNTY COMMISSIONERS.
P.O. BOX 7800
TAVARES, FL 32778-7800

G. All self-insured retentions will appear on the certificates and will be subject to approval by the COUNTY. At the option of the COUNTY, the insurer will reduce or eliminate such self-insured retentions; or CONSULTANT will be required to procure a bond guaranteeing payment of losses and related claims expenses.

H. The COUNTY will be exempt from, and in no way liable for, any sums of money, which may represent a deductible or self-insured retention in any insurance policy. The payment of such deductible or self-insured retention will be the sole responsibility of the CONSULTANT or subcontractor providing such insurance.

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I. CONSULTANT will be responsible for subcontractors and their insurance. Subcontractors are to provide Certificates of Insurance to the COUNTY evidencing coverage and terms in accordance with the CONSULTANT'S requirements.

J. Failure to obtain and maintain such insurance as set out above will be considered a breach of contract and may result in termination of the contract for default.

K. Neither approval by the COUNTY of any insurance supplied by CONSULTANT, nor a failure to disapprove that insurance, will relieve CONSULTANT of full responsibility of liability, damages, and accidents as set forth herein.

6.7 Indemnity. To the extent permitted by law, the CONSULTANT will indemnify and hold harmless COUNTY, its officers and employees from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of CONSULTANT, its personnel, employees, and other person utilized by CONSULTANT in the performance of this Agreement, including without limitation, defects in design, or errors or omissions that result in material cost increases to COUNTY. Such indemnification will include the payment of all valid claims, losses, and judgments in connection therewith and the payment of all related fees and costs. This indemnification obligation shall not be construed to negate, abridge, or reduce any other rights or remedies which otherwise may be available to an indemnified party or person described in this paragraph or be deemed to affect the rights, privileges, and immunities of COUNTY as set forth in Section 768.28, Florida Statutes.

6.8 Independent Contractor. The CONSULTANT, and all its employees, agree that they will be acting as independent contractors and will not be considered or deemed to be an agent, employee, joint venturer, or partner of the COUNTY. The CONSULTANT will have no authority to contract for or bind the COUNTY in any manner and shall not represent itself as an agent of the COUNTY or as otherwise authorized to act for or on behalf of the COUNTY. Additionally, the CONSULTANT warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual, or firm other than a bona fide employee working solely for the CONSULTANT any fee, commission, percentage, gift, or other consideration contingent upon on resulting from the award or making of this Agreement.

6.9 Return of Materials. Upon the request of the COUNTY, but in any event upon termination of this Agreement, the CONSULTANT shall surrender to the COUNTY all memoranda, notes, records, drawings, manuals, computer software, and other documents or materials pertaining to the services under this Agreement, that were furnished to the CONSULTANT by the COUNTY pursuant to this Agreement.

6.10 Public Entity Crimes. A person or affiliate who has been placed on the convicted vendor list following a conviction of a public entity crime may not be awarded or perform work as a CONSULTANT, supplier, subcontractor, or consultant under a contract with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

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6.11 Conflict of Interest. The CONSULTANT agrees that it will not engage in any action that would create a conflict of interest in the performance of its obligations pursuant to this Agreement, or which would violate or cause others to violate the provisions of Part III, Chapter 112, Florida Statutes, relating to ethics in government. Further, the CONSULTANT hereby certifies that no officer, agent, or employee of the COUNTY has any material interest either directly or indirectly in the business of the CONSULTANT conducted here and that no such person may have any such interest at any time during the term of this Agreement unless approved by the COUNTY.

6.12 Retaining Other Consultants. Nothing in this Agreement will be deemed to preclude the COUNTY from retaining the services of other persons or entities undertaking the same or similar services as those undertaken by the CONSULTANT or from independently developing or acquiring materials or programs that are similar to, or competitive with, the services provided under this Agreement.

6.13 Accuracy. The CONSULTANT is responsible for the professional quality, technical accuracy, timely completion, and coordination of all the services furnished under this Agreement. The CONSULTANT shall, without additional compensation, correct or revise services that do not confirm to the Standard of Care.

6.14 Additional Services. Services not specifically identified in this Agreement may be added to the Agreement upon execution of a written amendment. The COUNTY reserves the right to award any additional services to the CONSULTANT or to acquire the items from another vendor through a separate solicitation.

6.15 Right to Audit. The COUNTY reserves the right to require the CONSULTANT to submit to an audit by any auditor of the COUNTY'S choosing. The CONSULTANT shall provide access to all of its records, which relate directly or indirectly to this Agreement at its place of business during regular business hours. The CONSULTANT shall retain all records pertaining to this Agreement and upon request make them available to the COUNTY for five (5) years following expiration of the Agreement, or for such time as set forth in the Florida Department of State, Division of Library and Information Services, General Records Schedule GS1-SL, a copy of which can be found at this link: https://files.floridados.gov/media/703328/gs1-sl-2020.pdf, whichever is longer. The CONSULTANT agrees to provide such assistance as may be necessary to facilitate the review or audit by the COUNTY to ensure compliance with applicable accounting and financial standards.

A. If the CONSULTANT provides technology services, the CONSULTANT must provide Statement of Standards for Attestations Engagements (SSAE) 16 or 18 and System and Service Organization Control (SOC) reports upon request by the COUNTY. The SOC reports must be full Type II reports that include the CONSULTANT'S description of control processes, and the independent auditor's evaluation of the design and operating effectiveness of controls. The cost of the reports will be paid by the CONSULTANT.

B. If an audit inspection or examination pursuant to this section discloses overpricing or overcharges of any nature by the CONSULTANT to the COUNTY in excess of one percent (1%) of the total contract billings, in addition to making adjustments for the overcharges, the reasonable actual cost of the COUNTY'S audit must be reimbursed to the COUNTY by the CONSULTANT. Any adjustments or payments which must be made as a result of any such audit or inspection of the CONSULTANT'S invoices

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or records must be made within a reasonable amount of time, but in no event may the time exceed ninety (90) calendar days, from presentation of the COUNTY'S audit findings to the CONSULTANT.

C. This provision is hereby considered to be included within, and applicable to, any subcontractor contract entered into by the CONSULTANT in performance of any work under this Agreement.

6.16 Public Records.

A. All electronic files, audio and video recordings, and all papers pertaining to any activity performed by the CONSULTANT for or on behalf of the COUNTY will be the property of the COUNTY and will be turned over to the COUNTY upon request. In accordance with Chapter 119, Florida Statutes, each file and all papers pertaining to any activities performed for or on behalf of the COUNTY are public records available for inspection by any person even if the file or paper resides in the CONSULTANT'S office or facility. The CONSULTANT will maintain the files and papers for not less than three complete calendar years after the Service has been completed or terminated, or in accordance with any grant requirements, whichever is longer. Prior to the close out of this Agreement, the CONSULTANT will appoint a records custodian to handle any records request and provide the custodian's name and telephone numbers to the COUNTY.

B. Pursuant to Section 119.0701, Florida Statutes, CONSULTANT will comply with the Florida Public Records' laws, and will:

1. Keep and maintain public records required by the COUNTY to perform the services identified herein.

2. Upon request from the COUNTY'S custodian of public records, provide the COUNTY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided for by law.

3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the CONSULTANT does not transfer the records to the COUNTY.

4. Upon completion of this Agreement, transfer, at no cost, to the COUNTY all public records in possession of the CONSULTANT or keep and maintain public records required by the COUNTY to perform the service. If CONSULTANT transfers all public records to the COUNTY upon completion of the contract, CONSULTANT will destroy any duplicate public records that are exempt, or confidential and exempt, from public records disclosure requirements. If CONSULTANT keeps and maintains public records upon completion of the Agreement, CONSULTANT will meet all applicable requirements for retaining public records. All records stored electronically must be provided to the COUNTY, upon request from the COUNTY'S custodian of public records, in a format that is compatible with the information technology systems of the COUNTY.

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C. IF CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT LAKE COUNTY OFFICE OF PROCUREMENT SERVICES, 315 WEST MAIN STREET, P.O. BOX 7800, TAVARES, FL 32778 OR AT 352-343-9424 OR VIA EMAIL AT PURCHASING@LAKECOUNTYFL.GOV.

D. Failure to comply with this subsection will be deemed a breach of the contract and enforceable as set forth in Section 119.0701, Florida Statutes.

E. Unless otherwise provided, CONSULTANT shall maintain substantiating records as required by the State of Florida, General Records Schedule GS1-SL ("Schedule") for State and Local Government Agencies. If CONSULTANT receives notification of a dispute or the commencement of litigation regarding the Project within the time specified in the Schedule, the CONSULTANT shall continue to maintain all service records until final resolution of the dispute or litigation.

F. Confidential and/or Exempt Information. CONSULTANT must maintain the confidential and/or exempt nature of all confidential and/or exempt documents received under this Service. Upon completion of the Service, CONSULTANT will return to COUNTY all confidential and/or exempt project documents including, but not limited to, designs, files, photos, reports, maps, drawings, specifications, schematics, diagrams, shop drawings, construction documents and electronic files. CONSULTANT will provide written certification to COUNTY that all documents designated as confidential and/or exempt have been returned to the COUNTY or destroyed.

6.17 Force Majeure. The parties will exercise every reasonable effort to meet their respective obligations under this Agreement, but will not be liable for delays resulting from force majeure or other causes beyond their reasonable control, including, but not limited to, compliance with any Government law or regulation, acts of nature, acts or omissions of the other party, Government acts or omissions, fires, strikes, national disasters, wars, riots, transportation problems and any other cause whatsoever beyond the reasonable control of the parties. Any such cause will extend the performance of the delayed obligation to the extent of the delay so Incurred.

6.18 Minimum Wage. The wage rate paid to all laborers, mechanics, and apprentices employed by the CONSULTANT for the work under the Agreement may not be less than the prevailing wage rates for similar classifications of work as established by the Federal government and enforced by the U.S. Department of Labor, Wages and Hours Division, and Florida's Minimum Wage requirements in Article X, Section 24(f) of the Florida Constitution and enforced by the Florida Legislature by statute or the State Agency for Workforce Innovation by rule, whichever is higher.

6.19 Licenses and Permits. CONSULTANT will be solely responsible for obtaining all necessary approvals and permits to complete the service, unless specifically agreed otherwise in the Scope of Services. The CONSULTANT shall remain appropriately licensed throughout the course of the Service. If the

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CONSULTANT employs the services of a subcontractor, the CONSULTANT shall ensure that any subcontractor is appropriately licensed throughout the course of the Service. Failure to maintain all required licenses will entitle the COUNTY, at its option, to terminate this Agreement. Damages, penalties, or fines imposed on the COUNTY or CONSULTANT for failure to obtain required licenses, permits, inspections, or other fees, or inspections, will be borne by the CONSULTANT.

6.20 Assignment of Agreement. This Agreement may not be assigned except with the written consent of the COUNTY. No such consent will be construed as making the COUNTY a party to the assignment or subjecting the COUNTY to liability of any kind to any assignee. No assignment will under any circumstances relieve the CONSULTANT of liability and obligations under this Agreement and all transactions with the COUNTY must be through the CONSULTANT. Additionally, unless otherwise stipulated in this Agreement, the CONSULTANT shall notify and obtain prior written consent from the COUNTY prior to being acquired or subject to a hostile takeover. Any acquisition or hostile takeover without the prior consent of the COUNTY may result in termination of this Agreement for default.

ARTICLE 7 MISCELLANEOUS PROVISIONS

7.1 This Agreement is made under, and in all respects will be interpreted, construed, and governed by and in accordance with, the laws of the State of Florida. Venue for any legal action resulting from this Agreement will lie solely in Lake County, Florida. The CONSULTANT hereby waives its right to a jury trial for any action arising from the Agreement.

7.2 The captions utilized in this Agreement are for the purposes of identification only and do not control or affect the meaning or construction of any of the provisions of this Agreement.

7.3 This Agreement will be binding upon and will inure to the benefit of each of the parties and of their respective successors and permitted assigns.

7.4 This Agreement may not be amended, released, discharged, rescinded or abandoned, except by a written instrument duly executed by each of the parties.

7.5 The failure of any party at any time to enforce any of the provisions of this Agreement will in no way constitute or be construed as a waiver of such provision or of any other provision of this Agreement, nor in any way affect the validity of, or the right to enforce, each and every provision of this Agreement.

7.6 During the term of this Agreement the CONSULTANT assures the COUNTY that it is in compliance with Title VII of the 1964 Civil Rights Act, as amended, and the Florida Civil Rights Act of 1992, in that the CONSULTANT does not on the grounds of race, color, national origin, religion, sex, age, disability or marital status, discriminate in any form or manner against the CONSULTANT'S employees or applicants for employment. The CONSULTANT understands and agrees that this Agreement is conditioned upon the veracity of this statement of assurance.

7.7 The CONSULTANT must at all times comply with all Federal, State and local laws, rules and regulations.

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7.8 The employees of the CONSULTANT will be considered at all times its employees and not an employee or agent of the COUNTY. The CONSULTANT will provide employees capable of performing the work as required. The COUNTY may require the CONSULTANT to remove any employee it deems unacceptable.

7.9 Fraud, misrepresentation, and material misstatements. Any individual, corporation, or other entity that attempts to meet its contractual obligations with the COUNTY through fraud, misrepresentation or material misstatement, may be debarred for up to five (5) years. The COUNTY as a further sanction may terminate or cancel any other contracts with such individual, corporation, or entity. Such individual or entity will be responsible for all direct or indirect costs associated with termination or cancellation, including attorney's fees.

7.10 Certification Regarding Scrutinized Companies: The CONSULTANT hereby certifies that, pursuant to Section 287.135, Florida Statutes, it is not listed on the Scrutinized Companies that Boycott Israel and is not participating in a boycott of Israel. The CONSULTANT understands that pursuant to Section 287.135, Florida Statutes, the submission of a false certification may subject it to civil penalties, attorneys' fees, and costs. The CONSULTANT further understands that any contract with the COUNTY for goods or services may be terminated at the option of the COUNTY if the CONSULTANT is found to have submitted a false certification or has been listed on the Scrutinized Companies that Boycott Israel list or is participating in a boycott of Israel.

The CONSULTANT, by entering this Agreement, hereby certifies that, pursuant to Section 287.135, Florida Statutes, it is not listed on the Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, or the Scrutinized Companies with Activities in Sudan List, is not listed on the Scrutinized Companies that Boycott Israel and is not participating in a boycott of Israel, and is not engaged in business operations in Cuba or Syria. The CONSULTANT understands that pursuant to Section 287.135, Florida Statutes, the submission of a false certification may subject it to civil penalties, attorneys' fees, and costs. The CONSULTANT further understands that any contract with the County for goods or services of $1 million or more may be terminated at the option of the COUNTY if the CONSULTANT is found to have submitted a false certification or has been listed on the Scrutinized Companies with activities in the Iran Petroleum Energy Sector List or the Scrutinized Companies with Activities in Sudan List, is listed on the Scrutinized Companies that Boycott Israel list or is participating in a boycott of Israel, or is engaged in business operations in Cuba or Syria.

7.11 Anti-Trafficking Related Activities. The U.S. Government has adopted a policy prohibiting trafficking in persons including the trafficking-related activities listed below. These prohibitions specifically apply to some federally funded contracts and prohibit CONSULTANT, CONSULTANT employees, and their agents from:

A. Engaging in severe forms of trafficking in persons during the period of performance of the contract;

B. Procuring commercial sex acts during the period of performance of the contract;

C. Using forced labor in the performance of the contract;

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D. Destroying, concealing, confiscating, or otherwise denying access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;

E. Using misleading or fraudulent practices during the recruitment of employees;

F. Charging employees or potential employees recruitment fees;

G. Failing to provide return transportation or paying for the cost of return transportation upon the end of employment for certain employees;

H. Providing or arrange housing that fails to meet the host country housing and safety standards; or

I. Failing to provide an employment contract, recruitment agreement, or other required work documents in writing, as required by law or contract.

7.12 Prohibition against contingent fees. CONSULTANT, by entering this Agreement, warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this Agreement and that they have not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the CONSULTANT, any consideration contingent upon or resulting from the award or making of this Agreement.

7.13 Other Departments. Although this Agreement is specific to a Department of the COUNTY, it is agreed and understood that any department of the COUNTY may avail itself of this Agreement and purchase any and all items specified in this Agreement at the contract prices established in this Agreement. A contract modification will be issued by the COUNTY identifying the requirements of the additional

7.14 State Registration Requirements. The CONSULTANT shall either be registered or have applied for registration with the Florida Department of State in accordance with the provisions of Florida law, unless exempt from registration.

7.15 Grant Funding. In the event that any part of this Agreement is to be funded with federal, state, or other local agency monies, the CONSULTANT hereby agrees to comply with all requirements of the funding entity applicable to the use of the monies, including full application of requirements involving the use of minority-owned business enterprises, women-owned business enterprises, and labor surplus area firms. CONSULTANTs are advised that payments under this Agreement may be withheld pending completion and submission of all required forms and documents required of the CONSULTANT pursuant to grant funding requirements. THIS AGREEMENT IS FUNDED UNDER THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND (SLFRF) PROGRAM, ADMINISTERED BY THE U.S. DEPARTMENT OF TREASURY; CONSULTANT MUST COMPLY WITH ALL FEDERAL REQUIREMENTS IN PROVIUDING SERVICES UNDER THIS AGREEMENT.

7.16 Continuation of Work. Any work that commences prior to and will extend beyond the expiration date of this Agreement, must, unless terminated by mutual agreement between COUNTY and CONSULTANT, continue until completion without change to the then current prices, terms, and conditions.

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7.17 Sovereign Immunity. COUNTY expressly retains all rights, benefits, and immunities of sovereign immunity in accordance with Section 768.28, Florida Statutes. Nothing will be deemed as a waiver of immunity or the limitations of liability of COUNTY beyond any statutory limited waiver of immunity or limits of liability. Nothing will inure to the benefit of any third party for the purpose of allowing any claim against COUNTY, which would otherwise be barred under the law.

7.18 Severability. The invalidity or unenforceability of any particular provision of this Agreement will not affect the other provisions of this Agreement, and this Agreement must be construed in all respects as if such invalid or unenforceable provisions were omitted.

7.19 Notices. Wherever provision is made in this Agreement for the giving, service, or delivery of any notice, statement or other instrument, such notice must be in writing and will be deemed to have been duly given, served, and delivered, if delivered by hand or mailed by United States registered or certified mail, addressed as follows:

If to CONSULTANT:
Bill Ball
Alfred Benesch & Company
35 West Wacker Drive, Ste. 3300
Chicago, Illinois 60601

If to COUNTY:
Lake County Manager
Lake County Administration Building
315 West Main Street
P.O. Box 7800
Tavares, Florida 32778

With a copy to:
County Attorney
Lake County Administration Building
315 West Main Street, Ste. 335
P.O. Box 7800
Tavares, Florida 32778

Each party may change its mailing address by giving to the other party, by hand delivery, United States registered or certified mail, notice of election to change such address.

ARTICLE 8. SCOPE OF AGREEMENT

8.1 This Agreement is intended by the parties to be the final expression of their Agreement, and it constitutes the full and entire understanding between the parties with respect to the subject of this Agreement, notwithstanding any representations, statements, or agreements to the contrary previously made. Any items not covered under this Agreement will need to be added via written addendum. This Agreement includes the following exhibits, all of which are incorporated in this Agreement:

Exhibit A (Composite) Scope of Work (3 pages), Attachment 1-Submittal Form (3 pages), Proposed Solution (4 pages) (Total 10 pages)
Exhibit B..... Pricing Sheet (1 page)

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IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: the COUNTY through its Board of County Commissioners, signing by and through its Chairman; and by the CONSULTANT through its duly authorized representative.

CONSULTANT

ALFRED & BENESCH COMPANY

Bill Ball

Bill Ball, Senior Vice President

This 2nd day of December, 2024.

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COUNTY

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

Leslie Campione

Leslie Campione, Chairman

This 17th day of December, 2024.

ATTEST:

Gary Cooney

Gary Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

BOARD OF COUNTY COMMISSIONERS LAKE COUNTY, FLORIDA

Approved as to form and legality:

Melanie Marsh 12/17/24

Melanie Marsh
County Attorney

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EXHIBIT A – SCOPE OF SERVICES **24-516**
PUBLIC SAFETY CONSULTING SERVICES

1. BACKGROUND

1.1. Lake County Fire Rescue provides and receives fire-related services within specific geographical areas of various municipal boundaries through a financial reimbursement formula that is based on the amount of specific emergency incidents and resource types. This reimbursement between municipalities and the county is settled on a recurring monthly basis.

1.2. The County's current funding comes from three main sources of revenue to provide public safety services.

1.2.1. A county-wide ad valorem MSTU assessment levied on all municipal and unincorporated Lake County properties for Emergency Medical Services (EMS) transport services.

1.2.2. A Fire ad valorem MSTU assessment levied on all unincorporated Lake County properties for emergency fire/rescue services.

1.2.3. A non-ad valorem Fire Assessment fee billed to all unincorporated Lake County properties for emergency fire/rescue services.

1.3. The County desires to engage a Public Safety Consultant to determine more accurate and appropriate financing formulas that are based on property and building square footage data collected by the Lake County Property appraiser.

2. SCOPE OF SERVICES

2.1. Consultant shall work under a lump sum professional fee arrangement based on a schedule of payments to complete the tasks outline in Paragraph 3.2.

2.1.1. Consultant shall submit a proposed payment schedule with the initial proposal response.

2.1.2. Consultant shall also submit a list of project deliverables and their delivery schedule for the cited deliverables with their initial proposal response.

3. DELIVERY REQUIREMENTS

3.1. The following deliverables will be required during this project:

3.1.1. Utilize the County approved formula to calculate the annual Fire Assessment Fee. Information from the Lake County Property Appraiser property database and the County ad valorem tax roll database shall be used to update the non-ad valorem Special Assessment database and formula in calculating the annual Fire Assessment fee. for

3.1.2. Provide a review of the annual collection methods to ensure they meet all statutory and legal requirements.

3.1.3. Develop and certify the annual fire assessment tax roll, which includes all Property use categories. Ensure deadlines are met for TRIM notices and certification of the Final Tax Roll as needed for inclusion in the annual July TRIM notice deadline and at County's request.

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3.2. Unless otherwise amended in writing, the performance period for completion of the initial study effort must not exceed one hundred twenty (120) calendar days. The performance period for any subsequent update to the initial study must not exceed sixty (60) calendar days. The following task list is provided as a guide to delineate all services required by the County:

3.2.1. **Task 1: Evaluate Reports and Research Issues:** Evaluate the County's documents, ad valorem tax roll information, fire call data, agreements, reports and other data pertaining to the provision of fire rescue services.

3.2.2. **Task 2: Update Apportionment Methodology:** Using the current ad valorem tax roll and fire incident data reported to the State Fire Marshal, update the method of apportionment, classification of properties and the use of the data on the assessment roll. Review the assessment methodology for legal sufficiency and compatibility with the tax bill method of collection.

3.2.3. **Task 3: Determine Preliminary Revenue Requirements:** Advise the County in determining the total fire service assessment revenue requirements to ensure the County recovers the costs of: (a) net fire service delivery revenue requirements, (b) implementing the program, and (c) collecting the assessments.

3.2.4. **Task 4: Develop Preliminary Assessment Roll Database:** Using the current ad valorem tax roll and fire special assessment roll, create a preliminary assessment roll database. Test the sufficiency of the database by developing reports to access property information.

3.2.5. **Task 5: Apply Apportionment Methodology to Database:** Apply the apportionment methodology to the preliminary assessment roll database to test the data validity and legal sufficiency. Revise the apportionment methodology as necessary to provide a final product to be utilized for certification.

3.2.6. **Task 6: Calculate a Preliminary Proforma Schedule of Rates:** Using the developed assessment roll, calculate a proforma schedule of rates based on the developed apportionment methodology and revenue requirements for the assessment program .

3.2.7. **Task 7: Prepare and Present Assessment Memorandum:** Prepare and present an Assessment Memorandum that fully supports and justifies the proposed apportionment methodologies and proforma assessment rates.

3.2.8. **Task 8: Assist With Assessment Resolutions:** Advise and assist the County's legal counsel in drafting the preliminary and final assessment resolutions that conform to the assessment ordinance and that implement the County's policy decisions, proposed methodology and adopts final assessment rates.

3.2.9. **Task 9: Assist with Rate Adoption Process:** Advise and assist with fulfilling the legal requirements for the adoption of the final assessment rate resolution and certification of the assessment roll in accordance with Section 197.3632, Florida Statutes as required.

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3.2.10. **Task 10: As directed by the County, conduct periodic review and update of the initial funding study effort:** Consultant shall provide all efforts to update the initial funding study based on the most current information gathered in this resource evaluation study to examine and either confirm or amend, the fire assessment value established during this project effort.

4. COUNTY RESPONSIBILITIES

4.1. The County is responsible for any newspaper publications, including, but not limited to, arranging for publications and any costs associated with those publications.

4.2. The County is responsible for all reasonable costs incurred to obtain information from the property appraiser or other public officials that is necessary for the assessment program.

4.3. The contract will provide for a term of up to five (5) years. This operational period has been selected to enable the County, after completion of the initial study effort, to:

4.3.1. Exercise, as determined to be required, the optional effort included within the pricing table for periodic updates based on the most current historical or other associated data to support continued accuracy of funding formula or fee assessments, and

4.3.2. Provide a payment structure enabling the Consultant to provide, at the hourly rates specified in the pricing table, technical and representative support regarding any litigation that may be required during the stated duration of the contract.

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The undersigned hereby declares that: Alfred Benesch & Company has examined and accepts the specifications, terms, and conditions presented in this Solicitation, satisfies all legal requirements to do business with County, and to furnish **PUBLIC SAFETY CONSULTING SERVICES** for which Submittals were advertised to be received no later than 3:00 P.M. Eastern time on the date stated in the solicitation or as noted in an addenda. Furthermore, the undersigned is duly authorized to execute this document and any contracts or other transactions required by award of this Solicitation.

1.0 TERM OF CONTRACT

Contract will be awarded for an initial one (1) year term with the option for two (2) subsequent two (2) year renewals. Renewals are contingent upon mutual written agreement.

Contract will commence upon the approval by the authorized authority or related Notice to Proceed. Contract remains in effect until completion of the expressed and implied warranty periods. County reserves the right to negotiate for additional services/items similar in nature not known at time of solicitation.

2.0 PAYMENT

Contractor shall email County's using department an accurate invoice within 30 calendar days after delivery. Invoices shall reference the: purchase/task order, delivery date, delivery location, and corresponding packing slip or delivery ticket signed by a County representative at the time of acceptance. Failure to submit invoices in the prescribed manner will delay payment.

Payments will be tendered in accordance with the Florida Prompt Payment Act, Part VII, Chapter 218, Florida Statutes. County will remit full payment on all undisputed invoices within 45 days from receipt by the appropriate County using department. County will pay interest not to exceed 1% per month on all undisputed invoices not paid within 30 days after the due date.

All pricing will be FOB Destination unless otherwise specified in this solicitation document. Pricing submitted will remain valid for a ninety (90) day period.

The County's preferred method for invoice payment is electronic remittance of invoices via virtual payment cards (ePayables) instead of paper checks. Contractor is encouraged to adopt the County's electronic payment option. ePayables is designed to deliver payables quickly and more efficiently than check payments. This procedure is consistent with the County's obligations and purpose, with an overall intent to utilize technology to provide value to the taxpayers.

Vendor requests more information about accepting ePayables for payment: YES

Vendor accepts MasterCard for payment: NO

3.0 CERTIFICATION REGARDING LAKE COUNTY TERMS AND CONDITIONS

I certify that I have reviewed the General Terms and Conditions for Lake County Florida and accept the Lake County General Terms and Conditions dated 5/6/21 as written including the Proprietary/Confidential Information section. YES

Failure to acknowledge may result in Submittal being deemed non-responsive.

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ATTACHMENT 1 – SUBMITTAL FORM **24-516**

4.0 CERTIFICATION REGARDING FELONY CONVICTION

Has any officer, director, or an executive performing equivalent duties, of the bidding entity been convicted of a felony during the past ten (10) years? NO

5.0 CONFLICT OF INTEREST DISCLOSURE CERTIFICATION

Except as listed below, no employee, officer, or agent of the firm has any conflicts of interest, real or apparent, due to ownership, other clients, contracts, or interests associated with this project; and, this Submittal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same services, and is in all respects fair and without collusion or fraud. None

6.0 CERTIFICATION REGARDING BACKGROUND CHECKS

Under any County Contract that involves Contractor or subcontractor personnel working in proximity to minors, Vendor hereby confirms that any personnel so employed will have successfully completed an initial, and subsequent annual, Certified Background Check, completed by Contractor at no additional cost to County. County retains the right to request and review any associated records with or without cause, and to require replacement of any Contractor employee found in violation of this requirement. Contractor shall indemnify County in full for any adverse act of any such personnel in this regard. Additional requirements may apply in this regard as included within any specific contract award. YES

7.0 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

County does not establish specific goals for minority set-asides however, participation by minority and non-minority qualified firms is strongly encouraged. If the firm is a minority firm or has obtained certification by the State of Florida, Office of Supplier Diversity, (OSD) (CMBE), please indicate the appropriate classification(s) not applicable not applicable
and enter OSD Certification Number Click or tap here to enter text.
and enter effective date Click or tap to enter a date. to date Click or tap to enter a date.

8.0 ANTITRUST VIOLATOR VENDOR LISTS

A person or an affiliate who has been placed on the antitrust violator vendor list following a conviction or being held civilly liable for an antitrust violation may not submit a bid, proposal, or reply for any new contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply for a new contract with a public entity for the construction or repair of a public building or public work; may not submit a bid, proposal, or reply on new leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a new contract with a public entity; and may not transact new business with a public entity.

9.0 FEDERAL FUNDING REQUIREMENT

N/A.

10.0 RECIPROCAL VENDOR PREFERENCE

N/A.

11.0 GENERAL VENDOR INFORMATION

Firm Name: Alfred Benesch & Company

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ATTACHMENT 1 – SUBMITTAL FORM **24-516**

Street Address: 1000 N. Ashley Drive, Suite 400
City: Tampa State and ZIP Code: Florida, 33602
Mailing Address (if different): Click or tap here to enter text.
Telephone: 813-825-1225 Fax: 866-410-8678
Federal Identification Number / TIN: 36-2407363
DUNS Number: 04-981-2563

12.0 SUBMITTAL SIGNATURE

I hereby certify the information indicated for this Submittal is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an authorized representative of this Vendor and/or empowered to execute this Submittal on behalf of the Vendor. I, individually and on behalf of the Vendor, acknowledge and agree to abide by all terms and conditions contained in this solicitation as well as any attachments, exhibits, or addenda.

Name of Legal Representative Submitting this Proposal: Bill Ball, AICP
Date: 8/29/24
Print Name: Bill Ball, AICP
Title: Florida Division Manager, Senior Vice President
Primary E-mail Address: bball@benesch.com
Secondary E-mail Address: nkamp@benesch.com

The individual signing this Submittal affirms that the facts stated herein are true and that the response to this Solicitation has been submitted on behalf of the aforementioned Vendor.

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benesch

Section 4 | Proposed Solution

Lake County // RSQ #24-516 - Public Safety Consultant Services



benesch

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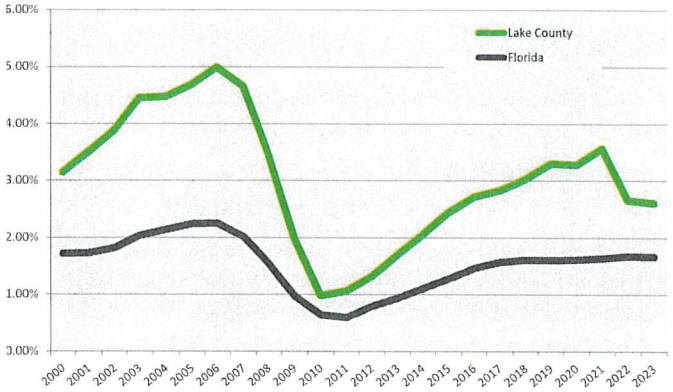
BACKGROUND REVIEW & PROJECT UNDERSTANDING

Located in central Florida, Lake County has a resident population of approximately 415,000. As shown in **Figure 1**, the County experienced an average annual population growth of approximately 3% between 2000 and 2023. Unlike many Florida counties, this growth continued even during the great recession.

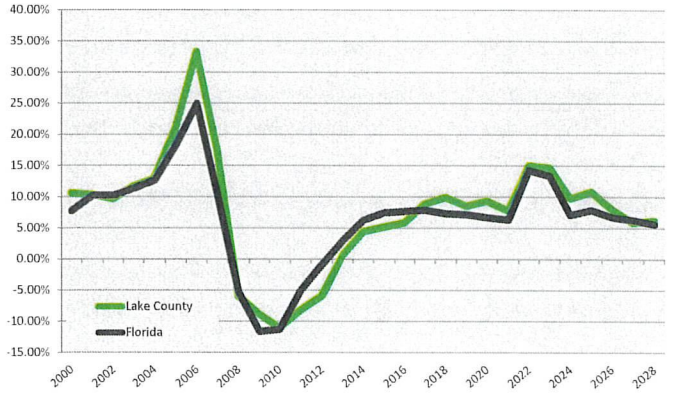
Figure 1: Lake County & State of Florida Population Growth Trends



Source: Bureau of Economic and Business Research (BEBR), 2000–2023

In terms of taxable values per capita, Lake County experienced significant growth between 2000 and 2007, followed by a decline until 2013, as shown in **Figure 2**. In 2014, the County's tax base started to recover. These fluctuations in property tax revenues require the County to use a diverse set of stable revenue sources.

Figure 2: Lake County & State of Florida Change in Taxable Value Per Capita



Sources: Florida Property Valuations & Tax Databook, 2000–2023 data; Florida Legislature's Department of Economic and Demographic Research (EDR)

Lake County Fire Rescue (LCFR) provides emergency medical services (EMS) countywide and fire-related services in unincorporated portions of the County, Cities of Mascotte and Fruitland Park and Towns of Astatula, Montverde and Lady Lake. LCFR operates out of 30 stations and covers an area of 1,100 square miles.

The County currently uses the following revenue sources, primarily to fund the operational expenses:

- A countywide ad valorem Municipal Services Taxing Unit (MSTU) for EMS transport services;
- A non-ad valorem fire assessment billed to unincorporated Lake County properties for fire rescue/ basic life support services;
- A fire ad valorem MSTU assessment levied to properties in unincorporated county for emergency medical/ advanced life support services; and
- Municipalities that receive fire-related services enter into a contractual agreement with the County where the County is reimbursed based on specific emergency incidents and resource types on a monthly basis.

Lake County also has a fire impact fee that is dedicated to capital expansion projects, such as the addition of stations and vehicles.

In 2024, Lake County conducted a comprehensive study that evaluated potential funding sources for the fire rescue and EMS services. As part of this effort, the County's fire assessment structure was refined to reflect full cost associated with non-ALS services. At this time, the County is interested in a study to reflect more accurate property and building square footage data from the Lake County Property Appraiser database to use in fire assessment calculations.

Benesch has an extensive understanding of fire and EMS operations funding options and associated legal requirements and limitations, which enables us to provide this scope of services for the County. **In addition, Benesch has been updating Lake County's non-ad valorem assessment program since 2010. We also completed the most recent update of the County's fire rescue impact fee.** Through this and other work for Lake County, we are familiar with the County's fire assessment structure, which will allow us to efficiently provide services requested by the County.

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PROPOSED SOLUTION

The remainder of this section includes the methodology that will be used to update the County's fire and rescue assessment fee study. The technical study approach is organized into following six major tasks.

Task 1: Background Review and Methodology Review

Upon receipt of the Notice to Proceed, Benesch will coordinate with the County for the collection of the County's existing documents, ad valorem tax roll information, fire rescue call data, agreements with the Tax Collector and Property Appraiser, and other related data. Through our previous work for Lake County, Benesch has most of this background information; however, any of the documents that were developed subsequent to the most recent study will be obtained.

Benesch will review the background information and facilitate a kick-off meeting with key County staff to identify and discuss major technical and policy issues, coordinate staff/Benesch responsibilities; and refine the project schedule as necessary.

Task 2: Update of Fire Assessment Methodology

Based on input and direction received from the County, Benesch will develop the method of apportionment for the assessment program. More specifically, this task will include the following subtasks.

Task 2a – Identification of Full Costs of Services

Benesch will evaluate budget associated with Lake County Fire Rescue (LCFR) services for the current fiscal year as well as budget requests for future years. The full cost of providing fire service delivery that includes all direct and indirect costs will be identified. Portions of the budget associated with ALS services will be identified based on information provided by LCFR. The analysis will take into consideration any outstanding funding needs as well as fluctuations in the budget due to larger non-recurring expenditures. The budget used for the study will incorporate full costs of services, including:

- Net fire rescue services
- Implementing programs
- Collecting assessments
- Creating assessment rolls

Any dedicated revenues and/or alternative sources of revenues that need to be accounted for will be identified. Net service delivery revenue requirements for current and future levels of service will be documented, and projected revenue requirements will be incorporated. In addition, Benesch will assist the County in identifying policy decisions necessary to implement the assessment program for future years.

Task 2b – Analysis of Service Demand Using Proposed Methodology

Benesch will obtain fire incident data from LCFR to determine the appropriate service demand using the agreed-upon assessment methodology. In the past, Benesch used incident data for over longer time frame for the service demand component to ensure that fluctuations in call data from year to year are minimized. Limited sample size, especially in the case of certain land uses, makes it critical to use several years of data. This practice will be continued during the upcoming updates.

Benesch will analyze the historical call data to identify calls that should be excluded from the analysis and determine a trend in the distribution of remaining incidents between the different assessment rate classes. Any service delivery issues that may affect the apportionment methodology will be identified.

Given that fire assessments can be charged for fire as well as first response/BLS incidents, this analysis also will include a review of the different incident types and on-scene procedures to ensure that only those incidents appropriate for use in the service demand analysis are included in each program.

Finally, the frequency and the level of staff and vehicle time used for each type of incident/property will be evaluated. Certain types of land uses or buildings may not request assistance frequently, but the associated response duration and resource utilization may be more significant.

Task 2c – Calculation of Development Units

To determine the number of development units for each assessment rate class, Benesch will work with Lake County staff as well as the Lake County Property Appraiser database to update the FY 2024-25 assessment roll. Lake County maintains a fire assessment property classification database. Data from this database will be compared to Lake County Property Appraiser database to determine any variations as well as for tiering properties by size. Any new properties

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will be assigned an assessment rate class to tie each real property record to the appropriate assessment rate class. Properties that need to be exempted, such as agricultural land, unbuildable land, very small parcels, parking structures, etc., will be identified.

Upon assigning an assessment rate class to each property in the database, Benesch will review any significant changes from the current assessment rates to evaluate any outlier data that may need to be adjusted.

Task 2d – Calculation of Rates and Revenue Requirements

Based on the methodology agreed to in Task 1, apportioned costs for each land use and calculated development units, a rate schedule for the non-ad valorem assessment program will be developed. The rate schedule will include assessment cap rates, if needed, and will ensure that the identified assessable costs are fully funded. A preliminary assessment roll database will be developed and tested for sufficiency. If needed, the apportionment methodology will be revised. Benesch will develop a rate calculator that will assist the County in analyzing different rate scenarios and revenue projections.

Task 3: Technical Report

Results of Tasks 1 and 2 analyses will be provided in a draft technical report. The report will provide a cost analysis based on information provided by the County and revenue generation options. Detailed documentation and justification of the proposed apportionment methodology and resulting rates will be incorporated into the report.

Upon receipt of comments from the County, Benesch will prepare a final technical report.

Task 4: Legal Assistance

Historically, Lake County Attorney's Office led the effort on legal requirements and preparation of resolutions. Benesch will review draft resolutions prepared by the County and provide comments if needed. If the County would like to retain an outside counsel for this task, Benesch can obtain and provide quotes from legal firms that are experienced in fire assessment programs.

Task 5: Meetings and Presentations

As part of this study, the following four meetings and presentations will be conducted:

- Kickoff meeting (virtual)
- One virtual meeting with County staff and administration to review draft report findings and prepare for public meetings
- One workshop with the Lake County Board of County Commission to present study results and obtain input
- One public hearing

For all presentations, Benesch will prepare user-friendly, easy-to-follow materials in PowerPoint and provide drafts to County staff for review prior to the each meeting/ presentation. In addition to these formal meetings, Benesch will be in close contact with the County's Project Manager to ensure that the County is aware of the study's progress. With an office in Tampa, Benesch is easily accessible to Lake County staff.

Task 6: Interim Studies

Over the past 14 years, Benesch prepared several interim fire assessment studies for Lake County. These studies evaluated key variables and indicated any significant changes in any of the variables. Similarly, as requested by the County, Benesch will prepare interim studies that will evaluate demand and property data provided by the County and either confirm or revise the initial fire assessment value established in the initial study. This task includes one in-person meeting to present the study results. A budget for this task will be provided upon request.

Project Deliverables and Study Schedule:

As part of the study Benesch will provide the following deliverables:

- Using the County-approved formula, the calculated annual fire assessment rates. Information from the Lake County Property Appraiser database and the County ad valorem tax roll database will be used to update the non-ad valorem special assessment database and formula in calculating fire assessment rates.
- A review of the annual collection methods to ensure they meet all statutory and legal requirements.
- Development and certification of the annual fire assessment roll, which includes property use categories. Benesch will ensure that deadlines are met for TRIM notices and certification of the Final Tax Roll as needed for inclusion in the annual July TRIM notice deadline and at County's request.

Staffing and equipment: Our staffing resources can be found on our organizational chart and we do not anticipate needing any additional equipment to complete this contract.

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EXHIBIT B

ATTACHMENT 2 - PRICING SHEET **24-516** **PUBLIC SAFETY CONSULTING SERVICES**

Alfred Benesch & Company			
SAVE AND SUBMIT AS AN EXCEL FILE			
Contractor to furnish all labor, materials, tools, transportation, and equipment necessary to provide services in accordance with specifications listed and implied. Actual hours are unknown and estimated for evaluation purposes only.			
Alterations to locked cells may result in disqualification of submission.			
ITEM #	**ITEM DESCRIPITION**	**PROPOSED TIME FRAME (CALENDAR DAYS)**	**LUMP SUM PRICE**
1	ENTER lump sum price for turnkey project. Price shall be all inclusive to complete all work described and implied.	120 Days	$79,810.00

Lake County is exempt from all taxes (Federal, State, Local). A Tax Exemption Certificate will be furnished upon request for any direct purchasing. Contractor will be responsible for payment of taxes on all materials purchased by the Contractor for the project.

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PROJECT BUDGET

The professional fees to prepare the Fire Assessment Study (Tasks 1 through 5 of the Proposed Solution) for Lake County are estimated as a lump sum of $79,810, which includes three virtual and two in-person meetings. The table below provides a summary of this information. All work will be completed by Benesch.

Task #	Task Description	Project Manager	Senior Planner/ Engineer	Planner/ GIS Specialist	Admin	Total Task Hours	Burdened Cost/Task
		$290.00	$155.00	$135.00	$85.00		
TASK 1	**BACKGROUND REVIEW / DATA COLLECTION**	**12.0**	**14.0**	**6.0**	**3.0**	**35.0**	**$6,715**
1.1	Send Data Request Memorandum	1.0	3.0		1.0	5.0	$840
1.2	Review Background Materials	8.0	8.0	6.0	1.0	23.0	$4,455
1.3	Kick-off Meeting (Virtual)	3.0	3.0		1.0	7.0	$1,420
TASK 2	**UPDATE NON-AD VALOREM FIRE ASSESSMENT RATES**	59.0	101.0	111.0	4.0	275.0	$48,090
2.1	Service Demand Analysis	12.0	38.0	31.0	1.0	82.0	$13,640
2.2	Analysis of Budget	10.0	13.0	15.0	1.0	39.0	$7,025
2.3	Calculated Development Units	16.0	25.0	35.0	1.0	77.0	$13,325
2.4	Calculation of Rates, Preliminary Assessment Roll and Revenue Requirements	21.0	25.0	30.0	1.0	77.0	$14,100
TASK 3	**TECHNICAL REPORT**	16.0	22.0	26.0	2.0	66.0	$11,730
3.1	Development of the Draft and Final Technical Reports	12.0	18.0	22.0	1.0	53.0	$9,325
3.2	Draft Report Review Meeting with County Staff & Administration (Virtual)	4.0	4.0	4.0	1.0	13.0	$2,405
TASK 4	**LEGAL ASSISTANCE**	12.0	4.0	4.0	1.0	21.0	$4,725
4.1	Review of Legal Documents	12.0	4.0	4.0	1.0	21.0	$4,725
TASK 5	MEETINGS & PRESENTATIONS	21.0	9.0	6.0	3.0	39.0	$8,550
5.1	Draft Report Review Meeting (Virtual)	5.0	5.0	2.0	1.0	13.0	$2,580
5.2	Public Meetings (2)	16.0	4.0	4.0	2.0	26.0	$5,970
	TOTAL PROJECT BUDGET	120.0	150.0	153.0	13.0	436.0	$79,810

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AFFIDAVIT OF COMPLIANCE WITH ANTI-HUMAN TRAFFICKING LAWS

State of Florida

County of Hillsborough

In accordance with section 787.06 (14), Florida Statutes, the undersigned, on behalf of Alfred Benesch & Company (the "Entity"), hereby attests under penalty of perjury, that the Entity does not use coercion for labor or services as defined in Section 787.06, Florida Statutes, entitled "Human Trafficking."

The undersigned representative of the Entity is authorized to execute this affidavit on behalf of the Entity.

Date: August 24, 2026

Signed: _____

Entity: Alfred Benesch & Company

Name: Elisabeth Schuck, AICP

Title: Vice President, FL Division Manager

Sworn to (or affirmed) and subscribed before me this 24th day of August, 2026, by Elisabeth Schuck.

Notary Public State of Florida
Christina M. Gomez
My Commission HH 746473
Expires 3/31/2030

Notary Signature

Christina M. Gomez

PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known ✓

OR Produced Identification _____

Type of Identification Produced _____

[NOTARY SEAL]

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CONTRACTOR E-VERIFY AFFIDAVIT

I hereby certify that Alfred Benesch & Company *[insert contractor company name]* does not employ, contract with, or subcontract with an unauthorized alien, and is otherwise in full compliance with Section 448.095, Florida Statutes.

All employees hired on or after January 1, 2021 have had their work authorization status verified through the E-Verify system.

A true and correct copy of Alfred Benesch & Company *[insert contractor company name]* proof of registration in the E-Verify system is attached to this Affidavit.

Print Name: Elisabeth Schuck, AICP

Title: Vice President, FL Division Manager

Date: August 24, 2026

STATE OF FLORIDA

COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 24th day of August, 20 26 by Elisabeth Schuck *[name of officer or agent, title of officer or agent]* of Alfred Benesch & Company *[name of contractor company acknowledging]*, a Illinois *[state or place of incorporation]* corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ *[type of identification]* as identification.

[Notary Seal]

Notary Public

Christina M. Gomez

Name typed, printed or stamped

Notary Public State of Florida
Christina M. Gomez
My Commission HH 746473
Expires 3/31/2030

My Commission Expires: 3/31/2030

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Company ID Number: 307873

THE E-VERIFY MEMORANDUM OF UNDERSTANDING FOR EMPLOYERS

ARTICLE I
PURPOSE AND AUTHORITY

The parties to this agreement are the Department of Homeland Security (DHS) and Alfred Benesch & Co. (Employer). The purpose of this agreement is to set forth terms and conditions which the Employer will follow while participating in E-Verify.

E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of Form I-9, Employment Eligibility Verification (Form I-9). This Memorandum of Understanding (MOU) explains certain features of the E-Verify program and describes specific responsibilities of the Employer, the Social Security Administration (SSA), and DHS.

Authority for the E-Verify program is found in Title IV, Subtitle A, of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, as amended (8 U.S.C. § 1324a note). The Federal Acquisition Regulation (FAR) Subpart 22.18, "Employment Eligibility Verification" and Executive Order 12989, as amended, provide authority for Federal contractors and subcontractors (Federal contractor) to use E-Verify to verify the employment eligibility of certain employees working on Federal contracts.

In Process

ARTICLE II
RESPONSIBILITIES

A. RESPONSIBILITIES OF THE EMPLOYER

1. The Employer agrees to display the following notices supplied by DHS in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system:

   a. Notice of E-Verify Participation

   b. Notice of Right to Work

2. The Employer agrees to provide to the SSA and DHS the names, titles, addresses, and telephone numbers of the Employer representatives to be contacted about E-Verify. The Employer also agrees to keep such information current by providing updated information to SSA and DHS whenever the representatives' contact information changes.

3. The Employer agrees to grant E-Verify access only to current employees who need E-Verify access. Employers must promptly terminate an employee's E-Verify access if the employer is separated from the company or no longer needs access to E-Verify.

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4. The Employer agrees to become familiar with and comply with the most recent version of the E-Verify User Manual.

5. The Employer agrees that any Employer Representative who will create E-Verify cases will complete the E-Verify Tutorial before that individual creates any cases.

a. The Employer agrees that all Employer representatives will take the refresher tutorials when prompted by E-Verify in order to continue using E-Verify. Failure to complete a refresher tutorial will prevent the Employer Representative from continued use of E-Verify.

6. The Employer agrees to comply with current Form I-9 procedures, with two exceptions:

a. If an employee presents a "List B" identity document, the Employer agrees to only accept "List B" documents that contain a photo. (List B documents identified in 8 C.F.R. § 274a.2(b)(1)(B)) can be presented during the Form I-9 process to establish identity.) If an employee objects to the photo requirement for religious reasons, the Employer should contact E-Verify at 888-464-4218.

b. If an employee presents a DHS Form I-551 (Permanent Resident Card), Form I-766 (Employment Authorization Document), or U.S. Passport or Passport Card to complete Form I-9, the Employer agrees to make a photocopy of the document and to retain the photocopy with the employee's Form I-9. The Employer will use the photocopy to verify the photo and to assist DHS with its review of photo mismatches that employees contest. DHS may in the future designate other documents that activate the photo screening tool.

In Process

Note: Subject only to the exceptions noted previously in this paragraph, employees still retain the right to present any List A, or List B and List C, document(s) to complete the Form I-9.

7. The Employer agrees to record the case verification number on the employee's Form I-9 or to print the screen containing the case verification number and attach it to the employee's Form I-9.

8. The Employer agrees that, although it participates in E-Verify, the Employer has a responsibility to complete, retain, and make available for inspection Forms I-9 that relate to its employees, or from other requirements of applicable regulations or laws, including the obligation to comply with the antidiscrimination requirements of section 274B of the INA with respect to Form I-9 procedures.

a. The following modified requirements are the only exceptions to an Employer's obligation to not employ unauthorized workers and comply with the anti-discrimination provision of the INA: (1) List B identity documents must have photos, as described in paragraph 6 above; (2) When an Employer confirms the identity and employment eligibility of newly hired employee using E-Verify procedures, the Employer establishes a rebuttable presumption that it has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act (INA) with respect to the hiring of that employee; (3) If the Employer receives a final nonconfirmation for an employee, but continues to employ that person, the Employer must notify DHS and the Employer is subject to a civil money penalty between $550 and $1,100 for each failure to notify DHS of continued employment following a final nonconfirmation; (4) If the Employer continues to employ an employee after receiving a final nonconfirmation, then the Employer is subject to a rebuttable presumption that it has knowingly

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employed an unauthorized alien in violation of section 274A(a)(1)(A); and (5) no E-Verify participant is civilly or criminally liable under any law for any action taken in good faith based on information provided through the E-Verify.

b. DHS reserves the right to conduct Form I-9 compliance inspections, as well as any other enforcement or compliance activity authorized by law, including site visits, to ensure proper use of E-Verify.

9. The Employer is strictly prohibited from creating an E-Verify case before the employee has been hired, meaning that a firm offer of employment was extended and accepted and Form I-9 was completed. The Employer agrees to create an E-Verify case for new employees within three Employer business days after each employee has been hired (after both Sections 1 and 2 of Form I-9 have been completed), and to complete as many steps of the E-Verify process as are necessary according to the E-Verify User Manual. If E-Verify is temporarily unavailable, the three-day time period will be extended until it is again operational in order to accommodate the Employer's attempting, in good faith, to make inquiries during the period of unavailability.

10. The Employer agrees not to use E-Verify for pre-employment screening of job applicants, in support of any unlawful employment practice, or for any other use that this MOU or the E-Verify User Manual does not authorize.

11. The Employer must use E-Verify for all new employees. The Employer will not verify selectively and will not verify employees hired before the effective date of this MOU. Employers who are Federal contractors may qualify for exceptions to this requirement as described in Article II.B of this MOU.

12. The Employer agrees to follow appropriate procedures (see Article III below) regarding tentative nonconfirmations. The Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee's E-Verify case. The Employer agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer agrees to provide written referral instructions to employees and instruct affected employees to bring the English copy of the letter to the SSA. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending. Further, when employees contest a tentative nonconfirmation based upon a photo mismatch, the Employer must take additional steps (see Article III.B. below) to contact DHS with information necessary to resolve the challenge.

13. The Employer agrees not to take any adverse action against an employee based upon the employee's perceived employment eligibility status while SSA or DHS is processing the verification request unless the Employer obtains knowledge (as defined in 8 C.F.R. § 274a.1(l)) that the employee is not work authorized. The Employer understands that an initial inability of the SSA or DHS automated verification system to verify work authorization, a tentative nonconfirmation, a case in continuance (indicating the need for additional time for the government to resolve a case), or the finding of a photo mismatch, does not establish, and should not be interpreted as, evidence that the employee is not work authorized. In any of such cases, the employee must be provided a full and fair opportunity to contest the finding, and if he or she does so, the employee may not be terminated or suffer any adverse employment consequences based upon the employee's perceived employment eligibility status

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(including denying, reducing, or extending work hours, delaying or preventing training, requiring an employee to work in poorer conditions, withholding pay, refusing to assign the employee to a Federal contract or other assignment, or otherwise assuming that he or she is unauthorized to work) until and unless secondary verification by SSA or DHS has been completed and a final nonconfirmation has been issued. If the employee does not choose to contest a tentative nonconfirmation or a photo mismatch or if a secondary verification is completed and a final nonconfirmation is issued, then the Employer can find the employee is not work authorized and terminate the employee's employment. Employers or employees with questions about a final nonconfirmation may call E-Verify at 1-888-464-4218 (customer service) or 1-888-897-7781 (worker hotline).

14. The Employer agrees to comply with Title VII of the Civil Rights Act of 1964 and section 274B of the INA as applicable by not discriminating unlawfully against any individual in hiring, firing, employment eligibility verification, or recruitment or referral practices because of his or her national origin or citizenship status, or by committing discriminatory documentary practices. The Employer understands that such illegal practices can include selective verification or use of E-Verify except as provided in part D below, or discharging or refusing to hire employees because they appear or sound "foreign" or have received tentative nonconfirmations. The Employer further understands that any violation of the immigration-related unfair employment practices provisions in section 274B of the INA could subject the Employer to civil penalties, back pay awards, and other sanctions, and violations of Title VII could subject the Employer to back pay awards, compensatory and punitive damages. Violations of either section 274B of the INA or Title VII may also lead to the termination of its participation in E-Verify. If the Employer has any questions relating to the anti-discrimination provision, it should contact OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

15. The Employer agrees that it will use the information it receives from E-Verify only to confirm the employment eligibility of employees as authorized by this MOU. The Employer agrees that it will safeguard this information, and means of access to it (such as PINS and passwords), to ensure that it is not used for any other purpose and as necessary to protect its confidentiality, including ensuring that it is not disseminated to any person other than employees of the Employer who are authorized to perform the Employer's responsibilities under this MOU, except for such dissemination as may be authorized in advance by SSA or DHS for legitimate purposes.

16. The Employer agrees to notify DHS immediately in the event of a breach of personal information. Breaches are defined as loss of control or unauthorized access to E-Verify personal data. All suspected or confirmed breaches should be reported by calling 1-888-464-4218 or via email at E-Verify@dhs.gov. Please use "Privacy Incident – Password" in the subject line of your email when sending a breach report to E-Verify.

17. The Employer acknowledges that the information it receives from SSA is governed by the Privacy Act (5 U.S.C. § 552a(i)(1) and (3)) and the Social Security Act (42 U.S.C. 1306(a)). Any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOU may be subject to criminal penalties.

18. The Employer agrees to cooperate with DHS and SSA in their compliance monitoring and evaluation of E-Verify, which includes permitting DHS, SSA, their contractors and other agents, upon

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reasonable notice, to review Forms I-9 and other employment records and to interview it and its employees regarding the Employer's use of E-Verify, and to respond in a prompt and accurate manner to DHS requests for information relating to their participation in E-Verify.

19. The Employer shall not make any false or unauthorized claims or references about its participation in E-Verify on its website, in advertising materials, or other media. The Employer shall not describe its services as federally-approved, federally-certified, or federally-recognized, or use language with a similar intent on its website or other materials provided to the public. Entering into this MOU does not mean that E-Verify endorses or authorizes your E-Verify services and any claim to that effect is false.

20. The Employer shall not state in its website or other public documents that any language used therein has been provided or approved by DHS, USCIS or the Verification Division, without first obtaining the prior written consent of DHS.

21. The Employer agrees that E-Verify trademarks and logos may be used only under license by DHS/USCIS (see M-795 (Web)) and, other than pursuant to the specific terms of such license, may not be used in any manner that might imply that the Employer's services, products, websites, or publications are sponsored by, endorsed by, licensed by, or affiliated with DHS, USCIS, or E-Verify.

22. The Employer understands that if it uses E-Verify procedures for any purpose other than as authorized by this MOU, the Employer may be subject to appropriate legal action and termination of its participation in E-Verify according to this MOU.

In Process

B. RESPONSIBILITIES OF FEDERAL CONTRACTORS

1. If the Employer is a Federal contractor with the FAR E-Verify clause subject to the employment verification terms in Subpart 22.18 of the FAR, it will become familiar with and comply with the most current version of the E-Verify User Manual for Federal Contractors as well as the E-Verify Supplemental Guide for Federal Contractors.

2. In addition to the responsibilities of every employer outlined in this MOU, the Employer understands that if it is a Federal contractor subject to the employment verification terms in Subpart 22.18 of the FAR it must verify the employment eligibility of any "employee assigned to the contract" (as defined in FAR 22.1801). Once an employee has been verified through E-Verify by the Employer, the Employer may not create a second case for the employee through E-Verify.

a. An Employer that is not enrolled in E-Verify as a Federal contractor at the time of a contract award must enroll as a Federal contractor in the E-Verify program within 30 calendar days of contract award and, within 90 days of enrollment, begin to verify employment eligibility of new hires using E-Verify. The Employer must verify those employees who are working in the United States, whether or not they are assigned to the contract. Once the Employer begins verifying new hires, such verification of new hires must be initiated within three business days after the hire date. Once enrolled in E-Verify as a Federal contractor, the Employer must begin verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee's assignment to the contract, whichever date is later.

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b. Employers enrolled in E-Verify as a Federal contractor for 90 days or more at the time of a contract award must use E-Verify to begin verification of employment eligibility for new hires of the Employer who are working in the United States, whether or not assigned to the contract, within three business days after the date of hire. If the Employer is enrolled in E-Verify as a Federal contractor for 90 calendar days or less at the time of contract award, the Employer must, within 90 days of enrollment, begin to use E-Verify to initiate verification of new hires of the contractor who are working in the United States, whether or not assigned to the contract. Such verification of new hires must be initiated within three business days after the date of hire. An Employer enrolled as a Federal contractor in E-Verify must begin verification of each employee assigned to the contract within 90 calendar days after date of contract award or within 30 days after assignment to the contract, whichever is later.

c. Federal contractors that are institutions of higher education (as defined at 20 U.S.C. 1001(a)), state or local governments, governments of Federally recognized Indian tribes, or sureties performing under a takeover agreement entered into with a Federal agency under a performance bond may choose to only verify new and existing employees assigned to the Federal contract. Such Federal contractors may, however, elect to verify all new hires, and/or all existing employees hired after November 6, 1986. Employers in this category must begin verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee's assignment to the contract, whichever date is later.

d. Upon enrollment, Employers who are Federal contractors may elect to verify employment eligibility of all existing employees working in the United States who were hired after November 6, 1986, instead of verifying only those employees assigned to a covered Federal contract. After enrollment, Employers must elect to verify existing staff following DHS procedures and begin E-Verify verification of all existing employees within 180 days after the election.

e. The Employer may use a previously completed Form I-9 as the basis for creating an E-Verify case for an employee assigned to a contract as long as:

i. That Form I-9 is complete (including the SSN) and complies with Article II.A.6,

ii. The employee's work authorization has not expired, and

iii. The Employer has reviewed the Form I-9 information either in person or in communications with the employee to ensure that the employee's Section 1, Form I-9 attestation has not changed (including, but not limited to, a lawful permanent resident alien having become a naturalized U.S. citizen).

f. The Employer shall complete a new Form I-9 consistent with Article II.A.6 or update the previous Form I-9 to provide the necessary information if:

i. The Employer cannot determine that Form I-9 complies with Article II.A.6,

ii. The employee's basis for work authorization as attested in Section 1 has expired or changed, or

iii. The Form I-9 contains no SSN or is otherwise incomplete.

Note: If Section 1 of Form I-9 is otherwise valid and up-to-date and the form otherwise complies with

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Article II.C.5, but reflects documentation (such as a U.S. passport or Form I-551) that expired after completing Form I-9, the Employer shall not require the production of additional documentation, or use the photo screening tool described in Article II.A.5, subject to any additional or superseding instructions that may be provided on this subject in the E-Verify User Manual.

g. The Employer agrees not to require a second verification using E-Verify of any assigned employee who has previously been verified as a newly hired employee under this MOU or to authorize verification of any existing employee by any Employer that is not a Federal contractor based on this Article.

3. The Employer understands that if it is a Federal contractor, its compliance with this MOU is a performance requirement under the terms of the Federal contract or subcontract, and the Employer consents to the release of information relating to compliance with its verification responsibilities under this MOU to contracting officers or other officials authorized to review the Employer's compliance with Federal contracting requirements.

C. RESPONSIBILITIES OF SSA

1. SSA agrees to allow DHS to compare data provided by the Employer against SSA's database. SSA sends DHS confirmation that the data sent either matches or does not match the information in SSA's database.

In Process

2. SSA agrees to safeguard the information the Employer provides through E-Verify procedures. SSA also agrees to limit access to such information, as is appropriate by law, to individuals responsible for the verification of Social Security numbers or responsible for evaluation of E-Verify or such other persons or entities who may be authorized by SSA as governed by the Privacy Act (5 U.S.C. § 552a), the Social Security Act (42 U.S.C. 1306(a)), and SSA regulations (20 CFR Part 401).

3. SSA agrees to provide case results from its database within three Federal Government work days of the initial inquiry. E-Verify provides the information to the Employer.

4. SSA agrees to update SSA records as necessary if the employee who contests the SSA tentative nonconfirmation visits an SSA field office and provides the required evidence. If the employee visits an SSA field office within the eight Federal Government work days from the date of referral to SSA, SSA agrees to update SSA records, if appropriate, within the eight-day period unless SSA determines that more than eight days may be necessary. In such cases, SSA will provide additional instructions to the employee. If the employee does not visit SSA in the time allowed, E-Verify may provide a final nonconfirmation to the employer.

Note: If an Employer experiences technical problems, or has a policy question, the employer should contact E-Verify at 1-888-464-4218.

D. RESPONSIBILITIES OF DHS

1. DHS agrees to provide the Employer with selected data from DHS databases to enable the Employer to conduct, to the extent authorized by this MOU:

a. Automated verification checks on alien employees by electronic means, and

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b. Photo verification checks (when available) on employees.

2. DHS agrees to assist the Employer with operational problems associated with the Employer's participation in E-Verify. DHS agrees to provide the Employer names, titles, addresses, and telephone numbers of DHS representatives to be contacted during the E-Verify process.

3. DHS agrees to provide to the Employer with access to E-Verify training materials as well as an E-Verify User Manual that contain instructions on E-Verify policies, procedures, and requirements for both SSA and DHS, including restrictions on the use of E-Verify.

4. DHS agrees to train Employers on all important changes made to E-Verify through the use of mandatory refresher tutorials and updates to the E-Verify User Manual. Even without changes to E-Verify, DHS reserves the right to require employers to take mandatory refresher tutorials.

5. DHS agrees to provide to the Employer a notice, which indicates the Employer's participation in E-Verify. DHS also agrees to provide to the Employer anti-discrimination notices issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division, U.S. Department of Justice.

6. DHS agrees to issue each of the Employer's E-Verify users a unique user identification number and password that permits them to log in to E-Verify.

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7. DHS agrees to safeguard the information the Employer provides, and to limit access to such information to individuals responsible for the verification process, for evaluation of E-Verify, or to such other persons or entities as may be authorized by applicable law. Information will be used only to verify the accuracy of Social Security numbers and employment eligibility, to enforce the INA and Federal criminal laws, and to administer Federal contracting requirements.

8. DHS agrees to provide a means of automated verification that provides (in conjunction with SSA verification procedures) confirmation or tentative nonconfirmation of employees' employment eligibility within three Federal Government work days of the initial inquiry.

9. DHS agrees to provide a means of secondary verification (including updating DHS records) for employees who contest DHS tentative nonconfirmations and photo mismatch tentative nonconfirmations. This provides final confirmation or nonconfirmation of the employees' employment eligibility within 10 Federal Government work days of the date of referral to DHS, unless DHS determines that more than 10 days may be necessary. In such cases, DHS will provide additional verification instructions.

ARTICLE III
REFERRAL OF INDIVIDUALS TO SSA AND DHS

A. REFERRAL TO SSA

1. If the Employer receives a tentative nonconfirmation issued by SSA, the Employer must print the notice as directed by E-Verify. The Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee's E-Verify

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case. The Employer also agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer agrees to provide written referral instructions to employees and instruct affected employees to bring the English copy of the letter to the SSA. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending.

2. The Employer agrees to obtain the employee's response about whether he or she will contest the tentative nonconfirmation as soon as possible after the Employer receives the tentative nonconfirmation. Only the employee may determine whether he or she will contest the tentative nonconfirmation.

3. After a tentative nonconfirmation, the Employer will refer employees to SSA field offices only as directed by E-Verify. The Employer must record the case verification number, review the employee information submitted to E-Verify to identify any errors, and find out whether the employee contests the tentative nonconfirmation. The Employer will transmit the Social Security number, or any other corrected employee information that SSA requests, to SSA for verification again if this review indicates a need to do so.

4. The Employer will instruct the employee to visit an SSA office within eight Federal Government work days. SSA will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary.

In Process

5. While waiting for case results, the Employer agrees to check the E-Verify system regularly for case updates.

6. The Employer agrees not to ask the employee to obtain a printout from the Social Security Administration number database (the Numident) or other written verification of the SSN from the SSA.

B. REFERRAL TO DHS

1. If the Employer receives a tentative nonconfirmation issued by DHS, the Employer must promptly notify employees in private of the finding and provide them with the notice and letter containing information specific to the employee's E-Verify case. The Employer also agrees to provide both the English and the translated notice and letter for employees with limited English proficiency to employees. The Employer must allow employees to contest the finding, and not take adverse action against employees if they choose to contest the finding, while their case is still pending.

2. The Employer agrees to obtain the employee's response about whether he or she will contest the tentative nonconfirmation as soon as possible after the Employer receives the tentative nonconfirmation. Only the employee may determine whether he or she will contest the tentative nonconfirmation.

3. The Employer agrees to refer individuals to DHS only when the employee chooses to contest a tentative nonconfirmation.

4. If the employee contests a tentative nonconfirmation issued by DHS, the Employer will instruct the

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employee to contact DHS through its toll-free hotline (as found on the referral letter) within eight Federal Government work days.

5. If the Employer finds a photo mismatch, the Employer must provide the photo mismatch tentative nonconfirmation notice and follow the instructions outlined in paragraph 1 of this section for tentative nonconfirmations, generally.

6. The Employer agrees that if an employee contests a tentative nonconfirmation based upon a photo mismatch, the Employer will send a copy of the employee's Form I-551, Form I-766, U.S. Passport, or passport card to DHS for review by:

a. Scanning and uploading the document, or

b. Sending a photocopy of the document by express mail (furnished and paid for by the employer).

7. The Employer understands that if it cannot determine whether there is a photo match/mismatch, the Employer must forward the employee's documentation to DHS as described in the preceding paragraph. The Employer agrees to resolve the case as specified by the DHS representative who will determine the photo match or mismatch.

8. DHS will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary.

In Process

9. While waiting for case results, the Employer agrees to check the E-Verify system regularly for case updates.

ARTICLE IV
SERVICE PROVISIONS

A. NO SERVICE FEES

1. SSA and DHS will not charge the Employer for verification services performed under this MOU. The Employer is responsible for providing equipment needed to make inquiries. To access E-Verify, an Employer will need a personal computer with Internet access.

ARTICLE V
MODIFICATION AND TERMINATION

A. MODIFICATION

1. This MOU is effective upon the signature of all parties and shall continue in effect for as long as the SSA and DHS operates the E-Verify program unless modified in writing by the mutual consent of all parties.

2. Any and all E-Verify system enhancements by DHS or SSA, including but not limited to E-Verify checking against additional data sources and instituting new verification policies or procedures, will be covered under this MOU and will not cause the need for a supplemental MOU that outlines these changes.

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B. TERMINATION

1. The Employer may terminate this MOU and its participation in E-Verify at any time upon 30 days prior written notice to the other parties.

2. Notwithstanding Article V, part A of this MOU, DHS may terminate this MOU, and thereby the Employer's participation in E-Verify, with or without notice at any time if deemed necessary because of the requirements of law or policy, or upon a determination by SSA or DHS that there has been a breach of system integrity or security by the Employer, or a failure on the part of the Employer to comply with established E-Verify procedures and/or legal requirements. The Employer understands that if it is a Federal contractor, termination of this MOU by any party for any reason may negatively affect the performance of its contractual responsibilities. Similarly, the Employer understands that if it is in a state where E-Verify is mandatory, termination of this by any party MOU may negatively affect the Employer's business.

3. An Employer that is a Federal contractor may terminate this MOU when the Federal contract that requires its participation in E-Verify is terminated or completed. In such cases, the Federal contractor must provide written notice to DHS. If an Employer that is a Federal contractor fails to provide such notice, then that Employer will remain an E-Verify participant, will remain bound by the terms of this MOU that apply to non-Federal contractor participants, and will be required to use the E-Verify procedures to verify the employment eligibility of all newly hired employees.

4. The Employer agrees that E-Verify is not liable for any losses, financial or otherwise, if the Employer is terminated from E-Verify.

In Process

ARTICLE VI
PARTIES

A. Some or all SSA and DHS responsibilities under this MOU may be performed by contractor(s), and SSA and DHS may adjust verification responsibilities between each other as necessary. By separate agreement with DHS, SSA has agreed to perform its responsibilities as described in this MOU.

B. Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees, or against the Employer, its agents, officers, or employees.

C. The Employer may not assign, directly or indirectly, whether by operation of law, change of control or merger, all or any part of its rights or obligations under this MOU without the prior written consent of DHS, which consent shall not be unreasonably withheld or delayed. Any attempt to sublicense, assign, or transfer any of the rights, duties, or obligations herein is void.

D. Each party shall be solely responsible for defending any claim or action against it arising out of or related to E-Verify or this MOU, whether civil or criminal, and for any liability wherefrom, including (but not limited to) any dispute between the Employer and any other person or entity regarding the applicability of Section 403(d) of IIRIRA to any action taken or allegedly taken by the Employer.

E. The Employer understands that its participation in E-Verify is not confidential information and may be disclosed as authorized or required by law and DHS or SSA policy, including but not limited to,

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Congressional oversight, E-Verify publicity and media inquiries, determinations of compliance with Federal contractual requirements, and responses to inquiries under the Freedom of Information Act (FOIA).

F. The individuals whose signatures appear below represent that they are authorized to enter into this MOU on behalf of the Employer and DHS respectively. The Employer understands that any inaccurate statement, representation, data or other information provided to DHS may subject the Employer, its subcontractors, its employees, or its representatives to: (1) prosecution for false statements pursuant to 18 U.S.C. 1001 and/or; (2) immediate termination of its MOU and/or; (3) possible debarment or suspension.

G. The foregoing constitutes the full agreement on this subject between DHS and the Employer.

To be accepted as an E-Verify participant, you should only sign the Employer's Section of the signature page. If you have any questions, contact E-Verify at 1-888-464-4218.

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Company ID Number: 307873

Approved by:

Employer Alfred Benesch & Co.	
Name (Please Type or Print) Julie Melidis	Title
Signature Electronically Signed	Date 03/01/2010
Department of Homeland Security – Verification Division	
Name (Please Type or Print) USCIS Verification Division	Title
Signature Electronically Signed	Date 03/01/2010

Docusign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

Company ID Number: 307873

Information Required for the E-Verify Program **Information relating to your Company:**	
Company Name	Alfred Benesch & Co.
Company Facility Address	35 W. Wacker Suite 3300 Chicago, IL 60601
Company Alternate Address	
County or Parish	COOK
Employer Identification Number	362407363
North American Industry Classification Systems Code	541
Parent Company	
Number of Employees	500 to 999
Number of Sites Verified for	40 site(s)

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Company ID Number: 307873

Are you verifying for more than 1 site? If yes, please provide the number of sites verified for in each State:

CA	1
CO	1
CT	1
FL	2
GA	2
IL	2
IN	1
KS	4
MA	1
MI	4
MO	1
NC	3
NE	4
OH	2
PA	4
TN	2
TX	2
VA	1
WI	2

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Docusign Envelope ID: 71A7B649-01C2-8290-8070-E4A4678B5A3A

Company ID Number: 307873

Information relating to the Program Administrator(s) for your Company on policy questions or operational problems:

Name	Julie Melidis
Phone Number	3125650450
Fax	3128198299
Email	jmelidis@benesch.com

Name	Brittany Willingham
Phone Number	3125650450
Fax	3128198299
Email	bwillingham@benesch.com

Name	Kaylyn Weng
Phone Number	3125650450
Fax	3128198299
Email	kweng@benesch.com

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This list represents the first 20 Program Administrators listed for this company.

City Commission Workshop
Thursday, July 16, 2026 at 9:00 AM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

I. CALL TO ORDER

II. PUBLIC PARTICIPATION

III. WORKSHOP

III.a Budget Workshop

IV. COMMISSION COMMENTS

V. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - FINANCE

BUDGET WORKSHOP

July 16, 2026

Background:

Staff will present the City Manager's recommended budget for fiscal year 2027, including a summary of proposed revenues, expenditures, departmental allocations, capital and key strategic initiatives. This presentation will serve as the foundation for Commission discussion and public input as the city moves toward budget adoption.

Findings:

N/A

Fiscal Analysis:

N/A

Strategic Plan Item:

No

Staff Report Created By: JoAnne Drury - Finance Director

Attachments:

City Manager Proposed Fiscal Year 2027 Budget Fund Summary.pdf
City Manager Proposed Fiscal Year 2027 Historical Budget Report.pdf
2027 Budget Workshop Presentation.pdf

CITY MANAGER PROPOSED FISCAL YEAR 2027 BUDGET

FUND #	FUND NAME	2026 ADOPTED	2026 AMENDED	2027 PROPOSED	CHANGE $	CHANGE %
001	GENERAL FUND	76,646,231	83,036,615	77,162,101	(5,874,514)	-7.1%
003	BRANNON CENTER FUND	730,690	750,489	813,730	63,241	8.4%
004	GOLF COURSE FUND	1,989,506	2,534,105	2,412,787	(121,318)	-4.8%
005	SANITATION FUND (NEW)	-	-	13,960,988	13,960,988	0.0%
101	STORMWATER FUND	8,273,992	11,137,255	6,054,426	(5,082,829)	-45.6%
103	SPECIAL LAW ENFORCEMENT TRUST FUND	237,015	251,402	254,000	2,598	1.0%
104	AIRPORT FUND	5,867,778	6,018,435	5,622,188	(396,247)	-6.6%
105	POLICE IMPACT FEE FUND (OLD)	1,275,333	1,351,443	-	(1,351,443)	-100.0%
106	FIRE IMPACT FEE FUND (OLD)	1,233,745	1,268,530	-	(1,268,530)	-100.0%
107	RECREATION IMPACT FEE FUND (OLD)	1,781,022	2,485,232	-	(2,485,232)	-100.0%
109	TRANSPORTATION IMPACT FEE FUND (OLD)	6,061,000	6,316,459	-	(6,316,459)	-100.0%
113	BUILDING & INSPECTION FUND	3,842,409	3,842,409	4,377,910	535,501	13.9%
114	TREE FUND	120,304	595,450	582,000	(13,450)	-2.3%
115	PARKING FUND	5,460,320	6,310,964	6,577,520	266,556	4.2%
116	OPIOID SETTLEMENT FUND	128,400	136,123	178,000	41,877	30.8%
117	HAZARDOUS MITIGATION GRANT FUND	-	-	7,964,500	7,964,500	0.0%
125	COMMUNITY REDEVELOPMENT AGENCY FUND	10,209,070	11,216,737	9,857,408	(1,359,329)	-12.1%
130	AMERICAN RESCUE PLAN ACT (ARPA) FUND	-	658,397	-	(658,397)	-100.0%
204	2017 STORMWATER REV NOTE DEBT SERVICE FUND	560,872	569,876	585,494	15,618	2.7%
205	SRF RESERVE DEBT SERVICE FUND	-	103,341	-	(103,341)	-100.0%
206	2024 CAPITAL IMPROVEMENT REV NOTE DEBT SERVICE FUND	219,000	356,883	10,564,724	10,207,841	2860.3%
207	SRF LOAN DEBT SERVICE FUND	19,999	139,116	103,200	(35,916)	-25.8%
208	2014 CAPITAL IMPROVEMENT REV NOTE DEBT SERVICE FUND	469,321	494,212	490,313	(3,899)	-0.8%
209	2019 TURNBULL CREEK GO BOND DEBT SERVICE FUND	1,391,724	1,070,549	763,484	(307,065)	-28.7%
210	2021 CAPITAL IMPROVEMENT REV NOTE DEBT SERVICE FUND	656,692	707,341	707,162	(179)	0.0%
212	EQUIPMENT FINANCING FUND	-	-	292,934	292,934	0.0%
213	2025 TURNBULL CREEK GO BOND DEBT SERVICE FUND	-	418,000	505,575	87,575	21.0%
301	2019 TURNBULL CREEK GO BOND CAPITAL PROJECT FUND	6,493,600	24,242	-	(24,242)	-100.0%
302	CAPITAL PROJECT FUND	16,239,961	26,114,608	4,000,000	(22,114,608)	-84.7%
303	GO BOND CAPITAL PROJECT FUND	1,124,683	1,195,900	1,212,215	16,315	1.4%
304	AIRPORT CAPITAL FUND	6,290,000	6,624,132	140,816	(6,483,316)	-97.9%
305	POLICE IMPACT FEE FUND (NEW)	1,776,451	1,852,561	1,060,390	(792,171)	-42.8%
306	FIRE IMPACT FEE FUND (NEW)	1,481,301	1,516,086	997,960	(518,126)	-34.2%
307	RECREATION IMPACT FEE FUND (NEW)	2,356,552	3,060,762	1,788,440	(1,272,322)	-41.6%
309	TRANSPORTATION IMPACT FEE FUND (NEW)	6,773,135	7,028,594	7,158,770	130,176	1.9%
311	STORMWATER CAPITAL FUND	14,406,600	9,856,140	6,948,320	(5,462,284)	-55.4%
312	CAPITAL EQUIPMENT FUND	-	5,357,024	4,393,856	(4,357,024)	-81.3%
313	2025 TURNBULL GO BOND CAPITAL PROJECT FUND	-	5,600,000	1,000,000	(4,600,000)	-82.1%
405	SANITATION FUND (OLD)	12,942,967	14,295,270	3,765,424	(10,529,846)	-73.7%
408	CITY MARINA FUND	484,610	456,022	585,272	129,250	28.3%
501	FLEET MAINTENANCE FUND	1,963,540	2,067,034	2,654,315	587,281	28.4%
		199,507,823	**226,817,738**	**185,536,222**	**(47,229,836)**	**-20.8%**

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00130000	GENERAL FUND REVENUE								
00130000	311101	CURRENT AD VALO	-20,450,199.37	-25,875,616.95	-29,946,709.35	-31,183,922.59	-31,463,741.00	-32,952,981.00	4.7%
00130000	312401	LOCAL OPTION GA	-499,400.26	-557,623.89	-555,576.05	-268,484.57	-542,547.00	-561,536.00	3.5%
00130000	312510	FIRE INS PREMIU	-448,809.79	-503,751.85	-522,540.73	.00	-419,196.00	-440,156.00	5.0%
00130000	312520	CASUALTY INS PR	-366,537.06	-424,622.14	-479,751.17	.00	-388,608.00	-408,039.00	5.0%
00130000	313101	FRANCHISE FEE E	-3,403,210.83	-3,108,998.36	-3,048,604.59	-1,640,157.68	-3,137,078.00	-3,246,876.00	3.5%
00130000	313301	FRANCHISE FEE W	-706,692.66	-781,189.13	-783,565.81	-466,032.75	-814,317.00	-842,818.00	3.5%
00130000	313401	FRANCHISE FEE G	-189,742.64	-172,935.81	-195,122.08	-128,914.34	-231,868.00	-239,983.00	3.5%
00130000	313601	FRANCHISE FEE S	-666,587.63	-704,912.85	-706,258.52	-426,328.76	-726,617.00	-752,049.00	3.5%
00130000	313701	ADMIN FEE RECYC	-85,388.21	-90,017.23	-95,039.18	-66,830.60	-105,988.00	-109,698.00	3.5%
00130000	313801	FRANCHISE FEE R	-72,203.80	-82,388.53	-68,943.17	-38,681.60	-93,328.00	-96,594.00	3.5%
00130000	313803	FRANCHISE FEE W	-569,299.02	-600,750.79	-633,505.15	-444,262.56	-613,255.00	-1,066,835.00	74.0%
00130000	313902	FRANCHISE FEE R	-74,152.75	-80,853.97	-81,066.07	-48,016.20	-88,385.00	-91,478.00	3.5%
00130000	314101	PUBLIC SERVICE	-3,174,616.99	-3,256,492.10	-3,280,210.15	-2,020,474.80	-3,258,000.00	-3,372,030.00	3.5%
00130000	314201	UTILITY TAX TEL	-1,240,752.75	-1,290,792.97	-1,342,876.91	-688,176.32	-1,475,000.00	-1,526,625.00	3.5%
00130000	314404	UTILITY TAX GAS	-288,853.77	-290,051.44	-323,671.48	-209,019.98	-290,000.00	-300,150.00	3.5%
00130000	321101	LOCAL BUSINESS	-305,245.47	-305,833.59	-366,426.57	-130,028.96	-367,930.00	.00	-100.0%
00130000	321102	LOCAL BUSINESS	-3,582.15	-2,750.00	-4,000.00	-3,250.00	-5,589.00	.00	.0%
00130000	321104	VOLUSIA COUNTY	-28,507.38	-2,510.84	.00	.00	.00	.00	.0%
00130000	329401	GARAGE SALES PE	-1,835.00	-2,420.00	-1,970.00	-1,895.00	-2,486.00	-2,573.00	3.5%
00130000	329451	OTHER FEES - TR	-28,500.00	.00	.00	.00	.00	.00	.0%
00130000	331201	FDLE GRANT	-21,171.09	.00	.00	.00	.00	.00	.0%
00130000	331201	25PD6 FDLE GRANT	.00	.00	-99,996.00	.00	.00	.00	.0%
00130000	331201	IG087 FDLE GRANT	.00	.00	.00	.00	-28,844.00	.00	.0%
00130000	331390	22BE1 FEDERAL GR	-392,023.22	-79,067.34	-29.03	.00	.00	.00	.0%
00130000	331511	COMMUNITY DEVEL	-70,287.52	.00	.00	.00	.00	.00	.0%
00130000	331513	VOCA DONATIONS	-500.00	.00	.00	.00	.00	.00	.0%
00130000	331514	VOCA GRANT	-77,424.18	-51,770.00	-50,607.82	-28,473.50	-50,468.00	-50,468.00	.0%
00130000	331515	HIDTA-VBI REIMB	-1,885.40	.00	.00	.00	.00	.00	.0%
00130000	331516	JUSTICE ASSISTA	-4,996.00	-5,031.00	-5,501.00	-1,675.66	-4,739.00	-4,739.00	.0%
00130000	331523	BULLETPROOF VES	-3,032.00	-12,284.55	-7,244.75	.00	.00	-4,000.00	.0%
00130000	331528	NATURAL DISASTE	-1,380,576.00	-63,788.69	-684,551.80	-1,536,548.45	.00	.00	.0%
00130000	332100	IAN/NICOLE TAX	.00	-11,252.46	.00	.00	.00	.00	.0%
00130000	334101	WITNESS FEES	-1,057.53	-119.40	-76.25	.00	-2,445.00	-2,531.00	3.5%
00130000	334390	FL FISH WILDLIF	-7,000.00	.00	.00	.00	.00	.00	.0%
00130000	335101	REV SHARING-GAS	-248,711.16	-228,296.68	-215,121.65	-112,364.16	-220,037.00	-227,738.00	3.5%
00130000	335102	MOBILE HOME LIC	-13,229.34	-13,439.91	-12,302.43	-9,839.86	-14,000.00	-14,490.00	3.5%
00130000	335103	ALCOHOLIC BEVER	-45,014.50	-51,410.04	-50,235.77	-1,109.98	-47,779.00	-49,451.00	3.5%
00130000	335104	LOCAL GOVERNMEN	-2,162,930.81	-2,067,834.99	-2,070,401.25	-986,483.87	-2,004,543.00	-2,074,702.00	3.5%
00130000	335105	REV SHARING-SAL	-981,661.66	-1,050,704.64	-994,712.13	-529,716.88	-900,423.00	-931,938.00	3.5%
00130000	335201	FIREFIGHTERS SU	-22,625.56	-16,860.00	-29,423.93	-6,153.87	-6,200.00	-24,000.00	287.1%
00130000	335290	SEIZED TAGS/CRA	.00	.00	-2,415.00	-3,049.99	-4,000.00	-4,140.00	3.5%
00130000	335401	FDOT HWY LIGHTI	-99,753.26	-99,753.26	-65,964.53	-90,486.19	-90,486.00	-93,653.00	3.5%
00130000	335402	FUEL REFUND	.00	-28,615.48	-14,280.65	-21,435.37	-30,000.00	-31,050.00	3.5%
00130000	335403	FDOT ROAD MAINT	-45,549.00	-45,549.00	-45,549.00	-45,549.00	-44,131.00	-45,676.00	3.5%
00130000	335405	FDOT TRAFFIC SI	-66,064.89	.00	.00	.00	.00	.00	.0%
00130000	339101	LOCAL UNITS PAY	-24,969.69	-22,321.88	-21,159.36	.00	-26,011.00	-26,921.00	3.5%
00130000	341205	DEVELOPMENT SER	-324,128.76	-391,572.10	-546,688.25	-209,068.28	-300,000.00	-310,500.00	3.5%
00130000	341215	ADVERTISING FE	200.00	.00	.00	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00130000	342101	FINGERPRINTS	.00	.00	.00	-926.05	-1,389.00	-1,438.00	3.5%
00130000	342102	CPR TRAINING CL	-1,450.00	-1,110.00	-1,345.00	-870.00	-1,625.00	-1,682.00	3.5%
00130000	342103	IMPOUND FEES	-14,812.50	-17,375.00	-16,500.00	-9,406.25	-16,366.00	-16,939.00	3.5%
00130000	342105	POLICE SPECIAL	-11,996.22	-99,180.70	-144,244.55	-86,294.68	-96,000.00	-99,360.00	3.5%
00130000	342201	FIRE SPECIAL PA	.00	-300.00	-1,700.00	-4,200.00	-4,200.00	-4,347.00	3.5%
00130000	343003	COST ALLOCATION	-76,023.00	-122,010.00	.00	.00	.00	.00	.0%
00130000	343004	COST ALLOCATION	-114,034.00	-183,015.00	.00	.00	.00	.00	.0%
00130000	343101	COST ALLOCATION	-805,409.00	-379,366.00	-426,579.00	.00	.00	.00	.0%
00130000	343104	COST ALLOCATION	-114,034.00	-213,518.00	-197,998.00	.00	.00	.00	.0%
00130000	343113	COST ALLOCATION	-1,520,201.00	-1,099,501.00	-1,003,722.00	.00	.00	.00	.0%
00130000	343115	COST ALLOCATION	-309,275.00	-289,774.00	-313,496.00	.00	.00	.00	.0%
00130000	343405	COST ALLOCATION	-114,445.00	-76,045.00	-81,110.00	.00	.00	.00	.0%
00130000	343408	COST ALLOCATION	-95,028.00	-91,508.00	.00	.00	.00	.00	.0%
00130000	343902	P.W. SERVICE SI	.00	-4,240.00	.00	.00	.00	.00	.0%
00130000	344901	FIRE TRANSPORT	-810,484.68	-811,741.45	-1,043,237.32	-542,053.56	-1,107,277.00	-1,300,000.00	17.4%
00130000	346101	PET LICENSES	.00	.00	.00	-250.00	-250.00	-258.00	3.2%
00130000	347201	ACTIVITY FEES	-55,211.86	-116,127.29	-139,527.28	-87,107.04	-90,000.00	-93,150.00	3.5%
00130000	347202	TAXABLE - SPECI	-18,812.99	-140,999.12	-137,573.62	-93,311.10	-120,000.00	-124,200.00	3.5%
00130000	347203	BC NON-TAXABLE	-17,135.03	-65,501.26	-52,228.50	-108,807.83	-109,171.00	-112,992.00	3.5%
00130000	347204	ART FIESTA	-55,300.00	-3.13	.00	.00	.00	.00	.0%
00130000	347206	SENIOR GAMES	-960.00	.00	.00	.00	.00	.00	.0%
00130000	347208	ED ROOT RUN	-5,210.45	.00	.00	.00	.00	.00	.0%
00130000	347209	FLAMINGO FOLLIE	-20,982.82	.00	.00	.00	.00	.00	.0%
00130000	347210	USER FEES	-286.00	.00	.00	.00	.00	.00	.0%
00130000	347219	SUMMER FUN CENT	-51,035.00	.00	.00	.00	.00	.00	.0%
00130000	347234	TAXABLE RENT SP	-35,839.46	-9,084.42	-125.00	.00	-500.00	-518.00	3.6%
00130000	347235	NON TAXABLE REN	-8,170.00	-390.00	-970.00	.00	-1,000.00	-1,035.00	3.5%
00130000	347243	MAYORS FITNESS	-19,790.00	.00	.00	.00	.00	.00	.0%
00130000	347250	LEISURE REV - F	.00	.00	12,481.13	-12,481.13	-12,482.00	.00	.0%
00130000	347501	SPORTS COMPLEX	-111,333.90	-147,669.00	-147,680.00	-156,079.50	-220,396.00	-228,110.00	3.5%
00130000	347503	S.COMPLEX - FIE	-62,187.70	-45,967.56	-99,261.92	-126,152.47	-120,724.00	-124,949.00	3.5%
00130000	347504	S.COMPLEX FIELD	-60,193.08	-62,202.50	-29,948.50	-7,515.00	-13,000.00	-13,455.00	3.5%
00130000	347505	SPORTS COMPLEX	-800.00	.00	-35,525.00	.00	-5,000.00	-5,175.00	3.5%
00130000	347510	SPORTS COMPLEX	.00	.00	.00	-100,000.00	-100,000.00	-100,000.00	.0%
00130000	349002	PARCEL VERIFICA	-37,950.00	-35,725.00	-33,800.00	-29,925.00	-37,000.00	-38,295.00	3.5%
00130000	349201	PUBLIC RECORD R	-10,650.11	-14,937.69	-20,304.94	-11,055.34	-20,000.00	-20,700.00	3.5%
00130000	349201	OPIO PUBLIC RECO	-21,625.98	-49,227.14	.00	.00	.00	.00	.0%
00130000	349202	POLICE MISC CHA	-5,460.85	-6,556.57	.00	78.78	-100.00	-104.00	4.0%
00130000	349203	MISC.RECREATION	254.46	-1,085.00	.00	.00	.00	.00	.0%
00130000	349204	DONATIONS	-45.00	.00	.00	.00	.00	.00	.0%
00130000	349501	SPORTS COMPLEX	-7,000.00	-19,970.00	-6,150.00	-16,076.37	-24,000.00	-24,840.00	3.5%
00130000	351101	COURT FINES & F	-70,225.39	-103,864.18	-124,316.31	-65,841.14	-95,038.00	-98,364.00	3.5%
00130000	351301	POLICE EDUCATIO	-15,761.34	-10,114.00	-13,611.24	-7,134.00	-11,270.00	-11,664.00	3.5%
00130000	354101	PARKING FINES N	-455,926.25	-483,594.60	-335,445.10	-172,190.00	-264,000.00	-200,000.00	-24.2%
00130000	354201	CODE ENFORCEMEN	-38,021.97	-206,115.39	-86,247.39	-71,647.18	-100,676.00	-104,200.00	3.5%
00130000	354202	NUISANCE ABATEM	-9,966.00	-2,750.00	-3,825.00	-325.00	-325.00	.00	.0%
00130000	361101	INTEREST EARNIN	-512,012.77	-851,522.69	-745,564.19	-499,135.11	-1,076,490.00	-1,000,000.00	-7.1%
00130000	361103	INTEREST PROFIT	-34,562.52	-4,039.57	-7,050.89	-766.57	.00	.00	.0%
00130000	361104	INTEREST - SPEC	.00	.00	137,166.10	.00	.00	.00	.0%
00130000	361105	INTEREST - CODE	.00	.00	.00	-3,176.40	-3,200.00	.00	.0%
00130000	361110	LEASE INTEREST	-957.00	-801.31	-641.80	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND		2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00130000	362206 SUBMERGED LANDS	-15,391.30	-15,257.91	-15,442.50	-11,306.07	-18,523.00	-19,171.00	3.5%
00130000	362290 LAND USE OTHER	-3,663.95	-4,089.27	-3,646.95	-3,000.00	-9,005.00	-9,320.00	3.5%
00130000	363106 SPECIAL ASSESSM	33,711.07	-69,455.49	-5,198.14	-2,266.90	-2,300.00	-2,381.00	3.5%
00130000	364401 SURPLUS EQUIPME	-1,158.80	-109,478.81	-79,623.00	-69,100.00	-69,200.00	.00	.0%
00130000	364402 INSURANCE PROCE	-190,452.47	-76,991.10	-83,801.82	-18,826.15	-39,000.00	.00	.0%
00130000	364402 25MLT INSURANCE	.00	.00	-788,926.57	.00	.00	.00	.0%
00130000	364900 LAND SALES	.00	-22,500.00	-198,696.97	-7,500.00	-7,500.00	.00	.0%
00130000	366909 DONATIONS TO PO	-19,578.00	-8,588.05	-500.00	.00	.00	.00	.0%
00130000	366909 25TCP DONATIONS	.00	.00	-10,000.00	.00	.00	.00	.0%
00130000	366910 LEISURE SRVCS S	-26,100.00	-13,872.31	-12,334.03	-27,800.95	-28,000.00	-28,980.00	3.5%
00130000	366911 DONATIONS	-3,295.00	-750.00	.00	.00	.00	.00	.0%
00130000	366912 DONATIONS FIRE	-300.00	-100.00	.00	.00	.00	.00	.0%
00130000	366991 REIMBURSEMENT S	.00	.00	.00	-199.64	-200.00	.00	.0%
00130000	366999 MISCELLANEOUS R	-8,273.55	-5,814.88	-68,270.76	-23,933.45	-20,000.00	-20,700.00	3.5%
00130000	369350 25OPI OPIOID SET	.00	.00	-108,015.16	-27,084.84	-27,085.00	.00	.0%
00130000	369350 OPIO OPIOID SETT	.00	.00	-43,926.44	.00	.00	.00	.0%
00130000	369903 MISCELLANEOUS R	.00	-4,236.58	.00	.00	.00	.00	.0%
00130000	369916 REBATES	.00	.00	-2,928.99	-1,595.25	-1,595.00	-1,651.00	3.5%
00130000	369917 IUPA FUEL SUPPL	.00	-17,915.00	.00	.00	.00	.00	.0%
00130000	381101 TRANSFER FROM S	.00	.00	-4,879,680.00	.00	.00	.00	.0%
00130000	381101 OHALC TSF FROM S	.00	.00	.00	-436,421.00	-436,421.00	-564,265.00	29.3%
00130000	381104 OHALC TRANSFER F	.00	.00	.00	-223,378.00	-223,378.00	-204,991.00	-8.2%
00130000	381113 CODE TSF FROM BL	.00	.00	.00	.00	.00	-193,740.00	.0%
00130000	381113 OHALC TSF FROM B	.00	.00	.00	-375,447.00	-375,447.00	-743,032.00	97.9%
00130000	381115 OHALC TRANSFER F	.00	.00	.00	-73,138.00	-73,138.00	-278,201.00	280.4%
00130000	381115 PARKS TRANSFER F	.00	.00	.00	.00	.00	-175,623.00	.0%
00130000	381405 OHALC TRANSFER F	.00	.00	.00	-716,546.00	-716,546.00	.00	.0%
00130000	381408 OHALC TRANSFER F	.00	.00	.00	-23,134.00	-23,134.00	.00	.0%
00130000	382408 OHALC TSF FROM M	.00	.00	.00	.00	.00	-87,853.00	.0%
00130000	384001 LOAN PROCEEDS	.00	.00	.00	-132,713.08	-136,625.00	.00	.0%
00130000	384102 PROCEEDS FROM D	.00	-1,042,828.76	-257,561.50	.00	.00	.00	.0%
00130000	389101 APPROPRIATED FU	.00	.00	.00	.00	-29,380,000.00	-21,200,000.00	-27.8%
TOTAL GENERAL FUND REVENUE		-44,563,362.51	-49,532,993.59	-59,010,731.73	-45,732,470.04	-83,036,615.00	-77,162,101.00	-7.1%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151101 CITY COMMISSION							
00151101 511001 EXECUTIVE SALAR	120,462.97	109,331.36	112,802.72	81,540.96	117,188.00	121,644.00	3.8%
00151101 511004 ALLOWANCE	.00	14,358.24	21,227.26	16,850.16	24,340.00	23,591.00	-3.1%
00151101 521001 FICA	8,960.79	9,064.30	10,215.85	7,303.50	10,890.00	11,111.00	2.0%
00151101 522001 FRS RETIREMENT	32,201.62	94,440.68	65,040.39	44,497.10	65,867.00	79,254.00	20.3%
00151101 522003 DC PLAN	861.38	33.62	.00	.00	.00	.00	.0%
00151101 523002 FLORIDA HEALTH	16,082.47	26,188.63	10,176.25	5,368.88	8,088.00	7,864.00	-2.8%
00151101 523003 HEALTH SAVINGS	.00	1,600.00	1,600.00	495.00	1,650.00	1,700.00	3.0%
00151101 523004 BCBS INSURANCE	56,128.02	45,238.28	48,769.97	37,837.35	56,995.00	55,116.00	-3.3%
00151101 523008 MET LIFE DENTAL	2,877.38	2,580.15	1,946.01	1,423.97	2,144.00	2,075.00	-3.2%
00151101 523009 LIFE/STD/ADD/LT	274.62	274.98	266.58	202.22	304.00	402.00	32.2%
00151101 523011 METLIFE VISION	297.00	317.64	183.67	130.10	196.00	778.00	296.9%
00151101 524001 WC	.00	.00	.00	269.04	335.00	243.00	-27.5%
00151101 531099 OTHER PROFESSIO	.00	10,000.00	84,452.73	.00	.00	.00	.0%
00151101 540005 TRAVEL	2,838.74	3,425.50	8,086.80	4,316.64	6,800.00	8,160.00	20.0%
00151101 540006 AREA DINNERS	2,961.21	2,732.58	4,449.01	3,348.03	10,000.00	12,000.00	20.0%
00151101 541003 MOBILE PHONE CH	5,128.92	5,332.81	4,520.52	2,167.90	5,871.00	3,500.00	-40.4%
00151101 542020 POSTAGE	.00	.00	.00	.00	630.00	600.00	-4.8%
00151101 545001 LIABILITY INSUR	.00	.00	.00	30,921.78	30,922.00	33,272.00	7.6%
00151101 546350 FLEET MAINTENAN	1,651.09	3,370.93	1,716.85	6,003.53	5,839.00	3,277.00	-43.9%
00151101 548001 PROMOTIONAL EXP	5,201.45	4,074.02	6,447.00	5,554.00	6,900.00	15,000.00	117.4%
00151101 549099 OTHER CURR CHGS	.00	2,476.50	.00	.00	.00	.00	.0%
00151101 551001 OFFICE SUPPLY	532.60	.00	790.79	231.14	850.00	850.00	.0%
00151101 552001 GAS/OIL	524.06	322.10	544.36	353.34	1,639.00	1,684.00	2.7%
00151101 552004 UNIFORMS	.00	.00	214.28	252.64	2,500.00	3,250.00	30.0%
00151101 554001 MEMBERSHIPS & S	5,609.00	5,968.00	6,418.00	5,687.00	6,300.00	7,560.00	20.0%
00151101 554004 SEMINAR/CONF RE	3,635.26	3,999.00	4,267.27	850.00	6,500.00	6,500.00	.0%
00151101 554005 EDUCATION & TRA	3,500.00	.00	.00	.00	.00	.00	.0%
TOTAL CITY COMMISSION	269,728.58	345,129.32	394,136.31	255,604.28	372,748.00	399,431.00	7.2%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151201	CITY MANAGER								
00151201	511001	EXECUTIVE SALAR	189,764.70	327,197.85	230,442.54	370,044.46	514,563.00	539,084.00	4.8%
00151201	511004	ALLOWANCE	7,200.00	6,600.00	.00	8,190.00	11,000.00	11,000.00	.0%
00151201	512001	REGULAR SALARY	484,847.89	507,689.58	598,862.45	300,062.40	499,024.00	452,323.00	-9.4%
00151201	514001	REGULAR OVERTIM	.00	.00	.00	.00	2,900.00	2,900.00	.0%
00151201	515001	SICK INC./PERSO	7,115.38	3,428.53	3,428.53	.00	14,300.00	15,000.00	4.9%
00151201	521001	FICA	49,059.24	55,948.66	62,621.80	47,845.83	74,346.00	78,061.00	5.0%
00151201	522001	FRS RETIREMENT	38,832.32	43,222.80	.00	.00	.00	.00	.0%
00151201	522003	DC PLAN	69,520.26	89,723.57	103,355.01	85,995.57	146,521.00	135,213.00	-7.7%
00151201	523002	FLORIDA HEALTH	97,197.75	97,349.40	105,358.42	85,110.08	128,046.00	122,372.00	-4.4%
00151201	523003	HEALTH SAVINGS	.00	1,600.00	1,600.00	1,182.50	1,650.00	3,399.00	106.0%
00151201	523008	MET LIFE DENTAL	3,797.86	3,536.34	3,870.14	3,251.15	4,873.00	4,628.00	-5.0%
00151201	523009	LIFE/STD/ADD/LT	5,961.77	6,359.80	7,976.20	6,860.88	10,296.00	15,223.00	47.9%
00151201	523011	METLIFE VISION	192.76	163.15	157.22	126.46	191.00	185.00	-3.1%
00151201	524001	WC	.00	.00	.00	11,622.14	11,714.00	10,343.00	-11.7%
00151201	531099	OTHER PROFESSIO	1,589.40	41,084.51	8,800.00	1,160.00	98,135.00	100,000.00	1.9%
00151201	534012	COMPUTER CONTRA	48.65	2,336.99	4,221.29	4,019.79	3,716.00	5,000.00	34.6%
00151201	540005	TRAVEL	5,391.97	8,058.59	20,435.12	9,576.16	21,000.00	22,200.00	5.7%
00151201	540006	AREA DINNERS	140.00	295.00	587.39	416.21	3,000.00	3,500.00	16.7%
00151201	541003	MOBILE PHONE CH	3,307.86	3,737.65	3,381.31	1,924.13	4,356.00	2,700.00	-38.0%
00151201	542021	SHIPPING/HANDLI	.00	.00	.00	.00	500.00	500.00	.0%
00151201	544001	ANNUAL EQUIPMEN	804.53	1,319.14	1,861.92	1,862.96	2,400.00	2,400.00	.0%
00151201	545001	LIABILITY INSUR	.00	.00	.00	34,430.66	34,431.00	36,258.00	5.3%
00151201	548001	PROMOTIONS	315.90	2,399.92	4,124.99	2,400.00	7,500.00	7,500.00	.0%
00151201	549001	NEWS ADS	231.96	169.00	.00	.00	250.00	250.00	.0%
00151201	549099	OTHER CURR CHGS	113.68	192.00	1,564.21	874.12	3,000.00	3,000.00	.0%
00151201	551001	OFFICE SUPPLY	3,385.80	1,605.97	1,216.94	1,458.08	2,500.00	3,000.00	20.0%
00151201	551005	OFFICE MACHINE	338.06	130.55	2,221.53	262.56	2,000.00	2,000.00	.0%
00151201	552012	COMPUTER HRDWR/	2,641.75	2,076.50	87.50	1,756.00	3,280.00	2,000.00	-39.0%
00151201	554001	MEMBERSHIPS & S	3,857.02	5,407.00	6,419.39	5,742.94	9,500.00	11,901.00	25.3%
00151201	554002	REF & EDUCATION	.00	.00	572.38	.00	500.00	500.00	.0%
00151201	554004	SEMINAR/CONF RE	3,799.00	4,580.75	6,157.27	2,024.52	13,000.00	14,525.00	11.7%
00151201	554005	EDUCATION & TRA	.00	.00	17,627.49	525.00	1,200.00	1,500.00	25.0%
00151201	583006	OTHER GRANTS AN	.00	.00	.00	51,864.57	51,865.00	50,000.00	-3.6%
TOTAL CITY MANAGER			979,455.51	1,216,213.25	1,196,951.04	1,040,589.17	1,681,557.00	1,658,465.00	-1.4%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151202	CITY CLERK								
00151202	511001	EXECUTIVE SALAR	98,442.86	101,385.37	128,278.01	75,363.63	108,310.00	111,322.00	2.8%
00151202	511004	ALLOWANCE	1,800.00	1,800.00	675.00	.00	.00	.00	.0%
00151202	512001	REGULAR SALARY	98,177.46	94,455.85	119,593.07	85,762.10	133,526.00	175,867.00	31.7%
00151202	514001	REGULAR OVERTIM	165.32	.00	28.18	.00	1,227.00	1,227.00	.0%
00151202	515001	SICK INC./PERSO	6,065.48	3,998.28	.00	.00	5,000.00	5,000.00	.0%
00151202	521001	FICA	15,593.69	15,337.06	19,001.54	12,187.83	18,200.00	22,468.00	23.5%
00151202	522003	DC PLAN	23,379.81	23,968.89	17,603.40	14,957.90	22,860.00	29,369.00	28.5%
00151202	523002	FLORIDA HEALTH	25,233.86	26,188.39	17,017.41	17,010.76	27,820.00	41,563.00	49.4%
00151202	523003	HEALTH SAVINGS	1,250.00	1,600.00	2,000.00	990.00	3,300.00	3,400.00	3.0%
00151202	523008	MET LIFE DENTAL	1,698.82	1,577.35	738.83	749.42	1,254.00	1,555.00	24.0%
00151202	523009	LIFE/STD/ADD/LT	2,132.47	2,151.97	1,914.42	1,981.38	3,020.00	4,012.00	32.8%
00151202	523011	METLIFE VISION	163.18	139.30	54.33	.00	.00	.00	.0%
00151202	524001	WC	.00	.00	.00	654.32	670.00	575.00	-14.2%
00151202	531099	OTHER PROFESSIO	33,486.45	29,489.16	11,917.51	11,122.27	13,000.00	40,000.00	207.7%
00151202	534008	ELECTION EXPENS	.00	-815.68	509.30	24,946.68	48,430.00	900.00	-98.1%
00151202	534009	RECORD RETENTIO	59,466.04	67,242.04	48,875.37	80,000.00	87,000.00	87,500.00	.6%
00151202	534012	COMPUTER CONTRA	10,696.42	12,566.17	42,234.50	36,351.19	54,009.00	90,900.00	68.3%
00151202	540004	SEMINAR/CONFERE	-177.32	.00	400.00	.00	.00	.00	.0%
00151202	540005	TRAVEL	3,315.66	2,041.20	.00	1,711.08	8,000.00	12,000.00	50.0%
00151202	540006	AREA DINNERS	587.85	552.05	63.97	428.91	1,500.00	1,500.00	.0%
00151202	541003	MOBILE PHONE CH	989.35	1,104.84	760.89	275.66	1,068.00	500.00	-53.2%
00151202	544001	ANNUAL EQUIPMEN	560.27	786.43	738.96	740.00	2,830.00	.00	.0%
00151202	545001	LIABILITY INSUR	.00	.00	.00	16,912.58	16,913.00	18,053.00	6.7%
00151202	546001	ANNUAL MAINT CO	.00	10,260.25	5,198.00	.00	.00	.00	.0%
00151202	549001	NEWS ADS	.00	.00	.00	508.24	4,000.00	4,000.00	.0%
00151202	549004	PUBLICATIONS OF	29,512.24	28,352.74	23,873.64	18,686.79	75,000.00	82,750.00	10.3%
00151202	551001	OFFICE SUPPLY	4,919.12	4,993.36	5,596.23	3,189.62	7,900.00	8,800.00	11.4%
00151202	552004	UNIFORMS	.00	.00	.00	111.99	1,500.00	2,000.00	33.3%
00151202	554001	MEMBERSHIPS & S	640.00	1,126.95	715.00	630.00	1,360.00	1,545.00	13.6%
00151202	554004	SEMINAR/CONF RE	865.00	2,600.00	.00	2,737.00	3,100.00	5,225.00	68.5%
TOTAL CITY CLERK			418,964.03	432,901.97	447,787.56	408,009.35	650,797.00	752,031.00	15.6%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151301 FINANCE									
00151301	511001	EXECUTIVE SALAR	124,995.39	113,175.31	129,922.98	116,134.62	166,904.00	171,545.00	2.8%
00151301	512001	REGULAR SALARY	451,945.64	507,006.33	559,635.98	521,002.30	765,699.00	826,169.00	7.9%
00151301	514001	REGULAR OVERTIM	2,682.11	2,871.47	362.39	287.06	5,000.00	5,000.00	.0%
00151301	515001	SICK INC./PERSO	3,932.99	4,828.62	4,060.61	.00	5,000.00	5,000.00	.0%
00151301	515008	INCENTIVE PAY	.00	.00	.00	184.64	.00	.00	.0%
00151301	521001	FICA	43,041.99	47,280.12	52,694.67	48,152.39	70,926.00	77,091.00	8.7%
00151301	522003	DC PLAN	54,609.49	58,779.00	65,485.83	56,807.42	84,771.00	100,772.00	18.9%
00151301	523002	FLORIDA HEALTH	94,430.61	85,268.18	91,003.57	85,270.72	129,667.00	131,797.00	1.6%
00151301	523003	HEALTH SAVINGS	1,458.33	8,933.34	8,000.00	2,475.00	8,250.00	6,798.00	-17.6%
00151301	523008	MET LIFE DENTAL	4,536.03	3,766.59	3,972.89	3,558.09	5,411.00	4,962.00	-8.3%
00151301	523009	LIFE/STD/ADD/LT	4,988.51	4,718.41	5,897.43	5,936.86	9,116.00	11,934.00	30.9%
00151301	524001	WC	.00	.00	.00	1,983.82	2,027.00	1,970.00	-2.8%
00151301	525001	UNEMPLOYMENT	.00	142.90	305.70	.00	.00	.00	.0%
00151301	531099	OTHER PROFESSIO	71,802.36	11,789.56	27,415.52	50,000.00	50,000.00	15,000.00	-70.0%
00151301	532001	AUDIT	73,210.00	69,280.00	93,000.00	90,000.00	90,000.00	95,000.00	5.6%
00151301	534012	COMPUTER CONTRA	.00	.00	7,012.30	18,245.09	20,000.00	80,000.00	300.0%
00151301	534099	OTHER CONTRACTU	2,334.96	51,066.10	20,708.23	39,914.37	59,235.00	35,500.00	-40.1%
00151301	540005	TRAVEL	6,265.20	9,011.08	8,504.23	2,037.60	14,900.00	7,000.00	-53.0%
00151301	541001	PHONE CHARGES	656.66	738.59	648.01	.00	900.00	900.00	.0%
00151301	541003	MOBILE PHONE CH	505.82	665.08	789.12	382.37	684.00	900.00	31.6%
00151301	542021	SHIPPING/HANDLI	.00	.00	76.74	.00	.00	.00	.0%
00151301	544001	ANNUAL EQUIPMEN	1,798.90	2,413.33	2,697.66	2,814.88	2,870.00	3,000.00	4.5%
00151301	545001	LIABILITY INSUR	.00	.00	.00	31,617.10	31,668.00	33,337.00	5.3%
00151301	547099	OTHER PRINT & B	.00	.00	936.00	935.00	935.00	1,000.00	7.0%
00151301	549001	NEWS ADS	2,016.99	1,234.35	1,089.16	.00	2,000.00	2,000.00	.0%
00151301	549085	CASH OVER/SHORT	96.39	.10	-46.42	20.00	100.00	.00	.0%
00151301	549099	OTHER CURR CHGS	329.74	-2,690.94	-868.31	.00	.00	1,500.00	.0%
00151301	549999	BAD DEBT EXPENS	12,979.52	53,999.19	.00	.00	.00	.00	.0%
00151301	551001	OFFICE SUPPLY	13,478.65	15,395.72	10,929.10	9,410.99	12,630.00	13,000.00	2.9%
00151301	551005	OFFICE MACHINE	2,597.50	5,560.74	1,552.00	6,795.08	12,580.00	13,000.00	3.3%
00151301	552004	UNIFORMS	.00	.00	.00	.00	2,600.00	2,600.00	.0%
00151301	552012	COMPUTER HRDWR/	522.13	1,626.75	18,158.83	9,809.22	14,291.00	5,000.00	-65.0%
00151301	554001	MEMBERSHIPS & S	1,800.00	-115.00	1,660.00	1,906.60	2,000.00	2,000.00	.0%
00151301	554002	REF & EDUCATION	.00	.00	.00	666.20	500.00	1,000.00	100.0%
00151301	554004	SEMINAR/CONF RE	1,120.00	2,964.50	6,133.00	3,960.00	9,500.00	5,000.00	-47.4%
00151301	554005	EDUCATION & TRA	2,398.50	193.40	459.60	5,773.50	16,900.00	11,000.00	-34.9%
TOTAL FINANCE			980,534.41	1,059,902.82	1,122,196.82	1,116,080.92	1,597,064.00	1,670,775.00	4.6%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151302		INFORMATION TECHNOLOGY							
00151302	511001	EXECUTIVE SALAR	121,415.24	124,700.64	128,705.01	99,195.68	142,560.00	146,535.00	2.8%
00151302	512001	REGULAR SALARY	331,070.32	403,003.92	434,577.35	321,726.96	480,356.00	496,852.00	3.4%
00151302	514001	REGULAR OVERTIM	.00	.00	.00	.00	700.00	700.00	.0%
00151302	515001	SICK INC./PERSO	5,661.38	.00	.00	.00	5,000.00	5,000.00	.0%
00151302	521001	FICA	33,378.75	39,510.30	41,470.67	30,703.06	45,766.00	49,679.00	8.6%
00151302	522003	DC PLAN	39,355.54	44,296.76	47,807.18	34,439.02	52,530.00	61,739.00	17.5%
00151302	523002	FLORIDA HEALTH	80,957.08	92,347.80	99,474.73	72,917.95	109,837.00	106,216.00	-3.3%
00151302	523008	MET LIFE DENTAL	3,352.46	3,708.17	3,824.13	2,957.78	4,456.00	4,309.00	-3.3%
00151302	523009	LIFE/STD/ADD/LT	4,080.68	4,610.53	5,144.19	4,183.19	6,382.00	8,076.00	26.5%
00151302	524001	WC	.00	.00	.00	1,445.87	1,459.00	1,270.00	-13.0%
00151302	531099	OTHER PROFESSIO	18,502.94	49,798.37	7,730.00	2,400.00	77,000.00	80,000.00	3.9%
00151302	534012	COMPUTER CONTRA	341,232.66	359,682.87	485,713.93	627,493.90	687,745.00	806,116.00	17.2%
00151302	534012	26UKG COMPUTER C	.00	.00	.00	39,750.00	39,750.00	.00	.0%
00151302	540005	TRAVEL	5,086.84	7,616.69	5,879.93	4,721.12	10,000.00	10,000.00	.0%
00151302	541001	PHONE CHARGES	55,786.75	56,836.13	52,645.00	34,122.67	58,350.00	59,350.00	1.7%
00151302	541003	MOBILE PHONE CH	4,555.11	5,960.77	6,849.89	3,543.06	6,870.00	6,580.00	-4.2%
00151302	541005	GPS SERVICES	.00	260.10	624.27	.00	.00	.00	.0%
00151302	542020	POSTAGE	.00	.00	.00	.00	150.00	150.00	.0%
00151302	542021	SHIPPING/HANDLI	32.95	.00	.00	.00	500.00	500.00	.0%
00151302	545001	LIABILITY INSUR	.00	.00	.00	24,065.06	24,066.00	25,477.00	5.9%
00151302	546001	ANNUAL MAINT CO	24,356.16	.00	.00	.00	.00	.00	.0%
00151302	546312	REPAIR & MAINT	166,647.97	135,299.61	145,931.91	337.45	8,000.00	8,000.00	.0%
00151302	546350	FLEET MAINTENAN	2,940.31	4,030.33	7,265.13	4,363.84	8,517.00	9,832.00	15.4%
00151302	551001	OFFICE SUPPLY	205.99	457.57	1,080.79	187.39	1,500.00	1,500.00	.0%
00151302	551005	OFFICE MACHINE	.00	19,308.83	1,609.00	289.99	2,000.00	2,000.00	.0%
00151302	552001	GAS/OIL	974.62	746.67	698.50	418.66	4,917.00	5,051.00	2.7%
00151302	552004	UNIFORMS	.00	.00	.00	1,834.46	2,000.00	2,000.00	.0%
00151302	552012	COMPUTER HRDWR/	4,485.23	6,022.23	14,583.15	143,144.11	189,500.00	182,900.00	-3.5%
00151302	554001	MEMBERSHIPS & S	200.00	300.00	330.00	300.00	800.00	800.00	.0%
00151302	554002	REF & EDUCATION	7,350.00	378.82	7,921.18	25.00	1,000.00	8,400.00	740.0%
00151302	554004	SEMINAR/CONF RE	849.00	754.00	1,423.00	398.00	2,000.00	3,000.00	50.0%
00151302	554005	EDUCATION & TRA	4,043.50	253.00	995.00	.00	16,000.00	16,000.00	.0%
00151302	564204	CAPITAL- MACHIN	.00	.00	28,105.63	.00	.00	.00	.0%
00151302	564300	CAPITAL - SBITA	.00	150,427.80	.00	.00	.00	.00	.0%
TOTAL INFORMATION TECHNOLOGY			1,256,521.48	1,510,311.91	1,530,389.57	1,454,964.22	1,989,711.00	2,108,032.00	5.9%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151303	HUMAN RESOURCES/PERSONNEL								
00151303	511001	EXECUTIVE SALAR	111,370.44	114,122.39	131,055.17	98,862.45	142,082.00	146,025.00	2.8%
00151303	512001	REGULAR SALARY	140,860.91	158,214.69	179,491.81	132,469.24	206,904.00	272,929.00	31.9%
00151303	514001	REGULAR OVERTIM	.00	.00	45.61	375.79	2,013.00	2,013.00	.0%
00151303	515001	SICK INC./PERSO	3,701.92	620.40	5,002.15	.00	6,000.00	6,000.00	.0%
00151303	515008	INCENTIVE PAY	.00	.00	.00	184.64	.00	.00	.0%
00151303	515010	EMPLOYEE RECOGN	.00	3,415.97	4,419.82	3,735.95	4,500.00	5,000.00	11.1%
00151303	521001	FICA	19,277.78	20,439.82	24,008.89	17,076.11	25,567.00	32,632.00	27.6%
00151303	522003	DC PLAN	23,501.70	23,932.03	31,087.28	22,186.28	33,807.00	42,656.00	26.2%
00151303	523002	FLORIDA HEALTH	25,758.81	31,200.05	39,489.65	27,446.27	41,843.00	54,773.00	30.9%
00151303	523003	HEALTH SAVINGS	.00	3,200.00	4,666.67	1,485.00	4,950.00	6,798.00	37.3%
00151303	523004	BCBS INSURANCE	10,897.76	.00	.00	.00	.00	.00	.0%
00151303	523008	MET LIFE DENTAL	1,409.77	1,406.11	1,947.84	1,229.18	1,951.00	2,180.00	11.7%
00151303	523009	LIFE/STD/ADD/LT	2,405.41	2,510.35	3,240.83	2,631.73	3,987.00	5,708.00	43.2%
00151303	524001	WC	.00	.00	.00	946.33	974.00	834.00	-14.4%
00151303	531001	PHYSICALS & TES	23,354.00	49,508.01	46,858.20	43,823.22	65,800.00	62,000.00	-5.8%
00151303	531010	LABOR ATTORNEY	45,916.29	93,929.63	144,926.20	50,000.80	70,000.00	70,000.00	.0%
00151303	531018	EMPLOYEE ASSIST	6,258.72	6,258.72	6,226.80	3,747.60	6,500.00	7,500.00	15.4%
00151303	531099	OTHER PROFESSIO	93,656.76	103,095.43	104,143.96	72,975.80	90,700.00	80,000.00	-11.8%
00151303	534001	EXTERMINATOR SE	.00	.00	1,089.62	228.00	1,500.00	1,500.00	.0%
00151303	534003	JANITORIAL SERV	.00	.00	1,365.42	3,312.00	4,500.00	4,500.00	.0%
00151303	534012	COMPUTER CONTRA	.00	.00	.00	175.09	1,200.00	1,300.00	8.3%
00151303	540005	TRAVEL	1,304.98	1,511.95	5,845.50	2,820.51	8,000.00	7,000.00	-12.5%
00151303	540007	SPECIAL LUNCH D	999.19	681.67	1,408.08	410.83	3,000.00	3,000.00	.0%
00151303	541003	MOBILE PHONE CH	565.82	830.09	805.39	153.60	750.00	500.00	-33.3%
00151303	544001	ANNUAL EQUIPMEN	487.94	786.43	882.16	1,353.36	2,500.00	.00	.0%
00151303	545001	LIABILITY INSUR	.00	.00	.00	13,502.83	13,503.00	14,260.00	5.6%
00151303	546201	REPAIR & MAINTE	.00	.00	.00	2,103.42	1,000.00	.00	.0%
00151303	547001	FORMS/OTHER PRI	225.44	439.97	34.95	575.34	600.00	300.00	-50.0%
00151303	549001	NEWS ADS	.00	2,621.64	180.28	.00	2,500.00	250.00	-90.0%
00151303	549099	OTHER CURR CHGS	9,653.06	34,139.50	30,731.41	37,886.39	40,000.00	45,000.00	12.5%
00151303	551001	OFFICE SUPPLY	3,877.06	2,316.81	2,602.03	2,450.99	3,500.00	3,500.00	.0%
00151303	551005	OFFICE MACHINE	.00	2,355.90	1,406.78	.00	600.00	2,000.00	233.3%
00151303	552012	COMPUTER HRDWR/	223.77	457.17	1,883.89	2,021.10	2,100.00	2,260.00	7.6%
00151303	554001	MEMBERSHIPS & S	1,769.67	1,929.50	2,536.00	505.00	2,250.00	2,500.00	11.1%
00151303	554004	SEMINAR/CONF RE	3,234.05	5,873.40	3,535.50	2,260.00	3,500.00	3,500.00	.0%
00151303	554005	EDUCATION & TRA	18,016.95	.00	1,000.00	.00	2,000.00	2,000.00	.0%
TOTAL HUMAN RESOURCES/PERSON			548,728.20	665,797.63	781,917.89	548,934.85	800,581.00	890,418.00	11.2%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151401	CITY ATTORNEY								
00151401	511001	EXECUTIVE SALAR	189,886.89	185,206.76	207,826.69	341,818.39	480,715.00	494,958.00	3.0%
00151401	511004	AUTO ALLOWANCE	5,200.08	5,200.08	7,258.37	6,750.00	9,000.00	9,000.00	.0%
00151401	512001	REGULAR SALARY	158,338.34	186,885.81	276,077.74	43,078.88	102,585.00	74,445.00	-27.4%
00151401	514001	REGULAR OVERTIM	.00	.00	.00	.00	2,200.00	2,200.00	.0%
00151401	515001	SICK INC./PERSO	8,402.98	9,881.21	8,461.54	.00	18,000.00	18,000.00	.0%
00151401	521001	FICA	25,640.67	27,173.52	35,592.17	26,290.68	40,327.00	45,970.00	14.0%
00151401	522003	DC PLAN	62,302.24	64,205.76	80,644.37	59,704.44	95,218.00	91,550.00	-3.9%
00151401	523002	FLORIDA HEALTH	40,242.69	41,655.18	42,395.64	30,708.19	46,256.00	50,181.00	8.5%
00151401	523003	HEALTH SAVINGS	2,500.00	4,800.00	4,800.00	1,485.00	4,950.00	5,099.00	3.0%
00151401	523008	MET LIFE DENTAL	2,291.40	2,239.13	2,244.33	1,735.88	2,615.00	2,529.00	-3.3%
00151401	523009	LIFE/STD/ADD/LT	3,800.90	3,914.25	5,535.05	4,741.83	7,152.00	10,408.00	45.5%
00151401	523011	METLIFE VISION	268.94	215.45	216.24	174.04	263.00	254.00	-3.4%
00151401	524001	WC	.00	.00	.00	855.90	895.00	750.00	-16.2%
00151401	531004	TITLE SEARCH	.00	.00	.00	.00	.00	500.00	.0%
00151401	531005	COURT COSTS	22.50	52.00	15.00	.00	.00	1,000.00	.0%
00151401	531007	FILING FEES	.00	.00	299.55	.00	.00	1,000.00	.0%
00151401	531099	OTHER PROFESSIO	18,446.63	9,315.00	16,330.00	.00	15,000.00	15,000.00	.0%
00151401	533001	COURT REPORTER	183.72	813.28	.00	.00	800.00	800.00	.0%
00151401	540005	TRAVEL	6,983.76	7,978.21	6,608.76	2,581.06	8,000.00	8,500.00	6.3%
00151401	541003	MOBILE PHONE CH	2,025.72	2,441.58	2,415.79	1,282.74	3,045.00	2,000.00	-34.3%
00151401	544001	ANNUAL EQUIPMEN	251.80	302.16	652.56	1,353.36	1,356.00	1,356.00	.0%
00151401	545001	LIABILITY INSUR	.00	.00	.00	22,518.91	22,519.00	23,800.00	5.7%
00151401	551001	OFFICE SUPPLY	1,612.98	2,859.69	2,006.08	1,536.09	3,000.00	3,000.00	.0%
00151401	552012	COMPUTER HRDWR/	149.18	2,346.19	521.08	.00	131.00	.00	-100.0%
00151401	554001	MEMBERSHIPS & S	2,313.00	2,005.00	2,353.00	1,514.02	3,955.00	3,955.00	.0%
00151401	554002	REF & EDUCATION	5,759.25	6,760.96	10,014.77	6,884.44	9,100.00	11,000.00	20.9%
00151401	554004	SEMINAR/CONF RE	2,575.00	3,265.00	4,170.00	2,531.45	5,080.00	6,050.00	19.1%
00151401	554005	EDUCATION & TRA	223.82	1,703.00	-821.00	50.00	3,000.00	4,000.00	33.3%
TOTAL CITY ATTORNEY			539,422.49	571,219.22	715,617.73	557,595.30	885,162.00	887,305.00	.2%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151501	PLANNING & ENGINEERING								
00151501	511001	EXECUTIVE SALAR	76,381.59	139,680.16	143,333.05	207,884.69	287,915.00	301,493.00	4.7%
00151501	512001	REGULAR SALARY	662,086.64	729,618.81	774,025.53	473,562.04	708,447.00	757,479.00	6.9%
00151501	514001	REGULAR OVERTIM	628.78	857.40	474.27	653.95	3,000.00	3,000.00	.0%
00151501	515001	SICK INC./PERSO	11,255.11	18,931.89	16,773.63	.00	17,000.00	17,000.00	.0%
00151501	521001	FICA	55,055.83	66,077.37	69,619.31	50,115.55	73,975.00	82,580.00	11.6%
00151501	522003	DC PLAN	69,354.20	81,512.71	87,987.31	64,040.23	95,671.00	107,948.00	12.8%
00151501	523002	FLORIDA HEALTH	111,199.70	119,685.60	122,791.31	88,681.29	129,620.00	149,584.00	15.4%
00151501	523003	HEALTH SAVINGS	625.00	6,933.34	8,000.00	7,982.50	18,150.00	15,296.00	-15.7%
00151501	523008	MET LIFE DENTAL	4,891.20	5,072.84	5,283.05	4,223.71	6,185.00	6,096.00	-1.4%
00151501	523009	LIFE/STD/ADD/LT	6,375.45	7,672.14	8,547.92	6,876.09	10,476.00	13,828.00	32.0%
00151501	524001	WC	.00	.00	.00	31,787.32	31,862.00	27,919.00	-12.4%
00151501	525001	UNEMPLOYMENT	3,025.00	.00	.00	.00	.00	.00	.0%
00151501	531007	FILING FEES	324.11	2,718.42	1,316.64	2,126.89	4,000.00	4,000.00	.0%
00151501	531099	OTHER PROFESSIO	83,678.71	121,018.50	176,361.43	175,559.70	273,200.00	173,200.00	-36.6%
00151501	534012	COMPUTER CONTRA	22,482.33	23,555.73	30,165.91	23,641.32	30,600.00	28,170.00	-7.9%
00151501	540005	TRAVEL	995.79	4,764.91	6,234.27	3,655.81	7,000.00	7,000.00	.0%
00151501	541003	MOBILE PHONE CH	4,291.56	8,029.92	4,559.56	2,109.21	4,851.00	3,400.00	-29.9%
00151501	542021	SHIPPING/HANDLI	1,132.10	1,453.20	1,487.63	900.24	1,500.00	1,500.00	.0%
00151501	544001	ANNUAL EQUIPMEN	1,288.18	2,216.88	2,216.88	2,216.88	4,000.00	4,000.00	.0%
00151501	545001	LIABILITY INSUR	.00	.00	.00	43,080.70	43,081.00	45,644.00	5.9%
00151501	546350	FLEET MAINTENAN	2,665.18	5,798.80	16,645.82	3,880.59	14,194.00	16,387.00	15.5%
00151501	548001	PROMOTIONAL EXP	771.90	70.91	.00	.00	1,000.00	1,000.00	.0%
00151501	549001	NEWS ADS	9,829.53	12,037.68	9,715.84	5,502.24	13,000.00	13,000.00	.0%
00151501	549005	HISTORIC PLAQUE	.00	789.50	756.00	280.30	2,500.00	2,500.00	.0%
00151501	549099	OTHER CURR CHGS	.00	.00	180.16	.00	250.00	250.00	.0%
00151501	551001	OFFICE SUPPLY	8,118.35	11,347.31	7,664.09	5,297.99	9,000.00	11,000.00	22.2%
00151501	551005	OFFICE MACHINE	8,862.68	6,373.70	2,970.11	903.72	5,000.00	5,000.00	.0%
00151501	552001	GAS/OIL	4,545.24	3,441.43	3,380.64	2,551.38	8,196.00	8,418.00	2.7%
00151501	552004	UNIFORMS	1,573.84	3,092.42	2,802.75	.00	3,500.00	3,500.00	.0%
00151501	552012	COMPUTER HRDWR/	745.90	.00	.00	.00	.00	.00	.0%
00151501	554001	MEMBERSHIPS & S	4,969.17	6,522.30	5,618.76	4,111.00	12,000.00	12,000.00	.0%
00151501	554004	SEMINAR/CONF RE	2,375.10	4,587.34	5,153.39	8,324.22	12,000.00	12,000.00	.0%
00151501	554005	EDUCATION & TRA	342.34	503.12	3,550.86	1,251.95	6,580.00	6,580.00	.0%
TOTAL PLANNING & ENGINEERING			1,159,870.51	1,394,364.33	1,517,616.12	1,221,201.51	1,837,753.00	1,840,772.00	.2%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151901	NON-DEPARTMENTAL								
00151901	524001	WC	364,960.17	617,975.78	671,805.00	75,780.70	75,845.00	.00	.0%
00151901	531099	OTHER PROFESSIO	.00	.00	4,770.00	9,115.00	10,000.00	90,000.00	800.0%
00151901	534001	EXTERMINATOR SE	5,683.82	2,567.52	2,016.73	29,133.71	30,367.00	6,500.00	-78.6%
00151901	534003	JANITORIAL SERV	8,220.00	8,220.00	13,870.90	19,620.00	23,000.00	27,000.00	17.4%
00151901	534007	COLLECTION FEES	.00	.00	32,802.04	20,204.71	30,144.00	33,600.00	11.5%
00151901	534012	COMPUTER CONTRA	.00	.00	3,777.90	.00	.00	.00	.0%
00151901	534015	SECURITY MONITO	.00	.00	.00	399.60	600.00	600.00	.0%
00151901	534099	OTHER CONTRACTU	29,679.65	27,500.00	20,625.00	17,754.02	17,800.00	.00	.0%
00151901	534099	25CLR OTHER CONT	.00	.00	3,777.90	.00	.00	.00	.0%
00151901	534099	26CH2 OTHER CONT	.00	.00	.00	35,410.00	35,410.00	.00	.0%
00151901	534204	LANDSCAPING SER	10,535.52	6,107.04	6,107.04	6,361.16	6,500.00	6,500.00	.0%
00151901	541001	PHONE CHARGES	10,444.34	10,727.53	9,372.12	5,518.76	8,700.00	8,700.00	.0%
00151901	542020	POSTAGE	7,081.80	24,620.78	10,697.46	106.62	10,000.00	10,000.00	.0%
00151901	543001	ELECTRIC AND WA	26,955.75	23,675.72	21,523.27	182,016.39	38,700.00	40,000.00	3.4%
00151901	543002	NATURAL GAS	.00	.00	1,214.89	765.02	1,300.00	1,300.00	.0%
00151901	544001	ANNUAL EQUIPMEN	5,577.43	5,524.44	7,000.98	6,540.60	7,000.00	7,000.00	.0%
00151901	544006	25MLT EQUIPMENT	.00	.00	26,042.73	.00	.00	.00	.0%
00151901	544012	LEASES-LAND/PAR	310,931.72	328,045.48	543,901.25	.00	.00	.00	.0%
00151901	544014	26CH2 RENTAL AND	.00	.00	.00	17,600.00	17,600.00	.00	.0%
00151901	545001	LIABILITY INSUR	342,712.12	433,526.44	485,137.52	25,662.56	25,663.00	28,200.00	9.9%
00151901	545002	AUTO AND PROPER	517,512.00	895,248.99	987,368.26	.00	.00	.00	.0%
00151901	546201	REPAIR & MAINTE	57,242.98	25,432.75	75,457.44	11,896.29	99,400.00	50,000.00	-49.7%
00151901	546201	22IAN REPAIR & M	.00	.00	1,620.00	.00	.00	.00	.0%
00151901	546201	24CAR REPAIR & M	.00	.00	12,531.47	.00	.00	.00	.0%
00151901	546201	25CLR REPAIR & M	.00	.00	11,909.70	.00	.00	.00	.0%
00151901	546201	25FD7 REPAIR & M	.00	.00	9,450.00	.00	.00	.00	.0%
00151901	546201	25LS1 REPAIR & M	.00	.00	38,220.00	.00	.00	.00	.0%
00151901	546201	25MLT REPAIR & M	.00	.00	593,846.82	.00	.00	.00	.0%
00151901	546201	25PD1 REPAIR & M	.00	.00	1,200.00	.00	.00	.00	.0%
00151901	546201	25PD5 REPAIR & M	.00	.00	600.00	.00	.00	.00	.0%
00151901	546201	25PK3 REPAIR & M	.00	.00	150.00	.00	.00	.00	.0%
00151901	546350	FLEET MAINTENAN	431.94	.00	.00	.00	.00	.00	.0%
00151901	547010	PRINTING AND BI	.00	2,162.28	1,205.00	1,010.00	5,000.00	1,200.00	-76.0%
00151901	549001	26CH2 NEWS ADS	.00	.00	.00	157.68	180.00	.00	.0%
00151901	549006	CITY EMPLOYEE R	520.00	.00	.00	.00	.00	.00	.0%
00151901	549071	25MLT DEBRIS HAU	.00	.00	949,123.41	.00	.00	.00	.0%
00151901	549072	25MLT DEBRIS MON	.00	.00	168,988.25	.00	.00	.00	.0%
00151901	549095	BAC CHARGES	.00	937.40	504.67	.00	1,000.00	1,000.00	.0%
00151901	549099	OTHER CURR CHGS	30,008.87	30,758.07	52,946.11	45,974.46	60,000.00	60,000.00	.0%
00151901	549099	19TBP OTHER CURR	.00	.00	.00	2,549.30	2,600.00	.00	.0%
00151901	549999	BAD DEBT EXPENS	.00	.00	83,856.96	.00	.00	.00	.0%
00151901	551001	OFFICE SUPPLY	.00	257.27	170.68	.00	250.00	.00	.0%
00151901	551005	25CLR OFFICE SMA	.00	.00	22,742.57	.00	.00	.00	.0%
00151901	552001	GAS/OIL	975.05	.00	.00	.00	.00	.00	.0%
00151901	552002	JANITOR SUPPLIE	2,503.60	2,203.13	6,063.84	1,903.84	3,000.00	3,000.00	.0%
00151901	552051	23FD2 SMALL MACH	.00	.00	8,482.07	.00	.00	.00	.0%
00151901	552051	25FD1 SMALL MACH	.00	.00	2,180.03	.00	.00	.00	.0%
00151901	552099	OTHER OPER SUPP	.00	.00	5,778.85	.00	5,000.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND		2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151901 552099	22IAN OTHER OPER	2,993,290.67	148,665.90	.00	.00	.00	.00	.0%
00151901 552099	23NIC OTHER OPER	50,662.28	.00	.00	.00	.00	.00	.0%
00151901 552099	25MLT OTHER OPER	.00	.00	61,562.24	.00	.00	.00	.0%
00151901 552099	26CH2 OTHER OPER	.00	.00	.00	1,352.28	5,000.00	.00	.0%
00151901 554001	MEMBERSHIPS & S	5,167.40	6,128.25	6,103.75	779.00	5,650.00	5,650.00	.0%
00151901 562202	23ST2 CAPITAL- B	39,139.95	10,513.00	.00	.00	.00	.00	.0%
00151901 562202	25MLT CAPITAL- B	.00	.00	8,940.82	.00	.00	.00	.0%
00151901 562202	26CH2 CAPITAL- B	.00	.00	.00	179,966.04	180,000.00	.00	.0%
00151901 562210	26CH2 OTHER PROF	.00	.00	.00	18,500.00	18,500.00	.00	.0%
00151901 564204	CAPITAL- MACHIN	8,145.00	.00	7,717.88	.00	.00	.00	.0%
00151901 564204	22FD5 CAPITAL- M	1,900.00	.00	.00	.00	.00	.00	.0%
00151901 564204	22PAC CAPITAL- M	.00	120,541.00	.00	.00	.00	.00	.0%
00151901 564204	22PR1 CAPITAL- M	51,133.58	.00	.00	.00	.00	.00	.0%
00151901 564204	23FD7 CAPITAL- M	.00	27,533.00	.00	.00	.00	.00	.0%
00151901 564204	23PK1 CAPITAL- M	22,248.31	.00	.00	.00	.00	.00	.0%
00151901 564204	23PK3 CAPITAL- M	34,039.50	.00	.00	.00	.00	.00	.0%
00151901 564204	23SC1 CAPITAL- M	13,273.44	.00	.00	.00	.00	.00	.0%
00151901 564204	23SC2 CAPITAL- M	17,314.31	.00	.00	.00	.00	.00	.0%
00151901 564204	24BM2 CAPITAL- M	.00	18,350.00	.00	.00	.00	.00	.0%
00151901 564204	24LS1 CAPITAL- M	.00	7,525.00	.00	.00	.00	.00	.0%
00151901 564204	24PD4 CAPITAL- M	.00	6,799.00	.00	.00	.00	.00	.0%
00151901 564204	24PDD CAPITAL- M	.00	21,869.37	.00	.00	.00	.00	.0%
00151901 564204	24PK2 CAPITAL- M	.00	29,985.40	.00	.00	.00	.00	.0%
00151901 564204	24PK5 CAPITAL- M	.00	52,071.00	34,700.00	.00	.00	.00	.0%
00151901 564204	24SC1 CAPITAL- M	.00	42,313.00	.00	.00	.00	.00	.0%
00151901 564204	24SC2 CAPITAL- M	.00	43,567.58	.00	.00	.00	.00	.0%
00151901 564204	24ST5 CAPITAL- M	.00	44,978.10	.00	.00	.00	.00	.0%
00151901 564204	25FD3 CAPITAL- M	.00	.00	.00	88,227.00	90,000.00	.00	.0%
00151901 564204	25FD4 CAPITAL- M	.00	.00	75,434.58	.00	.00	.00	.0%
00151901 564204	25FD6 CAPITAL- M	.00	.00	15,895.00	.00	.00	.00	.0%
00151901 564204	25MLT CAPITAL- M	.00	.00	357,449.68	.00	.00	.00	.0%
00151901 564204	25PD6 CAPITAL- M	.00	.00	99,996.00	.00	.00	.00	.0%
00151901 564204	25SC5 CAPITAL- M	.00	.00	28,080.00	.00	.00	.00	.0%
00151901 564204	25SC7 CAPITAL- M	.00	.00	17,123.56	.00	.00	.00	.0%
00151901 564204	25SC8 CAPITAL- M	.00	.00	5,849.15	.00	.00	.00	.0%
00151901 564204	25ST1 CAPITAL- M	.00	.00	29,990.00	.00	.00	.00	.0%
00151901 564204	26CH2 CAPITAL- M	.00	.00	.00	49,269.52	80,120.00	.00	.0%
00151901 564717	22FD3 CAPITAL- V	41,273.00	.00	.00	.00	.00	.00	.0%
00151901 564717	22PD1 CAPITAL- V	309,967.42	.00	.00	.00	.00	.00	.0%
00151901 564717	23BM1 CAPITAL- V	.00	47,509.08	.00	.00	.00	.00	.0%
00151901 564717	23CAT CAPITAL- V	.00	.00	399,021.00	.00	.00	.00	.0%
00151901 564717	23FD2 CAPITAL- V	14,238.59	233,754.65	.00	.00	.00	.00	.0%
00151901 564717	23FD3 CAPITAL- V	42,598.00	3,595.16	.00	.00	.00	.00	.0%
00151901 564717	23FDT CAPITAL- V	3,299,583.00	.00	.00	.00	.00	.00	.0%
00151901 564717	23PD1 CAPITAL- V	48,000.00	538,602.13	.00	.00	.00	.00	.0%
00151901 564717	23ST1 CAPITAL- V	152,365.00	.00	.00	.00	.00	.00	.0%
00151901 564717	24BM1 CAPITAL- V	.00	51,578.45	.00	.00	.00	.00	.0%
00151901 564717	24FD1 CAPITAL- V	.00	.00	428,118.10	.00	.00	.00	.0%
00151901 564717	24PD1 CAPITAL- V	.00	.00	485,254.72	.00	.00	.00	.0%
00151901 564717	24PK1 CAPITAL- V	.00	52,705.00	.00	.00	.00	.00	.0%
00151901 564717	24PK3 CAPITAL- V	.00	36,084.83	.00	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151901 564717 24ST1 CAPITAL- V	.00	55,117.20	.00	.00	.00	.00	.0%
00151901 564717 24ST2 CAPITAL- V	.00	111,903.67	.00	.00	.00	.00	.0%
00151901 564717 24ST4 CAPITAL- V	.00	12,028.28	.00	.00	.00	.00	.0%
00151901 564717 25BM1 CAPITAL- V	.00	.00	54,840.81	.00	.00	.00	.0%
00151901 564717 25FD1 CAPITAL- V	.00	.00	42,610.30	.00	.00	.00	.0%
00151901 564717 25PD1 CAPITAL- V	.00	.00	68,409.50	.00	.00	.00	.0%
00151901 564717 25PD2 CAPITAL- V	.00	.00	38,734.60	4,869.38	4,900.00	.00	.0%
00151901 564717 25PD3 CAPITAL- V	.00	.00	.00	44,954.13	40,150.00	.00	.0%
00151901 564717 25PD4 CAPITAL- V	.00	.00	49,544.87	.00	.00	.00	.0%
00151901 564717 25PD5 CAPITAL- V	.00	.00	25,844.00	.00	.00	.00	.0%
00151901 564717 25PK1 CAPITAL- V	.00	.00	13,019.83	.00	.00	.00	.0%
00151901 564717 25PK3 CAPITAL- V	.00	.00	69,821.80	.00	.00	.00	.0%
00151901 564717 25SC2 CAPITAL- V	.00	.00	18,331.62	.00	.00	.00	.0%
00151901 564717 25SC3 CAPITAL- V	.00	.00	14,197.00	.00	.00	.00	.0%
00151901 564717 25ST2 CAPITAL- V	.00	.00	237,731.00	.00	.00	.00	.0%
00151901 567211 25CLR BUILDINGS	.00	.00	30,096.94	.00	.00	.00	.0%
00151901 567717 21PK1 CAPITAL OU	28,437.00	.00	.00	.00	.00	.00	.0%
00151901 567717 21PK2 CAPITAL OU	26,748.00	.00	.00	.00	.00	.00	.0%
00151901 583006 OTHER GRANTS AN	24,337.02	26,057.83	429.81	.00	50,000.00	.00	.0%
00151901 583006 BCNPW OTHER GRAN	.00	.00	10,950.00	.00	.00	50,000.00	.0%
00151901 599999 CONTRA-BAD DEBT	.00	.00	1,303.77	.00	.00	.00	.0%
TOTAL NON-DEPARTMENTAL	8,955,838.23	4,195,266.50	7,635,941.19	903,397.77	989,379.00	430,250.00	-56.5%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151902	PUBLIC WORKS ADMINISTRATION								
00151902	511001	EXECUTIVE SALAR	111,847.70	110,545.09	134,745.27	97,577.78	140,235.00	144,122.00	2.8%
00151902	512001	REGULAR SALARY	120,138.27	140,278.37	145,878.16	131,377.85	240,171.00	238,252.00	-.8%
00151902	514001	REGULAR OVERTIM	3,064.56	5,412.31	10,462.29	4,175.65	4,828.00	4,828.00	.0%
00151902	515001	SICK INC./PERSO	5,957.55	7,014.85	7,014.85	.00	8,000.00	8,000.00	.0%
00151902	521001	FICA	18,121.34	20,065.89	22,474.60	17,643.41	29,264.00	30,400.00	3.9%
00151902	522003	DC PLAN	21,512.00	23,580.70	26,821.36	19,948.38	34,728.00	39,738.00	14.4%
00151902	523002	FLORIDA HEALTH	20,945.68	28,721.00	27,117.32	17,210.21	30,064.00	40,091.00	33.4%
00151902	523003	HEALTH SAVINGS	.00	.00	.00	3,025.00	3,025.00	3,399.00	12.4%
00151902	523004	BCBS INSURANCE	13,417.77	14,137.07	15,240.80	11,824.20	17,811.00	17,224.00	-3.3%
00151902	523008	MET LIFE DENTAL	1,576.09	1,836.90	1,755.82	1,279.01	2,098.00	2,234.00	6.5%
00151902	523009	MUTUAL OF OMAHA	2,244.04	2,625.70	2,894.68	2,480.34	4,006.00	5,306.00	32.5%
00151902	524001	WC	.00	.00	.00	885.18	891.00	778.00	-12.7%
00151902	531099	OTHER PROFESSIO	.00	.00	10,822.50	37,877.50	37,878.00	.00	.0%
00151902	531099	22SSR OTHER PROF	.00	.00	5,475.00	.00	.00	.00	.0%
00151902	534001	EXTERMINATOR SE	140.49	237.64	269.76	182.84	3,000.00	3,000.00	.0%
00151902	534003	JANITORIAL SERV	8,820.00	8,820.00	8,432.51	5,965.00	13,000.00	18,000.00	38.5%
00151902	534012	COMPUTER CONTRA	29,108.21	17,444.03	20,037.12	21,106.91	45,716.00	65,000.00	42.2%
00151902	540005	TRAVEL	1,418.70	25.00	3,629.97	.00	5,500.00	6,500.00	18.2%
00151902	541003	MOBILE PHONE CH	2,436.79	2,122.67	2,833.94	4,986.45	6,273.00	3,200.00	-49.0%
00151902	541005	GPS SERVICES	84.55	205.07	208.09	.00	209.00	600.00	187.1%
00151902	542021	SHIPPING/HANDLI	.00	94.31	.00	.00	100.00	100.00	.0%
00151902	543001	ELECTRIC AND WA	6,505.58	8,359.56	8,136.34	2,780.53	15,000.00	15,000.00	.0%
00151902	544001	ANNUAL EQUIPMEN	789.46	1,353.36	1,353.36	1,353.36	1,500.00	1,500.00	.0%
00151902	544012	LAND LEASE	.00	.00	.00	39,738.48	39,739.00	70,000.00	76.1%
00151902	545001	LIABILITY INSUR	.00	.00	.00	12,753.90	12,754.00	13,447.00	5.4%
00151902	546201	REPAIR & MAINTE	15,171.78	340.03	13,272.02	310.62	8,827.00	15,000.00	69.9%
00151902	546350	FLEET MAINTENAN	2,163.02	4,334.51	9,117.19	6,914.12	6,839.00	3,277.00	-52.1%
00151902	549001	NEWS ADS	.00	.00	.00	.00	500.00	500.00	.0%
00151902	549099	OTHER CURR CHGS	106.11	21,635.29	971.06	1,353.89	1,600.00	3,000.00	87.5%
00151902	549099	22SSR OTHER CURR	.00	.00	51,089.00	.00	.00	.00	.0%
00151902	551001	OFFICE SUPPLY	2,168.20	625.49	2,906.10	1,100.57	2,500.00	2,500.00	.0%
00151902	551005	OFFICE MACHINE	3,491.86	3,015.56	7,471.12	3,194.24	3,195.00	2,500.00	-21.8%
00151902	552001	GAS/OIL	587.49	517.06	387.41	803.90	1,639.00	1,684.00	2.7%
00151902	552002	JANITOR SUPPLIE	357.31	501.78	711.00	8.99	700.00	1,000.00	42.9%
00151902	552004	UNIFORMS	.00	.00	.00	.00	.00	1,500.00	.0%
00151902	552012	COMPUTER HRDWR/	186.48	.00	.00	1,886.52	1,887.00	.00	.0%
00151902	552099	OTHER OPER SUPP	12.45	101.54	63.61	.00	100.00	100.00	.0%
00151902	554001	MEMBERSHIPS & S	406.00	50.00	.00	.00	.00	1,500.00	.0%
00151902	554004	SEMINAR/CONF RE	534.00	2,460.00	1,029.00	150.00	2,500.00	3,500.00	40.0%
TOTAL PUBLIC WORKS ADMINISTR			393,313.48	426,460.78	542,621.25	449,894.83	726,077.00	766,780.00	5.6%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151903 NON DEPT HURRICANE							
00151903 534007 COLLECTION FEES	.00	32,564.88	.00	.00	.00	.00	.0%
TOTAL NON DEPT HURRICANE	.00	32,564.88	.00	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00151904	FACILITY MAINTENANCE								
00151904	512001	REGULAR SALARY	272,558.45	286,523.97	287,367.55	239,918.87	361,255.00	428,451.00	18.6%
00151904	514001	REGULAR OVERTIM	11,503.93	5,423.90	10,600.60	1,642.17	15,000.00	5,000.00	-66.7%
00151904	515001	SICK INC./PERSO	.00	5,479.68	6,354.30	.00	7,000.00	7,000.00	.0%
00151904	515006	SHOE ALLOWANCE	1,113.45	1,142.31	1,130.76	1,050.00	1,200.00	1,200.00	.0%
00151904	521001	FICA	21,485.88	22,531.96	22,716.92	17,876.32	26,982.00	35,317.00	30.9%
00151904	522003	DC PLAN	26,153.61	27,541.69	28,615.92	21,765.58	33,490.00	46,046.00	37.5%
00151904	523002	FLORIDA HEALTH	61,246.83	69,157.90	81,380.07	64,165.40	95,447.00	105,330.00	10.4%
00151904	523003	HEALTH SAVINGS	.00	1,600.00	.00	.00	.00	.00	.0%
00151904	523008	MET LIFE DENTAL	2,286.99	2,281.85	2,647.42	2,208.57	3,353.00	3,560.00	6.2%
00151904	523009	MUTUAL OF OMAHA	1,951.95	2,204.02	2,375.00	2,170.01	3,338.00	4,500.00	34.8%
00151904	524001	WC	.00	.00	.00	47,693.67	47,703.00	38,417.00	-19.5%
00151904	531099	OTHER PROFESSIO	.00	.00	10,995.00	.00	.00	.00	.0%
00151904	531099	22TOD OTHER PROF	.00	.00	6,925.40	.00	.00	.00	.0%
00151904	534012	COMPUTER CONTRA	.00	.00	.00	486.03	513.00	1,100.00	114.4%
00151904	540005	TRAVEL	.00	.00	.00	.00	500.00	1,500.00	200.0%
00151904	541003	MOBILE PHONE CH	5,046.89	6,236.77	8,374.47	3,888.20	8,064.00	3,300.00	-59.1%
00151904	541005	GPS FLEET SERVI	2,292.33	1,639.77	1,664.76	.00	3,800.00	3,800.00	.0%
00151904	543001	ELECTRIC AND WA	16,007.22	6,484.68	.00	.00	.00	.00	.0%
00151904	544001	ANNUAL EQUIPMEN	.00	.00	.00	187.16	188.00	500.00	166.0%
00151904	545001	LIABILITY INSUR	.00	.00	.00	98,430.26	98,431.00	106,064.00	7.8%
00151904	546201	REPAIR & MAINTA	17,913.02	8,966.38	9,517.14	139,935.27	142,500.00	8,500.00	-94.0%
00151904	546350	FLEET MAINTENAN	8,886.25	17,273.40	20,714.86	10,769.26	42,581.00	49,161.00	15.5%
00151904	549001	NEWS ADS	.00	.00	74.32	.00	500.00	500.00	.0%
00151904	549099	OTHER CURR CHGS	100.00	4,973.99	100.00	100.00	100.00	1,000.00	900.0%
00151904	551001	OFFICE SUPPLY	341.07	350.00	350.00	866.79	1,346.00	800.00	-40.6%
00151904	551005	OFFICE MACHINE	.00	.00	.00	1,657.09	1,658.00	.00	.0%
00151904	552001	GAS/OIL	9,054.12	9,963.46	9,359.35	6,228.99	24,587.00	25,253.00	2.7%
00151904	552002	JANITOR SUPPLIE	1,047.35	1,000.00	1,000.00	666.44	1,000.00	1,000.00	.0%
00151904	552004	UNIFORMS	3,999.11	5,000.00	4,000.00	1,556.02	5,000.00	5,500.00	10.0%
00151904	552012	COMPUTER HRDWR/	.00	.00	.00	1,688.02	1,689.00	.00	.0%
00151904	552023	22TOD SIGNS	.00	.00	900.00	.00	.00	.00	.0%
00151904	552099	OTHER OPER SUPP	5,379.74	10,238.83	30,797.75	6,630.13	25,500.00	25,000.00	-2.0%
00151904	554001	MEMBERSHIPS & S	200.00	339.00	252.00	400.00	400.00	400.00	.0%
00151904	554004	SEMINAR/CONF RE	.00	.00	455.00	.00	500.00	1,500.00	200.0%
TOTAL FACILITY MAINTENANCE			468,568.19	496,353.56	548,668.59	671,980.25	953,625.00	909,699.00	-4.6%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152101	POLICE								
00152101	511001	EXECUTIVE SALAR	186,505.91	145,539.93	162,041.52	133,730.72	192,193.00	197,543.00	2.8%
00152101	512001	REGULAR SALARY	3,570,929.12	4,353,838.70	4,546,132.42	3,812,821.26	5,642,643.00	6,555,575.00	16.2%
00152101	512006	REGULAR GRANT S	73,292.55	89,689.79	55,045.96	68,880.36	103,495.00	55,000.00	-46.9%
00152101	514001	REGULAR OVERTIM	805,624.95	751,393.81	890,476.60	674,246.85	872,439.00	900,000.00	3.2%
00152101	514003	BILL OVERTIME	7,895.94	56,842.80	2,475.00	.00	.00	.00	.0%
00152101	514005	GRANT OVERTIME	1,603.74	.00	.00	96.01	388.00	.00	.0%
00152101	515001	SICK INC./PERSO	52,297.41	53,179.24	47,084.84	.00	48,000.00	50,000.00	4.2%
00152101	515003	EDUCATION INCEN	30,580.00	31,140.00	29,540.00	.00	.00	.00	.0%
00152101	515006	SHOE ALLOWANCE	.00	.00	.00	11,600.00	11,600.00	13,200.00	13.8%
00152101	515008	INCENTIVE PAY	16,746.17	33,717.88	5,740.81	1,684.64	.00	.00	.0%
00152101	521001	FICA	354,072.21	416,764.35	426,619.97	347,124.40	517,057.00	594,610.00	15.0%
00152101	522002	PENSION	924,509.83	1,089,142.38	1,349,075.37	1,120,914.69	1,610,986.00	1,834,409.00	13.9%
00152101	522003	DC PLAN	95,089.65	111,451.77	100,444.94	67,774.19	111,694.00	120,612.00	8.0%
00152101	522004	PD/FD STATE PEN	366,537.06	424,601.63	479,751.17	.00	388,608.00	408,039.00	5.0%
00152101	522006	PENSION FORFEIT	.00	-393,888.78	25,353.09	.00	.00	.00	.0%
00152101	523002	FLORIDA HEALTH	711,275.47	850,479.97	833,674.84	649,588.75	961,398.00	1,091,603.00	13.5%
00152101	523003	HEALTH SAVINGS	1,562.50	26,266.69	36,399.71	11,428.23	29,013.00	27,192.00	-6.3%
00152101	523004	BCBS INSURANCE	13,417.78	14,164.10	15,223.52	11,814.44	17,801.00	17,224.00	-3.2%
00152101	523008	MET LIFE DENTAL	27,632.19	31,418.28	32,619.18	27,608.15	41,269.00	44,457.00	7.7%
00152101	523009	MUTUAL OF OMAHA	28,673.85	33,238.71	37,180.43	34,781.75	52,516.00	73,381.00	39.7%
00152101	524001	WC	.00	.00	.00	362,034.09	362,041.00	328,477.00	-9.3%
00152101	525001	UNEMPLOYMENT	185.77	.00	-1,117.00	.00	.00	.00	.0%
00152101	531001	PHYSICALS & TES	189.20	.00	.00	.00	.00	.00	.0%
00152101	531099	OTHER PROFESSIO	4,648.85	4,223.49	4,863.59	5,247.81	8,500.00	9,600.00	12.9%
00152101	534001	EXTERMINATOR SE	815.00	859.20	912.80	716.80	1,200.00	1,200.00	.0%
00152101	534003	JANITORIAL SERV	21,679.82	21,600.00	30,506.74	39,300.00	44,000.00	46,200.00	5.0%
00152101	534004	UNIFORM CLEANIN	2,803.25	2,289.73	3,035.05	4,053.42	4,054.00	4,000.00	-1.3%
00152101	534012	COMPUTER CONTRA	87,457.25	24,180.41	107,958.65	30,428.97	65,644.00	110,129.00	67.8%
00152101	534015	SECURITY MONITO	902.50	1,246.00	2,556.00	.00	.00	.00	.0%
00152101	534017	ANIMAL SERVICES	51,262.14	52,770.04	23,394.01	.00	.00	.00	.0%
00152101	534024	TELESTAFF SERVI	.00	.00	.00	.00	.00	13,000.00	.0%
00152101	534099	OTHER CONTRACTU	.00	125,637.61	.00	48,982.44	248,530.00	274,100.00	10.3%
00152101	534204	LANDSCAPING SER	13,745.04	17,750.04	17,750.04	27,460.86	28,500.00	18,500.00	-35.1%
00152101	540005	TRAVEL	33,506.90	28,141.26	39,862.90	19,905.21	45,000.00	53,000.00	17.8%
00152101	540005	25OPI TRAVEL	.00	.00	6,348.19	1,761.44	1,762.00	.00	.0%
00152101	540005	IG087 TRAVEL	.00	.00	.00	.00	28,844.00	.00	.0%
00152101	541001	PHONE CHARGES	5,407.10	8,481.80	9,110.39	5,297.50	8,680.00	9,440.00	8.8%
00152101	541003	MOBILE PHONE CH	51,600.66	63,523.01	58,394.18	32,540.91	78,000.00	66,580.00	-14.6%
00152101	542021	SHIPPING/HANDLI	2,735.02	2,886.08	2,094.26	1,291.56	4,000.00	4,000.00	.0%
00152101	543001	ELECTRIC AND WA	95,534.62	87,015.65	87,578.52	46,418.82	92,700.00	95,500.00	3.0%
00152101	543002	NATURAL GAS	1,105.88	1,149.79	1,275.62	935.10	1,030.00	1,320.00	28.2%
00152101	544001	ANNUAL EQUIPMEN	4,833.35	6,118.32	6,118.32	5,816.16	8,750.00	8,750.00	.0%
00152101	544003	VEHICLE LEASE	58,958.42	.00	61,218.95	.00	57,734.00	.00	.0%
00152101	544012	LAND LEASE	.00	.00	.00	74,520.00	74,520.00	76,776.00	3.0%
00152101	545001	LIABILITY INSUR	1,780.00	1,959.00	.00	533,189.14	533,190.00	570,889.00	7.1%
00152101	546001	ANNUAL MAINT CO	38,320.89	34,262.57	27,494.89	.00	.00	.00	.0%
00152101	546002	COMMUNICATION E	44,752.06	3,148.30	3,952.81	.00	.00	.00	.0%
00152101	546109	OUTSIDE PURCHAS	4,510.85	67.01	.00	.00	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND		2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152101 546201	REPAIR & MAINTE	45,950.91	36,368.06	34,263.91	72,759.56	125,759.00	106,455.00	-15.3%
00152101 546341	R & M OFFICE EQ	489.48	.00	.00	.00	.00	.00	.0%
00152101 546342	PHOTO/VIDEO EQU	14,261.93	44,000.00	33,184.56	.00	.00	.00	.0%
00152101 546345	FIREARMS	3,161.77	508.80	561.79	.00	.00	.00	.0%
00152101 546350	FLEET MAINTENAN	229,552.33	308,570.08	315,684.37	305,631.94	377,553.00	429,344.00	13.7%
00152101 546350	25OPI FLEET MAIN	.00	.00	36.00	.00	.00	.00	.0%
00152101 546399	R & M EQUIPMENT	11,370.98	7,537.61	17,146.04	12,197.98	46,930.00	44,850.00	-4.4%
00152101 546401	REPAIR & MAINT-	476.04	2,205.47	9,849.95	17,655.00	20,500.00	20,500.00	.0%
00152101 547001	FORMS/OTHER PRI	2,914.00	5,927.00	2,546.00	1,285.00	7,000.00	7,000.00	.0%
00152101 549001	NEWS ADS	.00	.00	230.20	1,200.00	1,200.00	1,200.00	.0%
00152101 549085	CASH OVER/SHORT	-120.07	.03	.10	10.05	20.00	.00	.0%
00152101 549099	OTHER CURR CHGS	77,783.32	18,177.62	19,937.01	14,775.03	37,000.00	39,700.00	7.3%
00152101 549099	OPIO OTHER CURR	21,625.98	.00	.00	.00	.00	.00	.0%
00152101 551001	OFFICE SUPPLY	31,153.35	16,944.33	16,207.45	11,054.00	25,000.00	25,000.00	.0%
00152101 551005	OFFICE MACHINE	17,519.80	17,592.42	12,171.83	7,789.74	27,000.00	27,000.00	.0%
00152101 551005	25OPI OFFICE SMA	.00	.00	1,092.80	.00	.00	.00	.0%
00152101 552001	GAS/OIL	172,481.79	158,699.21	208,963.67	138,709.65	246,752.00	220,546.00	-10.6%
00152101 552002	JANITOR SUPPLIE	4,967.27	6,295.92	5,576.09	.00	.00	.00	.0%
00152101 552003	TRAFFIC CONTROL	9,010.56	15,700.89	6,895.72	.00	.00	.00	.0%
00152101 552004	UNIFORMS	130,864.35	99,365.93	77,170.38	70,107.89	118,500.00	114,725.00	-3.2%
00152101 552006	VETERINARY SERV	1,720.21	4,027.49	2,538.37	.00	.00	.00	.0%
00152101 552010	CANINE	3,772.34	44,986.09	3,684.12	.00	.00	.00	.0%
00152101 552012	COMPUTER HRDWR/	14,770.36	27,047.82	7,659.70	63,930.88	85,578.00	23,000.00	-73.1%
00152101 552012	25OPI COMPUTER H	.00	.00	12,942.50	.00	.00	.00	.0%
00152101 552017	BATTERIES	833.46	3,201.64	939.49	.00	.00	.00	.0%
00152101 552019	PD/FD RESCUE SU	6,064.00	.00	.00	.00	.00	.00	.0%
00152101 552031	EVIDENCE & TEST	12,555.57	18,359.92	13,394.12	10,137.98	18,000.00	13,388.00	-25.6%
00152101 552036	AMMUNITION/FIRE	81,468.35	29,414.99	137,395.80	93,736.79	96,247.00	102,544.00	6.5%
00152101 552037	ANIMAL CONTROL	774.87	1,091.25	1,319.07	.00	.00	.00	.0%
00152101 552039	OP.SUPP. WE CAR	.00	.00	210.38	.00	.00	.00	.0%
00152101 552040	VICTIM ADVOCATE	450.92	10.95	461.81	.00	500.00	500.00	.0%
00152101 552041	SWAT SUPPLIES	11,666.91	14,962.07	24,949.06	.00	.00	.00	.0%
00152101 552042	CITIZENS ON PAT	66.93	350.97	144.74	.00	.00	.00	.0%
00152101 552044	TOWING CHARGES	62.39	.00	.00	.00	500.00	500.00	.0%
00152101 552051	SMALL MACHINE/E	401.26	21,721.09	3,051.89	34,816.69	69,576.00	46,710.00	-32.9%
00152101 552051	25OPI SMALL MACH	.00	.00	.00	1,764.06	1,765.00	.00	.0%
00152101 552067	PISTOL RANGE OP	266.29	1,001.48	4,260.94	.00	.00	.00	.0%
00152101 552069	MOTORIST EXPENS	590.28	457.85	434.13	.00	.00	.00	.0%
00152101 552070	VICTIM ADVOCATE	383.22	339.96	572.75	.00	1,000.00	1,000.00	.0%
00152101 552097	INVESTIGATIVE F	16,211.64	428.07	899.50	550.00	1,000.00	3,000.00	200.0%
00152101 552099	OTHER OPER SUPP	10,630.21	9,632.39	16,210.37	16,677.48	73,886.00	64,300.00	-13.0%
00152101 552205	VICTIM ADVOCATE	.00	.00	.00	-3.99	.00	.00	.0%
00152101 552208	YOUTH SERVICES	6,097.40	3,226.67	1,607.04	.00	.00	.00	.0%
00152101 552208	25TCP YOUTH PROG	.00	.00	1,654.28	2,462.05	2,465.00	.00	.0%
00152101 552211	JUSTICE ASSISTA	.00	5,622.40	5,501.00	4,739.00	4,739.00	4,739.00	.0%
00152101 552212	BULLET PROOF VE	.00	.00	.00	14,047.67	8,553.00	35,530.00	315.4%
00152101 552213	COMMUNITY OUTRE	.00	.00	.00	309.70	5,000.00	5,000.00	.0%
00152101 554001	MEMBERSHIPS & S	4,315.28	3,943.75	4,318.75	2,280.00	9,000.00	9,300.00	3.3%
00152101 554002	REF & EDUCATION	2,287.96	3,167.79	327.30	.00	3,200.00	5,000.00	56.3%
00152101 554004	SEMINAR/CONF RE	35,697.85	12,396.60	19,048.45	13,803.55	36,900.00	40,000.00	8.4%
00152101 554004	25OPI SEMINAR/CO	.00	.00	6,936.99	800.00	800.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152101 554005 EDUCATION & TRA	14,561.10	34,054.87	28,104.01	11,811.32	50,000.00	50,700.00	1.4%
00152101 554006 TRAINING	.00	21,369.37	5,666.49	.00	.00	.00	.0%
00152101 554006 25OPI TRAINING	.00	.00	.00	191.00	191.00	.00	.0%
00152101 564204 CAPITAL- MACHIN	.00	905,528.18	262,782.80	.00	.00	.00	.0%
00152101 564204 23PDB CAPITAL- M	.00	.00	5,413.55	.00	.00	.00	.0%
00152101 564204 25OPI CAPITAL- M	.00	.00	.00	22,394.98	22,567.00	.00	.0%
00152101 564717 CAPITAL- VEHICL	.00	.00	.00	132,713.08	136,625.00	.00	.0%
00152101 564717 25OPI CAPITAL- V	.00	.00	41,577.70	.00	.00	.00	.0%
00152101 567201 CAPITAL OUTLAY	.00	.00	7,795.00	.00	.00	.00	.0%
00152101 571001 PRINCIPAL PAYME	.00	176,375.05	259,708.03	170,584.36	162,103.00	.00	-100.0%
00152101 572001 INTEREST	.00	21,380.81	18,609.55	33,647.49	30,532.00	.00	-100.0%
00152101 583006 OTHER GRANTS AN	.00	56,458.00	56,458.00	56,458.00	56,458.00	56,458.00	.0%
TOTAL POLICE	8,794,093.49	10,764,741.45	11,286,283.83	9,555,022.60	14,208,178.00	15,172,295.00	6.8%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152201 FIRE									
00152201	511001	EXECUTIVE SALAR	124,991.77	124,285.44	135,618.34	93,713.81	147,559.00	171,545.00	16.3%
00152201	512001	REGULAR SALARY	2,916,840.25	3,214,938.09	3,699,126.30	2,839,532.89	4,188,859.00	4,318,450.00	3.1%
00152201	514001	REGULAR OVERTIM	693,233.67	431,136.19	499,957.38	559,200.98	727,889.00	730,816.00	.4%
00152201	515001	SICK INC./PERSO	12,433.72	16,575.73	19,170.68	.00	16,000.00	16,000.00	.0%
00152201	515003	EDUCATION INCEN	76,657.50	74,000.00	-250.00	.00	.00	.00	.0%
00152201	515008	INCENTIVE PAY	.00	.00	.00	184.64	.00	.00	.0%
00152201	521001	FICA	282,192.22	287,045.01	322,120.29	256,892.96	398,024.00	400,234.00	.6%
00152201	522002	PENSION	676,434.95	989,509.35	1,121,099.76	842,354.39	1,351,118.00	1,309,813.00	-3.1%
00152201	522003	DC PLAN	25,455.93	26,131.43	27,554.32	21,242.60	35,498.00	47,656.00	34.2%
00152201	522004	PD/FD STATE PEN	448,809.79	503,751.85	522,540.73	.00	419,196.00	440,156.00	5.0%
00152201	522006	PENSION FORFEIT	.00	-222,631.23	.00	.00	.00	.00	.0%
00152201	523002	FLORIDA HEALTH	588,155.04	653,684.68	680,064.78	528,120.36	794,460.00	782,673.00	-1.5%
00152201	523003	HEALTH SAVINGS	331.97	4,942.52	6,849.03	1,744.73	3,149.00	6,070.00	92.8%
00152201	523008	MET LIFE DENTAL	23,229.19	24,708.89	25,197.00	20,430.19	30,957.00	30,238.00	-2.3%
00152201	523009	MUTUAL OF OMAHA	22,318.88	23,454.86	25,787.42	22,720.87	34,017.00	48,613.00	42.9%
00152201	524001	WC	.00	.00	.00	394,471.19	394,568.00	345,125.00	-12.5%
00152201	531001	PHYSICALS & TES	22,482.00	503.00	.00	.00	.00	45,000.00	.0%
00152201	531099	OTHER PROFESSIO	17,144.00	2,883.10	17,543.84	91,685.00	103,970.00	102,109.00	-1.8%
00152201	534001	EXTERMINATOR SE	1,735.68	2,286.63	2,834.60	2,130.15	8,000.00	4,000.00	-50.0%
00152201	534012	COMPUTER CONTRA	17,441.00	20,167.23	22,343.25	31,352.82	40,300.00	51,809.00	28.6%
00152201	534015	SECURITY MONITO	1,895.37	5,760.02	7,944.32	4,747.63	7,000.00	7,210.00	3.0%
00152201	534024	TELESTAFF SERVI	4,356.09	13,495.77	4,273.18	9,216.72	11,100.00	13,596.00	22.5%
00152201	534099	OTHER CONTRACTU	.00	.00	.00	.00	.00	15,000.00	.0%
00152201	534204	LANDSCAPING SER	22,123.50	22,479.00	22,479.00	22,479.00	23,000.00	23,000.00	.0%
00152201	540005	TRAVEL	4,429.52	12,310.08	10,541.27	5,924.45	13,500.00	16,405.00	21.5%
00152201	541001	PHONE CHARGES	19,014.85	20,180.36	19,053.41	11,740.76	21,300.00	18,000.00	-15.5%
00152201	541003	MOBILE PHONE CH	17,448.28	12,936.66	14,413.17	10,538.98	18,306.00	16,800.00	-8.2%
00152201	541005	GPS SERVICES	.00	693.65	1,147.47	.00	1,672.00	3,394.00	103.0%
00152201	542021	SHIPPING/HANDLI	908.12	421.92	595.83	317.21	750.00	1,023.00	36.4%
00152201	543001	ELECTRIC AND WA	116,199.07	115,954.86	91,559.97	43,901.09	116,200.00	100,000.00	-13.9%
00152201	543002	NATURAL GAS	5,559.79	4,029.73	6,196.34	4,843.28	5,760.00	5,933.00	3.0%
00152201	544001	ANNUAL EQUIPMEN	1,471.45	1,957.68	1,957.68	1,957.68	4,000.00	4,120.00	3.0%
00152201	544003	VEHICLE LEASE	203,584.55	2,154.10	-200.00	.00	.00	.00	.0%
00152201	544012	LAND LEASE	.00	.00	.00	74,520.00	74,520.00	76,775.00	3.0%
00152201	545001	LIABILITY INSUR	12,381.00	13,223.00	16,833.00	322,543.84	322,544.00	361,213.00	12.0%
00152201	546001	ANNUAL MAINT CO	27,435.69	29,922.12	30,398.25	39,008.01	41,500.00	45,245.00	9.0%
00152201	546199	OTHER R & M AUT	.00	83,018.30	.00	.00	.00	.00	.0%
00152201	546201	REPAIR & MAINTE	77,507.99	82,063.20	79,474.00	69,203.10	65,600.00	151,968.00	131.7%
00152201	546330	REPAIR & MAINTE	5,247.66	8,727.69	9,414.63	3,844.25	10,000.00	15,300.00	53.0%
00152201	546343	FIRE EXTINGUISH	1,581.21	1,059.00	1,459.38	593.95	1,500.00	1,545.00	3.0%
00152201	546350	FLEET MAINTENAN	236,414.29	310,875.45	372,880.18	227,103.00	228,519.00	294,968.00	29.1%
00152201	546399	R & M EQUIPMENT	24,155.08	29,107.45	29,027.49	22,998.61	39,900.00	51,197.00	28.3%
00152201	546409	R&M-FIRE HYDRAN	18,474.92	.00	.00	.00	.00	.00	.0%
00152201	547001	FORMS/OTHER PRI	958.84	714.52	698.41	196.01	2,800.00	2,884.00	3.0%
00152201	548001	PROMOTIONAL EXP	4,391.50	.00	.00	.00	.00	.00	.0%
00152201	548014	FIRE PUBLIC OUT	8,169.21	9,670.50	9,430.90	5,293.24	14,200.00	16,426.00	15.7%
00152201	549001	NEWS ADS	.00	.00	.00	78.84	250.00	1,500.00	500.0%
00152201	549099	OTHER CURR CHGS	12,580.29	13,371.57	9,925.61	4,379.13	10,000.00	15,300.00	53.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152201	551001	OFFICE SUPPLY	2,744.71	4,167.89	2,810.97	1,717.70	6,200.00	6,386.00	3.0%
00152201	551005	OFFICE SMALL MA	6,097.19	3,919.17	16,661.52	2,375.04	4,000.00	4,120.00	3.0%
00152201	552001	GAS/OIL	71,532.58	62,131.73	62,772.12	46,764.01	131,948.00	151,520.00	14.8%
00152201	552002	JANITOR SUPPLIE	10,531.44	8,346.54	11,384.46	8,179.44	13,000.00	16,390.00	26.1%
00152201	552004	UNIFORMS	155,111.76	175,020.81	162,002.12	191,413.71	202,986.00	195,318.00	-3.8%
00152201	552005	HOUSEHOLD ITEMS	15,453.12	8,829.84	15,922.67	7,529.23	16,000.00	18,480.00	15.5%
00152201	552012	COMPUTER HRDWR/	522.13	10,239.51	16,846.13	5,295.55	11,081.00	1,260.00	-88.6%
00152201	552019	PD/FD RESCUE SU	86,620.86	112,474.25	125,178.01	73,083.42	140,300.00	158,209.00	12.8%
00152201	552028	DISASTER SUPPLI	220.46	42.28	131.85	23.22	500.00	515.00	3.0%
00152201	552029	PHYSICAL FITNES	205.97	2,642.82	2,963.90	4,762.27	5,000.00	20,150.00	303.0%
00152201	552051	SMALL MACHINE/E	25,755.75	19,893.27	59,881.55	7,425.66	21,350.00	101,991.00	377.7%
00152201	552051	24FD1 SMALL MACH	.00	.00	399.00	.00	.00	.00	.0%
00152201	552051	25FDA SMALL MACH	.00	.00	2,099.00	.00	.00	.00	.0%
00152201	552099	OTHER OPER SUPP	2,008.01	3,070.53	12,604.75	2,130.06	14,882.00	44,870.00	201.5%
00152201	554001	MEMBERSHIPS & S	4,393.14	5,210.17	3,824.42	3,705.11	5,900.00	8,755.00	48.4%
00152201	554002	REF & EDUCATION	3,612.69	2,955.75	4,921.06	2,088.47	6,000.00	6,180.00	3.0%
00152201	554004	SEMINAR/CONF RE	3,817.00	2,589.34	5,087.50	1,010.00	7,000.00	7,210.00	3.0%
00152201	554005	EDUCATION & TRA	25,546.13	32,554.36	33,558.26	16,812.13	43,850.00	51,335.00	17.1%
00152201	562203	BUILDING IMPROV	.00	20,772.40	.00	.00	.00	.00	.0%
00152201	564204	25OPI CAPITAL- M	.00	.00	38,565.18	.00	.00	.00	.0%
00152201	567201	CAPITAL OUTLAY	.00	.00	7,739.00	.00	.00	.00	.0%
00152201	571001	PRINCIPAL PAYME	.00	214,469.95	245,456.28	251,180.90	251,229.00	.00	-100.0%
00152201	572001	INTEREST	13,458.45	12,464.25	16,555.64	10,831.02	10,900.00	.00	-100.0%
TOTAL FIRE			7,203,807.22	7,673,294.26	8,714,426.60	7,227,533.30	10,619,611.00	10,901,798.00	2.7%

NEXT YEAR BUDGET HISTORICAL COMPARISON

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152202	FIRE TRANSPORT								
00152202	512001	REGULAR SALARY	406,338.53	321,340.04	609,282.38	553,753.53	839,640.00	837,723.00	-.2%
00152202	514001	REGULAR OVERTIM	39,183.73	32,194.41	70,632.80	90,481.24	126,282.00	130,000.00	2.9%
00152202	515001	SICK INC./PERSO	.00	.00	.00	.00	5,000.00	.00	.0%
00152202	515003	EDUCATION INCEN	3,800.00	3,420.00	4,320.00	.00	.00	.00	.0%
00152202	521001	FICA	32,668.37	27,077.28	50,810.19	48,106.26	71,984.00	76,987.00	7.0%
00152202	522002	PENSION	.00	.00	192,954.32	196,987.50	276,030.00	277,140.00	.4%
00152202	522003	DC PLAN	675.02	634.34	301.77	3,581.55	14,701.00	.00	.0%
00152202	523002	FLORIDA HEALTH	88,264.35	77,594.55	131,981.09	89,681.66	143,260.00	171,227.00	19.5%
00152202	523003	HEALTH SAVINGS	188.86	390.82	2,350.84	1,574.91	5,102.00	2,428.00	-52.4%
00152202	523008	MET LIFE DENTAL	3,478.90	2,833.98	5,114.98	3,746.97	5,935.00	6,138.00	3.4%
00152202	523009	MUTUAL OF OMAHA	2,439.54	2,031.32	4,256.23	3,565.90	5,769.00	10,634.00	84.3%
00152202	524001	WC	.00	.00	.00	24.78	73.00	67,401.00	********%
00152202	534099	OTHER CONTRACTU	.00	.00	62,482.27	40,654.02	100,000.00	90,000.00	-10.0%
00152202	541005	GPS SERVICES	.00	173.40	936.43	.00	.00	.00	.0%
00152202	545001	LIABILITY INSUR	.00	.00	.00	30,489.19	30,490.00	32,315.00	6.0%
00152202	546350	FLEET MAINTENAN	39,498.57	36,135.03	11,482.43	14,552.18	42,581.00	49,161.00	15.5%
00152202	552001	GAS/OIL	15,966.27	20,748.03	32,198.17	22,872.30	24,587.00	25,253.00	2.7%
TOTAL FIRE TRANSPORT			632,502.14	524,573.20	1,179,103.90	1,100,071.99	1,691,434.00	1,776,407.00	5.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152402	CODE ENFORCEMENT								
00152402	512001	REGULAR SALARY	.00	.00	.00	.00	.00	391,608.00	.0%
00152402	514001	REGULAR OVERTIM	.00	.00	.00	.00	.00	2,500.00	.0%
00152402	515001	SICK INC./PERSO	.00	.00	.00	.00	.00	1,500.00	.0%
00152402	521001	FICA	.00	.00	.00	.00	.00	30,150.00	.0%
00152402	522003	DC PLAN	.00	.00	.00	.00	.00	39,411.00	.0%
00152402	523002	FLORIDA HEALTH	.00	.00	.00	.00	.00	78,852.00	.0%
00152402	523003	HEALTH SAVINGS	.00	.00	.00	.00	.00	3,399.00	.0%
00152402	523008	MET LIFE DENTAL	.00	.00	.00	.00	.00	3,237.00	.0%
00152402	523009	MUTUAL OF OMAHA	.00	.00	.00	.00	.00	4,013.00	.0%
00152402	524001	WC	.00	.00	.00	.00	.00	37,824.00	.0%
00152402	531099	OTHER PROFESSIO	.00	.00	.00	.00	.00	50,000.00	.0%
00152402	534001	EXTERMINATOR SE	.00	.00	.00	.00	.00	800.00	.0%
00152402	534003	JANITORIAL SERV	.00	.00	.00	.00	.00	6,000.00	.0%
00152402	540005	TRAVEL	.00	.00	.00	.00	.00	5,000.00	.0%
00152402	541001	PHONE CHARGES	.00	.00	.00	.00	.00	600.00	.0%
00152402	543001	ELECTRIC AND WA	.00	.00	.00	.00	.00	14,400.00	.0%
00152402	544004	ANNUAL FACILITY	.00	.00	.00	.00	.00	47,736.00	.0%
00152402	545001	LIABILITY INSUR	.00	.00	.00	.00	.00	25,508.00	.0%
00152402	546350	FLEET MAINTENAN	.00	.00	.00	.00	.00	16,387.00	.0%
00152402	547001	FORMS	.00	.00	.00	.00	.00	1,000.00	.0%
00152402	551001	OFFICE SUPPLY	.00	.00	.00	.00	.00	10,000.00	.0%
00152402	551005	OFFICE SMALL MA	.00	.00	.00	.00	.00	1,000.00	.0%
00152402	552001	GAS/OIL	.00	.00	.00	.00	.00	8,418.00	.0%
00152402	552002	JANITOR SUPPLIE	.00	.00	.00	.00	.00	1,500.00	.0%
00152402	552004	UNIFORMS	.00	.00	.00	.00	.00	3,000.00	.0%
00152402	554001	MEMBERSHIPS	.00	.00	.00	.00	.00	8,000.00	.0%
00152402	554005	EDUCATIONAL MAT	.00	.00	.00	.00	.00	3,000.00	.0%
TOTAL CODE ENFORCEMENT			.00	.00	.00	.00	.00	794,843.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND		2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00152501	EMERGENCY OPERATION CENTER							
00152501	540005 TRAVEL	684.33	968.68	628.46	.00	3,500.00	3,500.00	.0%
00152501	541001 PHONE CHARGES	7,416.53	7,876.26	7,874.11	4,923.48	8,400.00	7,900.00	-6.0%
00152501	541003 MOBILE PHONE CH	3,334.02	3,341.28	1,950.97	75.00	3,981.00	.00	-100.0%
00152501	544001 ANNUAL EQUIPMEN	176.26	715.32	715.32	715.32	1,500.00	1,500.00	.0%
00152501	546001 ANNUAL MAINT CO	2,363.00	2,356.03	2,557.97	.00	3,500.00	3,500.00	.0%
00152501	546399 R & M EQUIPMENT	.00	2,100.00	.00	422.35	2,500.00	2,500.00	.0%
00152501	547001 FORMS/OTHER PRI	.00	55.00	.00	.00	750.00	750.00	.0%
00152501	549099 OTHER CURR CHGS	2,156.44	2,521.99	1,441.41	960.00	2,600.00	2,600.00	.0%
00152501	551001 OFFICE SUPPLY	.00	84.96	151.36	300.00	1,300.00	1,300.00	.0%
00152501	551005 OFFICE SMALL MA	.00	6,588.54	625.93	.00	5,600.00	5,600.00	.0%
00152501	552028 DISASTER SUPPLI	6,620.46	1,244.51	1,618.55	.00	11,000.00	16,000.00	45.5%
00152501	552051 SMALL MACHINE/E	.00	.00	4,489.00	4,348.88	5,000.00	5,000.00	.0%
TOTAL EMERGENCY OPERATION CE		22,751.04	27,852.57	22,053.08	11,745.03	49,631.00	50,150.00	1.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND		2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00154101 STREETS								
00154101	512001 REGULAR SALARY	512,308.52	510,425.80	555,473.02	313,423.48	469,709.00	545,342.00	16.1%
00154101	514001 REGULAR OVERTIM	18,254.64	4,139.47	21,015.39	3,077.52	29,432.00	5,000.00	-83.0%
00154101	515001 SICK INC./PERSO	3,362.27	6,199.48	8,495.54	.00	9,000.00	9,000.00	.0%
00154101	515006 SHOE ALLOWANCE	2,001.91	2,186.53	2,134.62	1,500.00	1,800.00	1,650.00	-8.3%
00154101	515008 INCENTIVE PAY	.00	.00	.00	184.64	.00	.00	.0%
00154101	521001 FICA	39,881.11	38,821.33	43,618.44	23,342.45	38,476.00	45,595.00	18.5%
00154101	522003 DC PLAN	51,046.22	49,545.68	55,522.53	27,961.59	45,957.00	59,435.00	29.3%
00154101	523002 FLORIDA HEALTH	148,024.23	140,988.47	150,817.85	84,444.03	139,542.00	140,152.00	.4%
00154101	523003 HEALTH SAVINGS	.00	5,333.33	5,360.08	2,309.92	4,950.00	3,399.00	-31.3%
00154101	523008 MET LIFE DENTAL	5,151.73	4,923.58	5,237.99	2,670.95	5,460.00	4,123.00	-24.5%
00154101	523009 MUTUAL OF OMAHA	3,940.58	3,973.00	4,528.13	2,794.80	6,149.00	5,727.00	-6.9%
00154101	524001 WC	.00	.00	.00	74,751.88	74,849.00	65,813.00	-12.1%
00154101	531003 DRUG TESTING	.00	.00	.00	.00	1,500.00	.00	.0%
00154101	531099 OTHER PROFESSIO	.00	.00	.00	600.00	600.00	.00	.0%
00154101	534012 COMPUTER CONTRA	.00	.00	280.00	4,116.86	4,117.00	4,200.00	2.0%
00154101	540005 TRAVEL	364.00	.00	85.20	.00	500.00	1,500.00	200.0%
00154101	541003 MOBILE PHONE CH	7,115.51	9,680.85	14,167.08	5,881.00	14,416.00	4,400.00	-69.5%
00154101	541005 GPS FLEET SERVI	3,265.26	4,516.94	3,745.62	.00	7,800.00	7,800.00	.0%
00154101	543003 STREET LIGHTS	476,459.99	429,296.62	388,664.60	226,462.96	470,000.00	500,000.00	6.4%
00154101	544001 ANNUAL EQUIPMEN	.00	.00	.00	187.16	188.00	500.00	166.0%
00154101	544014 RENTAL AND LEAS	3,281.00	4,987.12	52,602.76	42,229.52	45,000.00	45,000.00	.0%
00154101	545001 LIABILITY INSUR	.00	.00	.00	42,289.49	42,290.00	45,659.00	8.0%
00154101	546201 REPAIR & MAINTA	115,905.12	224,325.43	295,141.40	289,684.25	417,000.00	425,000.00	1.9%
00154101	546350 FLEET MAINTENAN	70,553.74	85,581.24	92,434.01	83,295.80	176,551.00	229,420.00	29.9%
00154101	546405 LIGHTING-COUNTY	68,922.76	23,088.90	63,635.63	11,550.62	75,000.00	75,000.00	.0%
00154101	546412 SIGNAL MAINTENA	33,301.20	155,299.72	36,256.39	459,817.48	459,818.00	470,000.00	2.2%
00154101	549001 NEWS ADS	81.84	.00	78.84	.00	.00	800.00	.0%
00154101	549099 OTHER CURR CHGS	5,649.38	39,019.94	10,747.09	9,924.50	19,000.00	10,000.00	-47.4%
00154101	551001 OFFICE SUPPLY	150.00	136.93	150.00	1,878.28	2,150.00	700.00	-67.4%
00154101	551005 OFFICE MACHINE	.00	.00	.00	10,800.42	10,801.00	7,500.00	-30.6%
00154101	552001 GAS/OIL	49,445.52	36,876.32	49,156.87	24,986.12	46,377.00	117,849.00	154.1%
00154101	552002 JANITOR SUPPLIE	1,500.00	976.69	1,000.00	1,230.67	1,500.00	1,500.00	.0%
00154101	552004 UNIFORMS	8,336.01	8,500.00	6,929.07	3,710.89	11,500.00	10,000.00	-13.0%
00154101	552012 COMPUTER HRDWR/	.00	.00	.00	5,190.27	5,191.00	5,200.00	.2%
00154101	552099 OTHER OPER SUPP	49,226.48	82,438.06	48,813.47	20,921.14	109,459.00	155,000.00	41.6%
00154101	554001 MEMBERSHIPS & S	200.00	.00	500.00	500.00	500.00	500.00	.0%
00154101	554004 SEMINAR/CONF RE	859.00	30.00	2,486.00	969.79	2,500.00	3,500.00	40.0%
00154101	562202 CAPITAL- BUILDI	.00	.00	.00	9,741.80	9,742.00	.00	.0%
00154101	562202 22SSR CAPITAL- B	.00	30,997.22	.00	.00	.00	.00	.0%
00154101	563203 CAPITAL- INFRAS	.00	.00	89,004.15	.00	.00	.00	.0%
00154101	563203 23CSI CAPITAL- I	.00	36,902.00	.00	.00	.00	.00	.0%
00154101	563203 25LBI CAPITAL- I	.00	.00	55,797.97	.00	.00	.00	.0%
TOTAL STREETS		1,678,588.02	1,939,190.65	2,063,879.74	1,792,430.28	2,758,824.00	3,006,264.00	9.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00154503 PARKING VIOLATIONS							
00154503 531099 OTHER PROFESSIO	.00	.00	86,361.49	120,971.60	130,000.00	58,000.00	-55.4%
TOTAL PARKING VIOLATIONS	.00	.00	86,361.49	120,971.60	130,000.00	58,000.00	-55.4%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00155204	BUSINESS & ECONOMIC DEVELOPMEN								
00155204	511001	EXECUTIVE SALAR	102,471.90	102,760.16	124,560.89	91,646.14	131,711.00	135,362.00	2.8%
00155204	512001	REGULAR SALARY	77,031.10	83,521.48	20,049.61	.00	.00	.00	.0%
00155204	514001	REGULAR OVERTIM	.00	281.70	.00	.00	.00	.00	.0%
00155204	515001	SICK INC./PERSO	.00	3,132.75	3,132.75	.00	5,000.00	5,000.00	.0%
00155204	521001	FICA	13,493.12	14,244.74	10,894.87	6,412.20	9,504.00	10,739.00	13.0%
00155204	522003	DC PLAN	15,717.09	16,660.02	14,640.29	8,772.40	13,176.00	14,037.00	6.5%
00155204	523002	FLORIDA HEALTH	10,693.43	8,332.88	10,898.94	12,873.28	19,392.00	18,752.00	-3.3%
00155204	523003	HEALTH SAVINGS	.00	.00	2,933.33	.00	.00	.00	.0%
00155204	523004	BCBS INSURANCE	13,656.42	14,137.06	4,037.57	.00	.00	.00	.0%
00155204	523008	MET LIFE DENTAL	1,320.37	1,063.39	849.14	578.68	872.00	843.00	-3.3%
00155204	523009	LIFE/STD/ADD/LT	2,029.09	1,692.90	1,830.69	1,400.94	2,110.00	2,627.00	24.5%
00155204	524001	WC	.00	.00	.00	313.61	373.00	275.00	-26.3%
00155204	531015	GRAPHICS/DESIGN	.00	.00	.00	.00	5,000.00	10,000.00	100.0%
00155204	531021	SOIL TESTS	.00	.00	.00	.00	.00	10,000.00	.0%
00155204	531023	SURVEYS/APPRAIS	.00	.00	.00	.00	2,400.00	10,000.00	316.7%
00155204	531090	APPRAISALS	.00	.00	.00	.00	.00	10,000.00	.0%
00155204	531099	OTHER PROFESSIO	3,375.00	829.05	51,239.26	93,760.74	163,000.00	50,000.00	-69.3%
00155204	534001	EXTERMINATOR SE	3,710.17	1,231.52	75.00	.00	.00	.00	.0%
00155204	534003	JANITORIAL SERV	2,700.00	2,700.00	1,575.00	.00	.00	.00	.0%
00155204	534099	OTHER CONTRACTU	.00	.00	500.00	.00	.00	.00	.0%
00155204	534099	22BE1 OTHER CONT	384,267.72	71,067.34	.00	.00	5,000.00	.00	.0%
00155204	540004	SEMINAR/CONFERE	1,349.26	1,348.78	470.00	.00	2,000.00	.00	-100.0%
00155204	540005	TRAVEL	1,644.11	3,147.17	1,665.57	615.43	2,000.00	4,000.00	100.0%
00155204	540006	AREA DINNERS	.00	140.00	135.00	60.00	500.00	500.00	.0%
00155204	541003	MOBILE PHONE CH	1,030.45	1,104.84	830.13	275.66	1,218.00	500.00	-58.9%
00155204	542020	POSTAGE	.00	.00	.00	.00	500.00	500.00	.0%
00155204	543001	ELECTRIC AND WA	.00	20.31	30.73	64.43	.00	.00	.0%
00155204	544001	ANNUAL EQUIPMEN	1,094.72	1,353.36	1,210.16	740.00	800.00	.00	.0%
00155204	544003	VEHICLE LEASE	4,033.19	346.48	5,351.33	.00	501.00	.00	.0%
00155204	545001	LIABILITY INSUR	.00	.00	.00	5,645.94	5,646.00	5,987.00	6.0%
00155204	546001	ANNUAL MAINT CO	.00	395.00	.00	.00	.00	.00	.0%
00155204	546201	REPAIR & MAINTE	55.99	3,604.04	1,590.39	.00	.00	.00	.0%
00155204	546341	OFFICE EQUIPMEN	.00	.00	455.46	.00	2,500.00	500.00	-80.0%
00155204	546350	FLEET MAINTENAN	329.45	268.78	2,404.57	1,156.00	2,839.00	3,277.00	15.4%
00155204	547005	ECONOMIC DEVELO	.00	.00	6,360.74	11,639.26	11,700.00	2,500.00	-78.6%
00155204	547007	BUSINESS ASSIST	.00	.00	.00	.00	20,000.00	20,000.00	.0%
00155204	548001	PROMOTIONS	47,823.05	48,128.98	55,721.56	61,000.00	69,600.00	70,500.00	1.3%
00155204	548008	VLOC DAYS	.00	.00	.00	.00	500.00	.00	.0%
00155204	549001	NEWS ADS	1,067.72	1,836.76	.00	250.60	2,500.00	300.00	-88.0%
00155204	549099	OTHER CURR CHGS	10,105.38	11,310.23	6,535.83	.00	6,000.00	13,500.00	125.0%
00155204	551001	OFFICE SUPPLY	1,852.58	1,750.55	822.74	524.79	3,000.00	1,000.00	-66.7%
00155204	551005	OFFICE MACHINE	.00	855.50	.00	.00	1,000.00	.00	.0%
00155204	552001	GAS/OIL	108.84	133.14	120.07	75.93	1,639.00	1,684.00	2.7%
00155204	554001	MEMBERSHIPS & S	3,283.98	1,394.82	1,513.00	1,470.00	4,000.00	2,000.00	-50.0%
00155204	554002	REF & EDUCATION	.00	.00	.00	.00	2,000.00	.00	.0%
00155204	554004	SEMINAR/CONF RE	2,772.00	1,584.00	100.00	42.86	2,500.00	4,000.00	60.0%
00155204	554005	EDUCATION & TRA	.00	.00	105.24	.00	2,000.00	.00	.0%
00155204	571001	PRINCIPAL PAYME	.00	.00	.00	4,699.42	4,705.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00155204 572001 INTEREST	.00	.00	.00	198.02	194.00	.00	.0%
00155204 583006 OTHER GRANTS AN	40,000.00	33,000.00	50,000.00	.00	.00	11,000.00	.0%
TOTAL BUSINESS & ECONOMIC DE	747,016.13	433,377.73	382,639.86	304,216.33	507,380.00	419,383.00	-17.3%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00157201	LEISURE SVRS/RECREATION								
00157201	511001	EXECUTIVE SALAR	100,854.38	103,846.06	123,129.06	90,527.16	130,102.00	133,731.00	2.8%
00157201	512001	REGULAR SALARY	429,299.25	531,943.83	646,982.42	483,711.05	721,744.00	757,041.00	4.9%
00157201	514001	REGULAR OVERTIM	36,512.06	42,844.80	16,512.65	13,887.19	16,308.00	16,308.00	.0%
00157201	515001	SICK INC./PERSO	3,244.06	.00	10,718.00	.00	11,000.00	11,000.00	.0%
00157201	515006	SHOE ALLOWANCE	150.00	150.00	150.00	150.00	150.00	150.00	.0%
00157201	521001	FICA	43,080.03	51,286.87	60,039.86	43,754.05	64,484.00	71,281.00	10.5%
00157201	522003	DC PLAN	45,185.05	51,479.47	60,913.51	45,827.04	71,914.00	84,240.00	17.1%
00157201	523002	FLORIDA HEALTH	85,561.13	107,534.64	124,152.89	96,250.85	149,679.00	155,178.00	3.7%
00157201	523003	HEALTH SAVINGS	.00	1,200.00	7,066.67	2,502.50	4,813.00	5,099.00	5.9%
00157201	523004	BCBS INSURANCE	13,417.77	6,732.91	11,203.23	11,824.20	17,811.00	17,224.00	-3.3%
00157201	523008	MET LIFE DENTAL	3,534.27	3,886.62	5,009.15	4,150.20	6,416.00	6,426.00	.2%
00157201	523009	MUTUAL OF OMAHA	3,941.20	4,491.66	6,062.38	5,207.49	8,110.00	9,609.00	18.5%
00157201	524001	WC	.00	.00	.00	26,984.23	27,032.00	23,754.00	-12.1%
00157201	525001	UNEMPLOYMENT	3,300.00	.00	.00	.00	.00	.00	.0%
00157201	531099	OTHER PROFESSIO	.00	.00	.00	1,335.00	1,400.00	.00	.0%
00157201	534001	EXTERMINATOR SE	4,399.15	4,911.85	7,409.04	8,171.49	12,000.00	7,500.00	-37.5%
00157201	534003	JANITORIAL SERV	650.00	7,800.00	15,411.17	42,250.00	43,000.00	50,000.00	16.3%
00157201	534011	MAT/DUST MOP SE	204.38	.00	.00	.00	.00	.00	.0%
00157201	534099	OTHER CONTRACTU	52,461.83	91,954.45	74,319.21	64,543.00	87,500.00	98,500.00	12.6%
00157201	540005	TRAVEL	1,620.25	2,895.99	2,671.77	1,136.39	4,000.00	5,500.00	37.5%
00157201	541001	PHONE/INTERNET/	20,168.12	20,503.31	19,534.81	11,904.63	21,900.00	17,900.00	-18.3%
00157201	541003	MOBILE PHONE CH	2,527.43	2,756.90	2,592.35	1,985.85	5,307.00	4,500.00	-15.2%
00157201	543001	ELECTRIC AND WA	119,376.18	113,396.37	110,436.35	57,127.42	115,000.00	115,000.00	.0%
00157201	543002	NATURAL GAS	2,929.82	2,825.19	3,073.09	1,959.27	3,000.00	3,000.00	.0%
00157201	544001	ANNUAL EQUIPMEN	697.69	1,122.96	1,458.56	1,727.04	1,800.00	1,500.00	-16.7%
00157201	544012	LAND LEASE	.00	.00	.00	43,200.00	43,200.00	43,200.00	.0%
00157201	545001	LIABILITY INSUR	.00	.00	.00	162,220.81	162,221.00	174,454.00	7.5%
00157201	546001	ANNUAL MAINT CO	35,696.62	33,801.87	50,788.00	19,818.55	45,000.00	48,000.00	6.7%
00157201	546201	REPAIR & MAINTE	160,349.67	158,203.41	127,005.18	144,394.63	182,100.00	185,000.00	1.6%
00157201	546350	FLEET MAINTENAN	6,022.18	17,240.98	5,080.69	10,370.65	18,904.00	42,606.00	125.4%
00157201	548006	SUMMER EVENING	705.00	.00	.00	.00	.00	.00	.0%
00157201	548007	PROMOTIONAL SUP	1,927.14	2,490.00	5,450.86	1,766.15	4,000.00	6,000.00	50.0%
00157201	549085	CASH OVER/SHORT	.00	.00	.00	-2.91	.00	.00	.0%
00157201	549095	BAC CHARGES	15,027.52	15.12	36.12	.00	.00	.00	.0%
00157201	549099	OTHER CURR CHGS	21,008.92	20,324.34	16,113.80	25,238.24	51,384.00	25,000.00	-51.3%
00157201	551001	OFFICE SUPPLY	9,552.96	11,130.10	10,372.97	10,875.47	18,000.00	11,000.00	-38.9%
00157201	551005	SMALL MACHINE &	45,470.95	41,690.76	42,132.96	20,305.27	23,000.00	36,000.00	56.5%
00157201	552001	GAS/OIL	2,827.39	3,693.04	1,756.33	809.69	6,308.00	21,886.00	247.0%
00157201	552002	JANITOR SUPPLIE	10,553.45	7,185.20	11,692.67	11,202.08	23,500.00	21,000.00	-10.6%
00157201	552004	UNIFORMS	2,796.54	2,268.98	2,403.88	265.66	3,000.00	.00	-100.0%
00157201	552012	COMPUTER HRDWR/	29,797.52	5,949.96	496.92	.00	.00	.00	.0%
00157201	552054	SPECIAL EVENTS/	240,174.50	250,449.58	254,377.05	367,469.61	380,000.00	325,000.00	-14.5%
00157201	552080	SKATE PARK	.00	-2,557.87	28,250.60	38,698.91	40,000.00	43,000.00	7.5%
00157201	552092	BABE JAMES CENT	55,855.63	60,413.49	48,991.77	26,774.97	58,500.00	67,500.00	15.4%
00157201	552099	OTHER OPER SUPP	2,188.64	40,011.43	3,440.84	405.59	3,500.00	3,200.00	-8.6%
00157201	554001	MEMBERSHIPS & S	1,529.95	1,588.47	2,480.65	6,350.75	6,400.00	7,000.00	9.4%
00157201	554004	SEMINAR/CONF RE	2,756.00	1,624.00	3,185.00	425.00	3,000.00	9,500.00	216.7%
00157201	554005	EDUCATION & TRA	.00	.00	.00	.00	.00	5,000.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00157201 564204 CAPITAL- MACHIN	.00	15,810.00	13,358.52	.00	.00	.00	.0%
TOTAL LEISURE SVRS/RECREATIO	1,617,354.63	1,824,896.74	1,936,260.98	1,907,505.17	2,596,487.00	2,668,787.00	2.8%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00157202	PARKS								
00157202	512001	REGULAR SALARY	475,013.11	520,131.11	543,391.22	426,431.22	664,782.00	777,970.00	17.0%
00157202	514001	REGULAR OVERTIM	43,558.40	24,860.73	26,242.61	10,350.93	13,137.00	14,137.00	7.6%
00157202	515001	SICK INC./PERSO	2,144.77	3,548.46	5,378.33	.00	6,000.00	6,000.00	.0%
00157202	515006	SHOE ALLOWANCE	2,278.83	2,365.38	2,371.14	2,815.78	2,816.00	2,550.00	-9.4%
00157202	515008	INCENTIVE PAY	.00	.00	.00	184.64	.00	.00	.0%
00157202	521001	FICA	38,489.36	40,357.20	42,170.12	31,734.09	49,435.00	62,923.00	27.3%
00157202	522001	FRS RETIREMENT	.00	.00	1,125.32	.00	.00	.00	.0%
00157202	522003	DC PLAN	48,206.57	50,239.00	54,311.14	38,355.23	59,336.00	81,998.00	38.2%
00157202	523002	FLORIDA HEALTH	130,703.73	155,020.61	164,336.00	121,731.64	190,211.00	207,934.00	9.3%
00157202	523003	HEALTH SAVINGS	.00	800.00	1,777.23	951.67	3,173.00	1,700.00	-46.4%
00157202	523008	MET LIFE DENTAL	5,053.16	4,995.56	5,437.97	4,237.88	6,622.00	6,960.00	5.1%
00157202	523009	MUTUAL OF OMAHA	3,487.96	3,865.40	4,373.29	3,680.12	5,878.00	8,167.00	38.9%
00157202	524001	WC	.00	.00	.00	41,857.37	41,925.00	39,863.00	-4.9%
00157202	534001	EXTERMINATOR SE	350.00	.00	.00	700.00	700.00	200.00	-71.4%
00157202	534003	JANITORIAL SERV	1,200.00	1,200.00	1,389.39	1,050.00	2,500.00	2,500.00	.0%
00157202	534012	COMPUTER CONTRA	.00	.00	.00	4,594.60	4,595.00	473.00	-89.7%
00157202	534204	LANDSCAPING SER	416,009.02	450,790.58	502,439.78	528,100.17	530,000.00	570,000.00	7.5%
00157202	540005	TRAVEL	.00	1,165.16	.00	.00	500.00	1,500.00	200.0%
00157202	541003	MOBILE PHONE CH	8,406.16	10,331.09	15,690.64	7,827.75	14,574.00	6,800.00	-53.3%
00157202	541005	GPS FLEET SERVI	3,408.49	5,130.05	4,369.89	.00	5,800.00	5,800.00	.0%
00157202	543001	ELECTRIC AND WA	257,760.92	251,709.23	223,904.16	119,314.99	285,000.00	285,000.00	.0%
00157202	544001	EQUIPMENT LEASE	.00	.00	.00	187.16	188.00	500.00	166.0%
00157202	544006	EQUIPMENT RENTA	14,922.27	14,297.26	17,720.00	19,466.80	20,000.00	20,000.00	.0%
00157202	545001	LIABILITY INSUR	.00	.00	.00	52,664.14	52,665.00	56,445.00	7.2%
00157202	546001	ANNUAL MAINT CO	.00	.00	.00	1,815.00	2,605.00	2,700.00	3.6%
00157202	546201	R & M GENERAL	150,188.38	239,558.07	251,954.30	256,534.37	337,585.00	350,000.00	3.7%
00157202	546201	25BRP REPAIR & M	.00	.00	.00	4,415.00	4,415.00	.00	.0%
00157202	546350	FLEET MAINTENAN	44,322.13	37,431.74	74,793.37	58,315.16	63,871.00	72,104.00	12.9%
00157202	549001	NEWS ADS	63.76	.00	424.36	.00	500.00	500.00	.0%
00157202	549099	OTHER CURR CHGS	27,407.24	49,050.66	8,637.31	9,596.89	11,603.00	15,000.00	29.3%
00157202	551001	OFFICE SUPPLY	1,000.00	1,000.00	1,500.00	796.22	2,182.00	2,500.00	14.6%
00157202	551005	OFFICE MACHINE	461.86	3,226.16	910.41	5,440.22	5,441.00	500.00	-90.8%
00157202	552001	GAS/OIL	29,218.40	30,636.90	28,979.05	21,402.61	36,880.00	37,038.00	.4%
00157202	552002	JANITOR SUPPLIE	51,858.32	46,081.69	53,431.31	20,690.88	55,000.00	55,000.00	.0%
00157202	552004	UNIFORMS	5,324.15	11,052.94	4,824.00	3,246.91	11,500.00	11,500.00	.0%
00157202	552012	COMPUTER HRDWR/	.00	.00	.00	10,648.72	10,649.00	.00	.0%
00157202	552051	SMALL MACHINE/E	.00	.00	.00	3,970.48	3,971.00	.00	.0%
00157202	552099	OTHER OPER SUPP	65,381.88	82,515.06	59,614.82	55,272.36	69,565.00	100,000.00	43.8%
00157202	554001	MEMBERSHIPS & S	200.00	102.50	500.00	388.00	800.00	800.00	.0%
00157202	554002	REF & EDUCATION	20.00	.00	.00	.00	200.00	200.00	.0%
00157202	554004	SEMINAR/CONF RE	.00	90.00	1,365.00	395.87	2,000.00	5,000.00	150.0%
00157202	563203	23DPF CAPITAL- I	.00	49,098.00	.00	.00	.00	.00	.0%
00157202	563203	25PLG CAPITAL- I	.00	.00	25,592.48	.00	.00	.00	.0%
00157202	567804	PARK IMPROVEMEN	.00	11,831.73	.00	.00	.00	.00	.0%
00157202	567910	CAPITAL MAINTEN	.00	.00	16,497.13	.00	.00	.00	.0%
TOTAL PARKS			1,826,438.87	2,102,482.27	2,145,451.77	1,869,164.87	2,578,604.00	2,812,262.00	9.1%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00157207 BRANNON CIVIC CENTER							
00157207 549099 OTHER CURR CHGS	.00	.00	.00	875.00	.00	.00	.0%
TOTAL BRANNON CIVIC CENTER	.00	.00	.00	875.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND		2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00157501 SPORTS COMPLEX								
00157501 512001	REGULAR SALARY	257,084.97	296,308.07	319,814.04	303,617.71	454,552.00	492,380.00	8.3%
00157501 514001	REGULAR OVERTIM	31,711.50	57,638.85	58,179.44	44,305.27	52,233.00	52,233.00	.0%
00157501 515001	SICK INC./PERSO	.00	.00	.00	.00	5,000.00	5,000.00	.0%
00157501 515006	SHOE ALLOWANCE	750.00	588.46	750.00	750.00	750.00	750.00	.0%
00157501 521001	FICA	21,961.12	26,977.28	28,439.91	25,638.55	37,625.00	41,933.00	11.4%
00157501 522003	DC PLAN	26,918.77	31,551.99	33,372.29	27,345.74	40,848.00	46,577.00	14.0%
00157501 523002	FLORIDA HEALTH	48,427.84	76,703.48	83,537.78	70,262.74	102,081.00	98,476.00	-3.5%
00157501 523003	HEALTH SAVINGS	1,250.00	1,600.00	2,019.36	1,169.73	3,900.00	3,400.00	-12.8%
00157501 523008	MET LIFE DENTAL	2,669.84	3,550.46	3,982.15	3,368.83	4,942.00	4,472.00	-9.5%
00157501 523009	MUTUAL OF OMAHA	1,936.73	2,319.60	2,697.54	2,433.67	3,642.00	4,297.00	18.0%
00157501 524001	WC	.00	.00	.00	20,248.82	20,321.00	19,331.00	-4.9%
00157501 534001	EXTERMINATOR SE	879.00	879.00	879.00	798.00	1,500.00	1,500.00	.0%
00157501 534003	JANITORIAL SERV	1,200.00	1,200.00	1,358.37	1,050.00	2,500.00	2,500.00	.0%
00157501 534012	COMPUTER CONTRA	.00	.00	7,161.00	.00	.00	.00	.0%
00157501 534099	OTHER CONTRACTU	.00	.00	554.32	25,533.85	43,500.00	65,000.00	49.4%
00157501 534241	SCOREKEEPERS &	32,455.00	65,178.00	63,800.00	55,000.00	65,000.00	70,000.00	7.7%
00157501 534281	ATHLETIC CAMP I	296.41	.00	3,165.06	.00	3,000.00	3,000.00	.0%
00157501 541001	PHONE/INTERNET/	7,802.84	8,197.25	7,761.65	5,053.64	12,500.00	25,600.00	104.8%
00157501 541003	MOBILE PHONE CH	3,397.26	3,687.08	4,270.95	2,210.99	6,765.00	3,800.00	-43.8%
00157501 543001	ELECTRIC AND WA	154,737.52	153,268.08	136,417.49	103,944.88	175,000.00	150,000.00	-14.3%
00157501 544001	ANNUAL EQUIPMEN	.00	9,000.00	9,000.00	9,000.00	10,000.00	10,000.00	.0%
00157501 544012	LAND LEASE	.00	.00	.00	432,335.16	432,335.00	445,305.00	3.0%
00157501 545001	LIABILITY INSUR	9,572.63	2,357.75	12,000.25	128,600.17	130,101.00	138,525.00	6.5%
00157501 546001	ANNUAL MAINT CO	105,306.01	96,521.20	117,314.55	121,968.67	122,000.00	117,000.00	-4.1%
00157501 546201	REPAIR & MAINTA	256,344.13	212,343.84	239,713.90	208,693.21	253,990.00	290,000.00	14.2%
00157501 546350	FLEET MAINTENAN	13,561.30	15,164.77	11,551.41	17,110.08	14,194.00	13,110.00	-7.6%
00157501 549085	CASH OVER/SHORT	.00	.00	.00	-.01	.00	.00	.0%
00157501 549099	OTHER CURR CHGS	15,364.03	15,511.90	32,691.62	17,974.01	35,000.00	45,000.00	28.6%
00157501 551001	OFFICE SUPPLY	389.45	926.07	173.97	101.71	1,000.00	1,000.00	.0%
00157501 552001	GAS/OIL	8,710.45	10,032.00	9,863.35	5,728.41	8,196.00	6,734.00	-17.8%
00157501 552002	JANITOR SUPPLIE	3,269.75	4,059.98	5,117.68	8,435.02	9,700.00	7,000.00	-27.8%
00157501 552004	UNIFORMS	2,499.96	2,721.58	3,579.79	1,100.73	2,500.00	4,000.00	60.0%
00157501 552012	COMPUTER HRDWR/	16,800.00	.00	16,260.56	1,403.70	16,466.00	.00	-100.0%
00157501 552049	LANDSCAPING/FIE	43,259.58	16,154.99	56,333.82	56,326.37	70,000.00	90,000.00	28.6%
00157501 552051	SMALL MACHINE/E	.00	.00	.00	12,414.56	12,500.00	.00	.0%
00157501 552214	PLAY BALL EQUIP	69,472.59	67,749.71	93,025.45	79,675.00	80,000.00	96,000.00	20.0%
00157501 554004	SEMINAR/CONF RE	496.25	350.00	1,490.00	1,080.00	1,500.00	2,000.00	33.3%
00157501 555007	COGS - SKATE PA	.00	2,100.00	.00	.00	.00	.00	.0%
00157501 563203	CAPITAL- INFRAS	.00	38,777.10	.00	.00	.00	.00	.0%
00157501 564204	CAPITAL- MACHIN	.00	.00	6,510.00	.00	.00	.00	.0%
00157501 567201	CAPITAL OUTLAY	.00	40,320.00	.00	.00	.00	.00	.0%
TOTAL SPORTS COMPLEX		1,138,524.93	1,263,738.49	1,372,786.70	1,794,679.21	2,235,141.00	2,355,923.00	5.4%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND		2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00158101	INTERFUND TRANSFER							
00158101	500003 TSF TO BRANNON	369,109.00	616,583.00	297,427.00	.00	228,690.00	228,530.00	-.1%
00158101	500004 TSF TO GOLF COU	322,491.00	277,192.00	777,520.00	.00	171,406.00	.00	.0%
00158101	500101 TRANSFER TO STO	.00	2,291,330.00	.00	.00	56,641.00	.00	.0%
00158101	500113 TRANSFER TO BUI	.00	.00	380,050.00	.00	.00	100,010.00	.0%
00158101	500113 CODE TRANSFER TO	.00	.00	.00	515,283.00	515,283.00	.00	.0%
00158101	500113 OHALC TRANSFER T	.00	.00	.00	289,984.00	289,984.00	.00	.0%
00158101	500114 TRANSFER TO TRE	.00	.00	120,304.00	.00	.00	.00	.0%
00158101	500116 TRANSFER TO OPI	.00	.00	.00	93,154.00	93,154.00	.00	.0%
00158101	500206 TRANSFER TO DEB	93,380.00	.00	.00	369,000.00	369,000.00	364,724.00	-1.2%
00158101	500208 TSF TO 208 DEBT	466,995.00	466,476.00	470,555.00	469,321.00	469,321.00	467,813.00	-.3%
00158101	500210 TSF TO 210 DEBT	658,808.00	658,314.00	652,596.00	656,692.00	656,692.00	660,462.00	.6%
00158101	500212 TSF TO 212 EQUI	.00	.00	.00	.00	.00	207,232.00	.0%
00158101	500301 TSF TO CAPITAL	.00	.00	323,787.00	.00	.00	.00	.0%
00158101	500302 TRANSFER TO CAP	1,645,661.00	3,511,306.00	2,558,697.00	4,747,368.00	4,755,878.00	3,442,500.00	-27.6%
00158101	500312 TRANSFER TO CAP	.00	.00	.00	4,540,553.00	4,554,087.00	4,079,254.00	-10.4%
00158101	500312 26RDW TRANSFER T	.00	.00	.00	6,118.00	6,118.00	.00	.0%
TOTAL INTERFUND TRANSFER		3,556,444.00	7,821,201.00	5,580,936.00	11,687,473.00	12,166,254.00	9,550,525.00	-21.5%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00158201 DEBT SERVICE							
00158201 571400 PRINCIPAL - LEA	.00	.00	.00	.00	.00	54,532.00	.0%
00158201 572400 INTEREST - LEAS	.00	.00	.00	.00	.00	6,835.00	.0%
TOTAL DEBT SERVICE	.00	.00	.00	.00	.00	61,367.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GENERAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00159100 RESERVES							
00159100 599010 REQUIRED FUND E	.00	.00	.00	.00	13,609,701.00	14,502,615.00	6.6%
00159100 599015 UNASSIGNED FUND	.00	.00	.00	.00	7,400,916.00	717,524.00	-90.3%
TOTAL RESERVES	.00	.00	.00	.00	21,010,617.00	15,220,139.00	-27.6%
TOTAL GENERAL FUND	-1,374,896.93	-2,811,159.06	-7,806,703.71	267,470.79	.00	.00	.0%
TOTAL REVENUE	-44,563,362.51	-49,532,993.59	-59,010,731.73	-45,732,470.04	-83,036,615.00	-77,162,101.00	.0%
TOTAL EXPENSE	43,188,465.58	46,721,834.53	51,204,028.02	45,999,940.83	83,036,615.00	77,162,101.00	.0%
GRAND TOTAL	-1,374,896.93	-2,811,159.06	-7,806,703.71	267,470.79	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

BRANNON CIVIC CENTER			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00330000	BRANNON CIVIC CTR REVENUES								
00330000	347202	ONE TIME SPEC E	-108,575.32	-40,798.73	-110,348.77	-100,904.68	-106,000.00	-106,000.00	.0%
00330000	347203	BC NON-TAXABLE	.00	.00	.00	-5,840.00	.00	.00	.0%
00330000	347203	BCNPW BC NON-TAX	.00	.00	-10,950.00	.00	.00	.00	.0%
00330000	347211	SPONSOR FEES	.00	.00	-14,200.00	-3,200.00	-3,890.00	-5,000.00	28.5%
00330000	347236	BRANNON CENTER	-82,371.24	-188,364.40	-243,624.00	-19,658.30	-331,610.00	-369,200.00	11.3%
00330000	347236	BCNPW BRANNON CE	.00	.00	.00	.00	-50,000.00	-50,000.00	.0%
00330000	347237	CIVIC CENTER -	-42,405.00	-51,474.00	-54,825.50	-230,629.75	.00	.00	.0%
00330000	347250	LEISURE REV - F	.00	.00	52,461.53	-52,461.53	.00	.00	.0%
00330000	347315	BEVERAGE COMMIS	.00	.00	.00	-726.00	.00	-50,000.00	.0%
00330000	347316	BEVERAGE SALE T	.00	.00	.00	-490.00	.00	.00	.0%
00330000	361101	INTEREST EARNIN	.00	.00	.00	-258.42	-500.00	.00	.0%
00330000	364402	INSURANCE PROCE	.00	.00	.00	-19,798.66	-19,799.00	.00	.0%
00330000	366911	DONATIONS	-6,525.00	-18,950.00	.00	.00	.00	.00	.0%
00330000	366999	MISCELLANEOUS R	.00	-571.13	-158.19	-1,197.14	-10,000.00	-5,000.00	-50.0%
00330000	381001	TRANSFER FROM G	-369,109.00	-616,583.00	-297,427.00	.00	-228,690.00	-228,530.00	-.1%
00330000	381302	TRANSFER FROM C	.00	-15,460.00	.00	.00	.00	.00	.0%
00357207	BRANNON CENTER FACILITY								
00357207	512001	REGULAR SALARY	165,616.38	161,708.68	217,226.59	159,040.53	252,379.00	255,679.00	1.3%
00357207	514001	REGULAR OVERTIM	7,804.95	4,665.97	4,096.50	2,181.80	7,100.00	7,100.00	.0%
00357207	515001	SICK INC./PERSO	.00	2,738.50	2,738.50	.00	2,000.00	2,000.00	.0%
00357207	515006	SHOE ALLOWANCE	300.00	.00	.00	.00	.00	.00	.0%
00357207	521001	FICA	13,042.11	12,875.23	16,889.36	12,058.92	18,961.00	20,342.00	7.3%
00357207	522003	DC PLAN	16,531.41	15,036.97	19,603.50	13,336.47	21,738.00	24,430.00	12.4%
00357207	523002	FLORIDA HEALTH	36,969.56	31,206.65	48,006.71	32,797.85	48,085.00	49,508.00	3.0%
00357207	523003	HEALTH SAVINGS	1,250.00	.00	1,066.67	495.00	1,650.00	1,700.00	3.0%
00357207	523008	MET LIFE DENTAL	1,327.30	1,047.78	1,643.46	1,383.84	2,070.00	2,016.00	-2.6%
00357207	523009	MUTUAL OF OMAHA	1,302.12	1,080.39	1,709.36	1,329.71	2,001.00	2,462.00	23.0%
00357207	524001	WC	6,700.51	9,878.46	10,122.00	12,877.88	20,330.00	11,508.00	-43.4%
00357207	531011	PROFESSIONAL SE	66,867.82	70,658.90	73,124.91	1,500.00	3,785.00	91,500.00	2317.4%
00357207	534001	EXTERMINATOR SE	520.00	630.00	1,070.00	363.00	6,600.00	1,500.00	-77.3%
00357207	534003	JANITORIAL SERV	13,569.44	27,444.00	25,856.39	23,340.00	23,400.00	33,000.00	41.0%
00357207	534026	DRY CLEANING SE	.00	.00	.00	2,559.00	3,789.00	.00	.0%
00357207	534204	LANDSCAPING SER	14,803.46	18,311.92	18,496.92	22,906.92	22,907.00	18,500.00	-19.2%
00357207	540005	TRAVEL	2,100.24	140.00	.00	88.70	250.00	1,000.00	300.0%
00357207	541001	PHONE/INTERNET/	9,938.26	10,022.73	9,802.86	6,556.34	10,800.00	9,900.00	-8.3%
00357207	541003	MOBILE PHONE CH	1,076.56	1,014.46	908.61	573.66	1,608.00	1,400.00	-12.9%
00357207	543001	ELECTRIC AND WA	60,017.10	59,005.41	45,325.42	20,670.65	43,100.00	47,000.00	9.0%
00357207	544001	ANNUAL EQUIPMEN	1,214.47	2,543.30	1,274.04	1,353.36	2,500.00	2,500.00	.0%
00357207	544006	EQUIPMENT RENTA	.00	.00	11,062.72	.00	.00	.00	.0%
00357207	545001	LIABILITY INSUR	3,752.12	5,456.75	4,247.00	74,349.00	35,546.00	80,185.00	125.6%
00357207	545002	AUTO AND PROPER	497.70	923.60	990.64	.00	622.00	.00	.0%
00357207	546001	ANNUAL MAINT CO	24,648.48	27,959.30	58,926.20	13,186.40	29,025.00	43,000.00	48.1%
00357207	546201	REPAIR & MAINTE	29,677.93	32,115.47	44,057.28	57,055.37	70,918.00	60,000.00	-15.4%
00357207	546201	24BC2 REPAIR & M	.00	.00	40,867.00	.00	.00	.00	.0%
00357207	548001	PROMOTIONAL EXP	22,509.67	21,829.47	26,313.99	13,343.29	21,500.00	21,500.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

BRANNON CIVIC CENTER	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00357207 549009 LICENSES/PERMIT	.00	.00	.00	250.00	250.00	.00	.0%
00357207 549085 CASH OVER/SHORT	.00	.00	.00	49.50	.00	.00	.0%
00357207 549095 BAC CHARGES	.00	55.35	.00	.00	.00	.00	.0%
00357207 549099 OTHER CURR CHGS	232.86	919.48	917.06	871.18	2,000.00	1,000.00	-50.0%
00357207 551001 OFFICE SUPPLY	1,886.12	1,681.44	1,416.81	1,624.62	1,700.00	1,700.00	.0%
00357207 552002 JANITOR SUPPLIE	2,972.93	1,976.95	2,673.02	5,187.99	6,950.00	4,000.00	-42.4%
00357207 552004 UNIFORMS	988.59	598.98	500.00	.00	800.00	800.00	.0%
00357207 552012 COMPUTER HRDWR/	149.18	.00	.00	.00	.00	.00	.0%
00357207 552051 SMALL MACHINE/E	9,751.01	8,979.87	7,052.81	1,510.91	8,000.00	8,000.00	.0%
00357207 552099 OTHER OPER SUPP	3,284.78	2,731.92	3,226.37	.00	.00	2,000.00	.0%
00357207 554001 MEMBERSHIPS & S	870.00	4,319.99	10,009.00	9,007.54	11,075.00	6,500.00	-41.3%
00357207 554004 SEMINAR/CONF RE	2,395.00	1,845.00	359.65	50.00	2,000.00	2,000.00	.0%
00357207 559002 O/H OPERATING E	76,023.00	122,010.00	.00	.00	.00	.00	.0%
00357207 564204 CAPITAL- MACHIN	.00	.00	.00	8,880.80	8,881.00	.00	.0%
00357207 564204 24BC1 CAPITAL- M	.00	34,029.00	.00	.00	.00	.00	.0%
00357207 574001 SPECIAL EVENT C	.00	.00	.00	38,214.10	56,169.00	.00	.0%
TOTAL BRANNON CIVIC CENTER	-8,394.50	-234,759.34	32,509.42	103,829.85	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GOLF COURSE FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00430000		GOLF COURSE REVENUE							
00430000	347212	GREENS FEES	-859,641.41	-955,678.34	-1,188,624.62	-960,070.87	-950,000.00	-1,100,000.00	15.8%
00430000	347212	25MLT GREENS FEE	.00	.00	-12,615.00	.00	.00	.00	.0%
00430000	347213	DRIVING RANGE	-73,730.18	-94,351.85	-22,328.94	-76,844.94	-50,000.00	-65,000.00	30.0%
00430000	347213	25MLT DRIVING RA	.00	.00	-57,336.00	.00	.00	.00	.0%
00430000	347215	MEMBERSHIP ANNU	-187,791.42	-313,374.52	-297,952.98	-265,931.58	-215,000.00	-265,000.00	23.3%
00430000	347218	CLUB STORAGE	-2,278.17	-2,465.00	-2,125.00	-2,340.00	-2,300.00	-2,300.00	.0%
00430000	347220	LOCKER RENTALS	-240.00	-715.00	-910.00	-520.00	-800.00	-800.00	.0%
00430000	347222	CART RENTALS	-476,058.89	-475,060.07	-352,759.21	-335,337.81	-450,000.00	-430,000.00	-4.4%
00430000	347223	CLUB RENTALS	-5,745.13	-6,460.85	-6,609.18	-5,811.43	-7,000.00	-5,000.00	-28.6%
00430000	347224	PULL CART RENTA	-31.72	-31.68	-28.16	-21.12	.00	.00	.0%
00430000	347225	TOURNAMENT INCO	-20,551.40	-10,433.75	-10,382.00	-16,764.25	-10,000.00	-14,000.00	40.0%
00430000	347226	MERCHANDISE SAL	-81,432.93	-85,907.14	-78,053.76	-63,534.74	-88,000.00	-72,000.00	-18.2%
00430000	347227	PRO LESSON INCO	-420.00	-150.00	-605.00	-75.00	.00	.00	.0%
00430000	347228	HANDICAP SERVIC	-6,040.00	-4,934.50	-6,205.00	-4,695.00	-5,000.00	-5,000.00	.0%
00430000	347901	CC PROCESSING F	.00	.00	-44,267.61	-38,557.90	.00	.00	.0%
00430000	349201	PUBLIC RECORD R	-675.00	-3,808.76	.00	.00	.00	.00	.0%
00430000	361101	INTEREST EARNIN	.00	.00	.00	-8,258.99	-12,002.00	-15,000.00	25.0%
00430000	361110	LEASE INTEREST	-2,348.00	-1,870.88	-4,920.65	.00	.00	.00	.0%
00430000	362001	RESTAURANT LEAS	-19,825.08	-19,800.62	-27,749.98	-27,063.09	-30,000.00	-30,900.00	3.0%
00430000	362010	GC LEASE BEVERA	.00	.00	.00	.00	.00	-1,800.00	.0%
00430000	362015	GC LEASE RESTUR	.00	.00	.00	.00	.00	-3,987.00	.0%
00430000	364401	SURPLUS EQUIPME	-2,778.10	-973.25	.00	.00	.00	.00	.0%
00430000	365000	SALE OF SCRAP	.00	.00	.00	-1,000.00	.00	.00	.0%
00430000	366999	MISCELLANEOUS R	.00	.00	2,909.24	-332.59	.00	.00	.0%
00430000	369911	RESTAURANT FOOD	-1,891.77	-2,234.92	-1,836.47	-1,215.55	-2,000.00	.00	.0%
00430000	369915	VENDING SALES	-8,488.34	-7,968.82	-4,943.86	-2,787.75	-8,000.00	-3,000.00	-62.5%
00430000	369916	REBATES	.00	.00	.00	-2,371.68	.00	.00	.0%
00430000	381001	TRANSFERS FUNDS	-322,491.00	-277,192.00	-777,520.00	.00	-171,406.00	.00	.0%
00430000	384102	PROCEEDS FROM D	.00	.00	-238,214.89	.00	.00	.00	.0%
00430000	389101	APPROPRIATED FU	.00	.00	.00	.00	-532,597.00	-399,000.00	-25.1%
00457203		GOLF COURSE ADMINSTRATION							
00457203	512001	REGULAR SALARY	351,651.64	350,686.05	359,953.45	297,764.36	433,880.00	408,221.00	-5.9%
00457203	514001	REGULAR OVERTIM	735.25	829.19	1,078.79	403.91	1,975.00	1,975.00	.0%
00457203	515001	SICK INC./PERSO	767.50	3,321.79	4,136.03	.00	3,500.00	3,500.00	.0%
00457203	521001	FICA	27,489.39	26,813.35	27,609.92	22,575.90	36,416.00	31,661.00	-13.1%
00457203	522001	FRS RETIREMENT	8,215.26	9,182.79	9,626.51	7,473.13	11,039.00	5,307.00	-51.9%
00457203	522003	DC PLAN	12,949.13	13,222.31	13,896.59	10,666.59	20,044.00	19,531.00	-2.6%
00457203	523002	FLORIDA HEALTH	34,780.03	36,306.21	37,107.40	26,190.44	39,839.00	35,859.00	-10.0%
00457203	523004	BCBS INSURANCE	13,417.78	14,137.06	15,240.80	11,824.20	17,341.00	17,224.00	-.7%
00457203	523008	MET LIFE DENTAL	1,613.16	1,576.14	1,583.34	1,192.12	2,270.00	1,555.00	-31.5%
00457203	523009	MUTUAL OF OMAHA	1,905.92	1,984.16	2,115.07	1,700.42	3,118.00	2,584.00	-17.1%
00457203	524001	WC	37,550.50	52,020.80	53,138.00	8,747.37	7,612.00	7,688.00	1.0%
00457203	531099	OTHER PROFESSIO	.00	.00	.00	.00	30,000.00	15,000.00	-50.0%
00457203	534001	EXTERMINATOR SE	670.25	9,191.45	2,920.49	12,003.40	2,000.00	5,000.00	150.0%
00457203	534003	JANITORIAL SERV	4,200.00	4,200.00	7,695.67	16,025.00	17,000.00	18,000.00	5.9%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GOLF COURSE FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00457203	534015	SECURITY MONITO	164.97	274.95	.00	219.96	450.00	450.00	.0%
00457203	540005	TRAVEL	.00	.00	.00	60.90	.00	.00	.0%
00457203	541001	PHONE CHARGES	8,707.19	9,176.92	9,117.87	5,860.95	9,900.00	8,900.00	-10.1%
00457203	541003	MOBILE PHONE CH	696.46	484.74	80.88	40.00	.00	500.00	.0%
00457203	543001	ELECTRIC AND WA	62,507.33	56,136.05	41,924.49	25,335.75	60,000.00	60,000.00	.0%
00457203	544001	ANNUAL EQUIPMEN	55,960.54	12,212.42	13,071.15	9,726.51	.00	.00	.0%
00457203	545001	LIABILITY INSUR	12,062.20	17,460.75	15,575.00	50,670.22	50,671.00	54,284.00	7.1%
00457203	545002	AUTO AND PROPER	4,825.47	10,612.55	14,235.92	.00	.00	.00	.0%
00457203	546001	ANNUAL MAINT CO	666.28	.00	.00	.00	.00	.00	.0%
00457203	546201	R & M GENERAL	16,185.31	17,018.20	20,802.20	38,582.37	43,300.00	38,000.00	-12.2%
00457203	548001	PROMOTIONS	2,530.01	4,405.55	1,130.35	2,737.90	3,901.00	3,900.00	.0%
00457203	549001	NEWS ADS	3,815.00	4,087.00	4,437.56	1,181.44	3,000.00	.00	-100.0%
00457203	549085	CASH OVER/SHORT	-20.99	43.34	-286.06	247.23	.00	.00	.0%
00457203	549095	BAC CHARGES	31,067.09	-9,383.36	34,529.82	31,468.77	50,000.00	50,000.00	.0%
00457203	549099	OTHER CURR CHGS	3,347.61	3,041.23	6,098.82	4,186.88	4,000.00	3,000.00	-25.0%
00457203	549999	BAD DEBT EXPENS	.00	.00	1,622.38	.00	.00	.00	.0%
00457203	551001	OFFICE SUPPLY	4,568.93	3,694.18	2,797.56	2,688.31	4,100.00	4,100.00	.0%
00457203	551005	OFFICE SMALL MA	.00	.00	370.98	.00	.00	.00	.0%
00457203	552002	JANITOR SUPPLIE	4,010.07	5,188.46	4,707.97	4,501.71	5,500.00	4,500.00	-18.2%
00457203	552004	UNIFORMS	.00	471.38	148.25	846.68	2,235.00	2,700.00	20.8%
00457203	552012	COMPUTER HRDWR/	16,800.00	.00	.00	.00	.00	.00	.0%
00457203	552024	PRO SHOP/RANGE	30,040.14	11,537.10	16,376.88	16,187.67	21,299.00	25,000.00	17.4%
00457203	552051	25GC9 SMALL MACH	.00	.00	4,940.00	.00	.00	.00	.0%
00457203	554001	MEMBERSHIPS & S	5,023.00	5,677.20	4,458.00	4,869.00	5,700.00	4,500.00	-21.1%
00457203	555004	CLUB RENTALS	2,599.49	1,853.79	2,954.20	2,500.00	2,500.00	3,000.00	20.0%
00457203	555009	PULL CARTS	.00	.00	.00	.00	500.00	500.00	.0%
00457203	555104	PRO SHOP MERCHA	55,549.76	62,289.24	50,980.14	57,972.09	62,000.00	75,000.00	21.0%
00457203	555106	RESTAURANT COUN	5,120.70	6,925.59	5,393.73	3,291.91	5,400.00	5,400.00	.0%
00457203	559002	O/H OPERATING E	114,034.00	183,015.00	.00	.00	.00	.00	.0%
00457203	562203	25GC9 BUILDING I	.00	.00	.00	.00	5,060.00	.00	.0%
00457203	564204	CAPITAL- MACHIN	.00	.00	238,214.89	.00	.00	.00	.0%
00457203	564204	25GC9 CAPITAL- M	.00	.00	29,900.00	.00	.00	.00	.0%
00457203	571001	PRINCIPAL PAYME	.00	45,132.27	7,141.62	112,670.46	75,953.00	.00	-100.0%
00457203	571400	PRINCIPAL - LEA	.00	.00	47,064.70	.00	.00	.00	.0%
00457203	572001	INTEREST	4,081.89	3,178.73	.00	15,429.99	9,750.00	.00	-100.0%
00457203	572400	INTEREST - LEAS	.00	.00	1,246.31	.00	.00	.00	.0%
00457204	GOLF COURSE MAINTENANCE								
00457204	512001	REGULAR SALARY	353,195.46	371,229.55	360,150.75	297,293.34	439,146.00	461,191.00	5.0%
00457204	514001	REGULAR OVERTIM	5,231.41	5,234.42	7,110.13	3,190.81	5,000.00	5,000.00	.0%
00457204	515001	SICK INC./PERSO	4,191.43	10,694.22	7,803.35	.00	10,000.00	10,000.00	.0%
00457204	515006	SHOE ALLOWANCE	1,050.00	1,200.00	1,130.76	1,200.00	1,200.00	1,200.00	.0%
00457204	521001	FICA	27,642.90	29,202.97	28,184.25	22,560.96	33,394.00	36,751.00	10.1%
00457204	522001	FRS RETIREMENT	10,153.82	8,181.78	7,750.50	5,565.75	10,181.00	8,496.00	-16.6%
00457204	522003	DC PLAN	20,551.86	26,684.71	25,850.46	19,273.52	31,031.00	39,045.00	25.8%
00457204	523002	FLORIDA HEALTH	73,668.63	83,581.65	82,197.00	64,957.10	95,009.00	96,395.00	1.5%
00457204	523003	HEALTH SAVINGS	.00	1,466.67	1,600.00	495.00	1,650.00	1,700.00	3.0%
00457204	523008	MET LIFE DENTAL	1,965.39	2,339.90	2,591.15	2,175.49	3,183.00	3,171.00	-.4%
00457204	523009	MUTUAL OF OMAHA	2,379.96	2,531.56	2,609.34	2,366.64	3,539.00	4,555.00	28.7%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GOLF COURSE FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00457204 524001 WC	.00	.00	.00	30,815.76	26,816.00	27,270.00	1.7%
00457204 531011 PROFESSIONAL SE	11,791.65	12,670.00	16,368.00	12,415.00	21,800.00	25,000.00	14.7%
00457204 541003 MOBILE PHONE CH	.00	.00	.00	.00	600.00	.00	.0%
00457204 541005 GPS SERVICES	253.75	615.35	624.27	.00	650.00	.00	.0%
00457204 544006 EQUIPMENT RENTA	.00	.00	.00	.00	.00	4,000.00	.0%
00457204 545001 LIABILITY INSUR	.00	.00	.00	13,080.65	13,081.00	13,764.00	5.2%
00457204 546201 25GC7 REPAIR & M	.00	.00	13,000.00	.00	.00	.00	.0%
00457204 546201 25GC8 REPAIR & M	.00	.00	9,040.00	.00	.00	.00	.0%
00457204 546309 R & M - OUTSIDE	64,497.38	76,189.66	101,880.93	72,349.18	85,000.00	38,000.00	-55.3%
00457204 546333 SMALL EQUIPMENT	.00	.00	.00	.00	.00	51,000.00	.0%
00457204 546350 FLEET MAINTENAN	563.93	9,832.66	7,853.68	4,901.93	28,387.00	32,774.00	15.5%
00457204 549099 OTHER CURR CHGS	.00	.00	.00	20.34	.00	.00	.0%
00457204 552001 GAS/OIL	31,257.64	28,747.82	26,225.45	18,386.93	16,391.00	16,836.00	2.7%
00457204 552004 UNIFORMS	2,795.45	2,153.53	2,078.88	47.18	3,000.00	3,200.00	6.7%
00457204 552050 SAND/CLAY & FER	210,108.71	238,259.12	225,261.15	221,370.97	250,000.00	250,000.00	.0%
00457204 552051 SMALL MACHINE/E	.00	.00	.00	.00	.00	13,000.00	.0%
00457204 552099 OTHER OPER SUPP	.00	.00	.00	.00	.00	32,000.00	.0%
00457204 562202 22GCM CAPITAL- B	39,189.40	.00	.00	.00	.00	.00	.0%
00457204 564204 23GC1 CAPITAL- M	.00	.00	46,298.56	.00	.00	.00	.0%
00457204 564204 23GC2 CAPITAL- M	.00	40,209.33	.00	.00	.00	.00	.0%
00457204 564204 23GC3 CAPITAL- M	14,440.58	.00	.00	.00	.00	.00	.0%
00457204 564204 24GF1 CAPITAL- M	.00	63,323.26	.00	.00	.00	.00	.0%
00457204 564204 24GF2 CAPITAL- M	.00	25,976.50	.00	.00	.00	.00	.0%
00457204 564204 24GF3 CAPITAL- M	.00	11,860.94	.00	.00	.00	.00	.0%
00457204 564204 25GC1 CAPITAL- M	.00	.00	28,542.00	.00	.00	.00	.0%
00457204 564204 25GC2 CAPITAL- M	.00	.00	63,584.00	.00	.00	.00	.0%
00457204 564204 25GC3 CAPITAL- M	.00	.00	17,713.23	.00	.00	.00	.0%
00457204 564204 25GC4 CAPITAL- M	.00	.00	15,265.26	.00	.00	.00	.0%
00457204 564204 25GC5 CAPITAL- M	.00	.00	13,741.65	.00	.00	.00	.0%
00457204 564204 25GC6 CAPITAL- M	.00	.00	9,650.00	.00	.00	.00	.0%
00458101 INTERFUND TRANSFER							
00458101 500212 TSF TO 212 EQUI	.00	.00	.00	.00	.00	85,702.00	.0%
00458101 500312 TRANSFER TO CAP	.00	.00	.00	.00	.00	218,950.00	.0%
00459100 RESERVES							
00459100 599015 UNASSIGNED FUND	.00	.00	.00	.00	403,794.00	16,948.00	-95.8%
TOTAL GOLF COURSE FUND	-257,240.93	-233,221.77	-893,836.65	-213,224.20	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

SANITATION FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
00530000 SANITATION FUND REVENUE							
00530000 343401 SOLID WASTE/GAR	.00	.00	.00	.00	.00	-9,979,131.00	.0%
00530000 343411 SPECIAL GARBAGE	.00	.00	.00	.00	.00	-53,000.00	.0%
00530000 343450 SPECIAL PICK-UP	.00	.00	.00	.00	.00	-7,500.00	.0%
00530000 359405 FINES SOLID WAS	.00	.00	.00	.00	.00	-15,000.00	.0%
00530000 361101 INTEREST EARNIN	.00	.00	.00	.00	.00	-108,390.00	.0%
00530000 366990 REIMBURSEMENT	.00	.00	.00	.00	.00	-32,543.00	.0%
00530000 381405 TRANSFER FROM S	.00	.00	.00	.00	.00	-3,765,424.00	.0%
00553401 SANITATION FUND EXPENSE							
00553401 512001 REGULAR SALARY	.00	.00	.00	.00	.00	91,800.00	.0%
00553401 514001 REGULAR OVERTIM	.00	.00	.00	.00	.00	1,000.00	.0%
00553401 515001 SICK INC./PERSO	.00	.00	.00	.00	.00	2,000.00	.0%
00553401 521001 FICA	.00	.00	.00	.00	.00	7,253.00	.0%
00553401 522003 DC PLAN	.00	.00	.00	.00	.00	9,480.00	.0%
00553401 523002 FLORIDA HEALTH	.00	.00	.00	.00	.00	12,337.00	.0%
00553401 523008 MET LIFE DENTAL	.00	.00	.00	.00	.00	1,014.00	.0%
00553401 523009 MUTUAL OF OMAHA	.00	.00	.00	.00	.00	986.00	.0%
00553401 524001 WC	.00	.00	.00	.00	.00	189.00	.0%
00553401 534007 COLLECTION FEES	.00	.00	.00	.00	.00	99,792.00	.0%
00553401 534019 LANDFILL CHARGE	.00	.00	.00	.00	.00	1,750,000.00	.0%
00553401 534022 CONTRACTED SOLI	.00	.00	.00	.00	.00	7,112,230.00	.0%
00553401 541003 MOBILE PHONE CH	.00	.00	.00	.00	.00	1,200.00	.0%
00553401 541005 GPS SERVICES	.00	.00	.00	.00	.00	209.00	.0%
00553401 545001 LIABILITY INSUR	.00	.00	.00	.00	.00	3,171.00	.0%
00553401 546350 FLEET MAINTENAN	.00	.00	.00	.00	.00	3,277.00	.0%
00553401 549099 OTHER CURR CHGS	.00	.00	.00	.00	.00	10,000.00	.0%
00553401 551001 OFFICE SUPPLY	.00	.00	.00	.00	.00	1,500.00	.0%
00553401 552001 GAS/OIL	.00	.00	.00	.00	.00	1,684.00	.0%
00553401 552004 UNIFORMS	.00	.00	.00	.00	.00	800.00	.0%
00553401 552099 OTHER OPER SUPP	.00	.00	.00	.00	.00	3,000.00	.0%
00553401 554001 MEMBERSHIPS & S	.00	.00	.00	.00	.00	300.00	.0%
00558101 INTERFUND TRANSFER							
00558101 500311 TRANSFER TO STR	.00	.00	.00	.00	.00	650,000.00	.0%
00559100 RESERVES							
00559100 599010 REQUIRED RESERV	.00	.00	.00	.00	.00	2,278,305.00	.0%
00559100 599015 UNASSIGNED RESE	.00	.00	.00	.00	.00	1,919,461.00	.0%
TOTAL SANITATION FUND	.00	.00	.00	.00	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

STORMWATER UTILITY FEE FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10130000	STORMWATER REVENUE								
10130000	329104	STORMWATER UTIL	-2,701,830.34	-2,810,791.54	-2,992,300.13	-3,448,724.72	-3,552,412.00	-3,689,032.00	3.8%
10130000	331301	23NAD FEDERAL GR	.00	.00	.00	-594,310.39	.00	.00	.0%
10130000	331390	24TCS FEDERAL GR	.00	.00	-1,227,670.99	.00	.00	.00	.0%
10130000	331502	21HMP FEMA GRANT	-1,088,690.04	-502,377.43	.00	.00	.00	.00	.0%
10130000	334410	23NAD FL. DEPT.	.00	.00	.00	-594,310.39	.00	.00	.0%
10130000	361101	INTEREST EARNIN	-224,479.16	-297,742.04	-339,283.98	-116,847.57	-21,580.00	-100,000.00	363.4%
10130000	361103	INTEREST PROFIT	.00	-88,858.01	-20,264.65	.00	.00	.00	.0%
10130000	364401	SURPLUS EQUIPME	.00	-30,337.00	.00	.00	.00	.00	.0%
10130000	364402	INSURANCE PROCE	-1,230.00	.00	.00	.00	.00	.00	.0%
10130000	366915	21HMP HMP HOMEOW	.00	-314,158.55	-33,773.90	.00	.00	.00	.0%
10130000	366917	23NAD UTILITIES	.00	.00	.00	-45,535.00	.00	.00	.0%
10130000	381001	TRANSFER FROM G	.00	-2,291,330.00	.00	.00	.00	.00	.0%
10130000	381130	TRANSFER FROM A	-500,000.00	.00	.00	.00	.00	.00	.0%
10130000	381130	25PIP TRANSFER F	.00	.00	-206,402.00	-151,669.00	-151,669.00	.00	.0%
10130000	381205	TRANSFER FROM D	.00	.00	.00	-104,555.62	.00	.00	.0%
10130000	381302	TRANSFER FROM C	.00	.00	-546,053.00	.00	.00	.00	.0%
10130000	381302	25PIP TRANSFER F	.00	.00	-1,731,707.00	.00	.00	.00	.0%
10130000	388100	SALE/TRADE IN C	.00	-25,000.00	.00	.00	.00	.00	.0%
10130000	389101	APPROPRIATED FU	.00	.00	.00	.00	-6,336,451.00	-2,265,394.00	-64.2%
10130000	389101	21HMP APPROPRIAT	.00	.00	.00	.00	-1,600.00	.00	.0%
10130000	389101	24HID APPROPRIAT	.00	.00	.00	.00	-4,860.00	.00	.0%
10130000	389101	24HMN APPROPRIAT	.00	.00	.00	.00	-11,270.00	.00	.0%
10130000	389101	25HMM APPROPRIAT	.00	.00	.00	.00	-14,070.00	.00	.0%
10130000	389101	25P&G APPROPRIAT	.00	.00	.00	.00	-678,542.00	.00	.0%
10130000	389101	25PIP APPROPRIAT	.00	.00	.00	.00	-311,659.00	.00	.0%
10130000	389101	HM197 APPROPRIAT	.00	.00	.00	.00	-24,715.00	.00	.0%
10130000	389101	HM374 APPROPRIAT	.00	.00	.00	.00	-28,427.00	.00	.0%
10153801	STORMWATER MANAGEMENT								
10153801	512001	REGULAR SALARY	64,303.49	66,312.81	72,863.15	282,273.49	454,951.00	493,606.00	8.5%
10153801	514001	REGULAR OVERTIM	.00	.00	.00	1,448.04	3,238.00	1,370.00	-57.7%
10153801	515001	SICK INC./PERSO	1,232.51	.00	.00	.00	1,000.00	1,000.00	.0%
10153801	515006	SHOE ALLOWANCE	.00	.00	.00	600.00	1,050.00	900.00	-14.3%
10153801	521001	FICA	5,015.39	5,084.51	5,573.33	20,900.19	34,352.00	38,044.00	10.7%
10153801	522003	DC PLAN	6,466.54	6,564.51	7,198.06	25,116.51	42,143.00	49,641.00	17.8%
10153801	523002	FLORIDA HEALTH	.00	.00	1,158.23	57,704.52	95,638.00	109,124.00	14.1%
10153801	523003	HEALTH SAVINGS	.00	.00	2,310.00	2,168.68	4,479.00	5,000.00	11.6%
10153801	523004	BCBS INSURANCE	13,417.78	14,137.06	14,762.36	.00	.00	.00	.0%
10153801	523008	MET LIFE DENTAL	352.23	344.15	385.30	2,745.48	4,829.00	4,694.00	-2.8%
10153801	523009	MUTUAL OF OMAHA	504.38	520.08	612.53	2,468.71	4,090.00	5,199.00	27.1%
10153801	524001	WC	10,523.14	14,387.93	2,531.00	43,401.10	43,768.00	38,130.00	-12.9%
10153801	531099	OTHER PROFESSIO	5,066.00	12,904.00	.00	58,442.00	58,442.00	38,000.00	-35.0%
10153801	531099	21HMP OTHER PROF	.00	68,363.15	22,885.00	1,600.00	1,600.00	.00	.0%
10153801	531099	23NAD OTHER PROF	.00	.00	3,252.20	.00	.00	.00	.0%
10153801	531099	24HID OTHER PROF	.00	41,044.40	9,910.00	4,860.00	4,860.00	.00	.0%
10153801	531099	24HMN OTHER PROF	.00	42,157.50	27,302.50	11,270.00	11,270.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

STORMWATER UTILITY FEE FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10153801 531099 24HMP OTHER PROF	.00	110,774.41	12,575.59	.00	.00	.00	.0%
10153801 531099 25HMM OTHER PROF	.00	.00	20,160.00	14,070.00	14,070.00	.00	.0%
10153801 531099 25VUL OTHER PROF	.00	.00	144,900.43	20,635.40	.00	.00	.0%
10153801 531099 HM197 OTHER PROF	.00	.00	.00	24,714.54	24,715.00	.00	.0%
10153801 531099 HM373 OTHER PROF	.00	.00	26,485.00	114,627.18	.00	.00	.0%
10153801 531099 HM374 OTHER PROF	.00	.00	.00	13,761.20	13,762.00	.00	.0%
10153801 534012 COMPUTER CONTRA	.00	.00	.00	619.53	888.00	.00	.0%
10153801 534014 CANAL CHEMICAL	4,980.00	5,160.00	5,160.00	8,390.00	10,110.00	13,000.00	28.6%
10153801 534099 OTHER CONTRACTU	93,576.21	177,074.62	14,756.35	12,198.00	270,250.00	365,000.00	35.1%
10153801 540005 TRAVEL	.00	.00	.00	.00	.00	1,000.00	.0%
10153801 541003 MOBILE PHONE CH	.00	.00	.00	1,167.97	1,900.00	2,200.00	15.8%
10153801 541005 GPS SERVICES	253.75	528.65	416.18	.00	609.00	2,090.00	243.2%
10153801 543001 ELECTRIC AND WA	2,712.51	9,776.12	10,062.26	5,951.73	6,500.00	12,000.00	84.6%
10153801 543002 NATURAL GAS	.00	.00	1,477.83	1,067.86	2,137.00	4,000.00	87.2%
10153801 544001 EQUIPMENT LEASE	.00	.00	.00	187.16	188.00	500.00	166.0%
10153801 544012 LAND LEASE	4,806.81	.00	.00	.00	.00	.00	.0%
10153801 544014 RENTAL AND LEAS	18,037.19	4,395.00	5,621.00	20,325.00	41,000.00	41,000.00	.0%
10153801 545001 LIABILITY INSUR	36,030.68	51,114.25	94,518.00	17,208.18	17,209.00	18,685.00	8.6%
10153801 545002 AUTO AND PROPER	2,307.14	2,289.00	8,097.24	.00	.00	.00	.0%
10153801 546201 25PIP REPAIR & M	.00	.00	.00	189,352.65	189,353.00	.00	.0%
10153801 546350 FLEET MAINTENAN	38,964.61	74,231.27	70,289.38	59,438.65	92,259.00	114,878.00	24.5%
10153801 546401 24TCS REPAIR & M	.00	.00	1,454,896.50	.00	.00	.00	.0%
10153801 546430 STREET MAINTENA	314,582.15	228,386.83	146,981.29	432,775.39	722,605.00	400,000.00	-44.6%
10153801 546430 25PIP R&M-STREET	.00	.00	6,607.00	.00	.00	.00	.0%
10153801 549001 NEWS ADS	1,452.12	.00	.00	92.40	500.00	500.00	.0%
10153801 549001 23NAD NEWS ADS	.00	.00	155.68	.00	.00	.00	.0%
10153801 549099 OTHER CURR CHGS	3,750.00	7,988.00	40.16	164.23	10,000.00	10,000.00	.0%
10153801 551001 OFFICE SUPPLY	.00	.00	.00	250.00	250.00	750.00	200.0%
10153801 551005 OFFICE SMALL MA	.00	.00	.00	7,000.00	7,000.00	.00	.0%
10153801 552001 GAS/OIL	17,597.38	16,009.61	18,456.84	21,020.42	53,271.00	56,874.00	6.8%
10153801 552002 JANITOR SUPPLIE	.00	.00	.00	.00	.00	1,000.00	.0%
10153801 552004 UNIFORMS	.00	.00	.00	256.70	2,000.00	3,000.00	50.0%
10153801 552012 COMPUTER HRDWR/	.00	.00	.00	844.01	845.00	.00	.0%
10153801 553005 DRAINAGE EQUIPM	20,246.34	40,252.32	17,178.65	22,113.52	23,119.00	30,000.00	29.8%
10153801 554001 MEMBERSHIPS	.00	.00	.00	600.00	600.00	.00	.0%
10153801 554004 SEMINAR/CONF RE	.00	.00	.00	3,922.75	3,923.00	1,500.00	-61.8%
10153801 559002 O/H OPERATING E	805,409.00	379,366.00	426,579.00	.00	.00	.00	.0%
10153801 563203 CAPITAL- INFRAS	.00	263,331.58	.00	17,800.00	17,800.00	.00	.0%
10153801 563203 24TCS CAPITAL- I	.00	186,681.50	.00	.00	.00	.00	.0%
10153801 563203 25PIP CAPITAL- I	.00	.00	268,175.00	273,974.35	273,975.00	.00	.0%
10153801 564204 CAPITAL- MACHIN	.00	.00	.00	6,880.77	6,881.00	.00	.0%
10153801 564204 22SW2 CAPITAL- M	118,575.00	.00	.00	.00	.00	.00	.0%
10153801 564204 23SW1 CAPITAL- M	42,275.00	.00	.00	.00	.00	.00	.0%
10153801 564204 24SW1 CAPITAL- M	.00	220,997.86	.00	.00	.00	.00	.0%
10153801 564204 24SW3 CAPITAL- M	.00	546,052.80	.00	.00	.00	.00	.0%
10153801 564204 24SW4 CAPITAL- M	.00	170,988.00	.00	.00	.00	.00	.0%
10153801 564204 24SW6 CAPITAL- M	.00	61,035.00	.00	.00	.00	.00	.0%
10153801 564204 24SW7 CAPITAL- M	.00	113,301.32	.00	.00	.00	.00	.0%
10153801 564204 24SW8 CAPITAL- M	.00	41,914.00	.00	.00	.00	.00	.0%
10153801 564204 25P&G CAPITAL- M	.00	.00	521,458.00	678,542.00	678,542.00	.00	.0%
10153801 564717 CAPITAL- VEHICL	.00	.00	.00	52,158.00	55,000.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

STORMWATER UTILITY FEE FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10153801 564717 23SW2 CAPITAL- V	72,728.00	.00	.00	.00	.00	.00	.0%
10153801 567201 21HDR CAPITAL OU	127.04	.00	.00	1,063,939.75	.00	.00	.0%
10153801 567201 21HMP CAPITAL OU	2,528,980.87	.00	.00	.00	.00	.00	.0%
10153801 567201 21SWP CAPITAL OU	892.66	.00	.00	.00	.00	.00	.0%
10153801 567201 23NAD CAPITAL OU	.00	.00	291,913.45	1,174,025.10	.00	.00	.0%
10153801 583005 21HMP HMP HOMEOW	.00	262,127.73	98,593.47	.00	.00	.00	.0%
10153801 583006 HM373 OTHER GRAN	.00	.00	37,228.10	2,692,537.90	.00	.00	.0%
10153801 583006 HM374 OTHER GRAN	.00	.00	.00	14,665.00	14,665.00	.00	.0%
10158101 INTERFUND TRANSFER							
10158101 500001 21HMP TSF TO GEN	.00	.00	4,879,680.00	.00	.00	.00	.0%
10158101 500001 OHALC TSF TO GEN	.00	.00	.00	436,421.00	436,421.00	564,265.00	29.3%
10158101 500204 TSF TO DEBT SER	560,872.00	560,872.00	560,872.00	560,872.00	560,872.00	577,072.00	2.9%
10158101 500207 TSF TO 207 DEBT	73,514.00	53,310.00	.00	19,999.00	19,999.00	.00	-100.0%
10158101 500211 TSF TO 211 DEBT	62,508.00	.00	.00	.00	.00	.00	.0%
10158101 500311 TRAFNSFER TO ST	.00	.00	.00	4,406,600.00	4,406,600.00	.00	-100.0%
10159100 RESERVES							
10159100 599010 REQUIRED FUND E	.00	.00	.00	.00	616,570.00	600,805.00	-2.6%
10159100 599015 UNASSIGNED FUND	.00	.00	.00	.00	1,775,157.00	2,449,599.00	38.0%
TOTAL STORMWATER UTILITY FEE	415,830.38	-2,500,816.60	2,216,622.41	7,850,215.37	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

SPECIAL LAW ENFORCEMENT TRUST	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10330000 SPECIAL LAW ENF REVENUE							
10330000 359201 FORFEITED PROPE	.00	.00	-7,924.56	-11,948.94	-11,948.00	.00	.0%
10330000 359202 FORFEITURES - L	-12,709.32	-51,547.39	-1,456.66	.00	.00	.00	.0%
10330000 361101 INTEREST EARNIN	-4,924.75	-4,810.60	-6,936.46	-2,903.82	-5,000.00	-3,000.00	-40.0%
10330000 361103 INTEREST PROFIT	.00	-1,895.73	-432.33	.00	.00	.00	.0%
10330000 389101 APPROPRIATED FU	.00	.00	.00	.00	-234,454.00	-251,000.00	7.1%
10352101 POLICE							
10352101 546201 REPAIR & MAINTA	.00	.00	3,836.80	.00	.00	.00	.0%
10352101 549099 OTHER CURR CHGS	3,285.00	.00	.00	.00	.00	.00	.0%
10352101 552012 COMPUTER HRDWR/	22,505.26	.00	.00	.00	.00	10,522.00	.0%
10359100 RESERVES							
10359100 599015 UNASSIGNED FUND	.00	.00	.00	.00	251,402.00	243,478.00	-3.2%
TOTAL SPECIAL LAW ENFORCEMEN	8,156.19	-58,253.72	-12,913.21	-14,852.76	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

AIRPORT/INDUSTRIAL PARK FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10430000	AIRPORT/INDUSTRIAL PK REVENUE								
10430000	331404	F.A.A CAPITAL P	-190,538.98	-3,678,462.70	.00	.00	.00	.00	.0%
10430000	331404	22TWA F.A.A CAPI	.00	.00	-135,501.18	.00	.00	.00	.0%
10430000	331404	24DBE F.A.A CAPI	.00	.00	-11,160.00	.00	.00	.00	.0%
10430000	331404	24IAP F.A.A CAPI	.00	.00	-36,762.08	.00	.00	.00	.0%
10430000	331404	24PAP F.A.A CAPI	.00	.00	-67,590.00	.00	.00	.00	.0%
10430000	331404	24RWY F.A.A CAPI	.00	.00	-4,215,614.11	.00	.00	.00	.0%
10430000	331404	26AMP F.A.A CAPI	.00	.00	.00	.00	.00	-585,000.00	.0%
10430000	334407	F.D.O.T. CAPITA	-287,827.51	-871,564.53	.00	.00	.00	.00	.0%
10430000	334407	21AFI F.D.O.T. C	.00	.00	-363,770.97	-2,880.00	.00	.00	.0%
10430000	334407	21ATI F.D.O.T. C	.00	.00	-110,080.00	.00	.00	.00	.0%
10430000	334407	22TWA F.D.O.T. C	.00	.00	-12,044.55	.00	.00	.00	.0%
10430000	334407	24IAP F.D.O.T. C	.00	.00	-3,267.96	.00	.00	.00	.0%
10430000	334407	24PAP F.D.O.T. C	.00	.00	-6,008.00	.00	.00	.00	.0%
10430000	334407	24RWY F.D.O.T. C	.00	.00	-374,721.32	.00	.00	.00	.0%
10430000	334407	25ATE F.D.O.T. C	.00	.00	-2,400.00	-43,200.00	.00	.00	.0%
10430000	334407	25ATH F.D.O.T. C	.00	.00	-3,040.00	-15,808.00	.00	.00	.0%
10430000	334407	26AMP F.D.O.T. C	.00	.00	.00	.00	.00	-52,000.00	.0%
10430000	343201	SALE OF GAS	-2,388,727.75	-2,254,402.10	.00	.00	.00	.00	.0%
10430000	343202	APFUL SALE OF AV	.00	.00	-1,503,405.20	-1,278,420.94	-1,800,000.00	-1,800,000.00	.0%
10430000	343203	APFUL SALE OF JE	.00	.00	-433,488.34	-435,410.73	-600,000.00	-600,000.00	.0%
10430000	349201	PUBLIC RECORD R	-5,087.92	-14,926.51	.00	.00	.00	.00	.0%
10430000	349205	PENALTIES	-4,503.73	1,576.71	.00	.00	.00	.00	.0%
10430000	361101	INTEREST EARNIN	-47,593.68	-44,215.18	-38,272.75	-19,418.10	-38,490.00	-38,490.00	.0%
10430000	361103	INTEREST PROFIT	.00	-13,845.08	-3,157.46	.00	.00	.00	.0%
10430000	361110	LEASE INTEREST	-117,046.00	-233,920.94	-226,097.28	.00	.00	.00	.0%
10430000	362101	RAMP LEASE 600	-40,237.47	-45,172.08	-46,658.28	-40,196.10	-48,058.00	-49,682.00	3.4%
10430000	362105	LAND LEASE 1994	-39,311.16	-39,446.52	-41,578.44	-35,819.80	-10,825.00	-44,273.00	309.0%
10430000	362107	LAND LEASE 1996	-75,180.36	-81,628.70	-80,226.48	-69,115.10	-114,633.00	-85,426.00	-25.5%
10430000	362108	LAND LEASE 333	-134,097.08	-134,360.88	-144,046.68	-124,096.20	-148,368.00	-153,383.00	3.4%
10430000	362109	COMM HANGARS UN	-183,162.44	-239,176.66	-244,693.73	-204,980.77	-267,318.00	-235,236.00	-12.0%
10430000	362110	LAND LEASE 1531	-36,000.00	-33,000.00	.00	.00	.00	.00	.0%
10430000	362112	RAMP LEASE 2022	-34,117.44	-35,212.56	-36,371.04	.00	-37,462.00	.00	-100.0%
10430000	362209	LAND LEASE GARD	-10.00	.00	.00	.00	-10.00	-500.00	4900.0%
10430000	362290	LAND USE OTHER	-7,408.45	-7,500.00	-7,950.00	-8,960.00	-2,500.00	-4,000.00	60.0%
10430000	362301	T-HANGAR MONTHL	-395,111.43	-389,419.37	-427,525.60	-380,835.46	-449,608.00	-471,048.00	4.8%
10430000	362302	EXECUTIVE HANGA	-37,024.68	-54,564.60	-45,628.32	-25,000.00	-51,041.00	-30,652.00	-39.9%
10430000	362303	COMM HANGAR LEA	-135,924.96	-140,288.16	-144,903.60	.00	-150,292.00	.00	-100.0%
10430000	362306	LAND LEASE 801	-33,601.00	-33,601.44	-33,306.00	-111,020.00	-133,224.00	-137,221.00	3.0%
10430000	362307	LAND LEASE PW/B	-39,246.81	-41,146.95	-39,565.25	-39,738.48	-39,719.00	-70,000.00	76.2%
10430000	362308	TTF LEASE HMC A	-5,427.00	-5,601.24	-5,785.56	-4,984.30	-5,959.00	-6,161.00	3.4%
10430000	362310	LAND LEASE ATHL	-190,355.72	-196,447.00	-418,200.00	-432,335.16	-430,746.00	-445,305.00	3.4%
10430000	362311	LAND LEASE-SKAT	-21,336.00	-21,336.00	-21,336.00	-43,200.00	-43,200.00	-43,200.00	.0%
10430000	362312	LAND LEASE - PU	-64,800.00	-69,115.53	-64,800.00	-149,040.00	-149,040.00	-153,511.00	3.0%
10430000	364401	SURPLUS EQUIPME	-7,775.80	-7,874.00	.00	.00	.00	.00	.0%
10430000	364402	INSURANCE PROCE	-2,280.00	.00	-4,733.32	.00	.00	.00	.0%
10430000	364402	26UDD INSURANCE	.00	.00	-311,142.81	.00	.00	.00	.0%
10430000	366920	CONTRIBUTION	.00	.00	-4,617.50	.00	.00	.00	.0%
10430000	366990	REIMBURSEMENT	.00	.00	-4,465.12	-8,850.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

AIRPORT/INDUSTRIAL PARK FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10430000 366994 HANGAR WAITING	.00	.00	-2,300.00	.00	.00	.00	.0%
10430000 366995 LATE FEES	.00	.00	-2,255.41	-325.00	.00	.00	.0%
10430000 366999 MISCELLANEOUS R	.00	.00	17,325.59	-3,279.76	-3,500.00	.00	.0%
10430000 389101 APPROPRIATED FU	.00	.00	.00	.00	-1,183,299.00	-617,100.00	-47.8%
10430000 389101 26UDD APPROPRIAT	.00	.00	.00	.00	-311,143.00	.00	.0%
10454201 AIRPORT							
10454201 511001 EXECUTIVE SALAR	.00	.00	.00	84,909.29	50,000.00	120,801.00	141.6%
10454201 512001 REGULAR SALARY	284,963.42	307,115.04	325,726.64	154,163.66	306,136.00	294,128.00	-3.9%
10454201 514001 REGULAR OVERTIM	2,871.90	2,464.18	2,610.92	3,235.29	4,800.00	4,800.00	.0%
10454201 515001 SICK INC./PERSO	.00	.00	715.41	.00	1,000.00	1,000.00	.0%
10454201 515006 SHOE ALLOWANCE	519.22	617.29	450.00	358.08	450.00	450.00	.0%
10454201 515008 INCENTIVE PAY	.00	.00	.00	184.64	.00	.00	.0%
10454201 521001 FICA	21,805.57	23,691.46	24,848.08	18,098.59	28,644.00	32,159.00	12.3%
10454201 522003 DC PLAN	25,575.89	26,938.60	29,173.51	20,950.54	36,250.00	41,993.00	15.8%
10454201 523002 FLORIDA HEALTH	63,254.52	65,734.91	69,985.47	46,489.11	71,155.00	91,621.00	28.8%
10454201 523003 HEALTH SAVINGS	.00	1,066.67	.00	.00	.00	.00	.0%
10454201 523008 MET LIFE DENTAL	1,628.14	2,123.50	2,287.05	1,881.30	2,756.00	3,626.00	31.6%
10454201 523009 MUTUAL OF OMAHA	2,729.17	2,946.77	3,281.94	2,570.36	3,864.00	5,442.00	40.8%
10454201 524001 WC	10,523.14	16,965.22	15,183.00	22,418.89	19,509.00	19,675.00	.9%
10454201 531099 OTHER PROFESSIO	185,022.45	132,838.83	87,782.90	75,240.27	119,580.00	25,442.00	-78.7%
10454201 531099 21AFI OTHER PROF	.00	.00	14,810.00	.00	.00	.00	.0%
10454201 531099 21ATI OTHER PROF	.00	.00	137,600.00	.00	.00	.00	.0%
10454201 531099 24ADB OTHER PROF	.00	.00	19,200.00	.00	.00	.00	.0%
10454201 531099 24DBE OTHER PROF	.00	.00	12,400.00	.00	.00	.00	.0%
10454201 531099 24IAP OTHER PROF	.00	.00	40,846.50	53,053.50	.00	.00	.0%
10454201 531099 24PAP OTHER PROF	.00	.00	75,100.00	.00	.00	.00	.0%
10454201 531099 24RWY OTHER PROF	.00	.00	301,434.50	.00	.00	.00	.0%
10454201 531099 25ACR OTHER PROF	.00	.00	16,000.00	26,960.00	26,960.00	.00	.0%
10454201 531099 25ATH OTHER PROF	.00	.00	3,800.00	.00	.00	.00	.0%
10454201 531099 26AMP OTHER PROF	.00	.00	.00	.00	.00	650,000.00	.0%
10454201 534001 EXTERMINATOR SE	1,988.49	3,484.36	3,484.36	430.56	5,000.00	6,000.00	20.0%
10454201 534003 JANITORIAL SERV	7,011.57	4,500.00	4,570.47	4,080.00	4,500.00	20,000.00	344.4%
10454201 534012 COMPUTER CONTRA	4,619.40	6,437.02	10,780.03	250.00	10,000.00	473.00	-95.3%
10454201 534013 DEMOLITIONS	.00	.00	79,936.52	.00	.00	100,000.00	.0%
10454201 534013 26UDD DEMOLITION	.00	.00	.00	.00	311,143.00	.00	.0%
10454201 534015 SECURITY MONITO	6,354.40	6,392.39	4,172.00	4,565.12	7,000.00	10,000.00	42.9%
10454201 540005 TRAVEL	1,909.89	5,102.52	3,285.69	1,863.14	5,000.00	5,000.00	.0%
10454201 541001 PHONE CHARGES	11,896.63	11,752.47	10,196.28	5,760.66	13,300.00	9,500.00	-28.6%
10454201 541003 MOBILE PHONE CH	1,091.67	1,059.46	1,411.93	1,059.58	2,841.00	3,100.00	9.1%
10454201 542021 SHIPPING/HANDLI	98.09	434.10	285.43	107.46	300.00	300.00	.0%
10454201 543001 ELECTRIC AND WA	26,042.95	25,794.12	21,713.12	12,693.98	22,000.00	26,000.00	18.2%
10454201 543006 ELECT&WATER-210	9,929.45	8,479.93	8,111.83	4,141.01	9,270.00	10,000.00	7.9%
10454201 544001 ANNUAL EQUIPMEN	655.06	1,122.96	1,122.96	1,122.96	1,300.00	1,300.00	.0%
10454201 545001 LIABILITY INSUR	54,843.48	57,653.39	94,766.11	319,501.53	319,502.00	345,849.00	8.2%
10454201 545002 AUTO AND PROPER	56,306.71	135,685.01	138,358.89	.00	.00	.00	.0%
10454201 546001 ANNUAL MAINT CO	1,000.00	.00	.00	.00	.00	.00	.0%
10454201 546201 REPAIR & MAINTE	180,049.72	54,680.76	73,373.53	54,532.60	109,920.00	300,000.00	172.9%
10454201 546201 24RWY REPAIR & M	.00	.00	6,400.00	.00	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

AIRPORT/INDUSTRIAL PARK FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10454201 546201 25ACR REPAIR & M	.00	.00	195,219.20	52,540.80	52,541.00	.00	.0%
10454201 546201 25AP1 REPAIR & M	.00	.00	9,350.00	.00	.00	.00	.0%
10454201 546217 R & M T HANGAR	36,329.82	33,936.60	25,727.48	2,598.40	20,000.00	20,000.00	.0%
10454201 546226 R&M ATCT BLDG	50,866.35	16,002.39	11,607.29	17,743.49	19,420.00	20,000.00	3.0%
10454201 546330 REPAIR & MAINTE	1,294.06	836.19	571.54	508.98	1,000.00	1,000.00	.0%
10454201 546343 FIRE EXTINGUISH	6,548.17	4,840.09	4,809.06	4,119.12	6,000.00	6,000.00	.0%
10454201 546350 FLEET MAINTENAN	20,940.47	25,265.07	31,418.54	20,567.06	19,871.00	22,942.00	15.5%
10454201 546402 FENCES AND GATE	13,341.99	3,174.42	17,743.74	5,615.05	10,000.00	10,000.00	.0%
10454201 546407 A.W.O.S.	5,867.32	4,122.80	6,528.71	1,734.18	6,000.00	6,000.00	.0%
10454201 546420 R&M AIRFIELD	28,884.72	20,019.34	13,712.00	47,191.61	62,675.00	15,000.00	-76.1%
10454201 546421 OTHER LIGHTING	16,450.52	8,061.83	16,300.94	3,560.00	8,000.00	12,000.00	50.0%
10454201 546422 SIGNS	2,076.03	3,093.27	5,263.16	303.00	4,000.00	4,000.00	.0%
10454201 546423 R&M FUEL FACILI	21,076.67	17,044.15	19,118.86	11,555.58	15,000.00	20,000.00	33.3%
10454201 546499 REPAIR AND MAIN	1,964.86	5,352.62	787.89	.00	2,266.00	2,500.00	10.3%
10454201 547001 FORMS/OTHER PRI	612.59	1,252.33	1,265.04	.00	3,000.00	2,000.00	-33.3%
10454201 547099 OTHER PRINT & B	.00	.00	.00	.00	.00	3,000.00	.0%
10454201 549001 NEWS ADS	409.24	177.24	385.68	326.92	400.00	400.00	.0%
10454201 549095 BAC CHARGES	13,762.95	11,371.47	6,147.14	5,510.39	10,000.00	10,000.00	.0%
10454201 549099 OTHER CURR CHGS	27,451.73	25,961.83	23,801.44	16,740.01	21,740.00	20,000.00	-8.0%
10454201 549999 BAD DEBT EXPENS	152,837.27	-70,385.69	169,947.72	.00	.00	.00	.0%
10454201 551001 OFFICE SUPPLY	2,173.66	2,691.24	3,613.97	2,514.13	3,090.00	4,000.00	29.4%
10454201 551005 OFFICE SMALL MA	4,125.54	2,186.11	5,643.55	3,373.85	10,000.00	10,000.00	.0%
10454201 552001 GAS/OIL	13,255.08	10,290.14	11,593.64	5,968.74	11,474.00	11,785.00	2.7%
10454201 552002 JANITOR SUPPLIE	819.52	1,760.34	950.47	90.98	1,500.00	2,500.00	66.7%
10454201 552004 UNIFORMS	1,924.51	3,449.49	2,746.93	1,841.80	5,000.00	3,500.00	-30.0%
10454201 552012 COMPUTER HRDWR/	223.77	.00	.00	.00	.00	1,200.00	.0%
10454201 552049 LANDSCAPING MAT	1,003.11	884.76	.00	33.52	5,000.00	2,000.00	-60.0%
10454201 552051 SMALL MACHINE/E	10,521.61	7,198.65	14,438.32	8,078.88	15,000.00	12,000.00	-20.0%
10454201 552063 HERBICIDES/ PES	1,491.53	925.00	1,467.76	672.71	2,500.00	2,000.00	-20.0%
10454201 552072 SAFETY GEAR SUP	.00	.00	.00	.00	.00	2,000.00	.0%
10454201 552099 OTHER OPER SUPP	130.67	359.00	68.76	1,212.16	2,000.00	1,500.00	-25.0%
10454201 552275 SPECIAL EVENT	125.85	23.00	.00	.00	.00	.00	.0%
10454201 554001 MEMBERSHIPS & S	1,663.11	2,051.38	2,252.07	1,708.79	2,500.00	2,500.00	.0%
10454201 554004 SEMINAR/CONF RE	.00	875.00	768.75	.00	2,000.00	2,000.00	.0%
10454201 554005 EDUCATION & TRA	.00	350.00	150.00	200.00	2,000.00	2,000.00	.0%
10454201 555005 COST OF GOODS S	2,203,746.47	2,114,222.62	.00	.00	.00	.00	.0%
10454201 555015 APFUL COST OF GO	.00	.00	1,382,755.68	1,136,584.21	1,650,000.00	1,650,000.00	.0%
10454201 555016 APFUL COST OF GO	.00	.00	382,108.94	364,246.29	550,000.00	550,000.00	.0%
10454201 559002 O/H OPERATING E	114,034.00	213,518.00	197,998.00	.00	.00	.00	.0%
10454201 561202 23APP CAPITAL -	102,616.30	.00	.00	.00	.00	.00	.0%
10454201 562202 22THF CAPITAL- B	72,142.32	693,521.60	.00	.00	.00	.00	.0%
10454201 562202 23AIR CAPITAL- B	62,613.48	500,296.96	.00	.00	.00	.00	.0%
10454201 562202 23AP1 CAPITAL- B	3,665.11	48,299.52	.00	.00	.00	.00	.0%
10454201 562202 24ADB CAPITAL- B	.00	130,300.00	.00	.00	.00	.00	.0%
10454201 562202 25ACR CAPITAL- B	.00	.00	.00	.00	40,080.00	.00	.0%
10454201 563203 CAPITAL- INFRAS	.00	47,825.98	.00	.00	.00	.00	.0%
10454201 563203 24RWY CAPITAL- I	.00	352,690.48	4,613,244.09	.00	.00	.00	.0%
10454201 564204 23AP2 CAPITAL- M	18,347.77	.00	.00	.00	.00	.00	.0%
10454201 564204 24AP2 CAPITAL- M	.00	64,324.96	.00	.00	.00	.00	.0%
10454201 564204 24AP3 CAPITAL- M	.00	.00	21,084.68	.00	.00	.00	.0%
10454201 564204 24AP4 CAPITAL- M	.00	8,181.00	.00	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

AIRPORT/INDUSTRIAL PARK FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10454201 564204 24AP5 CAPITAL- M	.00	11,750.00	.00	.00	.00	.00	.0%
10454201 564204 25ATE CAPITAL- M	.00	.00	3,000.00	54,000.00	.00	.00	.0%
10454201 564717 24AP1 CAPITAL- V	.00	58,046.73	.00	.00	.00	.00	.0%
10454201 564717 24AP6 CAPITAL- V	.00	.00	44,942.00	.00	.00	.00	.0%
10454201 567207 21ABE BUILDING I	500.00	32,916.56	.00	.00	.00	.00	.0%
10454201 567207 21AFI BUILDING I	65,922.72	33,092.40	465,277.59	.00	.00	.00	.0%
10454201 567207 21AMS BUILDING I	211,031.25	.00	.00	.00	.00	.00	.0%
10454201 567207 21ATI BUILDING I	.00	43,000.00	.00	.00	.00	.00	.0%
10454201 567207 21AWH BUILDING I	1,740.50	.00	.00	.00	.00	.00	.0%
10454201 567207 22TWA BUILDING I	139,650.00	3,301,137.37	.00	.00	.00	.00	.0%
10458101 INTERFUND TRANSFERS							
10458101 500001 OHALC TSF TO GEN	.00	.00	.00	223,378.00	223,378.00	204,991.00	-8.2%
10458101 500304 TRANSFER TO AIR	.00	.00	.00	923,206.00	923,206.00	138,000.00	-85.1%
10459100 RESERVES							
10459100 599010 REQUIRED FUND E	.00	.00	.00	.00	681,013.00	715,122.00	5.0%
10459100 599015 UNASSIGNED FUND	.00	.00	.00	.00	134,601.00	1,589.00	-98.8%
TOTAL AIRPORT/INDUSTRIAL PAR	-126,859.80	16,723.18	-302,129.05	361,432.87	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

POLICE IMPACT FEE FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10530000 POLICE IMPACT FEE REVENUE							
10530000 331505 23PDB FIND GRANT	.00	-75,000.00	.00	.00	.00	.00	.0%
10530000 361101 INTEREST EARNIN	-51,366.12	-52,484.85	-41,185.89	-4,971.41	.00	.00	.0%
10530000 361103 INTEREST PROFIT	.00	-12,945.68	-2,952.35	.00	.00	.00	.0%
10530000 363201 IMPACT FEES-LAW	-157,658.85	-135,505.52	-151,685.61	.00	.00	.00	.0%
10530000 389101 APPROPRIATED FU	.00	.00	.00	.00	-1,351,443.00	.00	.0%
10552101 POLICE IMPACT FEES							
10552101 531099 OTHER PROFESSIO	.00	.00	10,123.25	.00	.00	.00	.0%
10552101 531099 25PDE OTHER PROF	.00	.00	27,000.00	.00	.00	.00	.0%
10552101 549099 OTHER CURR CHGS	11,495.19	31,158.35	.00	.00	.00	.00	.0%
10552101 552004 UNIFORMS	.00	22,311.78	.00	.00	.00	.00	.0%
10552101 552012 COMPUTER HRDWR/	.00	22,855.52	.00	.00	.00	.00	.0%
10552101 552036 AMMUNITION/FIRE	.00	17,737.39	.00	.00	.00	.00	.0%
10552101 564204 23PDB CAPITAL- M	56,946.63	213,489.40	.00	.00	.00	.00	.0%
10552101 564204 24PDR CAPITAL- M	.00	46,724.52	.00	.00	.00	.00	.0%
10552101 564717 22PD2 CAPITAL- V	235,036.27	.00	.00	.00	.00	.00	.0%
10552101 564717 23PDC CAPITAL- V	95,369.91	.00	.00	.00	.00	.00	.0%
10552101 564717 24PD2 CAPITAL- V	.00	.00	303,001.17	.00	.00	.00	.0%
10552101 564717 24PD3 CAPITAL- V	.00	.00	60,565.44	.00	.00	.00	.0%
10558101 INTERFUND TRANSFER							
10558101 500302 TRANSFER TO CAP	.00	.00	23,148.68	.00	.00	.00	.0%
10558101 500305 TSF TO PD IMPAC	.00	.00	.00	1,356,414.27	1,351,443.00	.00	.0%
TOTAL POLICE IMPACT FEE FUND	189,823.03	78,340.91	228,014.69	1,351,442.86	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

FIRE IMPACT FEE FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10630000 FIRE IMPACT FEE REVENUE							
10630000 361101 INTEREST EARNIN	-37,100.28	-45,502.85	-49,514.45	-5,742.73	.00	.00	.0%
10630000 361103 INTEREST PROFIT	.00	-14,168.02	-3,231.11	.00	.00	.00	.0%
10630000 363202 IMPACT FEES	-197,593.17	-169,389.34	-190,072.01	.00	.00	.00	.0%
10630000 389101 APPROPRIATED FU	.00	.00	.00	.00	-1,268,530.00	.00	.0%
10652201 FIRE							
10652201 531099 OTHER PROFESSIO	.00	.00	11,139.75	.00	.00	.00	.0%
10652201 562202 23FSM CAPITAL- B	104.44	34,190.80	.00	.00	.00	.00	.0%
10652201 562203 25FDR BUILDING I	.00	.00	85,770.02	.00	.00	.00	.0%
10652201 564717 25FD5 CAPITAL- V	.00	.00	54,217.33	.00	.00	.00	.0%
10652201 564717 25FDA CAPITAL- V	.00	.00	475,150.33	.00	.00	.00	.0%
10652201 567201 22FDP CAPITAL -	160,451.74	.00	.00	.00	.00	.00	.0%
10658101 INTERFUND TRANSFER							
10658101 500306 TSF TO FD IMPAC	.00	.00	.00	1,274,271.97	1,268,530.00	.00	.0%
TOTAL FIRE IMPACT FEE FUND	-74,137.27	-194,869.41	383,459.86	1,268,529.24	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

RECREATION IMPACT FEE FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10730000 RECREATION IMPACT FEE REVENUE							
10730000 361101 INTEREST EARNIN	-29,042.42	-47,477.57	-61,143.36	-8,888.58	.00	.00	.0%
10730000 361103 INTEREST PROFIT	.00	-16,266.03	-3,709.57	.00	.00	.00	.0%
10730000 363203 RECOUPMENT FEES	-386,614.28	-471,150.00	-538,650.00	.00	.00	.00	.0%
10730000 389101 APPROPRIATED FU	.00	.00	.00	.00	-2,485,232.00	.00	.0%
10757201 RECREATION							
10757201 531099 OTHER PROFESSIO	.00	.00	11,121.40	.00	.00	.00	.0%
10757201 531099 25GCB OTHER PROF	.00	.00	3,765.60	.00	.00	.00	.0%
10758101 INTERFUND TRANSFER							
10758101 500307 TSF TO PARK IMP	.00	.00	.00	2,494,120.42	2,485,232.00	.00	.0%
TOTAL RECREATION IMPACT FEE	-415,656.70	-534,893.60	-588,615.93	2,485,231.84	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

TRANSPORTATION IMPACT FEES	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
10930000 TRANSPORTATION IMPACT FEES REV							
10930000 361101 INTEREST EARNIN	-103,833.36	-128,811.09	-149,219.92	-21,642.53	.00	.00	.0%
10930000 361103 INTEREST PROFIT	.00	-39,674.32	-9,047.99	.00	.00	.00	.0%
10930000 363202 IMPACT FEES	-541,858.66	-437,328.07	-559,058.19	.00	.00	.00	.0%
10930000 381302 TRANSFER FROM C	.00	.00	-983,366.00	.00	.00	.00	.0%
10930000 389101 APPROPRIATED FU	.00	.00	.00	.00	-6,316,459.00	.00	.0%
10954102 TRANSPORTATION IMP FEES EXP							
10954102 531099 OTHER PROFESSIO	.00	39,636.20	10,252.80	.00	.00	.00	.0%
10954102 549099 OTHER CURR CHGS	.00	100,658.82	.00	.00	.00	.00	.0%
10958101 TRANSFER TO GENERAL FUND							
10958101 500301 TSF TO CAPITAL	21,400.00	.00	.00	.00	.00	.00	.0%
10958101 500309 TRANSFER TO ROA	.00	.00	.00	6,338,100.62	6,316,459.00	.00	.0%
TOTAL TRANSPORTATION IMPACT	-624,292.02	-465,518.46	-1,690,439.30	6,316,458.09	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

BUILDING AND INSPECTION			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11330000	BUILDING & INSPECTION REVENUE								
11330000	322101	BUILDING PERMIT	-1,164,927.22	-1,371,342.86	-1,426,980.10	-2,316,801.09	-2,938,242.00	-3,000,000.00	2.1%
11330000	322102	BUILDING PERMIT	-1,230,170.26	-1,150,969.34	-1,432,801.37	.00	.00	.00	.0%
11330000	322201	ELECTRICAL PERM	-17,132.30	-15,667.75	-26,030.66	.00	.00	.00	.0%
11330000	322304	DEMOLITION REVE	6,794.81	36.54	-24,381.87	.00	.00	.00	.0%
11330000	322602	REINSPECTION FE	-11,166.00	-9,227.90	-7,934.06	.00	.00	.00	.0%
11330000	322801	FIRE INSPECTION	-100,289.16	-136,331.30	-93,773.30	-76,678.74	-72,500.00	-72,500.00	.0%
11330000	359101	VACANT/ABANDON	-1,650.00	-3,150.00	-1,350.00	.00	.00	.00	.0%
11330000	361101	INTEREST EARNIN	-106,006.46	-81,722.15	-39,601.83	-12,530.51	-20,000.00	-24,000.00	20.0%
11330000	361103	INTEREST PROFIT	.00	-12,824.36	-2,924.68	.00	.00	.00	.0%
11330000	364401	SURPLUS EQUIPME	.00	-4,365.50	-776.50	.00	.00	.00	.0%
11330000	366913	BUILDING SURCHA	-6,158.72	-7,320.49	-7,501.90	-24,449.00	-6,400.00	-6,400.00	.0%
11330000	366999	MISCELLANEOUS R	250.00	-1,829.23	-500.00	.00	.00	.00	.0%
11330000	381001	TRANSFER FROM G	.00	.00	-380,050.00	.00	.00	-100,010.00	.0%
11330000	381001	CODE TRANSFERS F	.00	.00	.00	-515,283.00	-515,283.00	.00	.0%
11330000	381001	OHALC TRANSFERS	.00	.00	.00	-289,984.00	-289,984.00	.00	.0%
11330000	389101	APPROPRIATED FU	.00	.00	.00	.00	.00	-1,175,000.00	.0%
11352401	BUILDING & INSPECTION								
11352401	511001	EXECUTIVE SALAR	.00	.00	.00	86,559.60	123,213.00	125,646.00	2.0%
11352401	512001	REGULAR SALARY	1,164,702.45	1,286,925.86	1,268,742.12	673,504.52	1,058,762.00	1,151,690.00	8.8%
11352401	514001	REGULAR OVERTIM	40,018.34	45,644.78	31,250.75	5,159.34	7,500.00	7,500.00	.0%
11352401	515001	SICK INC./PERSO	15,181.47	10,284.21	13,596.11	.00	12,000.00	12,000.00	.0%
11352401	521001	FICA	91,136.03	100,769.23	97,456.90	57,025.12	88,245.00	100,863.00	14.3%
11352401	522003	DC PLAN	95,026.72	102,899.62	108,006.40	63,427.46	98,186.00	131,847.00	34.3%
11352401	523002	FLORIDA HEALTH	214,042.29	223,174.37	230,939.17	129,728.70	198,523.00	210,601.00	6.1%
11352401	523003	HEALTH SAVINGS	833.33	10,933.33	11,200.00	1,952.50	3,300.00	6,798.00	106.0%
11352401	523008	MET LIFE DENTAL	8,795.07	9,271.48	8,640.16	4,939.08	8,074.00	7,813.00	-3.2%
11352401	523009	MUTUAL OF OMAHA	8,424.40	10,075.18	10,217.68	7,324.39	10,925.00	14,036.00	28.5%
11352401	524001	WC	49,827.52	70,220.32	72,116.00	43,056.98	43,057.00	37,824.00	-12.2%
11352401	531099	OTHER PROFESSIO	255,632.32	250,683.43	169,352.55	102,573.26	217,074.00	212,000.00	-2.3%
11352401	534001	EXTERMINATOR SE	1,427.00	1,427.00	1,427.00	9,265.62	10,330.00	2,250.00	-78.2%
11352401	534003	JANITORIAL SERV	9,600.00	9,600.00	15,991.19	20,532.00	25,000.00	25,000.00	.0%
11352401	534012	COMPUTER CONTRA	36,408.39	46,090.72	179,116.81	133,951.74	193,700.00	180,000.00	-7.1%
11352401	534013	HOUSING DEMOLIT	1,758.04	82,339.90	2,415.00	18,885.62	20,000.00	20,000.00	.0%
11352401	534023	OUTSIDE LEGAL C	.00	.00	.00	.00	.00	5,000.00	.0%
11352401	534099	OTHER CONTRACTU	1,134.28	4,364.81	3,346.41	1,999.16	10,000.00	10,000.00	.0%
11352401	534204	LANDSCAPING SER	9,585.48	6,271.13	4,614.96	4,614.96	5,100.00	5,100.00	.0%
11352401	540005	TRAVEL	11,852.53	5,675.01	7,047.80	3,946.59	12,000.00	12,000.00	.0%
11352401	541001	PHONE CHARGES	9,858.38	2,826.97	2,528.38	1,988.84	4,200.00	2,300.00	-45.2%
11352401	541003	MOBILE PHONE CH	20,731.83	20,071.87	15,865.69	8,111.49	23,000.00	13,750.00	-40.2%
11352401	542021	SHIPPING/HANDLI	345.72	74.59	206.89	.00	1,000.00	1,000.00	.0%
11352401	543001	ELECTRIC AND WA	26,967.79	22,578.50	18,249.47	10,109.41	30,000.00	30,000.00	.0%
11352401	543002	NATURAL GAS	914.26	1,129.15	1,306.93	739.54	1,000.00	1,000.00	.0%
11352401	544001	ANNUAL EQUIPMEN	1,838.94	1,761.79	2,216.88	2,216.88	2,220.00	2,220.00	.0%
11352401	544004	ANNUAL FACILITY	9,000.00	.00	.00	.00	.00	.00	.0%
11352401	545001	LIABILITY INSUR	33,866.76	39,954.00	34,978.00	47,378.13	47,379.00	50,164.00	5.9%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

BUILDING AND INSPECTION			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11352401	546201	REPAIR & MAINTE	6,464.89	15,625.67	4,518.64	6,058.30	15,000.00	15,000.00	.0%
11352401	546341	R & M-OFFICE EQ	.00	.00	.00	.00	1,000.00	1,000.00	.0%
11352401	546350	FLEET MAINTENAN	9,737.86	26,455.34	20,539.44	25,781.36	31,226.00	36,051.00	15.5%
11352401	547001	FORMS/OTHER PRI	1,182.61	.00	.00	703.04	2,000.00	2,000.00	.0%
11352401	547002	SPEC COPIES	781.80	2,337.63	1,012.00	.00	5,000.00	5,000.00	.0%
11352401	549085	CASH OVER/SHORT	-.01	-1.00	-.10	.00	.00	.00	.0%
11352401	549095	BAC CHARGES	68,532.37	155.99	17.46	90.00	4,000.00	4,000.00	.0%
11352401	549099	OTHER CURR CHGS	1,732.24	3,797.84	2,251.25	10,345.93	12,000.00	12,000.00	.0%
11352401	549999	BAD DEBT EXPENS	-31,454.90	-32,079.89	-49,699.72	.00	.00	.00	.0%
11352401	551001	OFFICE SUPPLY	14,828.09	11,716.21	7,602.39	2,970.88	20,000.00	13,700.00	-31.5%
11352401	551005	OFFICE SMALL MA	1,411.34	.00	4,116.92	.00	10,000.00	10,000.00	.0%
11352401	552001	GAS/OIL	14,013.81	14,481.42	12,081.17	7,328.21	18,030.00	18,518.00	2.7%
11352401	552004	UNIFORMS	5,042.13	5,942.59	5,141.22	4,518.63	10,000.00	10,000.00	.0%
11352401	552012	COMPUTER HRDWR/	11,284.12	761.58	791.28	3,960.24	15,132.00	15,132.00	.0%
11352401	552099	OTHER OPER SUPP	5,740.19	3,723.76	7,219.78	2,995.68	20,000.00	20,000.00	.0%
11352401	554001	MEMBERSHIPS & S	2,068.85	6,328.00	3,471.80	2,032.07	10,300.00	15,000.00	45.6%
11352401	554002	REF & EDUCATION	7,136.08	13,136.45	2,311.13	1,158.42	20,000.00	15,000.00	-25.0%
11352401	554004	SEMINAR/CONF RE	2,166.48	1,634.55	2,225.80	1,796.50	10,000.00	10,000.00	.0%
11352401	554005	EDUCATION & TRA	18,097.77	4,406.81	4,456.00	855.77	20,000.00	20,000.00	.0%
11352401	559002	O/H OPERATING E	1,520,201.00	1,099,501.00	1,003,722.00	.00	.00	.00	.0%
11352401	564717	23BI1 CAPITAL- V	67,526.36	30,087.77	.00	.00	.00	.00	.0%
11352401	567703	20EGV CAPITAL OU	.00	8,525.00	.00	2,175.00	9,600.00	9,600.00	.0%
11352402	CODE ENFORCEMENT								
11352402	512001	REGULAR SALARY	303,171.67	320,019.29	330,366.98	246,076.91	381,069.00	.00	-100.0%
11352402	514001	REGULAR OVERTIM	4,049.38	4,126.55	2,767.14	1,049.70	2,500.00	.00	-100.0%
11352402	515001	SICK INC./PERSO	1,959.33	.00	2,078.65	.00	1,500.00	.00	-100.0%
11352402	521001	FICA	23,090.81	23,811.04	25,234.01	18,023.12	31,138.00	.00	-100.0%
11352402	522003	DC PLAN	28,184.79	30,935.86	30,662.68	21,552.67	37,435.00	.00	-100.0%
11352402	523002	FLORIDA HEALTH	62,360.81	67,414.32	66,967.52	48,493.52	72,364.00	.00	-100.0%
11352402	523003	HEALTH SAVINGS	.00	1,600.00	1,600.00	1,485.00	4,950.00	.00	-100.0%
11352402	523008	MET LIFE DENTAL	2,595.87	2,737.43	2,846.04	2,191.01	3,270.00	.00	-100.0%
11352402	523009	MUTUAL OF OMAHA	2,387.35	2,483.04	2,723.15	2,177.16	3,331.00	.00	-100.0%
11352402	524001	WC	.00	.00	.00	43,056.98	43,057.00	.00	-100.0%
11352402	531099	OTHER PROFESSIO	14,728.91	.00	16,402.15	6,197.00	76,015.00	.00	-100.0%
11352402	534001	EXTERMINATOR SE	.00	16.50	200.97	166.48	400.00	.00	-100.0%
11352402	534003	JANITORIAL SERV	.00	441.95	2,316.26	1,410.50	3,000.00	.00	-100.0%
11352402	534099	OTHER CONTRACTU	.00	7,036.67	823.75	.00	.00	.00	.0%
11352402	540005	TRAVEL	1,383.16	2,717.92	3,682.13	996.43	5,000.00	.00	-100.0%
11352402	541001	PHONE CHARGES	.00	225.61	1,045.19	630.00	4,200.00	.00	-100.0%
11352402	541003	MOBILE PHONE CH	.00	.00	.00	195.46	270.00	.00	-100.0%
11352402	543001	ELECTRIC AND WA	.00	.00	.00	.00	7,200.00	.00	-100.0%
11352402	544004	ANNUAL FACILITY	.00	4,647.47	22,201.57	30,174.08	30,652.00	.00	-100.0%
11352402	545001	LIABILITY INSUR	.00	.00	.00	23,849.92	23,850.00	.00	-100.0%
11352402	546350	FLEET MAINTENAN	5,637.27	8,656.09	8,371.33	6,748.60	14,194.00	.00	-100.0%
11352402	547001	FORMS	.00	.00	.00	.00	1,500.00	.00	-100.0%
11352402	551001	OFFICE SUPPLY	2,302.78	6,487.41	11,517.80	9,866.76	15,000.00	.00	-100.0%
11352402	551005	OFFICE SMALL MA	.00	19,136.58	486.73	.00	7,000.00	.00	-100.0%
11352402	552001	GAS/OIL	6,977.89	6,736.30	3,916.95	3,047.82	8,196.00	.00	-100.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

BUILDING AND INSPECTION	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11352402 552002 JANITOR SUPPLIE	.00	.00	.00	.00	1,000.00	.00	-100.0%
11352402 552004 UNIFORMS	1,447.24	1,628.12	1,425.40	1,370.96	3,000.00	.00	-100.0%
11352402 552012 COMPUTER HRDWR/	.00	.00	.00	.00	800.00	.00	-100.0%
11352402 552099 OTHER OPER SUPP	33.45	.00	418.39	.00	.00	.00	.0%
11352402 554001 MEMBERSHIPS	605.00	1,218.95	1,512.95	1,150.00	2,500.00	.00	-100.0%
11352402 554002 REFERENCE MATER	15.00	.00	.00	.00	.00	.00	.0%
11352402 554004 SEMINAR/CONF RE	3,048.00	2,312.52	1,915.00	3,285.18	8,000.00	.00	-100.0%
11352402 554005 EDUCATIONAL MAT	.00	1,554.37	.00	.00	3,000.00	.00	-100.0%
11358101 BUILDING & INSPECTION							
11358101 500001 CODE TSF TO GENE	.00	.00	.00	.00	.00	193,740.00	.0%
11358101 500001 OHALC TSF TO GEN	.00	.00	.00	375,447.00	375,447.00	743,032.00	97.9%
11358101 500302 TRANSFER TO CAP	85,621.00	.00	.00	.00	.00	.00	.0%
11359100 RESERVES							
11359100 599010 REQUIRED RESERV	.00	.00	.00	.00	100,000.00	520,161.00	420.2%
11359100 599015 UNASSIGNED FUND	.00	.00	.00	.00	84,495.00	310,574.00	267.6%
TOTAL BUILDING AND INSPECTIO	1,764,546.82	1,302,813.62	439,484.18	-875,323.12	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

TREE FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11430000 TREE FUND REVENUE							
11430000 329451 OTHER FEES - TR	.00	.00	.00	-460,146.70	-460,146.00	.00	.0%
11430000 334391 DG009 FL DEPT AG	.00	.00	.00	-12,000.00	-12,000.00	.00	.0%
11430000 361101 INTEREST EARNIN	.00	.00	.00	-1,638.05	-3,000.00	.00	.0%
11430000 381001 TRANSFERS FUNDS	.00	.00	-120,304.00	.00	.00	.00	.0%
11430000 389101 APPROPRIATED FU	.00	.00	.00	.00	-120,304.00	-582,000.00	383.8%
11453701 TREE FUND							
11453701 512001 REGULAR SALARY	.00	.00	.00	.00	.00	75,750.00	.0%
11453701 515001 SICK INC./PERSO	.00	.00	.00	.00	.00	1,500.00	.0%
11453701 521001 FICA	.00	.00	.00	.00	.00	5,910.00	.0%
11453701 522003 DC PLAN	.00	.00	.00	.00	.00	7,725.00	.0%
11453701 523002 FLORIDA HEALTH	.00	.00	.00	.00	.00	16,390.00	.0%
11453701 523003 HEALTH SAVINGS	.00	.00	.00	.00	.00	3,399.00	.0%
11453701 523008 MET LIFE DENTAL	.00	.00	.00	.00	.00	614.00	.0%
11453701 523009 LIFE/STD/ADD/LT	.00	.00	.00	.00	.00	814.00	.0%
11453701 524001 WC	.00	.00	.00	.00	.00	238.00	.0%
11453701 531099 DG009 OTHER PROF	.00	.00	.00	12,000.00	12,000.00	.00	.0%
11453701 534099 OTHER CONTRACTU	.00	.00	.00	.00	.00	14,691.00	.0%
11453701 540005 TRAVEL	.00	.00	.00	.00	.00	3,864.00	.0%
11453701 541003 MOBILE PHONE CH	.00	.00	.00	.00	.00	500.00	.0%
11453701 551005 OFFICE SMALL MA	.00	.00	.00	.00	.00	1,884.00	.0%
11453701 554001 MEMBERSHIPS	.00	.00	.00	.00	.00	100.00	.0%
11453701 554004 SEMINAR/CONF RE	.00	.00	.00	.00	.00	1,475.00	.0%
11453701 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	7,849.00	.0%
11459100 RESERVES							
11459100 599015 UNASSIGNED FUND	.00	.00	.00	.00	583,450.00	439,297.00	-24.7%
TOTAL TREE FUND	.00	.00	-120,304.00	-461,784.75	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

PARKING FUND			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11530000	PARKING FUND REVENUE								
11530000	344500	PARKING PERMIT	.00	.00	-19,869.52	-15,821.67	-22,700.00	.00	-100.0%
11530000	344501	PARKING LOTS	-1,156,655.52	-1,198,942.30	-1,165,448.57	-694,313.93	-1,425,400.00	-1,215,400.00	-14.7%
11530000	344502	BOAT RAMP REVEN	-227,308.93	-262,912.10	-216,334.36	-143,689.76	-125,560.00	-447,120.00	256.1%
11530000	361101	INTEREST EARNIN	-110,767.49	-122,516.79	-105,515.80	-53,488.53	-89,000.00	-115,000.00	29.2%
11530000	361103	INTEREST PROFIT	.00	-30,419.58	-6,937.38	.00	.00	.00	.0%
11530000	364401	SURPLUS EQUIPME	.00	-9,458.00	.00	.00	.00	.00	.0%
11530000	366999	MISCELLANEOUS R	.00	-1,698.70	-283.62	-283.82	.00	.00	.0%
11530000	381302	TRANSFER FROM C	.00	.00	-817,637.00	.00	.00	.00	.0%
11530000	389101	APPROPRIATED FU	.00	.00	.00	.00	-4,648,304.00	-4,800,000.00	3.3%
11554501	PARKING & MOBILITY FUND								
11554501	511001	EXECUTIVE SALAR	.00	.00	45,208.29	83,370.58	126,500.00	129,030.00	2.0%
11554501	512001	REGULAR SALARY	259,209.90	355,508.92	369,893.01	219,159.51	366,438.00	368,615.00	.6%
11554501	514001	REGULAR OVERTIM	14,434.54	21,589.60	30,712.39	10,001.51	20,000.00	20,000.00	.0%
11554501	515001	SICK INC./PERSO	.00	1,855.12	1,062.47	.00	2,000.00	2,000.00	.0%
11554501	521001	FICA	20,843.84	28,683.27	33,794.60	23,642.58	37,021.00	39,754.00	7.4%
11554501	522003	DC PLAN	10,932.95	22,941.93	31,992.12	21,816.68	36,043.00	38,388.00	6.5%
11554501	523002	FLORIDA HEALTH	30,714.27	69,944.78	81,320.09	51,293.44	87,751.00	75,771.00	-13.7%
11554501	523008	MET LIFE DENTAL	1,104.32	2,330.12	2,684.04	1,734.88	3,028.00	2,568.00	-15.2%
11554501	523009	MUTUAL OF OMAHA	888.74	1,862.30	2,637.13	2,611.73	4,276.00	4,813.00	12.6%
11554501	524001	WC	12,479.29	22,736.46	24,039.00	19,108.21	19,128.00	17,053.00	-10.8%
11554501	531099	OTHER PROFESSIO	1,080.00	836.81	.00	92.40	1,200.00	1,200.00	.0%
11554501	534001	EXTERMINATOR SE	.00	16.50	200.97	1,526.29	1,900.00	2,000.00	5.3%
11554501	534003	JANITORIAL SERV	.00	441.95	2,316.26	4,996.50	5,000.00	3,000.00	-40.0%
11554501	534012	COMPUTER CONTRA	.00	.00	518.37	.00	.00	1,351.00	.0%
11554501	534099	OTHER CONTRACTU	28,952.16	98,444.82	46,407.90	23,050.00	34,000.00	156,394.00	360.0%
11554501	534204	LANDSCAPING SER	.00	.00	.00	.00	2,600.00	.00	-100.0%
11554501	540005	TRAVEL	7.00	.00	.00	1,003.51	8,000.00	8,000.00	.0%
11554501	541001	PHONE/INTERNET/	.00	225.61	1,045.12	989.96	3,400.00	1,800.00	-47.1%
11554501	541003	MOBILE PHONE CH	6,768.94	12,174.99	6,712.60	5,724.71	9,400.00	14,650.00	55.9%
11554501	543001	ELECTRIC AND WA	.00	.00	.00	.00	7,200.00	5,000.00	-30.6%
11554501	544004	ANNUAL FACILITY	.00	4,647.47	22,201.57	15,445.98	23,000.00	.00	-100.0%
11554501	544012	LAND/PARKING LE	44,059.33	45,469.23	46,651.43	48,050.97	48,300.00	50,000.00	3.5%
11554501	544014	RENTAL AND LEAS	.00	.00	.00	29,752.68	30,252.00	35,000.00	15.7%
11554501	545001	LIABILITY INSUR	10,965.88	10,318.25	35,497.00	33,010.53	33,011.00	35,265.00	6.8%
11554501	545002	AUTO AND PROPER	3,297.48	4,567.41	4,795.22	.00	.00	.00	.0%
11554501	546201	REPAIR & MAINTA	.00	.00	.00	28,177.48	64,948.00	75,000.00	15.5%
11554501	546350	FLEET MAINTENAN	9,824.18	25,058.42	44,980.96	29,208.74	34,632.00	22,945.00	-33.7%
11554501	546401	REPAIR & MAINT-	373.04	5,149.51	10.00	12,584.43	50,000.00	50,000.00	.0%
11554501	546499	REPAIR AND MAIN	.00	.00	.00	3,263.00	7,900.00	.00	.0%
11554501	549095	BAC CHARGES	34,673.05	11,328.08	11,172.22	811.57	2,000.00	2,000.00	.0%
11554501	549099	OTHER CURR CHGS	.00	-99.25	4,667.00	688.91	2,000.00	2,000.00	.0%
11554501	549999	BAD DEBT EXPENS	.00	.00	115,471.73	.00	.00	.00	.0%
11554501	551001	OFFICE SUPPLY	3,864.15	5,163.18	4,325.62	5,284.71	11,500.00	7,000.00	-39.1%
11554501	552001	GAS/OIL	12,357.78	7,797.10	8,196.44	5,814.95	9,835.00	11,785.00	19.8%
11554501	552004	UNIFORMS	1,964.85	1,849.34	3,037.99	3,670.28	5,000.00	8,000.00	60.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

PARKING FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11554501 552012 COMPUTER HRDWR/	.00	2,207.11	37,916.75	391.71	4,077.00	5,461.00	33.9%
11554501 552051 SMALL MACHINE/E	6,932.04	13,933.48	5,084.40	881.23	23,000.00	28,000.00	21.7%
11554501 552051 24PF2 SMALL MACH	.00	.00	2,897.06	.00	.00	.00	.0%
11554501 552099 OTHER OPER SUPP	17,975.24	34,299.30	2,414.50	3,214.00	38,905.00	36,500.00	-6.2%
11554501 554001 MEMBERSHIPS	.00	.00	424.00	.00	.00	.00	.0%
11554501 554004 SEMINAR/CONF RE	.00	.00	.00	890.00	5,000.00	5,000.00	.0%
11554501 554006 TRAINING	.00	.00	616.95	.00	5,000.00	5,000.00	.0%
11554501 559002 O/H OPERATING E	309,275.00	289,774.00	313,496.00	.00	.00	.00	.0%
11554501 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	132,500.00	.0%
11554501 564204 24PF1 CAPITAL- M	.00	50,185.00	.00	.00	.00	.00	.0%
11554501 564204 26LPR CAPITAL- M	.00	.00	.00	34,995.00	34,995.00	.00	.0%
11554501 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	66,950.00	.0%
11554501 564717 23CSA CAPITAL- V	.00	57,104.06	.00	.00	.00	.00	.0%
11554501 564717 23PE1 CAPITAL- V	114,387.40	13,505.24	.00	.00	.00	.00	.0%
11554501 564717 24PF2 CAPITAL- V	.00	28,756.67	.00	.00	.00	.00	.0%
11558101 PARKING FUND TRANSFER							
11558101 500001 OHALC TSF TO GEN	.00	.00	.00	73,138.00	73,138.00	278,201.00	280.4%
11558101 500001 PARKS TSF TO GEN	.00	.00	.00	.00	.00	175,623.00	.0%
11558101 500302 TRANSFER TO CAP	90,000.00	1,120,000.00	.00	.00	.00	.00	.0%
11559100 RESERVES							
11559100 599015 UNASSIGNED FUND	.00	.00	.00	.00	5,029,586.00	4,653,903.00	-7.5%
TOTAL PARKING FUND	-447,366.57	744,659.31	-987,625.05	-108,201.05	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

OPIOID FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11630000 OPIOID REVENUE							
11630000 361101 INTEREST EARNIN	.00	.00	.00	-78.94	-100.00	.00	.0%
11630000 369350 OPIOID SETTLEME	.00	.00	.00	-29,869.01	-42,869.00	-42,000.00	-2.0%
11630000 381001 TRANSFERS FUNDS	.00	.00	.00	-93,154.00	-93,154.00	.00	.0%
11630000 389101 APPROPRIATED FU	.00	.00	.00	.00	.00	-136,000.00	.0%
11652101 OPIOID POLICE EXPENSE							
11652101 552099 OTHER OPERATING	.00	.00	.00	.00	.00	10,200.00	.0%
11652201 OPIOID FIRE EXPENSE							
11652201 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	160,344.00	.0%
11659100 RESERVES							
11659100 599015 UNASSIGNED FUND	.00	.00	.00	.00	136,123.00	7,456.00	-94.5%
TOTAL OPIOID FUND	.00	.00	.00	-123,101.95	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

HAZARD MITIGATION HOMES	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
11730000 HAZARD MITIGATION HOMES							
11730000 331502 HM122 FEMA GRANT	.00	.00	.00	.00	.00	-708,750.00	.0%
11730000 331502 HM124 FEMA GRANT	.00	.00	.00	.00	.00	-354,375.00	.0%
11730000 331502 HM178 FEMA GRANT	.00	.00	.00	.00	.00	-432,750.00	.0%
11730000 331502 HM509 FEMA GRANT	.00	.00	.00	.00	.00	-2,670,000.00	.0%
11730000 331502 HM510 FEMA GRANT	.00	.00	.00	.00	.00	-1,807,500.00	.0%
11730000 366915 HM122 HMP HOMEOW	.00	.00	.00	.00	.00	-236,250.00	.0%
11730000 366915 HM124 HMP HOMEOW	.00	.00	.00	.00	.00	-118,125.00	.0%
11730000 366915 HM178 HMP HOMEOW	.00	.00	.00	.00	.00	-144,250.00	.0%
11730000 366915 HM509 HMP HOMEOW	.00	.00	.00	.00	.00	-890,000.00	.0%
11730000 366915 HM510 HMP HOMEOW	.00	.00	.00	.00	.00	-602,500.00	.0%
11753801 HAZARD MITIGATION HOMES							
11753801 531099 HM122 OTHER PROF	.00	.00	.00	.00	.00	45,000.00	.0%
11753801 531099 HM124 OTHER PROF	.00	.00	.00	.00	.00	22,500.00	.0%
11753801 531099 HM178 OTHER PROF	.00	.00	.00	.00	.00	27,000.00	.0%
11753801 531099 HM509 OTHER PROF	.00	.00	.00	.00	.00	160,000.00	.0%
11753801 531099 HM510 OTHER PROF	.00	.00	.00	.00	.00	110,000.00	.0%
11753801 583006 HM122 OTHER GRAN	.00	.00	.00	.00	.00	900,000.00	.0%
11753801 583006 HM124 OTHER GRAN	.00	.00	.00	.00	.00	450,000.00	.0%
11753801 583006 HM178 OTHER GRAN	.00	.00	.00	.00	.00	550,000.00	.0%
11753801 583006 HM509 OTHER GRAN	.00	.00	.00	.00	.00	3,400,000.00	.0%
11753801 583006 HM510 OTHER GRAN	.00	.00	.00	.00	.00	2,300,000.00	.0%
TOTAL HAZARD MITIGATION HOME	.00	.00	.00	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CRA 2015	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
12530000 CRA 2015 REVENUE							
12530000 319101 TAX INCREMENT V	-830,952.91	-916,343.00	-991,467.00	-1,160,596.00	-1,156,914.00	-1,269,155.00	9.7%
12530000 319102 TAX INCREMENT C	-874,402.35	-1,254,074.00	-1,511,982.00	-1,769,904.00	-1,772,037.00	-1,935,456.00	9.2%
12530000 331511 22BJT COMMUNITY	-92,234.00	.00	.00	.00	.00	.00	.0%
12530000 361101 INTEREST EARNIN	-89,707.15	-158,620.14	-212,933.81	-108,157.66	-111,000.00	-111,000.00	.0%
12530000 361103 INTEREST PROFIT	.00	-48,801.27	-11,126.23	.00	.00	.00	.0%
12530000 366999 MISCELLANEOUS R	.00	-6,431.08	.00	.00	.00	.00	.0%
12530000 389101 APPROPRIATED FU	.00	.00	.00	.00	-8,176,786.00	-6,541,797.00	-20.0%
12555201 COMMUNITY REDEVELOPMENT AGENCY							
12555201 531099 24MAS OTHER PROF	.00	18,170.57	.00	.00	.00	.00	.0%
12555201 563203 24TLP CAPITAL- I	.00	1,100.00	.00	.00	.00	.00	.0%
12555201 583003 DEVELOPMENT ASS	61,256.24	366,462.80	.00	.00	.00	.00	.0%
12555201 583006 25ARG OTHER GRAN	.00	.00	250,000.00	250,000.00	750,000.00	500,000.00	-33.3%
12555201 583006 25HPG OTHER GRAN	.00	.00	6,000.00	.00	.00	.00	.0%
12555201 583006 25LSF OTHER GRAN	.00	.00	59,100.00	293,257.13	494,522.00	298,284.00	-39.7%
12555201 583006 26ARG OTHER GRAN	.00	.00	.00	.00	1,000,000.00	250,000.00	-75.0%
12555201 583006 26HCG OTHER GRAN	.00	.00	.00	20,512.58	100,000.00	100,000.00	.0%
12555201 583006 26HHG OTHER GRAN	.00	.00	.00	.00	200,000.00	200,000.00	.0%
12555201 583006 26LSF OTHER GRAN	.00	.00	.00	61,698.00	600,000.00	258,700.00	-56.9%
12555201 583006 26SCF OTHER GRAN	.00	.00	.00	.00	166,000.00	.00	.0%
12555201 583006 27ARG OTHER GRAN	.00	.00	.00	.00	.00	1,000,000.00	.0%
12555201 583006 27LSF OTHER GRAN	.00	.00	.00	.00	.00	600,000.00	.0%
12555201 583006 27SCF OTHER GRAN	.00	.00	.00	.00	.00	200,000.00	.0%
12555202 COMMUNITY REDEVELOPMENT AGENCY							
12555202 583006 25LOD OTHER GRAN	.00	.00	.00	.00	460,000.00	460,000.00	.0%
12555202 583006 25NHG OTHER GRAN	.00	.00	.00	.00	150,000.00	150,000.00	.0%
12555203 COMMUNITY REDEVELOPMENT AGENCY							
12555203 531099 25AIB OTHER PROF	.00	.00	54,213.87	.00	.00	.00	.0%
12555203 531099 25SCP OTHER PROF	.00	.00	975.00	.00	.00	.00	.0%
12555203 531099 25SSR OTHER PROF	.00	.00	.00	.00	500,000.00	500,000.00	.0%
12555203 531099 25TBR OTHER PROF	.00	.00	136,536.45	.00	.00	.00	.0%
12555203 531099 26THA OTHER PROF	.00	.00	.00	99,980.00	100,000.00	.00	.0%
12555203 549099 25DRE OTHER CURR	.00	.00	.00	.00	400,000.00	400,000.00	.0%
12555203 549099 26SWR OTHER CURR	.00	.00	.00	422,400.00	1,007,667.00	1,007,667.00	.0%
12555203 552049 24TLP LANDSCAPIN	.00	.00	4,500.00	.00	.00	.00	.0%
12555203 563203 20AOB CAPITAL- I	.00	.00	.00	319,000.00	319,000.00	319,000.00	.0%
12555203 563203 24TLP CAPITAL- I	.00	.00	32,631.10	.00	.00	.00	.0%
12555203 563203 25AIB CAPITAL- I	.00	.00	.00	.00	174,900.00	300,000.00	71.5%
12555203 563203 25BJU CAPITAL- I	.00	.00	.00	33,451.13	34,000.00	.00	.0%
12555203 563203 25PSS CAPITAL- I	.00	.00	.00	.00	100,000.00	100,000.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CRA 2015	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
12555203 563203 25RPL CAPITAL- I	.00	.00	.00	.00	75,500.00	.00	.0%
12555203 563203 25SC4 CAPITAL- I	.00	.00	.00	2,420,264.00	2,358,500.00	.00	.0%
12555203 563203 25SCP CAPITAL- I	.00	.00	.00	499,025.00	499,025.00	499,025.00	.0%
12555203 563203 25SPL CAPITAL- I	.00	.00	.00	106,500.00	106,500.00	.00	.0%
12555203 563203 26ASS CAPITAL- I	.00	.00	.00	.00	474,513.00	474,513.00	.0%
12555203 563203 26CDG CAPITAL- I	.00	.00	.00	.00	50,000.00	50,000.00	.0%
12555203 563203 26CGA CAPITAL- I	.00	.00	.00	27,160.00	27,160.00	27,160.00	.0%
12555203 563203 26THA CAPITAL- I	.00	.00	.00	.00	899,350.00	1,663,059.00	84.9%
12555203 563203 27MAP CAPITAL- I	.00	.00	.00	.00	.00	500,000.00	.0%
12555203 563210 25AIB OTHER PROF	.00	.00	.00	170,099.13	170,100.00	.00	.0%
12558101 CRA 2015 TSF TO GF							
12558101 500302 22BJT TRANSFER T	.00	92,234.00	.00	.00	.00	.00	.0%
TOTAL CRA 2015	-1,826,040.17	-1,906,302.12	-2,183,552.62	1,684,689.31	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

AMERICAN RESCUE PLAN	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
13030000 AMERICAN RESCUE PLAN REVENUE							
13030000 331101 GRANT PROCEEDS	-252,191.00	-825,082.27	-1,438,251.80	.00	.00	.00	.0%
13030000 361101 INTEREST EARNIN	-157,257.53	-38,142.09	-24,197.71	-7,963.80	-6,000.00	.00	.0%
13030000 361103 INTEREST PROFIT	.00	-7,143.85	-1,629.20	.00	.00	.00	.0%
13030000 389101 APPROPRIATED FU	.00	.00	.00	.00	-652,397.00	.00	-100.0%
13054101 STREETS ARPA FUND							
13054101 563203 24D14 CAPITAL- I	.00	.00	.00	506,728.00	506,728.00	.00	.0%
13058101 INTERFUND TRANSFER							
13058101 500101 TRANSFER TO STO	.00	.00	206,402.00	.00	.00	.00	.0%
13058101 500101 23NBM TRANSFER T	500,000.00	.00	.00	.00	.00	.00	.0%
13058101 500101 25PIP TRANSFER T	.00	.00	.00	151,669.00	151,669.00	.00	.0%
13058101 500302 TRANSFER TO CAP	2,500,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 20CBP TRANSFER T	1,500,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 20HIW TRANSFER T	1,500,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 21WTS TRANSFER T	1,000,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 23BBS TRANSFER T	1,000,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 23CSI TRANSFER T	190,634.00	.00	.00	.00	.00	.00	.0%
13058101 500302 23FAI TRANSFER T	190,633.00	.00	.00	.00	.00	.00	.0%
13058101 500302 23SCT TRANSFER T	500,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 23SKP TRANSFER T	250,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 23SPU TRANSFER T	700,000.00	.00	.00	.00	.00	.00	.0%
13058101 500302 23VPR TRANSFER T	146,612.00	.00	.00	.00	.00	.00	.0%
13058101 500302 24SOL TRANSFER T	.00	300,000.00	.00	.00	.00	.00	.0%
13058101 500501 23FT1 TSF TO FLE	750,000.00	.00	.00	.00	.00	.00	.0%
TOTAL AMERICAN RESCUE PLAN	10,318,430.47	-570,368.21	-1,257,676.71	650,433.20	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

2017 STORMWATER REV NOTE	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
20430000 2017 STORMWATER REV NOTE REV							
20430000 361101 INTEREST EARNIN	-4,044.65	-674.36	-1,837.05	581.70	.00	.00	.0%
20430000 361103 INTEREST PROFIT	.00	-61.35	-13.99	.00	.00	.00	.0%
20430000 381101 TRANSFER FROM S	-560,872.00	-560,872.00	-560,872.00	-560,872.00	-560,872.00	-577,072.00	2.9%
20430000 389101 APPROPRIATED FU	.00	.00	.00	.00	-9,004.00	-8,422.00	-6.5%
20458201 2017 STORMWATER REV DEBT SVCS							
20458201 571001 PRINCIPAL	504,198.20	515,566.28	527,179.63	539,021.22	539,064.00	568,507.00	5.5%
20458201 572001 INTEREST	56,673.80	45,305.72	33,692.37	21,850.78	21,808.00	8,565.00	-60.7%
20458201 573003 DEBT SVC SINKIN	.00	.00	.00	.00	9,004.00	8,422.00	-6.5%
TOTAL 2017 STORMWATER REV NO	-4,044.65	-735.71	-1,851.04	581.70	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

SRF LOAN DEBT SERVICE RESERVE	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
20530000 SRF LOANS DEBT RESERVE							
20530000 361101 INTEREST EARNIN	.00	.00	.00	-1,214.61	.00	.00	.0%
20530000 389101 APPROPRIATED FU	.00	.00	.00	.00	-103,341.00	.00	.0%
20558101 INTERFUND TRANSFER							
20558101 500101 TRANSFER TO STO	.00	.00	.00	104,555.62	.00	.00	.0%
20558201 SRF LOANS DEBT SERVICE RESERVE							
20558201 573003 DEBT SVC SINKIN	.00	.00	.00	.00	103,341.00	.00	.0%
TOTAL SRF LOAN DEBT SERVICE	.00	.00	.00	103,341.01	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

2024 CAP IMP REV NOTE (LOC)	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
20630000 2024 CAP IMP REV NOTE (LOC)							
20630000 361101 INTEREST EARNIN	-21,394.48	-90,668.36	-87,485.77	-6,782.64	.00	.00	.0%
20630000 361103 INTEREST PROFIT	.00	-24,229.81	-5,525.77	.00	.00	.00	.0%
20630000 381001 TRANSFER FROM G	-93,380.00	.00	.00	-369,000.00	-344,000.00	-364,724.00	6.0%
20630000 385101 2021 SERIES NOT	-4,500,000.00	-13,597,501.00	.00	.00	.00	-10,200,000.00	.0%
20630000 389101 APPROPRIATED FU	.00	.00	.00	.00	-12,883.00	.00	.0%
20658101 2024 CAP IMP REV NOT (LOC) TSF							
20658101 500302 TRANSFER TO CAP	1,500,000.00	.00	.00	.00	.00	.00	.0%
20658201 2024 CAP IMP REV NOTE (LOC) DS							
20658201 571001 PRINCIPAL PAYME	.00	11,550,001.00	4,355,600.00	.00	.00	10,118,530.00	.0%
20658201 572001 INTEREST	143,723.43	453,063.96	549,719.11	387,692.97	344,000.00	364,724.00	6.0%
20658201 573002 DEBT ISSUANCE C	.00	46,077.71	.00	.00	.00	81,470.00	.0%
20658201 573003 DEBT SVC SINKIN	.00	.00	.00	.00	12,883.00	.00	-100.0%
TOTAL 2024 CAP IMP REV NOTE	-2,971,051.05	-1,663,256.50	4,812,307.57	11,910.33	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

SRF LOANS DEBT SERVICE	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
20730000 SRF LOANS DEBT SERVICE REVENUE							
20730000 361101 INTEREST EARNIN	-4,145.48	-3,824.24	-4,234.32	-1,451.54	.00	-1,200.00	.0%
20730000 361103 INTEREST PROFIT	.00	-1,154.54	-263.30	.00	.00	.00	.0%
20730000 381101 TRANSFER FROM S	-73,514.00	-53,310.00	.00	-19,999.00	-19,999.00	.00	-100.0%
20730000 389101 APPROPRIATED FU	.00	.00	.00	.00	-119,117.00	-102,000.00	-14.4%
20758201 SRF LOANS DEBT SERVICE EXP							
20758201 571001 PRINCIPAL PAYME	68,905.27	50,383.87	18,240.98	9,289.80	18,694.00	19,153.00	2.5%
20758201 572001 INTEREST	4,608.63	2,916.42	1,758.58	709.98	1,305.00	845.00	-35.2%
20758201 573003 DEBT SVC SINKIN	.00	.00	.00	.00	119,117.00	83,202.00	-30.2%
TOTAL SRF LOANS DEBT SERVICE	-4,145.58	-4,988.49	15,501.94	-11,450.76	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

2014 CAP IMP REV NOTE	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
20830000 2014 CAP IMP REV NOTE REVENUES							
20830000 361101 INTEREST EARNIN	-1,235.23	.00	160.25	3,312.98	.00	-500.00	.0%
20830000 361103 INTEREST PROFIT	.00	-214.43	-48.90	.00	.00	.00	.0%
20830000 381001 TRANSFER FROM G	-466,995.00	-466,476.00	-470,555.00	-469,321.00	-469,321.00	-467,813.00	-.3%
20830000 389101 APPROPRIATED FU	.00	.00	.00	.00	-24,891.00	-22,000.00	-11.6%
20858201 2014 CAP IMP REV NOTE EXP							
20858201 571001 PRINCIPAL PAYME	380,000.00	390,000.00	405,000.00	415,000.00	415,000.00	425,000.00	2.4%
20858201 572001 INTEREST	87,052.85	76,475.69	65,554.50	54,320.50	54,321.00	42,813.00	-21.2%
20858201 573003 DEBT SVC SINKIN	.00	.00	.00	.00	24,891.00	22,500.00	-9.6%
TOTAL 2014 CAP IMP REV NOTE	-1,177.38	-214.74	110.85	3,312.48	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

2014 & 2019 GO BOND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
20930000 2014 & 2019 GO BOND REV							
20930000 311102 AD VALOREM SERI	-1,175,938.85	-1,168,061.36	-1,038.61	-304.33	.00	.00	.0%
20930000 311103 AD VALOREM VOTE	-609,709.88	-608,381.79	-607,334.69	-423,100.95	-423,000.00	-763,484.00	80.5%
20930000 361101 INTEREST EARNIN	-26,898.05	-56,167.01	-23,790.38	-9,022.31	-6,703.00	.00	.0%
20930000 361103 INTEREST PROFIT	.00	-4,880.62	-1,113.06	.00	.00	.00	.0%
20930000 381301 TRANSFER FROM C	.00	.00	-40,177.00	.00	.00	.00	.0%
20930000 389101 APPROPRIATED FU	.00	.00	.00	.00	-640,846.00	.00	.0%
20958101 2014 & 2019 GO BOND EXP							
20958101 500303 TRANSFER TO GOB	.00	.00	.00	452,727.00	452,727.00	.00	.0%
20958201 2014 & 2019 GO BOND EXP							
20958201 571001 2014 GOB PRINCI	1,130,000.00	1,150,000.00	424,000.00	.00	.00	.00	.0%
20958201 571002 2019 GOB PRINCI	404,000.00	414,000.00	.00	.00	435,000.00	446,000.00	2.5%
20958201 572001 2014 GOB INTERE	44,460.00	22,425.00	185,832.49	.00	.00	.00	.0%
20958201 572002 2019 GOB INTERE	205,873.49	195,948.00	.00	87,722.25	175,445.00	164,787.00	-6.1%
20958202 2026 GOB SERIES EXP							
20958202 579002 DEBT SERVICES R	.00	.00	.00	.00	7,377.00	152,697.00	1969.9%
TOTAL 2014 & 2019 GO BOND	-28,213.29	-55,117.78	-63,621.25	108,021.66	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

2021 CAP IMP REV NOTE (S2018)	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
21030000 2018 CAP IMP NOTE REVENUE							
21030000 361101 INTEREST EARNIN	-1,205.07	.00	-53.87	5,306.24	.00	-1,200.00	.0%
21030000 361103 INTEREST PROFIT	.00	-164.13	-37.43	.00	.00	.00	.0%
21030000 381001 TRANSFER FROM G	-658,808.00	-658,314.00	-652,596.00	-656,692.00	-656,692.00	-660,462.00	.6%
21030000 381302 TRANSFER FROM C	.00	.00	-31,421.00	.00	.00	.00	.0%
21030000 389101 APPROPRIATED FU	.00	.00	.00	.00	-50,649.00	-45,500.00	-10.2%
21058201 2018 CAP IMP REV NOTE EXP							
21058201 571001 PRINCIPAL	480,000.00	490,000.00	495,000.00	510,000.00	510,000.00	525,000.00	2.9%
21058201 572001 INTEREST	178,865.86	168,313.03	157,596.25	146,692.00	146,692.00	135,462.00	-7.7%
21058201 573003 DEBT SVC SINKIN	.00	.00	.00	.00	50,649.00	46,700.00	-7.8%
TOTAL 2021 CAP IMP REV NOTE	-1,147.21	-165.10	-31,512.05	5,306.24	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL NOTE ISLESBORO	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
21130000 CAPITAL NOTE ISLESBORO							
21130000 361103 INTEREST PROFIT	.00	.00	.49	.00	.00	.00	.0%
21130000 381101 TRANSFER FROM S	-62,508.00	.00	.00	.00	.00	.00	.0%
21158201 CAPITAL NOTE ISLESBORO							
21158201 571001 PRINCIPAL	61,174.03	.00	.00	.00	.00	.00	.0%
21158201 572001 INTEREST	1,333.59	.00	.00	.00	.00	.00	.0%
TOTAL CAPITAL NOTE ISLESBORO	-.38	.00	.49	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

EQUIPMENT DEBT FINANCING	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
21230000 EQUIPMENT DEBT FINANCING							
21230000 381001 TRANSFER FROM G	.00	.00	.00	.00	.00	-207,232.00	.0%
21230000 381004 TRANSFERS FROM	.00	.00	.00	.00	.00	-85,702.00	.0%
21258201 EQUIP FINANCING DEBT SERVICE							
21258201 571001 AXON PRINCIPAL P	.00	.00	.00	.00	.00	121,608.00	.0%
21258201 571001 BANC PRINCIPAL P	.00	.00	.00	.00	.00	63,069.00	.0%
21258201 571001 CLUB PRINCIPAL P	.00	.00	.00	.00	.00	79,332.00	.0%
21258201 572001 AXON INTEREST	.00	.00	.00	.00	.00	9,661.00	.0%
21258201 572001 BANC INTEREST	.00	.00	.00	.00	.00	12,894.00	.0%
21258201 572001 CLUB INTEREST	.00	.00	.00	.00	.00	6,370.00	.0%
TOTAL EQUIPMENT DEBT FINANCI	.00	.00	.00	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

2025 TURNBULL GO BOND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
21330000 2025 TURNBULL GO BOND							
21330000 311103 AD VALOREM VOTE	.00	.00	.00	-369,298.93	-418,000.00	-505,575.00	21.0%
21330000 361101 INTEREST EARNIN	.00	.00	.00	-2,078.13	.00	.00	.0%
21330000 381001 TRANSFER FROM G	.00	.00	.00	-35,000.00	.00	.00	.0%
21353701 2025 TURNBULL GO BOND							
21353701 572001 INTEREST	.00	.00	.00	29,799.31	.00	.00	.0%
21353701 573003 DEBT SVC SINKIN	.00	.00	.00	.00	11,602.00	.00	-100.0%
21358201 2025 TURNBULL CREEK LOAN							
21358201 571001 PRINCIPAL PAYME	.00	.00	.00	.00	260,000.00	187,000.00	-28.1%
21358201 572001 INTEREST	.00	.00	.00	.00	143,925.00	217,460.00	51.1%
21358201 573003 DEBT SVC SINKIN	.00	.00	.00	.00	2,473.00	.00	.0%
21358201 579002 DEBT SERVICES R	.00	.00	.00	.00	.00	101,115.00	.0%
TOTAL 2025 TURNBULL GO BOND	.00	.00	.00	-376,577.75	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS TURNBULL	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30130000 CP TURNBULL REVENUES							
30130000 361101 INTEREST EARNIN	-80,330.18	-83,839.00	-56,323.65	-717.42	-1,300.00	.00	.0%
30130000 361103 INTEREST PROFIT	.00	-21,167.27	-4,827.33	.00	.00	.00	.0%
30130000 381001 TRANSFER FROM G	.00	.00	-323,787.00	.00	.00	.00	.0%
30130000 389101 APPROPRIATED FU	.00	.00	.00	.00	-22,942.00	.00	.0%
30151901 CAPITAL PROJECTS TURNBULL							
30151901 531090 19TBP APPRAISALS	.00	.00	18,100.00	14,709.75	.00	.00	.0%
30151901 549099 OTHER CURR CHGS	.00	3,000.00	.00	.00	.00	.00	.0%
30151901 561210 19TBP LAND - PRO	.00	.00	.00	23,659.75	24,242.00	.00	.0%
30151901 563203 22TOD CAPITAL- I	27,484.03	288,477.83	.00	.00	.00	.00	.0%
30151901 567215 LAND	.00	.00	.00	-10,009.75	.00	.00	.0%
30151901 567215 19TBP LAND	11,250.00	303,677.88	2,747,428.68	.00	.00	.00	.0%
30158101 TRANSFER TO OTHER FUNDS							
30158101 500209 TSF TO 209 DEBT	.00	.00	40,177.00	.00	.00	.00	.0%
TOTAL CAPITAL PROJECTS TURNB	-41,596.15	490,149.44	2,420,767.70	27,642.33	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30230000 CAPITAL PROJECTS REVENUE							
30230000 312402 NEW LOCAL OPTIO	-359,480.41	-407,973.83	.00	.00	.00	.00	.0%
30230000 312402 RSURF NEW LOCAL	.00	.00	-408,975.40	-195,390.48	-400,000.00	-400,000.00	.0%
30230000 331501 19OFW HISTORIC P	-308,054.78	-591,945.22	.00	.00	.00	.00	.0%
30230000 331502 22BRA FEMA GRANT	.00	.00	.00	.00	-590,530.00	.00	.0%
30230000 331502 24BCP FEMA GRANT	.00	.00	.00	.00	-44,378.00	.00	.0%
30230000 331505 20AOB FIND GRANT	.00	.00	-40,220.00	-560,000.00	-560,000.00	.00	.0%
30230000 331505 23AOB FIND GRANT	.00	.00	-70,023.30	.00	-134,535.00	.00	.0%
30230000 331505 24BCP FIND GRANT	.00	.00	.00	-.50	.00	.00	.0%
30230000 331505 26NWZ FIND GRANT	.00	.00	.00	.00	-20,000.00	.00	.0%
30230000 331511 COMMUNITY DEVEL	-25,093.80	.00	.00	.00	.00	-157,500.00	.0%
30230000 331511 24TLP COMMUNITY	.00	.00	-129,672.00	.00	.00	.00	.0%
30230000 331511 25MDP COMMUNITY	.00	.00	-30,750.00	.00	-91,332.00	.00	.0%
30230000 331511 25PSS COMMUNITY	.00	.00	.00	-99,077.00	-120,000.00	.00	.0%
30230000 331530 STATE OF FLORID	-409,028.70	17,568.55	.00	.00	.00	.00	.0%
30230000 331531 FDOT GRANTS	-172,562.00	-4,015,590.13	.00	.00	.00	.00	.0%
30230000 331531 195SB FDOT GRANT	.00	.00	-496,334.03	.00	.00	.00	.0%
30230000 331531 21BBR FDOT GRANT	.00	.00	-5,266.78	.00	.00	.00	.0%
30230000 334491 21WTS FDOT - LOC	.00	.00	.00	.00	-1,024,855.00	.00	.0%
30230000 337703 24D14 GRANT FUND	.00	.00	-334,401.90	-577,065.00	-3,147,998.00	.00	.0%
30230000 337704 23SKP VOLUSIA EC	.00	-9,000.00	-139,825.00	.00	.00	.00	.0%
30230000 337704 26BJS VOLUSIA EC	.00	.00	.00	.00	-50,000.00	.00	.0%
30230000 361101 INTEREST EARNIN	-384,581.71	-435,951.57	-521,543.02	-125,056.38	-200,000.00	.00	.0%
30230000 361103 INTEREST PROFIT	.00	-187,300.86	-42,715.19	.00	.00	.00	.0%
30230000 366910 23PIB CONTRIBUTI	.00	.00	-15,000.00	.00	.00	.00	.0%
30230000 366920 21WTS CONTRIBUTI	.00	.00	.00	.00	-2,000,000.00	.00	.0%
30230000 366920 26NWZ CONTRIBUTI	.00	.00	.00	-20,000.00	-20,000.00	.00	.0%
30230000 369903 MISCELLANEOUS R	.00	.00	-.02	.00	.00	.00	.0%
30230000 381001 TRANSFER FROM G	-1,645,661.00	-3,511,306.00	.00	.00	.00	-592,500.00	.0%
30230000 381001 22BAR TRANSFERS	.00	.00	-319,841.00	.00	.00	.00	.0%
30230000 381001 22BRA TRANSFERS	.00	.00	-119,436.00	.00	.00	.00	.0%
30230000 381001 23PIB TRANSFERS	.00	.00	-75,000.00	.00	.00	.00	.0%
30230000 381001 25BRP TRANSFERS	.00	.00	-35,000.00	.00	.00	.00	.0%
30230000 381001 25CCI TRANSFERS	.00	.00	-300,000.00	.00	.00	.00	.0%
30230000 381001 25PHU TRANSFERS	.00	.00	-300,000.00	.00	.00	.00	.0%
30230000 381001 25PLG TRANSFERS	.00	.00	-500,000.00	.00	.00	.00	.0%
30230000 381001 25SSD TRANSFERS	.00	.00	-20,340.00	.00	.00	.00	.0%
30230000 381001 25SSF TRANSFERS	.00	.00	-25,000.00	.00	.00	.00	.0%
30230000 381001 25TSS TRANSFERS	.00	.00	-47,500.00	.00	.00	.00	.0%
30230000 381001 26BJS TRANSFERS	.00	.00	.00	-50,000.00	-50,000.00	.00	.0%
30230000 381001 26EOP TRANSFERS	.00	.00	.00	-26,195.00	-26,195.00	.00	.0%
30230000 381001 26F31 TRANSFERS	.00	.00	.00	-34,000.00	-34,000.00	.00	.0%
30230000 381001 26FBR TRANSFERS	.00	.00	.00	-180,000.00	-180,000.00	.00	.0%
30230000 381001 26FPW TRANSFERS	.00	.00	.00	-17,000.00	-17,000.00	.00	.0%
30230000 381001 26GCP TRANSFERS	.00	.00	.00	-275,000.00	-275,000.00	.00	.0%
30230000 381001 26ITD TRANSFERS	.00	.00	.00	-24,000.00	-24,000.00	.00	.0%
30230000 381001 26PEC TRANSFERS	.00	.00	.00	-15,000.00	-15,000.00	.00	.0%
30230000 381001 26PWD TRANSFERS	.00	.00	.00	-26,173.00	-26,173.00	.00	.0%
30230000 381001 26SAL TRANSFERS	.00	.00	.00	-1,200,000.00	-1,200,000.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30230000 381001 26SBS TRANSFERS	.00	.00	.00	-100,000.00	-100,000.00	.00	.0%
30230000 381001 26SCM TRANSFERS	.00	.00	.00	-150,000.00	-150,000.00	.00	.0%
30230000 381001 26SMO TRANSFERS	.00	.00	.00	-175,000.00	-175,000.00	.00	.0%
30230000 381001 CWACR TRANSFERS	.00	.00	.00	-300,000.00	-300,000.00	-250,000.00	-16.7%
30230000 381001 CWDPR TRANSFERS	.00	.00	.00	.00	.00	-200,000.00	.0%
30230000 381001 CWROF TRANSFERS	.00	.00	.00	-500,000.00	-500,000.00	-450,000.00	-10.0%
30230000 381001 CWSOL TRANSFERS	.00	.00	.00	-75,000.00	-75,000.00	.00	.0%
30230000 381001 CWSWR TRANSFERS	.00	.00	.00	.00	.00	-250,000.00	.0%
30230000 381001 RSURF TRANSFERS	.00	.00	-816,580.00	-1,600,000.00	-1,600,000.00	-1,700,000.00	6.3%
30230000 381105 23PBH TSF FROM P	.00	.00	-23,148.68	.00	.00	.00	.0%
30230000 381109 TSF IN FROM TRA	-21,400.00	.00	.00	.00	.00	.00	.0%
30230000 381113 TSF FROM BLDG F	-85,621.00	.00	.00	.00	.00	.00	.0%
30230000 381115 TRANSFER FROM P	-90,000.00	-1,120,000.00	.00	.00	.00	.00	.0%
30230000 381125 22BJT TRANSFER F	.00	-92,234.00	.00	.00	.00	.00	.0%
30230000 381130 TRANSFER FROM A	-9,477,879.00	-300,000.00	.00	.00	.00	.00	.0%
30230000 381206 TRANSFERS FROM	-1,500,000.00	.00	.00	.00	.00	.00	.0%
30230000 384101 21WTS LOAN PROCE	.00	.00	.00	.00	-2,440,629.00	.00	.0%
30230000 389101 APPROPRIATED FU	.00	.00	.00	.00	-602,672.00	.00	-100.0%
30230000 389101 20AOB APPROPRIAT	.00	.00	.00	.00	-940,433.00	.00	.0%
30230000 389101 20CBP APPROPRIAT	.00	.00	.00	.00	-72,770.00	.00	.0%
30230000 389101 20HIW APPROPRIAT	.00	.00	.00	.00	-134,590.00	.00	.0%
30230000 389101 21WTS APPROPRIAT	.00	.00	.00	.00	-4,134,516.00	.00	.0%
30230000 389101 22BAR APPROPRIAT	.00	.00	.00	.00	-319,841.00	.00	.0%
30230000 389101 22BRA APPROPRIAT	.00	.00	.00	.00	-337,002.00	.00	.0%
30230000 389101 23AOB APPROPRIAT	.00	.00	.00	.00	-189,408.00	.00	.0%
30230000 389101 23BBS APPROPRIAT	.00	.00	.00	.00	-303,128.00	.00	.0%
30230000 389101 23CSI APPROPRIAT	.00	.00	.00	.00	-64,432.00	.00	.0%
30230000 389101 23FAI APPROPRIAT	.00	.00	.00	.00	-80,623.00	.00	.0%
30230000 389101 23PIB APPROPRIAT	.00	.00	.00	.00	-305,220.00	.00	.0%
30230000 389101 23SPU APPROPRIAT	.00	.00	.00	.00	-300,680.00	.00	.0%
30230000 389101 24AGS APPROPRIAT	.00	.00	.00	.00	-250,486.00	.00	.0%
30230000 389101 24BCP APPROPRIAT	.00	.00	.00	.00	-505,865.00	.00	.0%
30230000 389101 24D14 APPROPRIAT	.00	.00	.00	.00	-119,500.00	.00	.0%
30230000 389101 24FLP APPROPRIAT	.00	.00	.00	.00	-508,675.00	.00	.0%
30230000 389101 24SOL APPROPRIAT	.00	.00	.00	.00	-2,643.00	.00	.0%
30230000 389101 25BRP APPROPRIAT	.00	.00	.00	.00	-20,600.00	.00	.0%
30230000 389101 25CCI APPROPRIAT	.00	.00	.00	.00	-29,284.00	.00	.0%
30230000 389101 25EPW APPROPRIAT	.00	.00	.00	.00	-85,650.00	.00	.0%
30230000 389101 25PHU APPROPRIAT	.00	.00	.00	.00	-300,000.00	.00	.0%
30230000 389101 25PLG APPROPRIAT	.00	.00	.00	.00	-1,611.00	.00	.0%
30230000 389101 25SSD APPROPRIAT	.00	.00	.00	.00	-58,887.00	.00	.0%
30230000 389101 25SSF APPROPRIAT	.00	.00	.00	.00	-25,000.00	.00	.0%
30230000 389101 25TSS APPROPRIAT	.00	.00	.00	.00	-47,500.00	.00	.0%
30230000 389101 26FD4 APPROPRIAT	.00	.00	.00	.00	-90,000.00	.00	.0%
30230000 389101 26PWD APPROPRIAT	.00	.00	.00	.00	-26,173.00	.00	.0%
30230000 389101 26SMO APPROPRIAT	.00	.00	.00	.00	-83,551.00	.00	.0%
30230000 389101 CWDPR APPROPRIAT	.00	.00	.00	.00	-206,402.00	.00	.0%
30230000 389101 RSURF APPROPRIAT	.00	.00	.00	.00	-370,702.00	.00	.0%
30230000 389101 TMERP APPROPRIAT	.00	.00	.00	.00	-5,139.00	.00	.0%
30230000 389701 CAPITAL CONTRIB	.00	-113,498.37	.00	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30251201 CITY MANAGER							
30251201 564204 26NWZ CAPITAL- M	.00	.00	.00	26,785.00	40,000.00	.00	.0%
30251302 INFORMATION TECHNOLOGY PROJECT							
30251302 563203 CAPITAL- INFRAS	.00	.00	.00	.00	.00	75,000.00	.0%
30251302 563203 26ITD CAPITAL- I	.00	.00	.00	19,509.25	24,000.00	.00	.0%
30251302 568001 TMERP CAPITAL -	.00	.00	.00	5,758.33	5,139.00	.00	.0%
30251901 NON-DEPARTMENTAL							
30251901 531099 OTHER PROFESSIO	.00	121,230.42	.00	.00	.00	.00	.0%
30251901 531099 24SOL OTHER PROF	.00	.00	6,921.73	.00	.00	.00	.0%
30251901 534012 23BBS COMPUTER C	.00	99,210.60	190,880.36	.00	.00	.00	.0%
30251901 546201 23CSI REPAIR & M	22,529.01	8,053.02	26,000.59	49,439.01	49,685.00	.00	.0%
30251901 546201 23FAI REPAIR & M	4,979.52	7,250.47	20,450.00	40,054.96	74,623.00	.00	.0%
30251901 546401 CWROF REPAIR & M	.00	.00	.00	.00	500,000.00	.00	.0%
30251901 546431 R&M- STREET RES	1,486,232.55	12,173.52	.00	.00	.00	.00	.0%
30251901 552012 23BBS COMPUTER H	.00	71,289.76	.00	.00	.00	.00	.0%
30251901 552051 23BBS SMALL MACH	.00	.00	2,450.04	.00	.00	.00	.0%
30251901 552051 23CSI SMALL MACH	.00	.00	31,496.86	3,927.43	4,000.00	.00	.0%
30251901 552051 23FAI SMALL MACH	.00	.00	73,434.04	.00	.00	.00	.0%
30251901 552099 23CSI OTHER OPER	.00	.00	8,882.32	.00	.00	.00	.0%
30251901 552099 23FAI OTHER OPER	.00	.00	15,882.14	.00	.00	.00	.0%
30251901 562202 22SSR CAPITAL- B	37,043.36	214,395.00	.00	.00	.00	.00	.0%
30251901 562202 24SOL CAPITAL- B	.00	14,041.63	276,393.00	.00	.00	.00	.0%
30251901 562203 CWROF BUILDING I	.00	.00	.00	.00	.00	450,000.00	.0%
30251901 563203 CAPITAL- INFRAS	.00	1,055,704.45	.00	.00	.00	.00	.0%
30251901 563203 21IFP CAPITAL- I	1,430.25	.00	.00	.00	.00	.00	.0%
30251901 563203 22TPL CAPITAL- I	277,620.60	.00	.00	.00	.00	.00	.0%
30251901 563203 23CSI CAPITAL- I	.00	18,500.00	.00	.00	.00	.00	.0%
30251901 563203 25PHU CAPITAL- I	.00	.00	.00	299,850.00	300,000.00	.00	.0%
30251901 564204 23FAI CAPITAL- M	.00	.00	6,413.51	.00	.00	.00	.0%
30251901 564204 CWACR CAPITAL- M	.00	.00	.00	127,290.00	300,000.00	250,000.00	-16.7%
30251901 564204 CWSOL CAPITAL- M	.00	.00	.00	66,163.00	75,000.00	.00	.0%
30251901 567150 23FAI WORKS OF A	.00	.00	30,727.54	6,000.00	6,000.00	.00	.0%
30251901 567211 19LWC BUILDINGS	315,425.61	.00	.00	.00	.00	.00	.0%
30251901 567211 19OFW BUILDINGS	340,106.09	586,691.60	.00	.00	.00	.00	.0%
30251901 567213 20FTS STREETS &	239,657.02	.00	.00	.00	.00	.00	.0%
30251901 567601 23CSI CAPITAL OU	.00	.00	10,740.00	.00	.00	.00	.0%
30251901 567703 20EGV CAPITAL OU	7,040.00	.00	.00	23,688.25	.00	.00	.0%
30251901 567703 23BBS CAPITAL OU	47,500.00	285,540.33	.00	.00	.00	.00	.0%
30251901 567832 20PCS PEDESTRIAN	7,250.00	.00	.00	.00	.00	.00	.0%
30251904 FACILITY MAINTENANCE							

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30251904 562202 26PWD CAPITAL- B	.00	.00	.00	26,172.80	52,346.00	.00	.0%
30251904 568001 CWDPR CAPITAL -	.00	.00	.00	.00	206,402.00	.00	.0%
30252101 POLICE							
30252101 531099 23PBH OTHER PROF	.00	.00	42,550.00	.00	.00	.00	.0%
30252101 562202 23PBH CAPITAL- B	.00	.00	1,873.68	.00	.00	.00	.0%
30252101 562202 26PEC CAPITAL- B	.00	.00	.00	7,360.00	15,000.00	.00	.0%
30252101 563203 24PDP CAPITAL- I	.00	19,530.79	.00	.00	.00	.00	.0%
30252201 FIRE							
30252201 546201 REPAIR & MAINTA	.00	.00	.00	58,213.00	.00	.00	.0%
30252201 546201 25SSF REPAIR & M	.00	.00	.00	.00	25,000.00	.00	.0%
30252201 546201 26F31 REPAIR & M	.00	.00	.00	.00	34,000.00	.00	.0%
30252201 546201 26MFD REPAIR & M	.00	.00	.00	.00	100,000.00	.00	.0%
30252201 562202 26FBR CAPITAL- B	.00	.00	.00	.00	180,000.00	.00	.0%
30252201 563203 26EOP CAPITAL- I	.00	.00	.00	26,194.41	26,195.00	.00	.0%
30252201 564204 26FPW CAPITAL- M	.00	.00	.00	18,446.00	.00	.00	.0%
30253401 SOLID WASTE/ SANITATION							
30253401 531099 24AGS OTHER PROF	.00	25,363.00	5,173.80	250,485.20	250,486.00	.00	.0%
30253801 STRMWTR CAPITAL PROJECT							
30253801 563203 25PIP CAPITAL- I	.00	.00	.00	.00	188,258.00	.00	.0%
30254101 STREETS CAPITAL PROJECT FUND							
30254101 531099 20CBP OTHER PROF	.00	.00	90,520.50	.00	11,152.00	.00	.0%
30254101 531099 20HIW OTHER PROF	.00	.00	51,491.30	-4,500.00	7,950.00	.00	.0%
30254101 531099 22BAR OTHER PROF	.00	.00	4,815.60	.00	.00	.00	.0%
30254101 531099 23SPU OTHER PROF	.00	27,707.00	371,612.90	6,428.90	300,680.00	.00	.0%
30254101 531099 24FLP OTHER PROF	.00	.00	2,400.00	.00	.00	.00	.0%
30254101 531099 24SOL OTHER PROF	.00	.00	.00	.00	2,643.00	.00	.0%
30254101 531099 24SWS OTHER PROF	.00	.00	18,744.58	.00	.00	.00	.0%
30254101 546201 24D14 REPAIR & M	.00	.00	181,502.00	585,900.00	585,900.00	.00	.0%
30254101 546401 24TCD REPAIR & M	.00	.00	500,000.00	.00	.00	.00	.0%
30254101 546431 RSURF R&M- STREE	.00	.00	2,329,691.76	2,370,658.09	2,370,702.00	2,100,000.00	-11.4%
30254101 562202 23CSI CAPITAL- B	.00	.00	.00	10,746.40	10,747.00	.00	.0%
30254101 562202 26SBS CAPITAL- B	.00	.00	.00	55,754.49	55,760.00	.00	.0%
30254101 562202 26SMO CAPITAL- B	.00	.00	.00	261,286.00	258,551.00	.00	.0%
30254101 563203 20CBP CAPITAL- I	178,717.85	131,299.35	.00	.00	.00	.00	.0%
30254101 563203 22BAR CAPITAL- I	30,445.59	735.61	.00	290,556.00	313,598.00	.00	.0%
30254101 563203 24D14 CAPITAL- I	.00	170,681.28	.00	2,681,476.90	2,681,598.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30254101 563203 24FLP CAPITAL- I	.00	.00	26,125.00	508,675.00	508,675.00	.00	.0%
30254101 563203 26SAL CAPITAL- I	.00	.00	.00	.00	1,200,000.00	.00	.0%
30254101 563203 26SBS CAPITAL- I	.00	.00	.00	41,880.00	44,240.00	.00	.0%
30254101 563203 26SCM CAPITAL- I	.00	.00	.00	9,850.00	150,000.00	.00	.0%
30254101 563203 CWSWR CAPITAL- I	.00	.00	.00	.00	.00	250,000.00	.0%
30254101 563210 20CBP OTHER PROF	.00	.00	.00	72,769.45	.00	.00	.0%
30254101 563210 20HIW OTHER PROF	.00	.00	.00	134,589.50	.00	.00	.0%
30254101 563210 22BAR OTHER PROF	.00	.00	.00	6,242.40	6,243.00	.00	.0%
30254101 567201 23RMA CAPITAL OU	70,287.52	16,833.34	.00	.00	.00	.00	.0%
30254101 567204 191ML MUNICIPAL	834,018.94	92,132.11	.00	.00	.00	.00	.0%
30254101 567204 195SB MUNICIPAL	280,952.79	5,815,789.27	560,148.93	.00	.00	.00	.0%
30254101 567204 20HIW MUNICIPAL	73,473.38	147,730.12	.00	4,500.00	.00	.00	.0%
30254101 567204 20RAP MUNICIPAL	20,081.63	6,562.63	.00	.00	.00	.00	.0%
30257201 RECREATION							
30257201 531099 21WTS OTHER PROF	.00	.00	52,487.69	.00	.00	.00	.0%
30257201 531099 23PIB OTHER PROF	.00	.00	50,172.34	.00	3,301.00	.00	.0%
30257201 531099 23SKP OTHER PROF	.00	.00	12,000.00	.00	.00	.00	.0%
30257201 534099 25CCI OTHER CONT	.00	.00	3,777.90	.00	.00	.00	.0%
30257201 546201 25CCI REPAIR & M	.00	.00	11,575.00	.00	.00	.00	.0%
30257201 551005 25CCI OFFICE SMA	.00	.00	8,586.73	.00	.00	.00	.0%
30257201 552049 25CCI LANDSCAPIN	.00	.00	1,990.00	.00	.00	.00	.0%
30257201 552099 25CCI OTHER OPER	.00	.00	250.00	.00	.00	.00	.0%
30257201 562202 CAPITAL- BUILDI	.00	.00	.00	.00	.00	425,000.00	.0%
30257201 562202 23PIB CAPITAL- B	.00	.00	.00	155,549.30	155,550.00	.00	.0%
30257201 562202 25CCI CAPITAL- B	.00	.00	261,451.46	29,283.94	29,284.00	.00	.0%
30257201 562202 26BJS CAPITAL- B	.00	.00	.00	.00	100,000.00	.00	.0%
30257201 563203 22BJT CAPITAL- I	92,234.00	.00	.00	.00	.00	.00	.0%
30257201 563203 23LOC CAPITAL- I	.00	9,845.45	.00	.00	.00	.00	.0%
30257201 563203 23PIB CAPITAL- I	48,276.63	54,641.82	214,275.35	121,672.07	137,084.00	.00	.0%
30257201 563203 23SCT CAPITAL- I	500,000.00	.00	.00	.00	.00	.00	.0%
30257201 563203 23SKP CAPITAL- I	24,090.00	205,008.66	271,207.35	.00	.00	.00	.0%
30257201 563203 24TCR CAPITAL- I	.00	284,540.00	.00	.00	.00	.00	.0%
30257201 563203 24TLP CAPITAL- I	.00	.00	129,672.00	.00	.00	.00	.0%
30257201 563203 26MDD CAPITAL- I	.00	.00	.00	92,240.00	.00	.00	.0%
30257201 563210 21WTS OTHER PROF	.00	.00	.00	612,169.41	612,170.00	.00	.0%
30257201 563210 23PIB OTHER PROF	.00	.00	.00	9,284.29	9,285.00	.00	.0%
30257201 563210 26MDD OTHER PROF	.00	.00	.00	25,360.00	.00	.00	.0%
30257201 564204 23PIB CAPITAL- M	.00	.00	18,750.00	.00	.00	.00	.0%
30257201 564204 26LGS CAPITAL- M	.00	.00	.00	.00	.00	90,000.00	.0%
30257201 567201 21WTS CAPITAL OU	59,856.73	82,971.80	.00	.00	8,987,830.00	.00	.0%
30257202 PARKS							
30257202 531099 20AOB OTHER PROF	.00	.00	39,334.00	.00	.00	.00	.0%
30257202 531099 22BRA OTHER PROF	.00	.00	31,168.90	.00	.00	.00	.0%
30257202 531099 23AOB OTHER PROF	.00	.00	112,596.60	.00	.00	.00	.0%
30257202 531099 24BCP OTHER PROF	.00	.00	11,261.00	10,219.00	10,219.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30257202 531099 25MDP OTHER PROF	.00	.00	30,750.00	.00	.00	.00	.0%
30257202 546201 21SPY REPAIR & M	.00	20,500.00	.00	.00	.00	.00	.0%
30257202 546201 25BRP REPAIR & M	.00	.00	14,400.00	20,600.00	20,600.00	.00	.0%
30257202 546201 25PLG REPAIR & M	.00	.00	.00	.00	1,611.00	.00	.0%
30257202 546201 25TSS REPAIR & M	.00	.00	.00	.00	47,500.00	.00	.0%
30257202 549001 20AOB NEWS ADS	.00	.00	124.04	.00	.00	.00	.0%
30257202 549001 23AOB NEWS ADS	.00	.00	133.08	.00	.00	.00	.0%
30257202 549001 24BCP NEWS ADS	.00	.00	115.00	.00	.00	.00	.0%
30257202 549001 25MDP NEWS ADS	.00	.00	209.92	.00	.00	.00	.0%
30257202 562202 23PK4 CAPITAL- B	.00	42,000.00	.00	.00	.00	.00	.0%
30257202 562202 24F27 CAPITAL- B	.00	35,227.55	.00	.00	.00	.00	.0%
30257202 562202 25MDP CAPITAL- B	.00	.00	.00	8,858.00	8,860.00	.00	.0%
30257202 563203 CAPITAL- INFRAS	.00	.00	.00	.00	.00	160,000.00	.0%
30257202 563203 22BRA CAPITAL- I	3,095.00	24,350.00	970.00	608,510.24	631,122.00	.00	.0%
30257202 563203 22GTW CAPITAL- I	6,966.95	.00	.00	.00	.00	.00	.0%
30257202 563203 23AOB CAPITAL- I	.00	27,450.00	.00	226,118.00	226,118.00	.00	.0%
30257202 563203 24BCP CAPITAL- I	.00	43,000.00	388,626.50	539,738.09	540,024.00	.00	.0%
30257202 563203 25EPW CAPITAL- I	.00	.00	.00	85,650.00	85,650.00	.00	.0%
30257202 563203 25PLG CAPITAL- I	.00	.00	498,388.90	.00	.00	.00	.0%
30257202 563203 25PSS CAPITAL- I	.00	.00	.00	99,077.00	120,000.00	.00	.0%
30257202 563203 25SSD CAPITAL- I	.00	.00	119,738.24	58,876.57	58,887.00	.00	.0%
30257202 563203 CWDPR CAPITAL- I	.00	.00	.00	.00	.00	200,000.00	.0%
30257202 563210 20AOB OTHER PROF	.00	.00	.00	27,504.00	27,504.00	.00	.0%
30257202 563210 22BRA OTHER PROF	.00	.00	.00	22,611.70	.00	.00	.0%
30257202 563210 23AOB OTHER PROF	.00	.00	.00	57,243.10	75,214.00	.00	.0%
30257202 564204 25MDP CAPITAL- M	.00	.00	.00	13,000.00	82,472.00	.00	.0%
30257202 565010 20AOB CAPITAL CO	.00	.00	.00	.00	119,608.00	.00	.0%
30257202 565010 23AOB CAPITAL CO	.00	.00	.00	.00	22,611.00	.00	.0%
30257202 567001 22BRA CONTINGENC	.00	.00	.00	.00	296,410.00	.00	.0%
30257202 567204 20AOB MUNICIPAL	.00	44,482.00	.00	1,353,321.00	1,353,321.00	.00	.0%
30257202 567204 21BSS MUNICIPAL	68,569.23	.00	.00	.00	.00	.00	.0%
30257202 567204 21BVP MUNICIPAL	26,013.66	.00	.00	.00	.00	.00	.0%
30257202 567204 21RFP MUNICIPAL	86.36	422,540.00	.00	.00	.00	.00	.0%
30257202 567204 23BBS MUNICIPAL	.00	.00	.00	.00	303,128.00	.00	.0%
30257202 567804 PARK IMPROVEMEN	1,493.01	.00	.00	.00	.00	.00	.0%
30257204 GOLF COURSE MAINTENANCE							
30257204 563203 26GCP CAPITAL- I	.00	.00	.00	.00	275,000.00	.00	.0%
30257207 BRANNON CENTER CAPITAL							
30257207 564204 26BC1 CAPITAL- M	.00	.00	.00	10,800.00	12,000.00	.00	.0%
30257501 SPORTS COMPLEX							
30257501 562202 26SCS CAPITAL- B	.00	.00	.00	8,510.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL PROJECTS	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30258101 TRANSFERS TO OTHER FUNDS							
30258101 500003 TSF TO BRANNON	.00	15,460.00	.00	.00	.00	.00	.0%
30258101 500101 TRANSFER TO STO	.00	.00	2,277,760.00	.00	.00	.00	.0%
30258101 500109 TRANSFER TO ROA	.00	.00	983,366.00	.00	.00	.00	.0%
30258101 500115 TRANSFER TO PAR	.00	.00	817,637.00	.00	.00	.00	.0%
30258101 500210 TSF TO 210 DEBT	.00	.00	31,421.00	.00	.00	.00	.0%
30258101 500311 TRAFNSFER TO ST	.00	.00	.00	449,540.00	449,540.00	.00	.0%
30258101 500312 26FD4 TRANSFER T	.00	.00	.00	90,000.00	90,000.00	.00	.0%
30258101 500312 26FPW TRANSFER T	.00	.00	.00	.00	19,000.00	.00	.0%
30259100 RESERVES							
30259100 599015 UNASSIGNED FUND	.00	.00	.00	.00	239,132.00	.00	.0%
TOTAL CAPITAL PROJECTS	-9,373,889.12	-506,768.85	6,464,945.86	6,503,928.12	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

GOB CAPITAL PROJECTS FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30330000 GOB CAPITAL PROJECT REVENUES							
30330000 361101 INTEREST EARNIN	-26,887.55	-22,721.68	-22,079.25	-10,536.46	-16,031.00	-33,000.00	105.9%
30330000 361103 INTEREST PROFIT	.00	-6,153.30	-1,403.30	.00	.00	.00	.0%
30330000 381209 TRANSFER FROM 2	.00	.00	.00	-452,727.00	-452,727.00	.00	.0%
30330000 389101 APPROPRIATED FU	.00	.00	.00	.00	-727,142.00	-1,179,215.00	62.2%
30352101 POLICE							
30352101 562202 26PFG CAPITAL- B	.00	.00	.00	.00	.00	1,212,215.00	.0%
30354101 PUBLIC SIDEWALKS							
30354101 567726 227SS SIDEWALKS	53,650.00	11,402.50	.00	.00	.00	.00	.0%
30354101 567726 22SSS SIDEWALKS	277,476.00	45,150.00	.00	.00	.00	.00	.0%
30354101 567726 23QAS SIDEWALKS	24,871.97	.00	.00	.00	.00	.00	.0%
30359100 RESERVES							
30359100 599015 UNASSIGNED FUND	.00	.00	.00	.00	1,195,900.00	.00	-100.0%
TOTAL GOB CAPITAL PROJECTS F	329,110.42	27,677.52	-23,482.55	-463,263.46	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

AIRPORT CAPITAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30430000 AIRPORT CAPITAL FUND							
30430000 331404 24IAP F.A.A CAPI	.00	.00	.00	-47,748.00	.00	.00	.0%
30430000 331404 24RWY F.A.A CAPI	.00	.00	.00	-292,690.00	-271,372.00	.00	.0%
30430000 331404 25APF F.A.A CAPI	.00	.00	.00	-57,846.00	-627,000.00	.00	.0%
30430000 331404 26VAU F.A.A CAPI	.00	.00	.00	.00	-1,710,000.00	.00	.0%
30430000 334407 21AFI F.D.O.T. C	.00	.00	.00	-10,000.00	-446,672.00	.00	.0%
30430000 334407 21ATI F.D.O.T. C	.00	.00	.00	.00	-9,920.00	.00	.0%
30430000 334407 24IAP F.D.O.T. C	.00	.00	.00	-4,244.04	.00	.00	.0%
30430000 334407 24RWY F.D.O.T. C	.00	.00	.00	-26,016.88	-24,122.00	.00	.0%
30430000 334407 25APF F.D.O.T. C	.00	.00	.00	.00	-24,000.00	.00	.0%
30430000 334407 25ATE F.D.O.T. C	.00	.00	.00	.00	-43,200.00	.00	.0%
30430000 334407 25ATH F.D.O.T. C	.00	.00	.00	-8,832.00	-24,640.00	.00	.0%
30430000 334407 26AAD F.D.O.T. C	.00	.00	.00	-145,690.50	-2,000,000.00	.00	.0%
30430000 334407 26THR F.D.O.T. C	.00	.00	.00	.00	-448,000.00	.00	.0%
30430000 334407 26VAU F.D.O.T. C	.00	.00	.00	.00	-72,000.00	.00	.0%
30430000 361101 INTEREST EARNIN	.00	.00	.00	377.41	.00	.00	.0%
30430000 364401 SURPLUS EQUIPME	.00	.00	.00	.00	.00	-2,816.00	.0%
30430000 381104 TRANSFER FROM A	.00	.00	.00	.00	.00	-138,000.00	.0%
30430000 381104 21AFI TRANSFER F	.00	.00	.00	-111,667.00	-111,667.00	.00	.0%
30430000 381104 21ATI TRANSFER F	.00	.00	.00	-2,480.00	-2,480.00	.00	.0%
30430000 381104 24RWY TRANSFER F	.00	.00	.00	-6,030.00	-6,030.00	.00	.0%
30430000 381104 25APF TRANSFER F	.00	.00	.00	-9,000.00	-9,000.00	.00	.0%
30430000 381104 25ATE TRANSFER F	.00	.00	.00	-10,800.00	-10,800.00	.00	.0%
30430000 381104 25ATH TRANSFER F	.00	.00	.00	-6,160.00	-6,160.00	.00	.0%
30430000 381104 26AAD TRANSFER F	.00	.00	.00	-500,000.00	-500,000.00	.00	.0%
30430000 381104 26AP1 TRANSFER F	.00	.00	.00	-120,000.00	-120,000.00	.00	.0%
30430000 381104 26LCF TRANSFER F	.00	.00	.00	-27,069.00	-27,069.00	.00	.0%
30430000 381104 26THR TRANSFER F	.00	.00	.00	-112,000.00	-112,000.00	.00	.0%
30430000 381104 26VAU TRANSFER F	.00	.00	.00	-18,000.00	-18,000.00	.00	.0%
30454201 AIRPORT CAPITAL							
30454201 531099 25ATE OTHER PROF	.00	.00	.00	.00	54,000.00	.00	.0%
30454201 531099 25ATH OTHER PROF	.00	.00	.00	30,800.00	.00	.00	.0%
30454201 562202 26AAD CAPITAL- B	.00	.00	.00	2,308,966.32	2,349,590.00	.00	.0%
30454201 562202 26THR CAPITAL- B	.00	.00	.00	474,312.00	506,500.00	.00	.0%
30454201 562210 25ATH OTHER PROF	.00	.00	.00	.00	30,800.00	.00	.0%
30454201 562210 26AAD OTHER PROF	.00	.00	.00	150,410.00	150,410.00	.00	.0%
30454201 562210 26THR OTHER PROF	.00	.00	.00	53,500.00	53,500.00	.00	.0%
30454201 563203 24RWY CAPITAL- I	.00	.00	.00	73,563.29	286,938.00	.00	.0%
30454201 563203 25APF CAPITAL- I	.00	.00	.00	.00	577,150.00	.00	.0%
30454201 563203 26VAU CAPITAL- I	.00	.00	.00	.00	1,800,000.00	.00	.0%
30454201 563210 21AFI OTHER PROF	.00	.00	.00	17,130.00	17,130.00	.00	.0%
30454201 563210 21ATI OTHER PROF	.00	.00	.00	5,400.00	12,400.00	.00	.0%
30454201 563210 24RWY OTHER PROF	.00	.00	.00	14,585.50	14,586.00	.00	.0%
30454201 563210 25APF OTHER PROF	.00	.00	.00	82,850.00	82,850.00	.00	.0%
30454201 564204 26LCF CAPITAL- M	.00	.00	.00	27,069.00	27,069.00	.00	.0%
30454201 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	138,000.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

AIRPORT CAPITAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30454201 564717 26AP1 CAPITAL- V	.00	.00	.00	83,256.38	120,000.00	.00	.0%
30454201 567207 21AFI BUILDING I	.00	.00	.00	541,209.00	541,209.00	.00	.0%
30459300 FUND RESERVES							
30459300 599015 UNASSIGNED FUND	.00	.00	.00	.00	.00	2,816.00	.0%
TOTAL AIRPORT CAPITAL FUND	.00	.00	.00	2,347,155.48	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

POLICE IMPACT FEE CAP FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30530000 POLICE IMPACT FEE CAP FUND							
30530000 331505 23PBH FIND GRANT	.00	.00	.00	.00	-261,250.00	.00	.0%
30530000 361101 INTEREST EARNIN	.00	.00	.00	-11,173.78	-39,868.00	-27,390.00	-31.3%
30530000 363201 IMPACT FEES-LAW	.00	.00	.00	-69,366.10	-200,000.00	-120,000.00	-40.0%
30530000 381105 TSF FROM POLICE	.00	.00	.00	-1,356,414.27	-1,351,443.00	.00	.0%
30530000 389101 APPROPRIATED FU	.00	.00	.00	.00	.00	-913,000.00	.0%
30552101 POLICE IMPACT CAPITAL FUND							
30552101 531099 OTHER PROFESSIO	.00	.00	.00	19,786.75	19,787.00	.00	.0%
30552101 531099 25PDE OTHER PROF	.00	.00	.00	15,625.00	.00	.00	.0%
30552101 549001 23PBH NEWS ADS	.00	.00	.00	105.96	110.00	.00	.0%
30552101 562202 23PBH CAPITAL- B	.00	.00	.00	.00	522,390.00	.00	.0%
30552101 562202 25PDE CAPITAL- B	.00	.00	.00	.00	174,375.00	.00	.0%
30552101 562202 26PFG CAPITAL- B	.00	.00	.00	.00	.00	948,175.00	.0%
30552101 562210 25PDE OTHER PROF	.00	.00	.00	10,000.00	25,625.00	.00	.0%
30559100 RESERVES							
30559100 599015 UNASSIGNED FUND	.00	.00	.00	.00	1,110,274.00	112,215.00	-89.9%
TOTAL POLICE IMPACT FEE CAP	.00	.00	.00	-1,391,436.44	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

FIRE IMPACT FEE CAPITAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30630000 FIRE IMPACT FEE CAPITAL FUND							
30630000 361101 INTEREST EARNIN	.00	.00	.00	-10,539.27	-47,556.00	-25,960.00	-45.4%
30630000 363202 IMPACT FEES	.00	.00	.00	-86,642.54	-200,000.00	-140,000.00	-30.0%
30630000 381106 TSF FROM FIRE I	.00	.00	.00	-1,274,271.97	-1,268,530.00	.00	.0%
30630000 389101 APPROPRIATED FU	.00	.00	.00	.00	.00	-832,000.00	.0%
30652201 FIRE IMPACT CAPITAL FUND							
30652201 531099 OTHER PROFESSIO	.00	.00	.00	18,870.25	18,871.00	.00	.0%
30652201 562202 23FSM CAPITAL- B	.00	.00	.00	225.00	225.00	.00	.0%
30652201 562202 26PFG CAPITAL- B	.00	.00	.00	.00	75,000.00	.00	.0%
30652201 562203 25FDR BUILDING I	.00	.00	.00	9,910.02	10,030.00	.00	.0%
30652201 562210 23FSM OTHER PROF	.00	.00	.00	174,000.00	465,479.00	.00	.0%
30652201 564717 25FD5 CAPITAL- V	.00	.00	.00	.00	5,320.00	.00	.0%
30659100 RESERVES							
30659100 599015 UNASSIGNED FUND	.00	.00	.00	.00	941,161.00	997,960.00	6.0%
TOTAL FIRE IMPACT FEE CAPITA	.00	.00	.00	-1,168,448.51	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

RECREATION IMPACT FEE CAPITAL	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30730000 RECREATION IMPACT FEE CAPITAL							
30730000 331505 FIND GRANT	.00	.00	.00	.00	.00	-50,000.00	.0%
30730000 361101 INTEREST EARNIN	.00	.00	.00	-15,217.93	-75,530.00	-40,440.00	-46.5%
30730000 363203 IMPACT FEES-PAR	.00	.00	.00	-209,250.00	-500,000.00	-350,000.00	-30.0%
30730000 381107 TSF FROM REC IM	.00	.00	.00	-2,494,120.42	-2,485,232.00	.00	.0%
30730000 389101 APPROPRIATED FU	.00	.00	.00	.00	.00	-1,348,000.00	.0%
30757201 RECREATION IMPACT CAPITAL FUND							
30757201 531099 OTHER PROFESSIO	.00	.00	.00	20,763.60	20,764.00	.00	.0%
30757201 531099 26DPR OTHER PROF	.00	.00	.00	10,000.00	10,000.00	.00	.0%
30757201 531099 26TST OTHER PROF	.00	.00	.00	.00	25,110.00	.00	.0%
30757201 563203 CAPITAL- INFRAS	.00	.00	.00	.00	.00	225,000.00	.0%
30757201 563203 23PIB CAPITAL- I	.00	.00	.00	614,166.00	1,228,332.00	.00	.0%
30757201 563203 25SCP CAPITAL- I	.00	.00	.00	662,488.68	662,489.00	.00	.0%
30757201 563203 26SPR CAPITAL- I	.00	.00	.00	42,750.00	43,000.00	.00	.0%
30757201 564204 23PIB CAPITAL- M	.00	.00	.00	.00	18,750.00	.00	.0%
30757202 RECREATION IMPACT CAPITAL FUND							
30757202 531099 26MAP OTHER PROF	.00	.00	.00	15,000.00	15,000.00	.00	.0%
30757204 GOLF COURSE MAINTENANCE							
30757204 562202 26GCB CAPITAL- B	.00	.00	.00	46,846.20	55,000.00	.00	.0%
30759100 RESERVES							
30759100 599015 UNASSIGNED FUND	.00	.00	.00	.00	982,317.00	1,563,440.00	59.2%
TOTAL RECREATION IMPACT FEE	.00	.00	.00	-1,306,573.87	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

TRANSPORTATION IMPACT FEE CAP	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
30930000 TRANSPORTATION IMPACT FEE CAP							
30930000 361101 INTEREST EARNIN	.00	.00	.00	-52,506.34	-212,135.00	-199,770.00	-5.8%
30930000 363202 IMPACT FEES	.00	.00	.00	-169,338.10	-500,000.00	-300,000.00	-40.0%
30930000 381109 TSF IN FROM TRA	.00	.00	.00	-6,338,100.62	-6,316,459.00	.00	.0%
30930000 389101 APPROPRIATED FU	.00	.00	.00	.00	.00	-6,659,000.00	.0%
30959100 RESERVES							
30959100 599015 UNASSIGNED FUND	.00	.00	.00	.00	7,028,594.00	7,158,770.00	1.9%
TOTAL TRANSPORTATION IMPACT	.00	.00	.00	-6,559,945.06	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

STORMWATER CAPITAL FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
31130000 STORMWATER CAPITAL FUND							
31130000 331901 20HIW OTHER FEDE	.00	.00	.00	.00	-4,000,000.00	-4,000,000.00	.0%
31130000 334361 20HIW STATE GRAN	.00	.00	.00	.00	-1,000,000.00	-1,000,000.00	.0%
31130000 381005 TRANSFER FROM S	.00	.00	.00	.00	.00	-650,000.00	.0%
31130000 381101 TSF FROM STORMW	.00	.00	.00	-4,406,600.00	-4,406,600.00	.00	-100.0%
31130000 381302 TRANSFER FROM C	.00	.00	.00	-449,540.00	-449,540.00	.00	.0%
31130000 389101 APPROPRIATED FU	.00	.00	.00	.00	.00	-1,298,320.00	.0%
31153801 STORMWATER CAPITAL							
31153801 563203 20CBP CAPITAL- I	.00	.00	.00	.00	2,451,220.00	.00	.0%
31153801 563203 20HIW CAPITAL- I	.00	.00	.00	.00	5,000,000.00	5,000,000.00	.0%
31153801 563203 CWDRE CAPITAL- I	.00	.00	.00	.00	.00	500,000.00	.0%
31153801 563203 CWPIP CAPITAL- I	.00	.00	.00	.00	.00	300,000.00	.0%
31153801 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	650,000.00	.0%
31153801 564204 26SW1 CAPITAL- M	.00	.00	.00	93,788.57	98,000.00	.00	.0%
31153801 564204 26SW2 CAPITAL- M	.00	.00	.00	.00	24,000.00	.00	.0%
31153801 564204 26SW3 CAPITAL- M	.00	.00	.00	.00	29,600.00	.00	.0%
31153801 564204 26SW4 CAPITAL- M	.00	.00	.00	.00	17,000.00	.00	.0%
31153801 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	225,000.00	.0%
31153801 564717 26SW5 CAPITAL- V	.00	.00	.00	35,237.30	48,000.00	.00	.0%
31153801 564717 26SW6 CAPITAL- V	.00	.00	.00	216,172.64	260,000.00	.00	.0%
31153801 564717 26SW7 CAPITAL- V	.00	.00	.00	577,941.74	630,000.00	.00	.0%
31159100 STORMWATER CAPITAL							
31159100 599015 UNASSIGNED FUND	.00	.00	.00	.00	98,320.00	273,320.00	178.0%
31159100 599017 RESERVE FOR NEX	.00	.00	.00	.00	1,200,000.00	.00	.0%
TOTAL STORMWATER CAPITAL FUN	.00	.00	.00	-3,932,999.75	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL EQUIPMENT FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
31230000 CAPITAL EQUIPMENT FUND							
31230000 334406 26RDW FL DIV OF	.00	.00	.00	.00	-19,853.00	.00	.0%
31230000 337703 26HBF GRANT FUND	.00	.00	.00	.00	-700,000.00	.00	.0%
31230000 361101 INTEREST EARNIN	.00	.00	.00	1,485.37	.00	.00	.0%
31230000 364401 SURPLUS EQUIPME	.00	.00	.00	.00	.00	-95,652.00	.0%
31230000 366916 26RDW DONATIONS	.00	.00	.00	-500.00	-500.00	.00	.0%
31230000 381001 TRANSFERS FUNDS	.00	.00	.00	-4,540,553.00	-4,540,553.00	-3,379,254.00	-25.6%
31230000 381001 26RDW TRANSFERS	.00	.00	.00	-6,118.00	-6,118.00	.00	.0%
31230000 381001 CWPGR TRANSFERS	.00	.00	.00	.00	.00	-700,000.00	.0%
31230000 381004 TRANSFERS FROM	.00	.00	.00	.00	.00	-218,950.00	.0%
31230000 381302 26FD4 TRANSFER F	.00	.00	.00	-90,000.00	-90,000.00	.00	.0%
31251101 CITY COMMISSION CAPITAL EQUIP							
31251101 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	50,000.00	.0%
31251302 IT CAPITAL EQUIPMENT							
31251302 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	22,000.00	.0%
31251302 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	180,000.00	.0%
31251501 PLAN & ENG CAPITAL EQUIP							
31251501 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	90,000.00	.0%
31251902 PUBLIC WORKS ADMINISTRATION							
31251902 564717 26PW1 CAPITAL- V	.00	.00	.00	41,628.19	60,000.00	.00	.0%
31251902 564717 26PW2 CAPITAL- V	.00	.00	.00	41,628.19	55,000.00	.00	.0%
31251904 FACILITY MAINTENANCE							
31251904 564204 CWGEN CAPITAL- M	.00	.00	.00	.00	.00	300,000.00	.0%
31251904 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	175,000.00	.0%
31251904 564717 26BM1 CAPITAL- V	.00	.00	.00	56,643.52	55,000.00	.00	.0%
31252101 POLICE CAP EQUIP							
31252101 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	308,000.00	.0%
31252101 564204 26FPG CAPITAL- M	.00	.00	.00	319,118.00	.00	.00	.0%
31252101 564204 26PDR CAPITAL- M	.00	.00	.00	.00	36,000.00	.00	.0%
31252101 564204 26PHP CAPITAL- M	.00	.00	.00	32,696.00	41,066.00	.00	.0%
31252101 564204 26PLS CAPITAL- M	.00	.00	.00	11,928.00	11,928.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL EQUIPMENT FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
31252101 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	1,140,000.00	.0%
31252101 564717 26PD1 CAPITAL- V	.00	.00	.00	19,728.78	18,000.00	.00	.0%
31252101 564717 26PD2 CAPITAL- V	.00	.00	.00	298,778.93	455,000.00	.00	.0%
31252101 564717 26PD3 CAPITAL- V	.00	.00	.00	84,669.97	130,000.00	.00	.0%
31252101 564717 26PD4 CAPITAL- V	.00	.00	.00	31,035.55	50,000.00	.00	.0%
31252101 564717 26PD5 CAPITAL- V	.00	.00	.00	23,427.00	40,000.00	.00	.0%
31252201 FIRE CAP EQUIP							
31252201 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	400,856.00	.0%
31252201 564204 26EMS CAPITAL- M	.00	.00	.00	38,140.14	.00	.00	.0%
31252201 564204 26FD2 CAPITAL- M	.00	.00	.00	22,820.00	22,820.00	.00	.0%
31252201 564204 26FD3 CAPITAL- M	.00	.00	.00	47,014.65	47,100.00	.00	.0%
31252201 564204 26FD4 CAPITAL- M	.00	.00	.00	.00	90,000.00	.00	.0%
31252201 564204 26FGN CAPITAL- M	.00	.00	.00	.00	250,000.00	.00	.0%
31252201 564204 26FPG CAPITAL- M	.00	.00	.00	319,118.00	.00	.00	.0%
31252201 564204 26RDW CAPITAL- M	.00	.00	.00	26,470.43	26,471.00	.00	.0%
31252201 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	140,000.00	.0%
31252201 564717 26FD1 CAPITAL- V	.00	.00	.00	42,600.00	42,600.00	.00	.0%
31252402 CODE ENFORCEMENT CAP EQUIP							
31252402 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	45,000.00	.0%
31254101 STREETS CAP EQUIP							
31254101 564204 26CPF CAPITAL- M	.00	.00	.00	121,933.65	123,000.00	.00	.0%
31254101 564204 26HBF CAPITAL- M	.00	.00	.00	.00	1,400,000.00	.00	.0%
31254101 564204 26ST1 CAPITAL- M	.00	.00	.00	7,638.52	9,000.00	.00	.0%
31254101 564204 26ST2 CAPITAL- M	.00	.00	.00	127,467.00	127,467.00	.00	.0%
31254101 564204 26ST3 CAPITAL- M	.00	.00	.00	.00	60,000.00	.00	.0%
31254101 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	50,000.00	.0%
31254101 564717 26ST4 CAPITAL- V	.00	.00	.00	12,012.00	36,000.00	.00	.0%
31254101 564717 26ST5 CAPITAL- V	.00	.00	.00	41,628.19	55,000.00	.00	.0%
31254101 564717 26ST6 CAPITAL- V	.00	.00	.00	.00	86,000.00	.00	.0%
31257201 RECREATION CAP EQUIP							
31257201 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	120,000.00	.0%
31257201 564204 26BJB CAPITAL- M	.00	.00	.00	50,063.76	69,000.00	.00	.0%
31257201 564204 26LGS CAPITAL- M	.00	.00	.00	25,491.19	41,000.00	.00	.0%
31257201 564204 26LS1 CAPITAL- M	.00	.00	.00	.00	30,000.00	.00	.0%
31257201 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	155,000.00	.0%
31257201 564717 26LS2 CAPITAL- V	.00	.00	.00	110,881.02	130,000.00	.00	.0%
31257202 PARKS CAP EQUIP							

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CAPITAL EQUIPMENT FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
31257202 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	244,000.00	.0%
31257202 564204 26DWP CAPITAL- M	.00	.00	.00	537,938.14	537,939.00	.00	.0%
31257202 564204 26ESP CAPITAL- M	.00	.00	.00	163,570.28	187,061.00	.00	.0%
31257202 564204 26PK1 CAPITAL- M	.00	.00	.00	64,990.00	65,000.00	.00	.0%
31257202 564204 26PK2 CAPITAL- M	.00	.00	.00	.00	9,500.00	.00	.0%
31257202 564204 26PK3 CAPITAL- M	.00	.00	.00	.00	16,000.00	.00	.0%
31257202 564204 CWPGR CAPITAL- M	.00	.00	.00	.00	.00	500,000.00	.0%
31257202 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	195,000.00	.0%
31257202 564717 26PK4 CAPITAL- V	.00	.00	.00	17,500.00	17,500.00	.00	.0%
31257202 564717 26PK5 CAPITAL- V	.00	.00	.00	39,513.00	55,000.00	.00	.0%
31257202 564717 26PK6 CAPITAL- V	.00	.00	.00	53,979.30	60,000.00	.00	.0%
31257202 564717 26PK7 CAPITAL- V	.00	.00	.00	43,819.96	57,000.00	.00	.0%
31257202 564717 26PK8 CAPITAL- V	.00	.00	.00	.00	14,500.00	.00	.0%
31257204 GOLF COURSE MAINTENANCE CAP EQ							
31257204 564204 CAPITAL- MACHIN	.00	.00	.00	.00	.00	152,000.00	.0%
31257204 564204 26GC1 CAPITAL- M	.00	.00	.00	.00	80,000.00	.00	.0%
31257204 564204 26GC2 CAPITAL- M	.00	.00	.00	71,367.76	144,000.00	.00	.0%
31257204 564204 26GC3 CAPITAL- M	.00	.00	.00	11,426.91	16,637.00	.00	.0%
31257204 564204 26GC4 CAPITAL- M	.00	.00	.00	52,062.53	52,063.00	.00	.0%
31257204 564204 26GC5 CAPITAL- M	.00	.00	.00	100,299.93	100,300.00	.00	.0%
31257204 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	85,000.00	.0%
31257204 564717 26GC6 CAPITAL- V	.00	.00	.00	.00	85,000.00	.00	.0%
31257204 564717 26GC7 CAPITAL- V	.00	.00	.00	54,931.15	55,000.00	.00	.0%
31257501 SPORTS COMPLEX CAP EQUIP							
31257501 564204 25SC6 CAPITAL- M	.00	.00	.00	89,171.53	89,172.00	.00	.0%
31257501 564204 26SC1 CAPITAL- M	.00	.00	.00	45,644.00	48,000.00	.00	.0%
31257501 564204 26SC2 CAPITAL- M	.00	.00	.00	16,575.19	18,000.00	.00	.0%
31257501 564204 26SC4 CAPITAL- M	.00	.00	.00	7,900.00	7,900.00	.00	.0%
31257501 564204 26SC5 CAPITAL- M	.00	.00	.00	13,533.67	.00	.00	.0%
31257501 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	42,000.00	.0%
31257501 564717 26SC3 CAPITAL- V	.00	.00	.00	28,603.14	44,000.00	.00	.0%
TOTAL CAPITAL EQUIPMENT FUND	.00	.00	.00	-1,268,298.46	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

2025 TURNBULL GO BOND CAP FUND	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
31330000 2025 TURNBULL CAP PROJECT FUND							
31330000 361101 INTEREST EARNIN	.00	.00	.00	-47,421.82	-100,000.00	.00	.0%
31330000 384001 LOAN PROCEEDS	.00	.00	.00	-5,500,000.00	-5,500,000.00	.00	.0%
31330000 389101 APPROPRIATED FU	.00	.00	.00	.00	.00	-1,000,000.00	.0%
31353701 2025 TURNBULL CAP PROJECT FUND							
31353701 561202 19TBP LAND - PUR	.00	.00	.00	.00	5,532,402.00	990,000.00	-82.1%
31353701 561210 19TBP LAND - PRO	.00	.00	.00	753,659.25	20,000.00	10,000.00	-50.0%
31358201 2025 TURNBULL CREEK LOAN							
31358201 573002 DEBT ISSUANCE C	.00	.00	.00	47,597.50	47,598.00	.00	.0%
TOTAL 2025 TURNBULL GO BOND	.00	.00	.00	-4,746,165.07	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

SANITATION			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
40530000		SANITATION REVENUE							
40530000	343401	SOLID WASTE/GAR	-7,815,826.58	-8,405,869.87	-9,943,634.93	-6,175,569.84	-10,565,623.00	.00	-100.0%
40530000	343402	RECYCLING REVEN	-957,405.98	-974,722.09	.00	.00	.00	.00	.0%
40530000	343411	SPECIAL GARBAGE	-32,028.72	-35,787.93	-40,356.05	-38,290.00	-52,500.00	.00	-100.0%
40530000	343450	SPECIAL PICK-UP	-1,144.84	-347.34	-362.45	-382.00	-782.00	.00	-100.0%
40530000	359405	FINES SOLID WAS	.00	.00	-8,900.00	-26,950.00	-3,800.00	.00	-100.0%
40530000	361101	INTEREST EARNIN	-26,607.44	-29,230.37	-67,069.53	-43,219.94	-67,192.00	.00	-100.0%
40530000	361103	INTEREST PROFIT	.00	-14,845.81	-3,385.68	.00	.00	.00	.0%
40530000	366990	REIMBURSEMENT	.00	.00	.00	.00	-40,918.00	.00	.0%
40530000	366999	MISCELLANEOUS R	-40,917.96	-46,584.87	-44,912.52	-27,278.64	.00	.00	.0%
40530000	389101	APPROPRIATED FU	.00	.00	.00	.00	-3,564,455.00	-3,765,424.00	5.6%
40553401		SANITATION							
40553401	512001	REGULAR SALARY	81,651.97	83,289.62	69,513.65	60,585.85	91,971.00	.00	-100.0%
40553401	514001	REGULAR OVERTIM	1,140.66	107.40	951.51	190.08	1,000.00	.00	-100.0%
40553401	515001	SICK INC./PERSO	131.00	2,864.64	618.43	.00	2,000.00	.00	-100.0%
40553401	521001	FICA	5,879.40	5,912.52	5,234.31	4,614.38	7,377.00	.00	-100.0%
40553401	522003	DC PLAN	6,541.38	6,652.37	6,701.49	5,554.11	9,643.00	.00	-100.0%
40553401	523002	FLORIDA HEALTH	25,709.67	24,675.51	8,005.59	6,511.01	15,264.00	.00	-100.0%
40553401	523008	MET LIFE DENTAL	1,320.37	1,268.95	846.62	633.96	1,093.00	.00	-100.0%
40553401	523009	MUTUAL OF OMAHA	591.70	593.97	548.03	527.55	820.00	.00	-100.0%
40553401	524001	WC	3,507.70	4,939.23	5,061.00	214.81	187.00	.00	-100.0%
40553401	529999	OPEB	-1,769.00	-5,525.72	-2,401.40	.00	.00	.00	.0%
40553401	534007	COLLECTION FEES	94,284.03	93,874.61	99,548.67	61,820.75	114,293.00	.00	-100.0%
40553401	534019	LANDFILL CHARGE	1,187,773.89	1,239,956.91	1,306,892.31	935,685.09	1,390,000.00	.00	-100.0%
40553401	534020	RECYCLING PROGR	979,160.94	1,032,531.31	1,094,261.28	764,323.08	1,206,700.00	.00	-100.0%
40553401	534022	CONTRACTED SOLI	5,692,990.53	6,007,779.50	6,335,051.10	4,442,625.81	6,753,492.00	.00	-100.0%
40553401	534099	OTHER CONTRACTU	.00	.00	3,422.50	31,900.00	36,950.00	.00	.0%
40553401	541003	MOBILE PHONE CH	1,180.33	1,415.11	1,821.44	1,529.12	2,160.00	.00	-100.0%
40553401	541005	GPS SERVICES	84.55	205.07	208.09	.00	209.00	.00	-100.0%
40553401	545001	LIABILITY INSUR	63,684.76	79,869.75	67,300.00	3,002.44	3,003.00	.00	-100.0%
40553401	545002	AUTO AND PROPER	461.43	458.25	506.59	.00	.00	.00	.0%
40553401	546350	FLEET MAINTENAN	978.95	2,624.57	1,689.54	1,156.00	2,839.00	.00	-100.0%
40553401	549099	OTHER CURR CHGS	29,866.94	9,541.43	2,529.11	4,086.44	10,000.00	.00	-100.0%
40553401	549999	BAD DEBT EXPENS	-178.01	-110.71	615.83	.00	.00	.00	.0%
40553401	551001	OFFICE SUPPLY	1,448.62	1,222.78	1,457.91	343.78	1,500.00	.00	-100.0%
40553401	551005	OFFICE SMALL MA	.00	599.99	.00	.00	.00	.00	.0%
40553401	552001	GAS/OIL	342.81	215.86	594.64	780.79	1,639.00	.00	-100.0%
40553401	552004	UNIFORMS	.00	.00	.00	41.49	375.00	.00	-100.0%
40553401	552012	COMPUTER HRDWR/	186.47	.00	.00	.00	.00	.00	.0%
40553401	552099	OTHER OPER SUPP	1,360.26	1,409.84	1,462.72	.00	1,300.00	.00	-100.0%
40553401	554001	MEMBERSHIPS & S	275.00	95.00	85.00	170.00	300.00	.00	-100.0%
40553401	554004	SEMINAR/CONF RE	.00	.00	.00	700.00	1,225.00	.00	.0%
40553401	559002	O/H OPERATING E	114,445.00	76,045.00	81,110.00	.00	.00	.00	.0%
40553401	564717	CAPITAL- VEHICL	.00	.00	.00	355,201.94	355,202.00	.00	.0%
40553401	569001	DEPRECIATION EX	2,592.80	2,592.80	2,592.80	.00	.00	.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

SANITATION	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
40558101 INTERFUND TRANSFER							
40558101 500001 OHALC TSF TO GEN	.00	.00	.00	716,546.00	716,546.00	.00	-100.0%
40558101 500005 TRANSFER TO FUN	.00	.00	.00	.00	.00	3,765,424.00	.0%
40559100 RESERVES							
40559100 599010 REQUIRED RESERV	.00	.00	.00	.00	2,063,134.00	.00	-100.0%
40559100 599015 UNASSIGNED RESE	.00	.00	.00	.00	1,505,048.00	.00	-100.0%
TOTAL SANITATION	-578,287.37	-832,282.72	-1,012,392.40	1,087,054.06	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CITY MARINA			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
40830000	CITY MARINA REVENUE								
40830000	343502	SEWER PUMP OUT	-18.80	.00	-14.09	-103.29	-100.00	.00	.0%
40830000	349201	PUBLIC RECORD R	-325.00	-1,653.51	.00	.00	.00	.00	.0%
40830000	361101	INTEREST EARNIN	-15,165.82	-16,636.93	-7,849.92	-504.21	-700.00	-4,020.00	474.3%
40830000	361103	INTEREST PROFIT	.00	-3,222.55	-734.92	.00	.00	.00	.0%
40830000	362203	ANNUAL SLIP REN	-183,512.78	-196,687.00	-200,756.19	-216,575.55	-295,868.00	-308,730.00	4.3%
40830000	362213	MARINA LIVE ABO	-2,375.00	.00	.00	.00	.00	.00	.0%
40830000	362214	MARINA YRLY RES	-18,876.75	-21,130.00	-13,437.41	-13,425.32	-18,500.00	-19,000.00	2.7%
40830000	362215	TRANSIENT SLIP	-119,196.62	-106,852.00	-120,400.40	-105,343.39	-130,054.00	-145,000.00	11.5%
40830000	362216	TRANSIENT UTILI	-10,604.00	-9,746.00	-8,918.00	-9,811.00	-10,800.00	-13,000.00	20.4%
40830000	366999	MISCELLANEOUS R	.00	.00	-459.30	-596.01	.00	.00	.0%
40830000	369915	VENDING SALES	-422.00	-280.00	-100.00	-117.00	.00	.00	.0%
40830000	389101	APPROPRIATED FU	.00	.00	.00	.00	.00	-95,522.00	.0%
40857503	CITY MARINA								
40857503	512001	REGULAR SALARY	126,594.79	130,003.08	133,246.52	103,880.19	164,274.00	163,870.00	-.2%
40857503	514001	REGULAR OVERTIM	.00	.00	.00	.00	1,000.00	1,000.00	.0%
40857503	515001	SICK INC./PERSO	5,008.00	598.80	4,217.60	.00	.00	.00	.0%
40857503	521001	FICA	9,485.23	9,926.61	9,973.90	7,690.63	12,835.00	12,626.00	-1.6%
40857503	522003	DC PLAN	5,438.28	5,545.04	5,805.41	3,371.59	8,316.00	7,988.00	-3.9%
40857503	523002	FLORIDA HEALTH	13,848.25	15,141.19	15,337.66	10,601.03	24,264.00	16,390.00	-32.5%
40857503	523008	MET LIFE DENTAL	506.83	543.70	544.95	397.07	1,042.00	614.00	-41.1%
40857503	523009	MUTUAL OF OMAHA	538.32	554.55	609.59	374.07	627.00	813.00	29.7%
40857503	524001	WC	5,261.59	7,408.84	7,592.00	8,820.87	7,676.00	7,751.00	1.0%
40857503	529999	OPEB	-883.00	-2,762.38	-1,111.31	.00	.00	.00	.0%
40857503	534001	EXTERMINATOR SE	500.00	666.00	672.00	507.00	900.00	900.00	.0%
40857503	534204	LANDSCAPING SER	7,053.48	6,174.96	6,174.96	6,194.94	10,860.00	7,000.00	-35.5%
40857503	541001	PHONE CHARGES	6,829.49	6,391.46	6,632.21	4,500.17	7,160.00	6,260.00	-12.6%
40857503	541003	MOBILE PHONE CH	483.53	564.72	479.26	292.65	534.00	500.00	-6.4%
40857503	543001	ELECTRIC AND WA	27,230.28	27,302.68	19,991.64	9,811.83	24,000.00	29,000.00	20.8%
40857503	543002	NATURAL GAS	869.13	853.17	867.47	727.50	1,000.00	1,000.00	.0%
40857503	544001	ANNUAL EQUIPMEN	12,555.70	7,010.62	5,726.28	201.36	205.00	.00	-100.0%
40857503	544012	LAND LEASE	.00	.00	.00	18,468.82	25,262.00	28,320.00	12.1%
40857503	545001	LIABILITY INSUR	7,210.48	9,958.32	7,338.32	16,892.79	16,893.00	15,825.00	-6.3%
40857503	545002	AUTO AND PROPER	948.76	2,569.46	2,945.14	.00	.00	.00	.0%
40857503	546201	REPAIR & MAINTE	5,624.34	1,990.23	32,256.75	8,062.15	10,000.00	25,000.00	150.0%
40857503	546343	FIRE EXTINGUISH	159.09	120.00	314.08	120.00	200.00	200.00	.0%
40857503	546401	REPAIR & MAINT-	100.00	.00	.00	.00	.00	.00	.0%
40857503	548001	PROMOTIONAL EXP	500.00	.00	.00	.00	400.00	10,000.00	2400.0%
40857503	549085	CASH OVER/SHORT	.03	.04	-.01	.45	.00	.00	.0%
40857503	549095	BAC CHARGES	5,324.94	5,413.19	2,767.99	.00	.00	.00	.0%
40857503	549099	OTHER CURR CHGS	10,983.90	3,364.42	154.77	3,117.01	11,000.00	10,000.00	-9.1%
40857503	549999	BAD DEBT EXPENS	-5,209.64	101.08	-101.08	.00	.00	.00	.0%
40857503	551001	OFFICE SUPPLY	586.32	281.40	2,262.45	496.16	500.00	500.00	.0%
40857503	551005	OFFICE SM MACHI	.00	.00	191.65	.00	.00	.00	.0%
40857503	552002	JANITOR SUPPLIE	1,160.88	570.02	536.72	271.17	1,200.00	1,100.00	-8.3%
40857503	552004	UNIFORMS	.00	.00	.00	.00	300.00	300.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

CITY MARINA	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
40857503 552051 SMALL MACHINE/E	120.00	337.77	2,173.67	1,622.00	.00	.00	.0%
40857503 552099 OTHER OPER SUPP	.00	3,959.91	.00	.00	.00	.00	.0%
40857503 559002 O/H OPERATING E	95,028.00	91,508.00	.00	.00	.00	.00	.0%
40857503 563203 22MDR CAPITAL- I	-.03	.00	.00	.00	.00	.00	.0%
40857503 563203 26MDF CAPITAL- I	.00	.00	.00	31,580.00	31,580.00	.00	.0%
40857503 569001 DEPRECIATION EX	18,343.15	16,697.04	39,932.47	.00	.00	.00	.0%
40857503 569002 AMORTIZATION EX	5,044.00	5,044.20	.00	.00	.00	.00	.0%
40857503 572001 INTEREST	981.00	856.07	.00	69.82	.00	.00	.0%
40858101 CITY MANRINA TRANSFER							
40858101 500001 OHALC TSF TO GEN	.00	.00	.00	23,134.00	23,134.00	87,853.00	279.8%
40859100 RESERVES							
40859100 599010 REQUIRED RESERV	.00	.00	.00	.00	50,929.00	52,044.00	2.2%
40859100 599015 UNASSIGNED FUND	.00	.00	.00	.00	19,931.00	98,418.00	393.8%
TOTAL CITY MARINA	17,728.35	2,486.20	-45,137.17	-85,270.50	.00	.00	.0%

CITY OF NEW SMYRNA BEACH

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

FLEET MAINTENANCE			2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
50130000	GARAGE REVENUE								
50130000	349201	PUBLIC RECORD R	-6,936.14	-1,088.80	.00	.00	.00	.00	.0%
50130000	361101	INTEREST EARNIN	-10,957.73	-21,816.10	-11,191.11	-1,742.84	-2,770.00	-5,000.00	80.5%
50130000	361103	INTEREST PROFIT	.00	-6,933.88	-1,581.32	.00	.00	.00	.0%
50130000	381130	TRANSFER FROM A	-750,000.00	.00	.00	.00	.00	.00	.0%
50130000	389101	APPROPRIATED FU	.00	.00	.00	.00	-87,424.00	-446,635.00	410.9%
50130000	399101	REVENUE PARTS	-176,400.32	-225,384.25	-329,195.33	-193,714.62	-300,000.00	-387,500.00	29.2%
50130000	399102	REVENUE GAS AND	-700,942.16	-663,825.25	-699,827.33	-473,986.13	-731,250.00	-747,500.00	2.2%
50130000	399103	FLEET CHARGES	-193,907.31	-276,249.94	-295,305.05	-384,395.00	-442,680.00	-442,680.00	.0%
50130000	399104	SPECIALTY PARTS	-22,195.13	-10,898.05	-5,846.23	.00	.00	-12,500.00	.0%
50130000	399108	REVENUE OUTSIDE	-316,716.62	-470,511.22	-450,316.14	-291,927.68	-489,610.00	-600,000.00	22.5%
50130000	399202	REVENUE GAS/OIL	-23,769.65	-24,128.15	-30,393.30	-20,634.44	-13,300.00	-12,500.00	-6.0%
50151905	FLEET MAINTENANCE								
50151905	512001	REGULAR SALARY	197,355.91	212,392.74	234,219.30	164,686.65	245,834.00	248,867.00	1.2%
50151905	514001	REGULAR OVERTIM	3,548.06	484.59	3,587.19	.00	1,000.00	1,000.00	.0%
50151905	515001	SICK INC./PERSO	739.50	10,809.57	10,491.90	.00	10,000.00	10,000.00	.0%
50151905	515006	SHOE ALLOWANCE	669.22	611.55	600.00	600.00	600.00	600.00	.0%
50151905	515007	TOOLS ALLOWANCE	750.00	500.00	500.00	750.00	750.00	750.00	.0%
50151905	521001	FICA	14,871.45	16,038.96	17,990.21	11,857.62	19,876.00	20,003.00	.6%
50151905	522003	DC PLAN	19,530.67	19,836.82	21,616.42	14,296.13	25,982.00	25,987.00	.0%
50151905	523002	FLORIDA HEALTH	41,684.41	45,862.95	48,452.68	36,551.44	57,454.00	53,243.00	-7.3%
50151905	523003	HEALTH SAVINGS	769.23	.00	.00	.00	.00	.00	.0%
50151905	523008	MET LIFE DENTAL	1,641.75	1,592.38	1,698.53	1,376.40	2,313.00	2,006.00	-13.3%
50151905	523009	MUTUAL OF OMAHA	1,459.71	1,684.26	1,874.33	1,505.94	2,625.00	2,622.00	-.1%
50151905	524001	WC	7,015.44	9,878.46	10,122.00	9,184.89	9,185.00	8,078.00	-12.1%
50151905	525001	UNEMPLOYMENT	.00	.00	550.00	.00	.00	.00	.0%
50151905	529999	OPEB	-3,532.00	-11,048.75	-4,624.00	.00	.00	.00	.0%
50151905	531099	OTHER PROFESSIO	.00	7,940.00	.00	.00	.00	.00	.0%
50151905	534012	COMPUTER CONTRA	3,887.66	7,222.83	8,258.95	36,000.00	42,000.00	45,000.00	7.1%
50151905	534021	WASTE OIL/FILTE	370.00	735.00	569.00	570.00	800.00	800.00	.0%
50151905	534099	23FT1 OTHER CONT	.00	.00	864.00	2,376.00	.00	.00	.0%
50151905	541001	PHONE CHARGES	318.58	.00	.00	.00	700.00	.00	.0%
50151905	541003	MOBILE PHONE CH	2,241.63	2,830.23	4,545.30	1,990.11	3,120.00	1,800.00	-42.3%
50151905	541005	GPS SERVICES	422.50	938.75	9,446.78	.00	1,045.00	1,045.00	.0%
50151905	543001	ELECTRIC AND WA	6,505.60	7,757.22	11,204.91	3,898.49	11,000.00	12,000.00	9.1%
50151905	543002	NATURAL GAS	645.70	1,134.19	1,529.68	1,078.88	1,500.00	2,000.00	33.3%
50151905	544001	ANNUAL EQUIPMEN	147.15	.00	.00	.00	.00	.00	.0%
50151905	545001	LIABILITY INSUR	9,191.60	19,601.00	12,588.00	21,280.64	21,281.00	22,485.00	5.7%
50151905	545002	AUTO AND PROPER	3,706.01	6,445.52	7,981.95	.00	.00	.00	.0%
50151905	546001	ANNUAL MAINT CO	.00	.00	1,502.55	1,500.00	1,500.00	1,500.00	.0%
50151905	546201	REPAIR & MAINTE	25,142.84	2,486.41	10,955.04	4,203.85	22,443.00	22,500.00	.3%
50151905	546339	R&M FUEL PUMP	4,758.00	.00	.00	.00	.00	.00	.0%
50151905	546343	FIRE EXTINGUISH	156.00	96.00	144.00	132.00	150.00	175.00	16.7%
50151905	546350	FLEET MAINTENAN	794.21	.00	.00	.00	.00	.00	.0%
50151905	549999	BAD DEBT EXPENS	-312.65	.05	-.05	.00	.00	.00	.0%
50151905	551001	OFFICE SUPPLY	2,349.43	2,414.35	4,059.96	391.28	2,500.00	2,500.00	.0%

NEXT YEAR BUDGET HISTORICAL COMPARISON

PROJECTION: 2027 2026.27 PROPOSED BUDGET FOR PERIOD 99

ACCOUNTS FOR:

FLEET MAINTENANCE	2023 ACTUAL	2024 ACTUAL	2025 ACTUAL	2026 ACTUAL	2026 AMENDED BUDGET	2027 PROPOSED BUDGET	PCT CHANGE
50151905 551005 OFFICE MACHINE	.00	24.99	.00	.00	1,000.00	1,200.00	20.0%
50151905 552001 GAS/OIL	1,539.09	.00	.00	.00	.00	.00	.0%
50151905 552002 JANITOR SUPPLIE	591.61	305.80	600.00	845.00	600.00	600.00	.0%
50151905 552004 UNIFORMS	2,499.13	1,631.29	1,600.00	649.99	1,800.00	1,800.00	.0%
50151905 552012 24FGP COMPUTER H	.00	4,776.42	.00	.00	.00	.00	.0%
50151905 552012 24FTS COMPUTER H	.00	11,039.16	.00	.00	.00	.00	.0%
50151905 552066 SHOP EQUIPMENT	6,697.86	3,370.00	3,098.59	87.41	4,500.00	5,500.00	22.2%
50151905 554001 MEMBERSHIPS & S	.00	.00	.00	.00	500.00	677.00	35.4%
50151905 554005 EDUCATION & TRA	.00	2,149.00	5,349.00	659.00	10,000.00	10,000.00	.0%
50151905 555001 COST OF GOODS S	193,493.34	175,700.92	270,481.37	156,105.59	240,000.00	320,000.00	33.3%
50151905 555005 COST OF GOODS S	718,284.20	668,225.40	611,534.05	462,192.25	625,000.00	650,000.00	4.0%
50151905 555006 COST OF GOODS S	225,998.88	321,732.25	370,367.76	289,753.18	391,688.00	480,000.00	22.5%
50151905 555014 COGS-LUBE AND O	763.62	7,945.95	6,048.66	.00	10,000.00	10,000.00	.0%
50151905 564204 25FL1 CAPITAL- M	.00	.00	.00	31,756.36	31,800.00	.00	.0%
50151905 564717 CAPITAL- VEHICL	.00	.00	.00	.00	.00	75,000.00	.0%
50151905 564717 22FL1 CAPITAL- V	23,455.00	.00	.00	.00	.00	.00	.0%
50151905 567201 CAPITAL OUTLAY	-23,455.00	.00	.00	.00	.00	.00	.0%
50151905 569001 DEPRECIATION EX	31,201.83	25,665.78	30,788.66	.00	.00	.00	.0%
50151905 569003 AMORTIZATION EX	.00	10,080.00	24,192.00	.00	.00	.00	.0%
50159100 RESERVES							
50159100 599015 UNASSIGNED FUND	.00	.00	.00	.00	266,488.00	614,577.00	130.6%
TOTAL FLEET MAINTENANCE	-673,927.89	-99,943.60	-78,867.09	-110,121.61	.00	.00	.0%
TOTAL REVENUE	-53,939,522.58	-67,380,615.96	-53,417,039.58	-64,994,022.04	-143,781,123.00	-108,374,121.00	.0%
TOTAL EXPENSE	49,525,680.21	60,180,989.42	61,136,808.48	74,047,499.01	143,781,123.00	108,374,121.00	.0%
GRAND TOTAL	-4,413,842.37	-7,199,626.54	7,719,768.90	9,053,476.97	.00	.00	.0%

Fiscal Year 2027 Budget Workshop

July 16, 2026

Fiscal Year 2027 Budget Workshop

Agenda

- Budget Workshop Decision Points
- Property Tax Reform
- Fire Assessment
- FY 2027 City Manager’s Proposed Budget - Budget Framework
- FY 2027 City Manager’s Proposed Budget - Overview
- FY 2027 City Manager’s Proposed Budget - Revenues
- FY 2027 City Manager’s Proposed Budget - Expenses
- Feedback and Next Steps

Budget Workshop Decision Points

1. Fire Assessment
2. Millage Rate
3. Stormwater Rate
4. Parking Rates
5. Marina Rates
6. Business Tax Receipts
7. Wage Cost-of-Living Adjustment (COLA)

Property Tax Reform

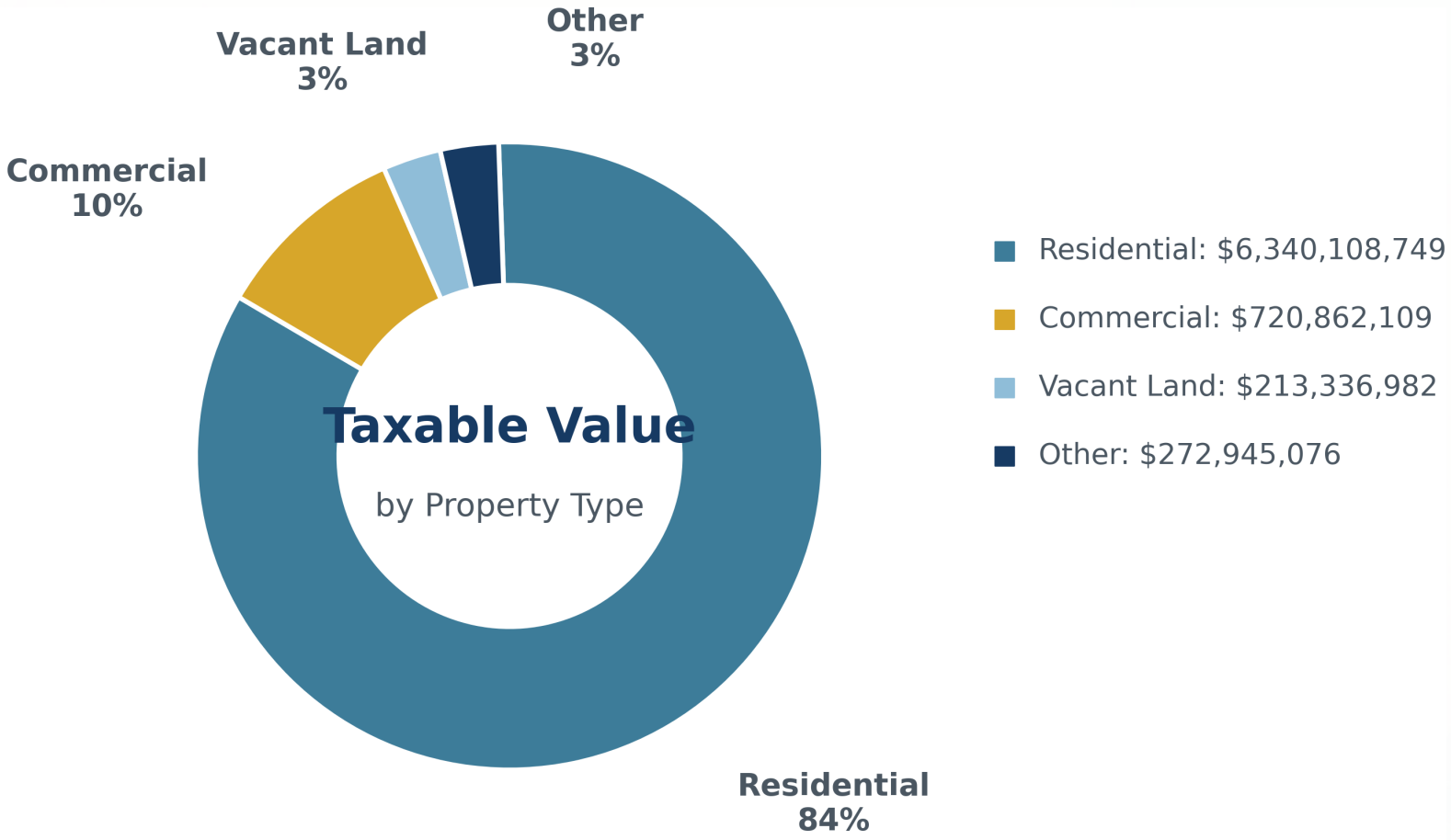
Property Tax Reform Ballot Measure 1

In Nov 2026, voters will decide whether to:

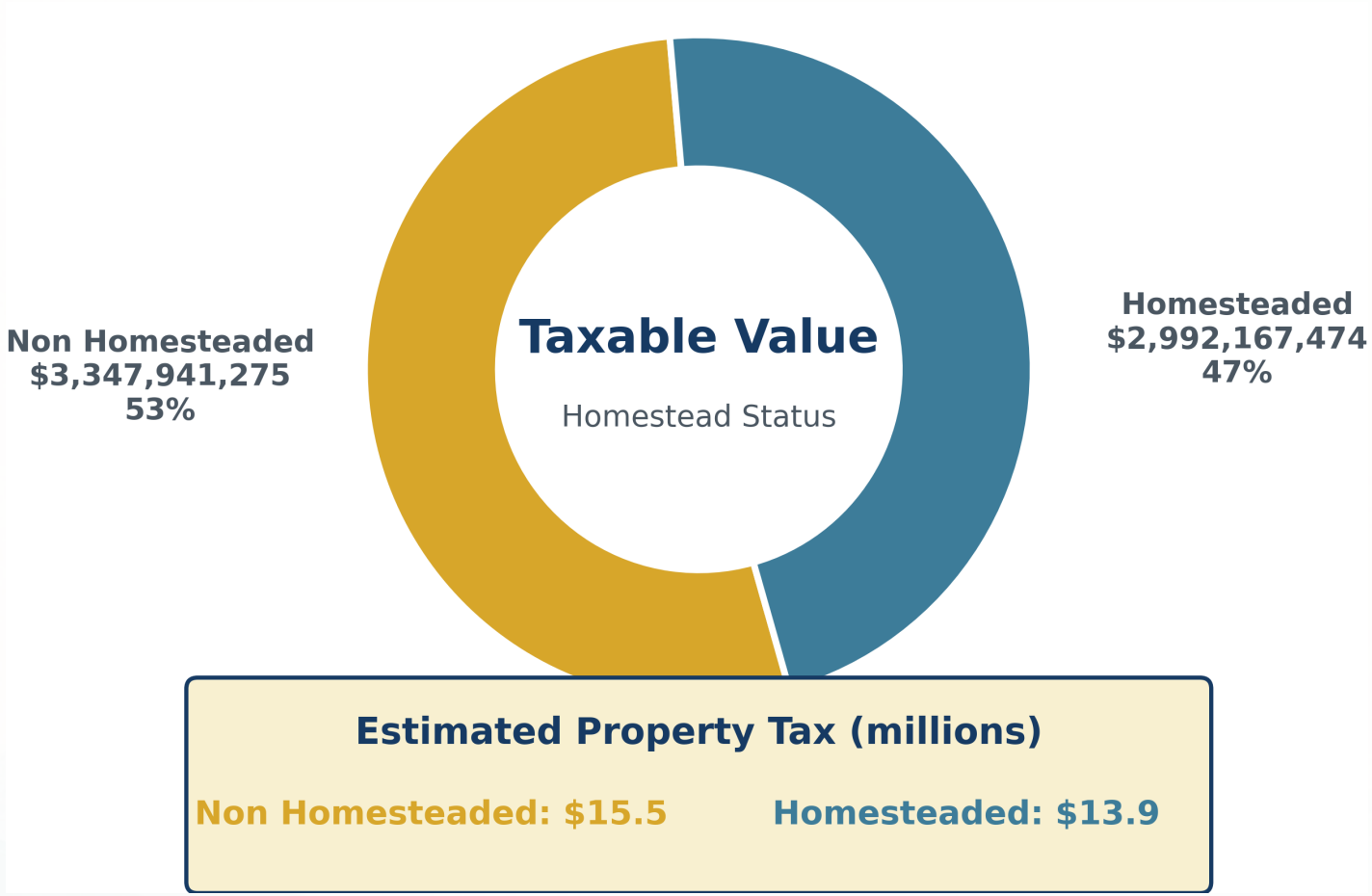
1) Reduce homestead property taxes by increasing the homestead exemption from $50,000 to $150,000 in 2027 (FY 2028) and to $250,000 in 2028 (FY 2029).

    - If approved, local governments will experience substantial reductions in property tax revenue, increasing the need to evaluate alternative funding sources for essential services.

Property Values



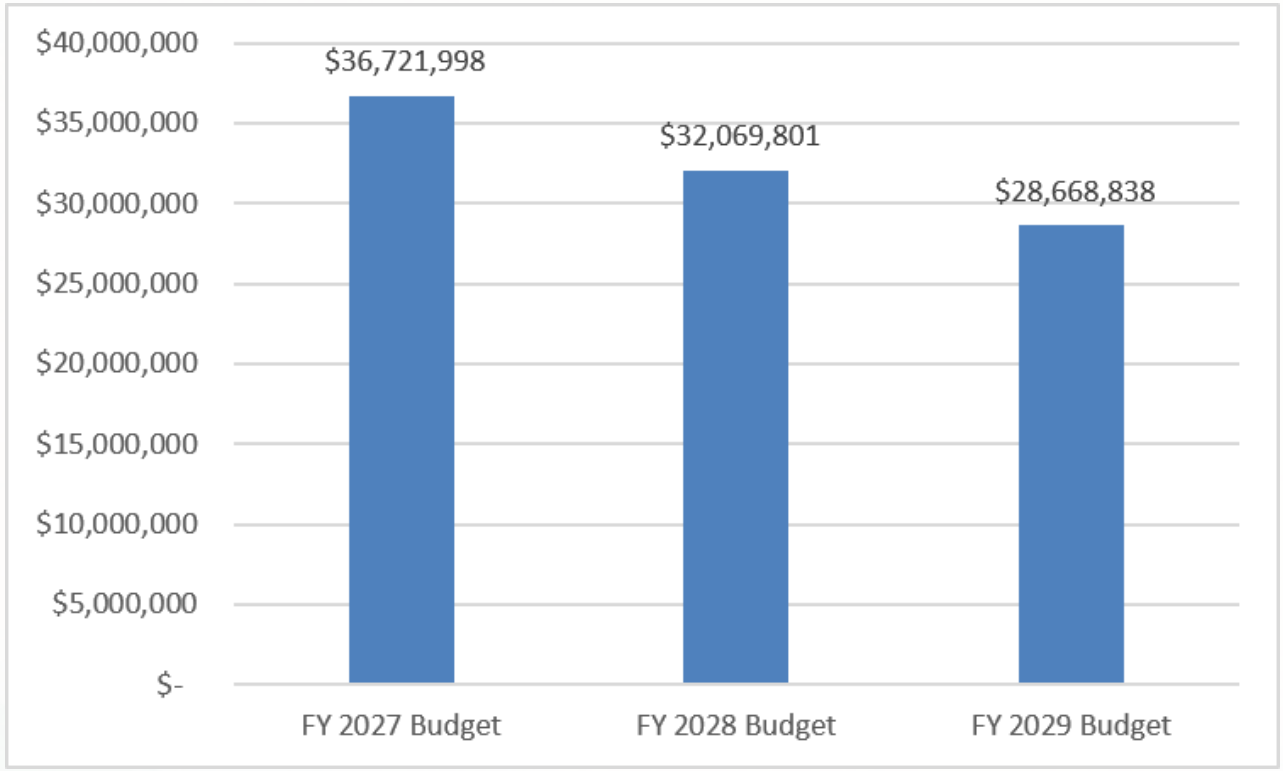
Property Values



Estimated Property Tax (millions)

Non Homesteaded: $15.5 **Homesteaded: $13.9**

Property Tax Reform Fiscal Impact



- $4,652,198 (12.7%) Year 1
- $3,400,962 (10.6%) Year 2
- $8,053,160 (21.9%) cumulative
- Equates to 1.0169 mills

Property Tax Reform Fiscal Impact

FY 2027	FY 2028	FY 2029
Surplus	Shortfall	Shortfall
$4,257,488	($1,354,093)	($5,912,284)

Fiscal Year	Property Taxes	Public Safety Expense	Excess / (Shortfall)
FY 2027	$32,952,981	$28,695,493	$4,257,488
FY 2028	$28,776,175	$30,130,268	($1,354,093)
FY 2029	$25,724,497	$31,636,781	($5,912,284)

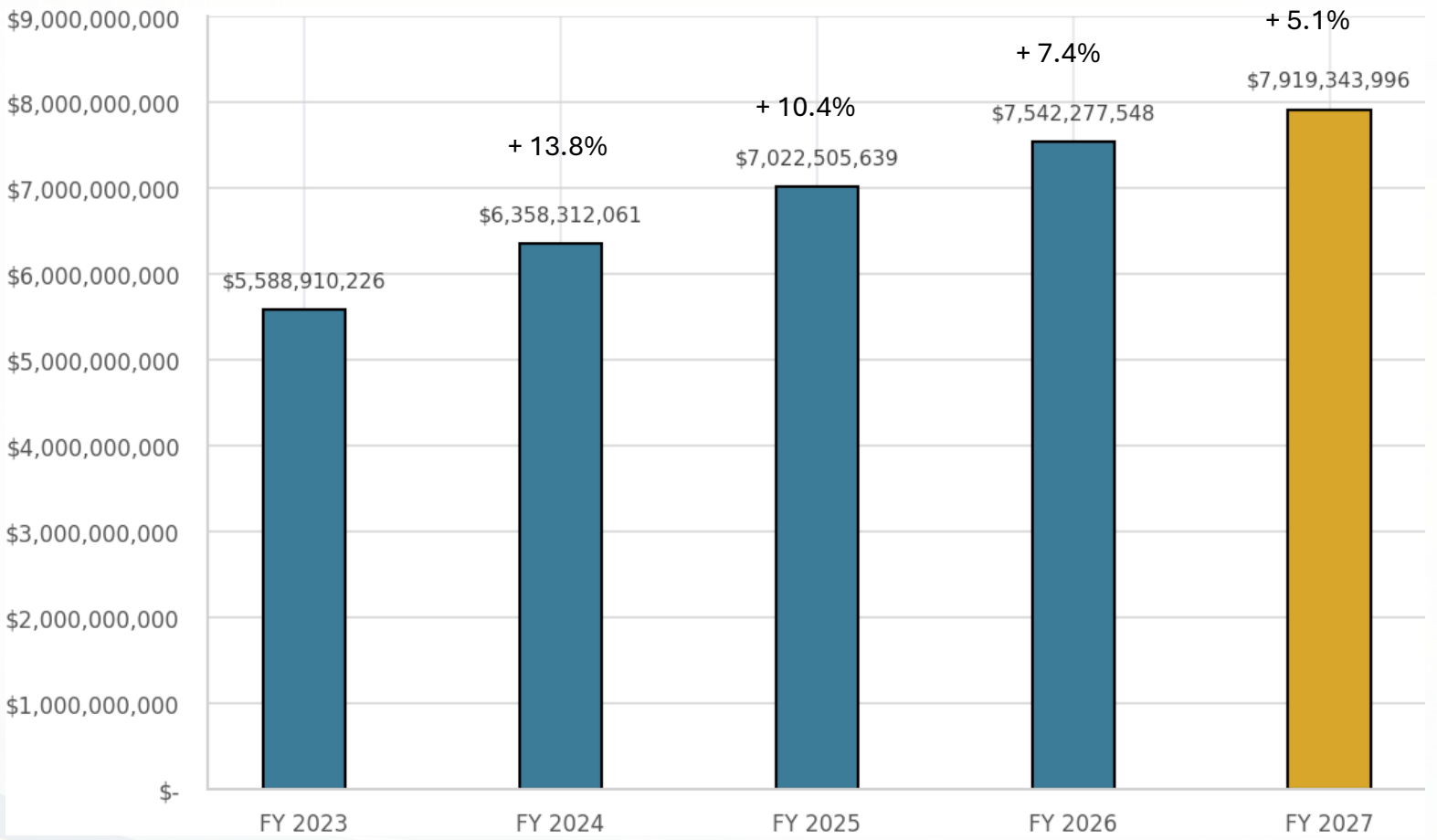
Property Tax Reform Ballot Measure 2

In Nov 2026, voters will decide whether to:

2) Reduce the maximum annual increase in assessed value for non-homestead properties from 10.0% to 5.0%.

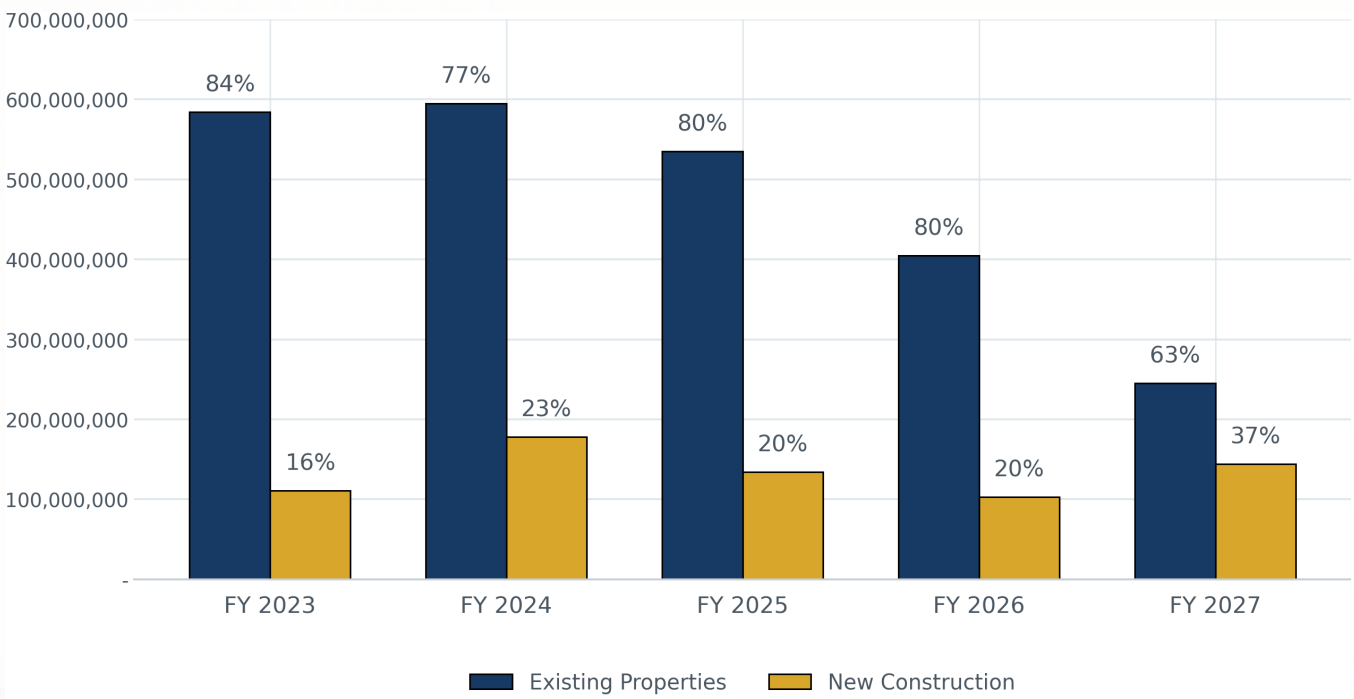
- Affects rental homes, second homes, and commercial property by limiting future taxable value growth.
- Homestead property cap will remain at 3.0%.

Property Value Growth Trend



Property Values

Growth Attributable to Existing/New Properties



Property Value Growth

- 14.1% FY 2023
- 13.8% FY 2024
- 10.4% FY 2025
- 7.4% FY 2026
- 5.1% FY 2027

Ideas to Address Property Tax Reform Revenue Loss



Fire Assessment

Fire Assessment Background

- FY 2026 Budget Workshops included discussions on revenue diversification and the potential use of a fire assessment to fund fire protection services.
- Benesch was engaged in fall 2025 to prepare a Fire Assessment Study.
- The Fire Assessment Study was presented to the City Commission on July 14.
- Multiple implementation and phase-in options were presented for Commission consideration.

Fire Assessment Background

Fire Assessments fund Basic Life Support (BLS) costs only:

- **BLS** helps keep a patient stable.
- **Advanced Life Support (ALS)** provides advanced medical treatment that can save lives during serious emergencies.

Fire Assessment BLS/ALS Examples

Basic Life Support (BLS)	Advanced Life Support (ALS)
CPR	Advanced cardiac life support
Automated External Defibrillator (AED)	Cardiac monitoring (EKG)
Oxygen administration	Intravenous (IV) medications
Bleeding control	Advanced airway management
Bandaging and wound care	Endotracheal intubation
Splinting broken bones	Medication administration
Basic airway support	Cardiac rhythm interpretation
Assisting with prescribed medications	Treatment of heart attacks
Basic patient assessment	Treatment of strokes
Transport and patient stabilization	Treatment of severe trauma
Often provided by EMTs	Typically provided by paramedics

Fire Assessment Proposed Rates

Residential

		PHASED APPROACH			
	FY 2027	FY 2027	FY 2028	FY 2029	FY 2030
Square Footage Range	100%	25%	50%	75%	100%
Single Family Tiering					
1 to 1,299 sf	$ 304	$ 76	$ 152	$ 228	$ 304
1,300 to 1,699 sf	$ 340	$ 85	$ 170	$ 255	$ 340
1,700 to 2,099 sf	$ 365	$ 91	$ 183	$ 274	$ 365
2,100 sf or more	$ 426	$ 107	$ 213	$ 320	$ 426
Multi-Family Tiering					
1 to 899 sf	$ 268	$ 67	$ 134	$ 201	$ 268
900 to 1,099 sf	$ 282	$ 71	$ 141	$ 212	$ 282
1,100 to 1,299 sf	$ 289	$ 72	$ 145	$ 217	$ 289
1,300 sf or more	$ 317	$ 79	$ 159	$ 238	$ 317

Fire Assessment Proposed Rates

Non-Residential Rates

	FY 2027	PHASED APPROACH			
		FY 2027	FY 2028	FY 2029	FY 2030
Proprty Type	100%	25%	50%	75%	100%
Commercial	$ 0.525	$ 0.1313	$ 0.2625	$ 0.3938	$ 0.5250
Industrial/Warehouse	$ 0.321	$ 0.0803	$ 0.1605	$ 0.2408	$ 0.3210
Institutional	$ 0.370	$ 0.0925	$ 0.1850	$ 0.2775	$ 0.3700
Government	$ 0.337	$ 0.0843	$ 0.1685	$ 0.2528	$ 0.3370

Building sizes are grouped into progressively larger square-footage tiers, with smaller buildings categorized in narrower ranges and larger buildings grouped into broader ranges to simplify the assessment calculation.

Fire Assessment Proposed Rates

Vacant Land

	FY 2027
Property Type	100%
Vacant Land	$ 36.00

PHASED APPROACH			
FY 2027	FY 2028	FY 2029	FY 2030
25%	50%	75%	100%
$ 9.00	$ 18.00	$ 27.00	$ 36.00

Fire Assessment Scenarios

Scenario 1: Fully implement Fire Assessment rates beginning in FY 2027.

- Generates approximately $10.2 million in revenue.
- Benefits of implementing the full rate in Year 1:
    - Fully funds fire services immediately.
    - Reduces reliance on property taxes sooner.
    - Generates the maximum assessment revenue from the start.
    - Avoids future annual assessment increases associated with a phased-in approach.
    - Provides greater budget certainty and revenue stability.

Fire Assessment Scenarios

Scenario 2: Gradually Implement Fire Assessment rates over a four-year period beginning in FY 2027 (25% per year).

- Generates approximately $2.5 million in revenue in year 1.
- Benefits of a phased in approach:
    - Reduces immediate cost increase for property owners.
    - Gives residents time to adjust their household budgets.
    - Provides flexibility if economic conditions or service needs change.
    - Fire assessment revenue stream closely aligns with potential property tax revenue loss.

Fire Assessment Fiscal Impact

	100%	100%	100%	100%
Scenario 1	**FY 2027**	**FY 2028**	**FY 2029**	**FY 2030**
Fully Implement Fire Assessment	$ 10,209,333	$ 10,209,333	$ 10,209,333	$ 10,209,333
Property Tax Revenue Loss	$ -	$ (4,652,198)	$ (8,053,160)	$ (8,053,160)
Net Revenue	**$ 10,209,333**	**$ 5,557,135**	**$ 2,156,173**	**$ 2,156,173**

	25%	50%	75%	100%
Scenario 2	**FY 2027**	**FY 2028**	**FY 2029**	**FY 2030**
Phase-in Fire Assessment	$ 2,552,787	$ 5,107,116	$ 7,659,527	$ 10,209,333
Property Tax Revenue Loss	$ -	$ (4,652,198)	$ (8,053,160)	$ (8,053,160)
Net Revenue	**$ 2,552,787**	**$ 454,918**	**$ (393,633)**	**$ 2,156,173**

Fire Assessment Residential Property Info

Tier	How Many Homes?	% of Total	Average Value
1 to 1,299 SF	4,919	30.9%	$ 250,911
1,300 to 1,699 SF	3,658	22.9%	$ 286,027
1,700 to 2,099 SF	3,525	22.1%	$ 315,697
2,100 SF or more	3,840	24.1%	$ 573,328

Average Home Value: $343,226

Average Home Size: 1,680 Square Feet

Fire Assessment: $340 Per Year ($28 Per Month)

Fire Assessment Scenario 1 – Property Tax Reform Passes

Option 1
Millage Rate Remains the Same

4.637 Mill

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$ 343,226	$ 343,226	$ 343,226	$ 343,226	
Homestead Exemption	$ (50,000)	$150,000)	$250,000)	$250,000)	
Taxable Value	$ 293,226	$ 193,226	$ 93,226	$ 93,226	
Millage Rate	4.6370	4.6370	4.6370	4.6370	
Property Tax	$ 1,360	$ 896	$ 432	$ 432	$ 3,120
Fire Assessment	$ 340	$ 340	$ 340	$ 340	$ 1,360
Total Payment to City	**$ 1,700**	**$ 1,236**	**$ 772**	**$ 772**	**$ 4,480**

Cumulative 4-Year Homeowner Payment

$4,480

Option 2
Millage Rate Reduced to Revenue Neutral

3.3478 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$ 343,226	$ 343,226	$ 343,226	$ 343,226	
Homestead Exemption	$ (50,000)	$150,000)	$250,000)	$250,000)	
Taxable Value	$ 293,226	$ 193,226	$ 93,226	$ 93,226	
Millage Rate	3.3478	3.3478	3.3478	3.3478	
Property Tax	$ 982	$ 647	$ 312	$ 312	$ 2,253
Fire Assessment	$ 340	$ 340	$ 340	$ 340	$ 1,360
Total Payment to City	**$ 1,322**	**$ 987**	**$ 652**	**$ 652**	**$ 3,613**

Cumulative 4-Year Homeowner Payment

$3,613

Option 3
Millage Rate Reduced to Roll-Back Rate

4.4971 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$ 343,226	$ 343,226	$ 343,226	$ 343,226	
Homestead Exemption	$ (50,000)	$150,000)	$250,000)	$250,000)	
Taxable Value	$ 293,226	$ 193,226	$ 93,226	$ 93,226	
Millage Rate	4.4971	4.4971	4.4971	4.4971	
Property Tax	$ 1,319	$ 869	$ 419	$ 419	$ 3,026
Fire Assessment	$ 340	$ 340	$ 340	$ 340	$ 1,360
Total Payment to City	**$ 1,659**	**$ 1,209**	**$ 759**	**$ 759**	**$ 4,386**

Cumulative 4-Year Homeowner Payment

$4,386

Fire Assessment Scenario 1 – Property Tax Reform Fails

Option 1
Millage Rate Remains the Same

4.637 Mill

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$293,226	$293,226	$293,226	
Millage Rate	4.6370	4.6370	4.6370	4.6370	
Property Tax	$ 1,360	$ 1,360	$ 1,360	$ 1,360	$ 5,439
Fire Assessment	$ 340	$ 340	$ 340	$ 340	$ 1,360
Total Payment to City	**$ 1,700**	**$ 1,700**	**$ 1,700**	**$ 1,700**	**$ 6,799**

Cumulative 4-Year Homeowner Payment

$6,799

Option 2
Millage Rate Reduced to Revenue Neutral

3.3478 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$293,226	$293,226	$293,226	
Millage Rate	3.3478	3.3478	3.3478	3.3478	
Property Tax	$ 982	$ 982	$ 982	$ 982	$ 3,927
Fire Assessment	$ 340	$ 340	$ 340	$ 340	$ 1,360
Total Payment to City	**$ 1,322**	**$ 1,322**	**$ 1,322**	**$ 1,322**	**$ 5,287**

Cumulative 4-Year Homeowner Payment

$5,287

Option 3
Millage Rate Reduced to Roll-Back Rate

4.4971 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$293,226	$293,226	$293,226	
Millage Rate	4.4971	4.4971	4.4971	4.4971	
Property Tax	$ 1,319	$ 1,319	$ 1,319	$ 1,319	$ 5,275
Fire Assessment	$ 340	$ 340	$ 340	$ 340	$ 1,360
Total Payment to City	**$ 1,659**	**$ 1,659**	**$ 1,659**	**$ 1,659**	**$ 6,635**

Cumulative 4-Year Homeowner Payment

$6,635

Fire Assessment Scenario 2 – Property Tax Reform Passes

Option 1
Millage Rate Remains the Same

4.637 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$193,226	$ 93,226	$ 93,226	
Millage Rate	4.6370	4.6370	4.6370	4.6370	
Property Tax	$ 1,360	$ 896	$ 432	$ 432	$ 3,120
Fire Assessment	$ 85	$ 170	$ 255	$ 340	$ 850
Total Payment to City	**$ 1,445**	**$ 1,066**	**$ 687**	**$ 772**	**$ 3,970**

Cumulative 4-Year Homeowner Payment

$3,970

Option 2
Millage Rate Reduced to Revenue Neutral

4.3147 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$193,226	$ 93,226	$ 93,226	
Millage Rate	4.3147	4.3147	4.3147	4.3147	
Property Tax	$ 1,265	$ 834	$ 402	$ 402	$ 2,903
Fire Assessment	$ 85	$ 170	$ 255	$ 340	$ 850
Total Payment to City	**$ 1,350**	**$ 1,004**	**$ 657**	**$ 742**	**$ 3,753**

Cumulative 4-Year Homeowner Payment

$3,753

Option 3
Millage Rate Reduced to Roll-Back Rate

4.4971 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$193,226	$ 93,226	$ 93,226	
Millage Rate	4.4971	4.4971	4.4971	4.4971	
Property Tax	$ 1,319	$ 869	$ 419	$ 419	$ 3,026
Fire Assessment	$ 85	$ 170	$ 255	$ 340	$ 850
Total Payment to City	**$ 1,404**	**$ 1,039**	**$ 674**	**$ 759**	**$ 3,876**

Cumulative 4-Year Homeowner Payment

$3,876

Fire Assessment Scenario 2 – Property Tax Reform Fails

Option 1
Millage Rate Remains the Same

4.637 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$293,226	$293,226	$293,226	
Millage Rate	4.6370	4.6370	4.6370	4.6370	
Property Tax	$ 1,360	$ 1,360	$ 1,360	$ 1,360	$ 5,439
Fire Assessment	$ 85	$ 170	$ 255	$ 340	$ 850
Total Payment to City	**$ 1,445**	**$ 1,530**	**$ 1,615**	**$ 1,700**	**$ 6,289**

Cumulative 4-Year Homeowner Payment

$6,289

Option 2
Millage Rate Reduced to Revenue Neutral

4.3147 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$293,226	$293,226	$293,226	
Millage Rate	4.3147	4.3147	4.3147	4.3147	
Property Tax	$ 1,265	$ 1,265	$ 1,265	$ 1,265	$ 5,061
Fire Assessment	$ 85	$ 170	$ 255	$ 340	$ 850
Total Payment to City	**$ 1,350**	**$ 1,435**	**$ 1,520**	**$ 1,605**	**$ 5,911**

Cumulative 4-Year Homeowner Payment

$5,911

Option 3
Millage Rate Reduced to Roll-Back Rate

4.4971 Mills

Calculation Detail	FY 2027	FY 2028	FY 2029	FY 2030	Cumulative
Average Square Footage	1,680	1,680	1,680	1,680	
Average Home Value	$343,226	$343,226	$343,226	$343,226	
Homestead Exemption	($50,000)	($50,000)	($50,000)	($50,000)	
Taxable Value	$293,226	$293,226	$293,226	$293,226	
Millage Rate	4.4971	4.4971	4.4971	4.4971	
Property Tax	$ 1,319	$ 1,319	$ 1,319	$ 1,319	$ 5,275
Fire Assessment	$ 85	$ 170	$ 255	$ 340	$ 850
Total Payment to City	**$ 1,404**	**$ 1,489**	**$ 1,574**	**$ 1,659**	**$ 6,125**

Cumulative 4-Year Homeowner Payment

$6,125

Fire Assessment Exemptions

Properties Exempt from Fire Assessment by Law:

- Federal/state properties (including the School Board).
- Agricultural land (except for certain qualifying buildings).

Properties that May be Exempted from Fire Assessment by the Municipality:

- Local government properties (City, County, Special Districts, etc.).
- Certain institutional properties – schools (preschool through high school), houses of worship, and qualifying government-assisted housing for elderly or disabled residents.

For Comparison Purposes

- City of New Smyrna Beach Stormwater Assessment - only undeveloped parcels are exempt from the assessment.

Fire Assessments in Volusia County

Status	Cities
Fire Assessment In Place (Lake Helen & Edgewater)	2
Fire Assessment Completed/Presented to Elected Officials (Orange City & Deltona)	2
Fire Assessment Study Underway (NSB, DeBary & Holly Hill)	3
Fire Assessment Being Discussed (Ormond Beach, Ponce Inlet, Port Orange, Volusia County, Daytona Beach Shores)	5

- Lake Helen Residential Rate - $386 (2026 actual).
- Edgewater Residential Rate - $50 (2026 actual).
- Deltona Residential Rate - $433 to $579 (2027 proposed)

City Manager’s FY 2027 Proposed Budget

Budget Framework

FY 2027 Budget Process



Strategic Priorities

- Priority 1 - Build a transparent, high performing, customer focused organization.
- Priority 2 - Maintain the health and safety of neighborhoods.
- Priority 3 - Maintain neighborhood relations and communication.
- Priority 4 - Build social and civic infrastructure.
- Priority 6 - Enhance downtown as the center of the community.
- Priority 7 - Embrace sustainable development practices.
- Priority 8 - Improve the function and appearance of existing infrastructure.
- Priority 9 - Prepare for the future economic development of New Smyrna Beach.

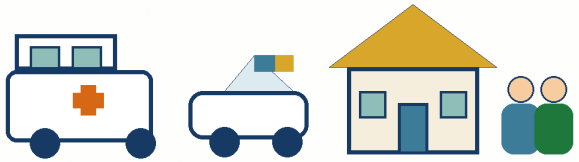
Top Strategic Priorities for FY 2027 Budget Cycle

Build a Transparent, High Performing, Customer Service Focused Organization



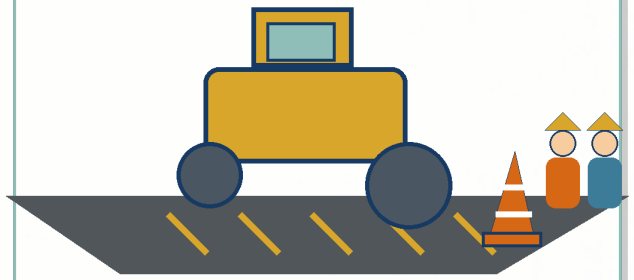
Accountability & Exceptional Service

Maintain the Health & Safety of Neighborhoods



Public Safety & Community Well-Being

Improve the Function & Appearance of Existing Infrastructure



Infrastructure Upgrades & Repairs

FY 2027 Budget Assumptions

- No change in millage rate - remains the same as FY 2025 and FY 2026 at 4.637 mills.
- Property values increase by 5.1%.
- No direct impact from property tax reform until FY 2028.
- Business Tax Receipt revenue eliminated. Program will continue with no fee.
- Zero-based budgeting for operating and capital expenses.
- 8.0% increase in insurance premiums for workers' comp, property/casualty.
- 5.0% increase in employee benefits (health care, dental, vision).

FY 2027 Budget Assumptions

- 2.25% wage increase for Police and Fire employees per Union Contracts. No cost-of-living.
- 2.0% merit increase for general employees. No cost-of-living.
- Decrease Police and Fire Pension employer contributions based on actuary's valuation:
  - Police Pension 31.6% to 27.9%
  - Fire Pension 29.4% to 27.5%
- Refinance variable rate, interest only line of credit with a fixed rate 20-year amortized loan.

FY 2027 Budget Goals

Required Reserves

- GFOA recommends two months or 16.67% be reserved to mitigate future risks.
- Commission established its own Fund Balance Policy in 2018 (Resolution 18-19):
    - General Fund and Sub Funds - 25%
    - Stormwater Fund 20%
    - Airport Fund 15%
    - Building Fund 20%
    - City Marina Fund 15%

FY 2027 Budget Goals

Structurally Balanced Budget

- Recurring revenues fund recurring expenses without reliance on one-time resources.
    - Wages and benefits
    - Operating costs
    - Repair and maintenance
    - Renewal and replacement
    - Principal and interest obligations
- One-time revenues are used for one-time uses like capital projects.

FY 2027 Budget Goals

Pay-As-You-Go Funding For Recurring Capital Needs

- Use “pay-as-you-go” funding for recurring capital needs such as:
    - Vehicle and equipment replacements.
    - Road resurfacing and sidewalks.
    - Roofs, air conditioners, windows.
- Maintains consistent annual funding levels year-over-year.
- “Pay-as-you-go” avoids incurring debt for routine maintenance and operational needs.

City Manager's FY 2027 Proposed Budget

Funds at a Glance

BUDGET AT A GLANCE

Fund	Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
GENERAL FUND	Operating Fund	$ 83,036,615	$ 77,162,101	$ (5,874,514)	-7.1%
BRANNON CENTER	Operating Fund	$ 750,489	$ 813,730	$ 63,241	8.4%
GOLF COURSE	Operating Fund	$ 2,534,105	$ 2,412,787	$ (121,318)	-4.8%
SANITATION (NEW)	Operating Fund	$ -	$ 13,960,988	$ 13,960,988	0.0%
SANITATION (OLD)	Operating Fund	$ 14,295,270	$ 3,765,424	$ (10,529,846)	-73.7%
STORMWATER OPERATIONS	Operating Fund	$ 11,137,255	$ 6,054,426	$ (5,082,829)	-45.6%
AIRPORT OPERATIONS	Operating Fund	$ 6,018,435	$ 5,622,188	$ (396,247)	-6.6%
BUILDING AND INSPECTIONS	Operating Fund	$ 3,842,409	$ 4,377,910	$ 535,501	13.9%
TREE FUND	Operating Fund	$ 595,450	$ 582,000	$ (13,450)	-2.3%
PARKING	Operating Fund	$ 6,310,964	$ 6,577,520	$ 266,556	4.2%
CITY MARINA	Operating Fund	$ 456,022	$ 585,272	$ 129,250	28.3%
FLEET MAINTENANCE	Operating Fund	$ 2,067,034	$ 2,654,315	$ 587,281	28.4%
SPECIAL LAW ENF TRUST FUND	Special Revenue Fund	$ 251,402	$ 254,000	$ 2,598	1.0%
OPIOID SETTLEMENTS	Special Revenue Fund	$ 136,123	$ 178,000	$ 41,877	30.8%
HAZARD MITIGATION GRANTS	Special Revenue Fund	$ -	$ 7,964,500	$ 7,964,500	0.0%
COMMUNITY RE-DEVELOPMENT AGENCY	Special Revenue Fund	$ 11,216,737	$ 9,857,408	$ (1,359,329)	-12.1%
AMERICAN RESCUE PLAN ACT	Special Revenue Fund	$ 658,397	$ -	$ (658,397)	-100.0%
2017 STORMWATER REV NOTE	Debt Service Fund	$ 569,876	$ 585,494	$ 15,618	2.7%
SRF RESERVE	Debt Service Fund	$ 103,341	$ -	$ (103,341)	-100.0%
2024 CAP IMP REV NOTE	Debt Service Fund	$ 356,883	$ 10,564,724	$ 10,207,841	2860.3%
SRF LOAN	Debt Service Fund	$ 139,116	$ 103,200	$ (35,916)	-25.8%

BUDGET AT A GLANCE

Fund	Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
2014 CAP IMP REV NOTE	Debt Service Fund	$ 494,212	$ 490,313	$ (3,899)	-0.8%
2019 TB CREEK GO BOND	Debt Service Fund	$ 1,070,549	$ 763,484	$ (307,065)	-28.7%
2021 CAP IMP REV NOTE	Debt Service Fund	$ 707,341	$ 707,162	$ (179)	0.0%
ISLESBORO NOTE	Debt Service Fund	$ -	$ -	$ -	0.0%
EQUIPMENT FINANCING	Debt Service Fund	$ -	$ 292,934	$ 292,934	0.0%
2025 TB CREEK GO BOND	Debt Service Fund	$ 418,000	$ 505,575	$ 87,575	21.0%
2019 TB CREEK CAP PROJ	Capital Project Fund	$ 24,242	$ -	$ (24,242)	-100.0%
CAPITAL PROJ FUND	Capital Project Fund	$ 26,114,608	$ 4,000,000	$ (22,114,608)	-84.7%
GO BOND CAP PROJ FUND	Capital Project Fund	$ 1,195,900	$ 1,212,215	$ 16,315	1.4%
AIRPORT CAPITAL	Capital Project Fund	$ 6,624,132	$ 140,816	$ (6,483,316)	-97.9%
POLICE IMPACT FEES (NEW)	Capital Project Fund	$ 1,852,561	$ 1,060,390	$ (792,171)	-42.8%
POLICE IMPACT FEES (OLD)	Capital Project Fund	$ 1,351,443	$ -	$ (1,351,443)	-100.0%
FIRE IMPACT FEES (NEW)	Capital Project Fund	$ 1,516,086	$ 997,960	$ (518,126)	-34.2%
FIRE IMPACT FEES (OLD)	Capital Project Fund	$ 1,268,530	$ -	$ (1,268,530)	-100.0%
RECREATION IMPACT FEES (NEW)	Capital Project Fund	$ 3,060,762	$ 1,788,440	$ (1,272,322)	-41.6%
RECREATION IMPACT FEES (OLD)	Capital Project Fund	$ 2,485,232	$ -	$ (2,485,232)	-100.0%
TRANSPORTATION IMPACT FEES (NEW)	Capital Project Fund	$ 7,028,594	$ 7,158,770	$ 130,176	1.9%
TRANSPORTATION IMPACT FEES (OLD)	Capital Project Fund	$ 6,316,459	$ -	$ (6,316,459)	-100.0%
STORMWATER CAPITAL	Capital Project Fund	$ 9,856,140	$ 6,948,320	$ (2,907,820)	-29.5%
CAPITAL EQUIPMENT	Capital Project Fund	$ 5,357,024	$ 4,393,856	$ (963,168)	-18.0%
2025 TB CREEK CAP PROJ	Capital Project Fund	$ 5,600,000	$ 1,000,000	$ (4,600,000)	-82.1%
Total Budget		**$ 226,817,738**	**$ 185,536,222**	**$ (41,281,516)**	**-18.2%**

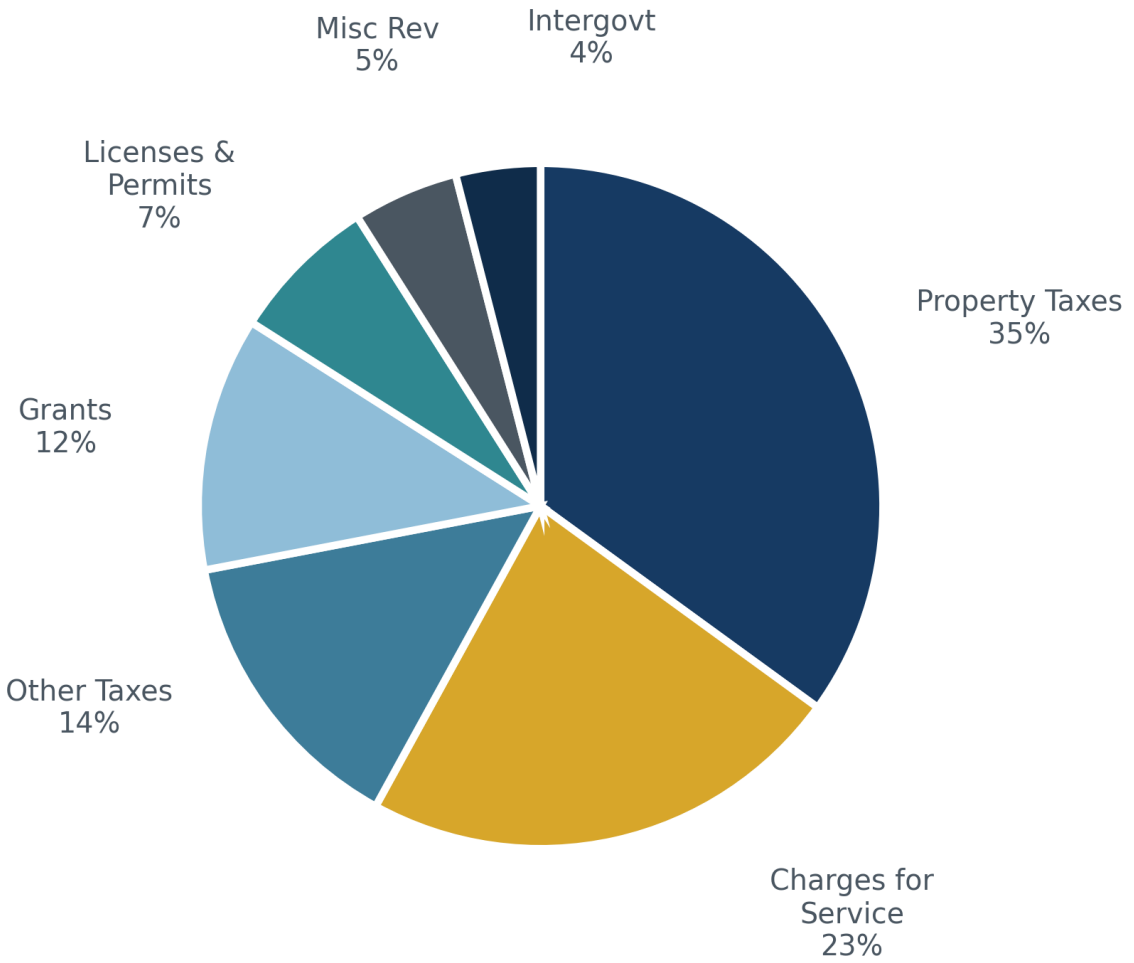
City Manager's FY 2027 Proposed Budget

Revenues

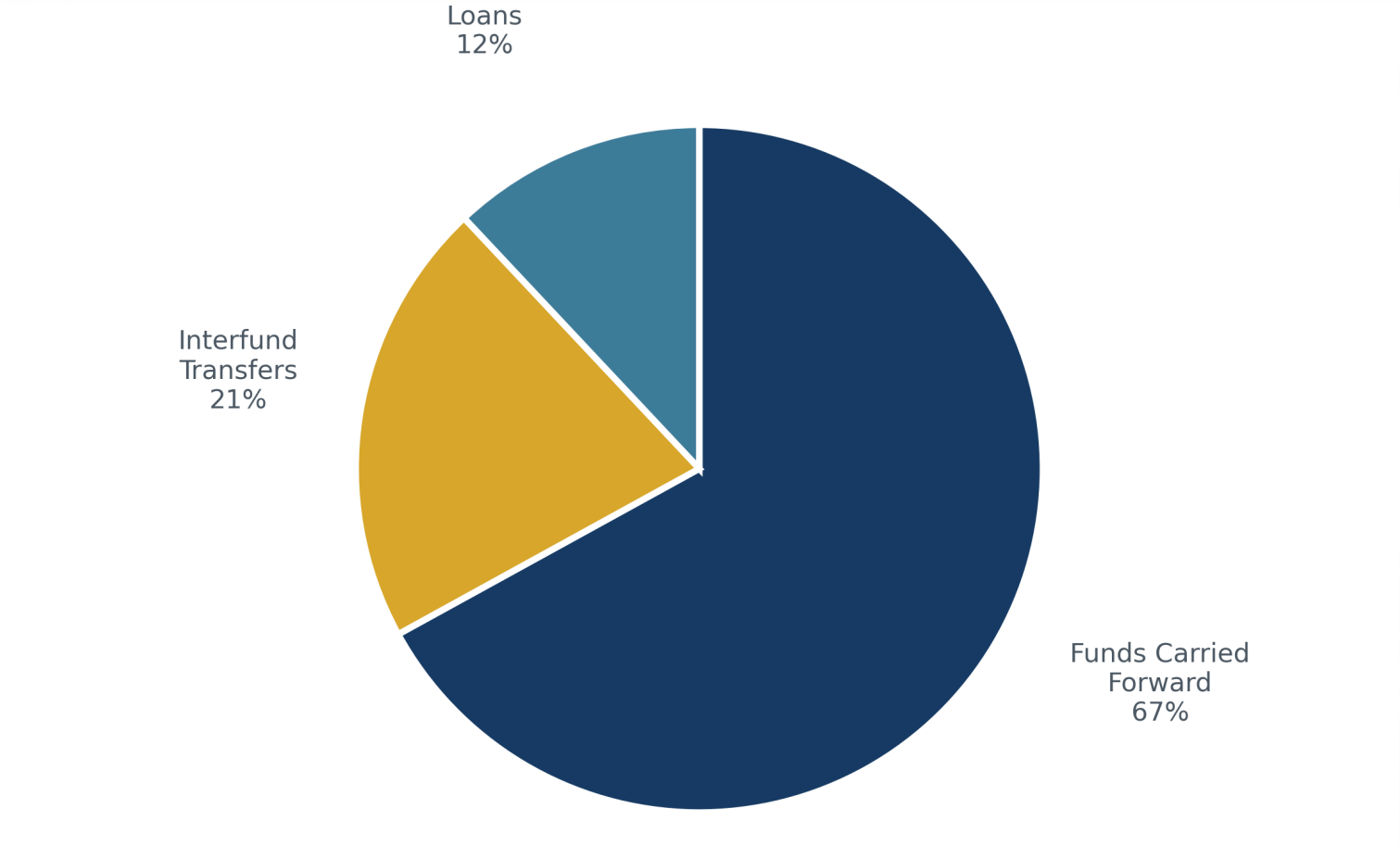
Revenues – Year Over Year Comparison

Revenues	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Property Taxes	$ 34,076,778	$ 36,157,496	$ 2,080,718	6.1%
Charges for Service	$ 23,776,810	$ 23,881,506	$ 104,696	0.4%
Other Taxes	$ 13,741,101	$ 14,724,022	$ 982,921	7.2%
Grants	$ 17,561,708	$ 11,877,082	$ (5,684,626)	-32.4%
Licenses & Permits	$ 7,399,305	$ 6,764,105	$ (635,200)	-8.6%
Misc Rev	$ 6,326,913	$ 5,490,014	$ (836,899)	-13.2%
Intergovt	$ 3,390,055	$ 3,526,290	$ 136,235	4.0%
Recurring Subtotal	**$ 106,272,670**	**$ 102,420,515**	**$ (3,852,155)**	**-3.6%**
Funds Carried Forward	$ 79,958,219	$ 55,682,329	$ (24,275,890)	-30.4%
Interfund Transfers	$ 32,509,595	$ 17,233,378	$ (15,276,217)	-47.0%
Loans	$ 8,077,254	$ 10,200,000	$ 2,122,746	26.3%
Non-Recurring Subtotal	**$ 120,545,068**	**$ 83,115,707**	**$ (37,429,361)**	**-31.1%**
Total Revenues	**$ 226,817,738**	**$ 185,536,222**	**$ (41,281,516)**	**-18.2%**

Recurring Revenues – By Type



Non-Recurring Revenues – By Type

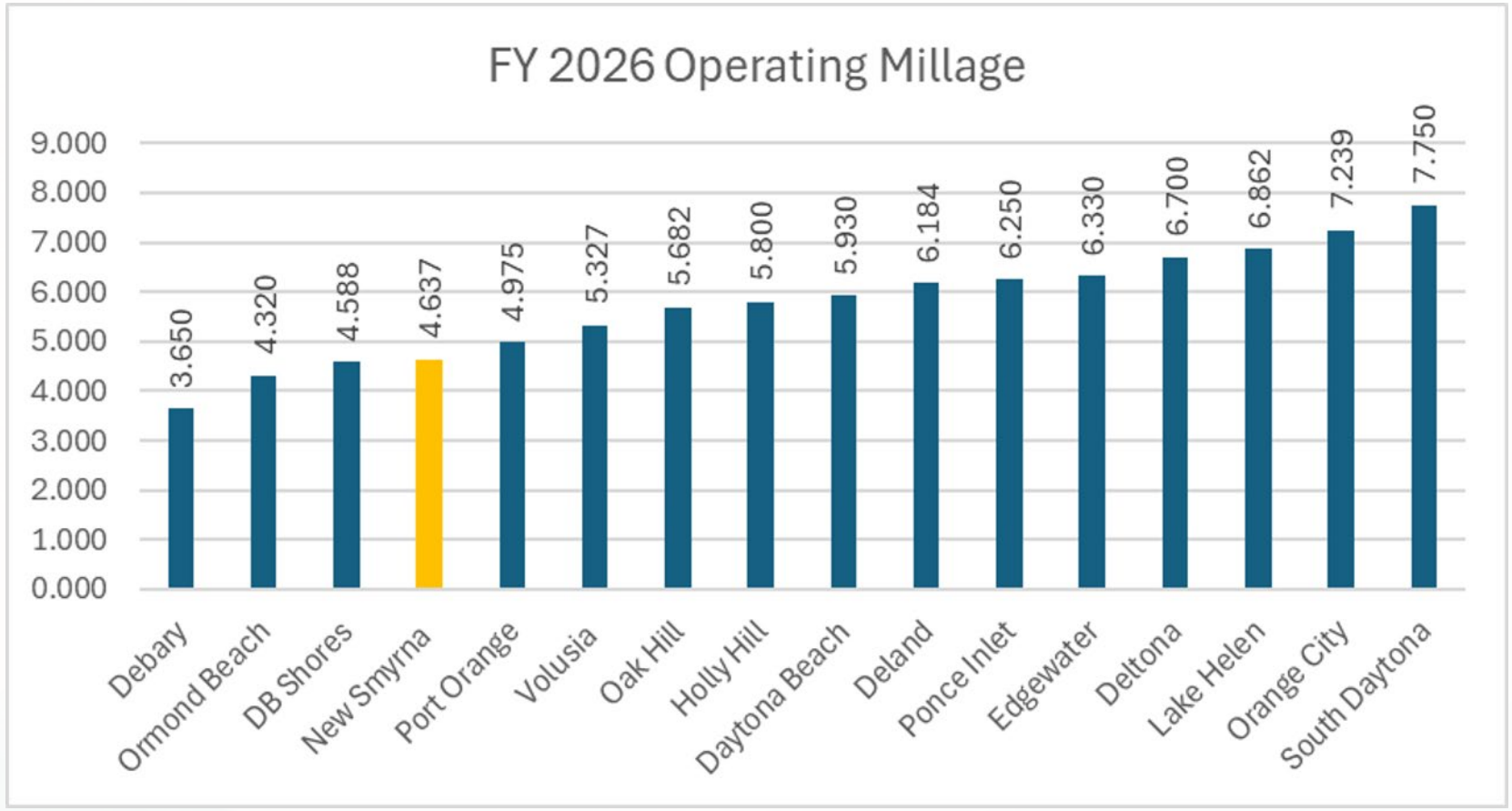


Property Taxes (Operating Millage) – Year Over Year Comparison

Revenue	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Property Tax - General Fund	$ 31,463,741	$ 32,952,981	$ 1,489,240	4.7%
Property Tax - CRA	$ 1,772,037	$ 1,935,456	$ 163,419	9.2%
Operating Millage Rate	$ 33,235,778	$ 34,888,437	$ 1,652,659	5.0%



Millage Rate Comparison



Property Taxes (Voted Debt Millage) – Year Over Year Comparison

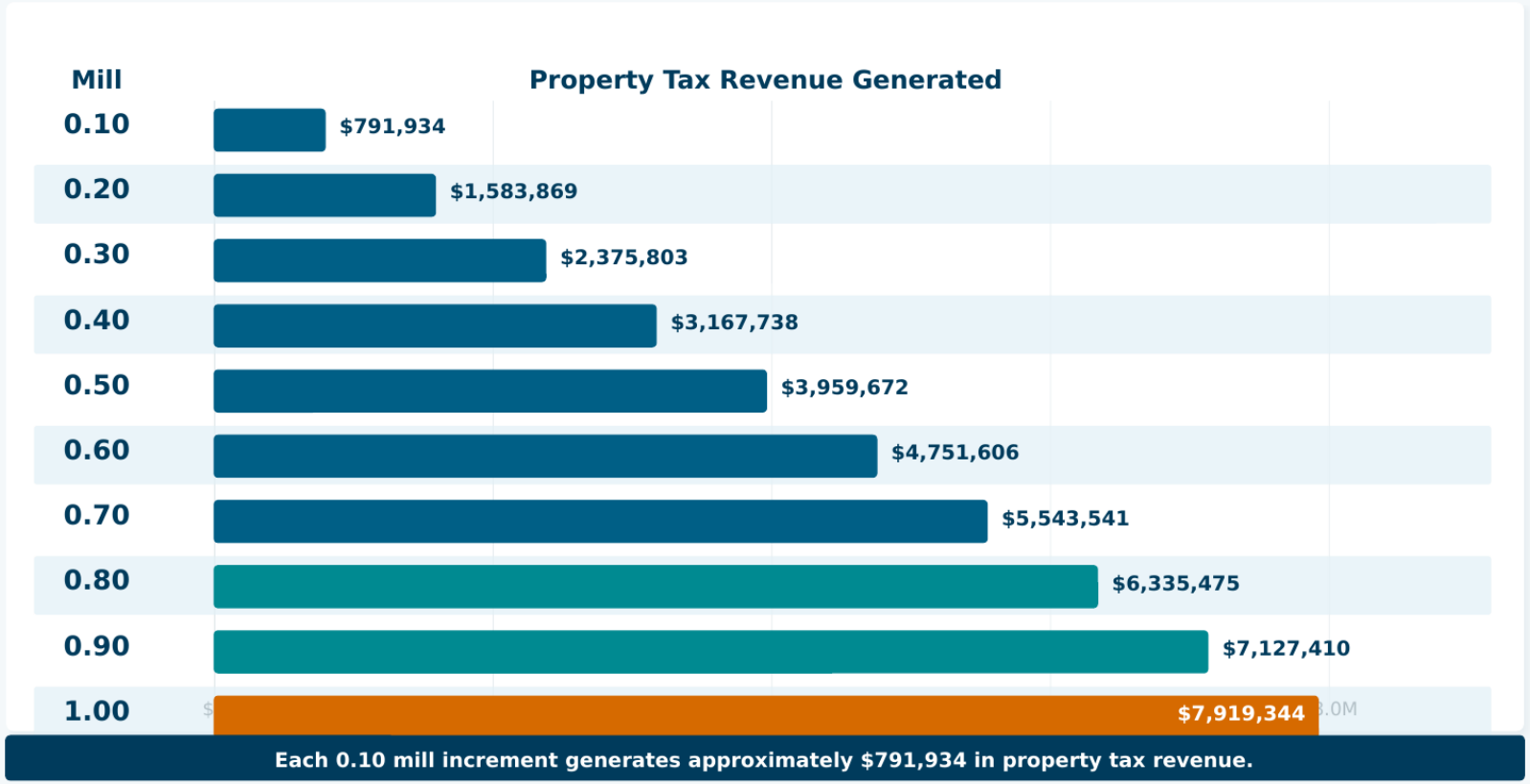
Revenue	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Property Tax - 2019 GO Bond	$ 423,000	$ 763,484	$ 340,484	80.5%
Property Tax - 2025 GO Bond	$ 418,000	$ 505,575	$ 87,575	21.0%
Voted Debt Service Millage	$ 841,000	$ 1,269,059	$ 428,059	50.9%



Millage Rate

Property Tax Revenue Generated

Revenue by Millage Increment



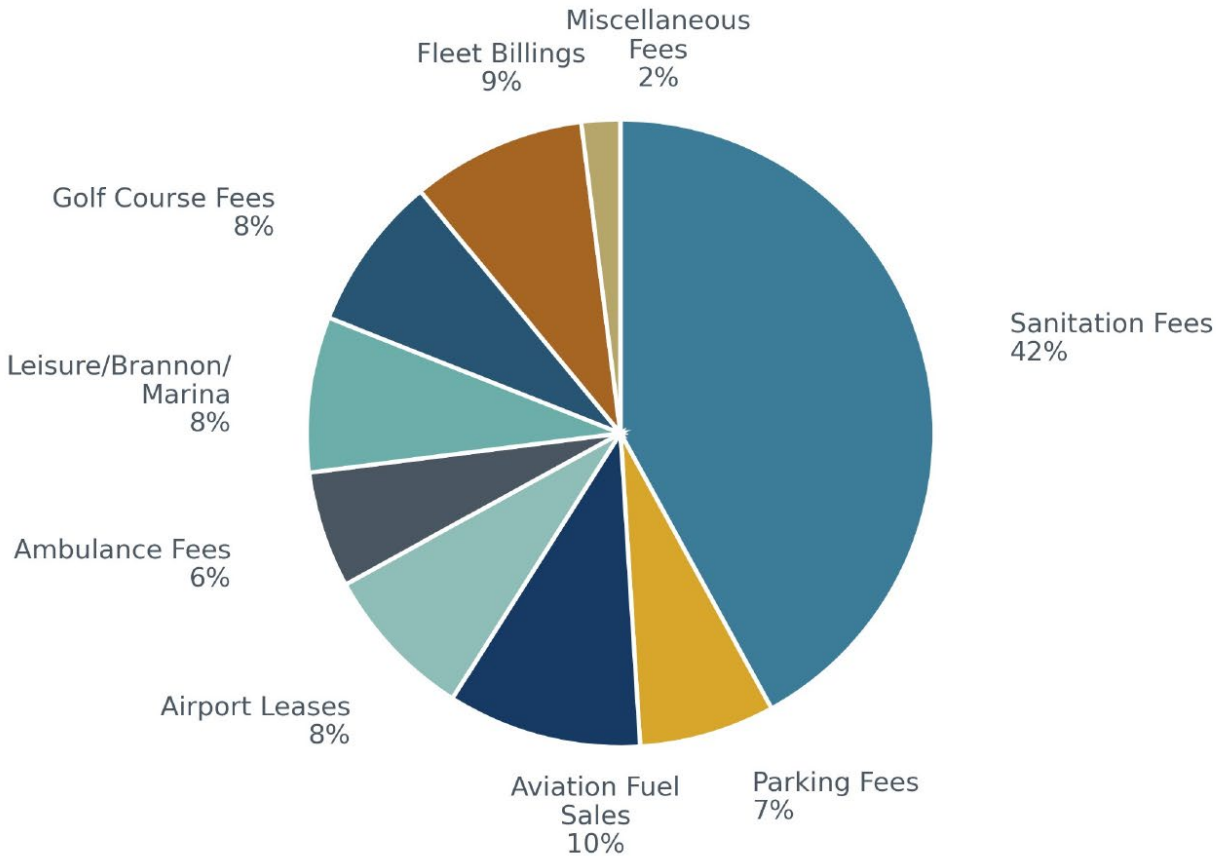
Maximum Millage Rate

- On July 28, the Commission will establish the maximum millage rate for FY 2027.
- The maximum millage rate will be included on TRIM notices mailed to property owners in August.
- The millage rate may be reduced during the budget process without additional notice requirements.
- The millage rate generally cannot be increased above the maximum rate after TRIM notices are issued unless special statutory procedures are followed.

Charges for Service – Year Over Year Comparison

Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Development Services Fees	$ 300,000	$ 310,500	$ 10,500	3.5%
Sanitation Fees	$ 10,618,905	$ 10,039,631	$ (579,274)	-5.5%
Parking Fees	$ 1,573,660	$ 1,662,520	$ 88,860	5.6%
Aviation Fuel Sales	$ 2,400,000	$ 2,400,000	$ -	0.0%
Airport Leases	$ 2,082,003	$ 1,929,598	$ (152,405)	-7.3%
Ambulance Fees	$ 1,107,277	$ 1,300,000	$ 192,723	17.4%
Leisure Services Activity Fees	$ 816,273	$ 828,424	$ 12,151	1.5%
Brannon Center Fees	$ 491,500	$ 580,200	$ 88,700	18.0%
Golf Course Fees	$ 1,778,100	$ 1,959,100	$ 181,000	10.2%
Marina Fees	$ 455,322	$ 485,730	$ 30,408	6.7%
Fleet Billings	$ 1,976,840	$ 2,202,680	$ 225,840	11.4%
Miscellaneous Fees	$ 176,930	$ 183,123	$ 6,193	3.5%
Total	**$ 23,776,810**	**$ 23,881,506**	**$ 104,696**	**0.4%**

Charges for Service – By Type



Parking Rates



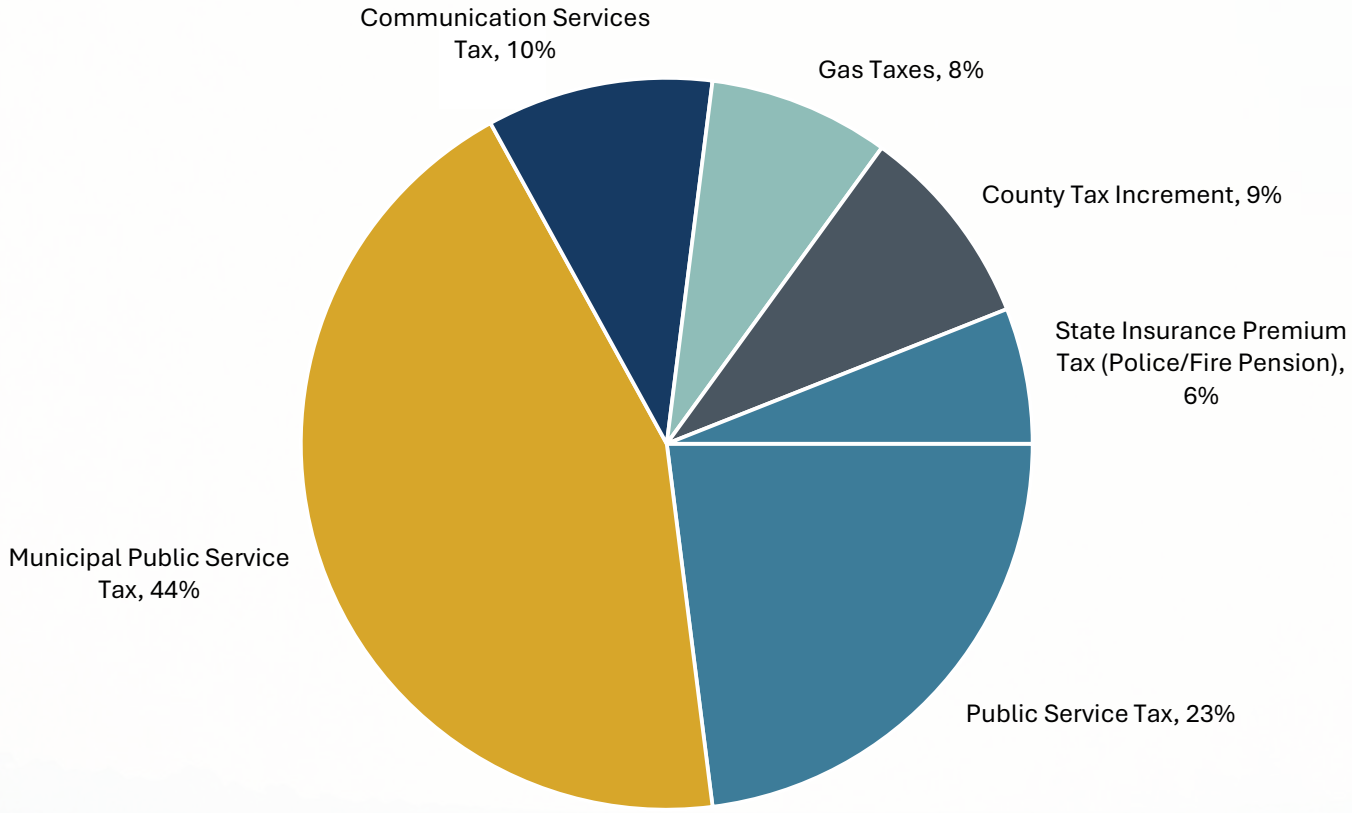
Marina Rates



Other Taxes – Year Over Year Comparison

Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Public Service Tax	$ 3,258,000	$ 3,372,030	$ 114,030	3.5%
Municipal Public Service Tax	$ 5,810,836	$ 6,446,331	$ 635,495	10.9%
Communication Services Tax	$ 1,475,000	$ 1,526,625	$ 51,625	3.5%
Gas Taxes	$ 1,232,547	$ 1,261,686	$ 29,139	2.4%
County Tax Increment	$ 1,156,914	$ 1,269,155	$ 112,241	9.7%
State Insurance Premium Tax (Police/Fire Pension)	$ 807,804	$ 848,195	$ 40,391	5.0%
Total	**$ 13,741,101**	**$ 14,724,022**	**$ 982,921**	**7.2%**

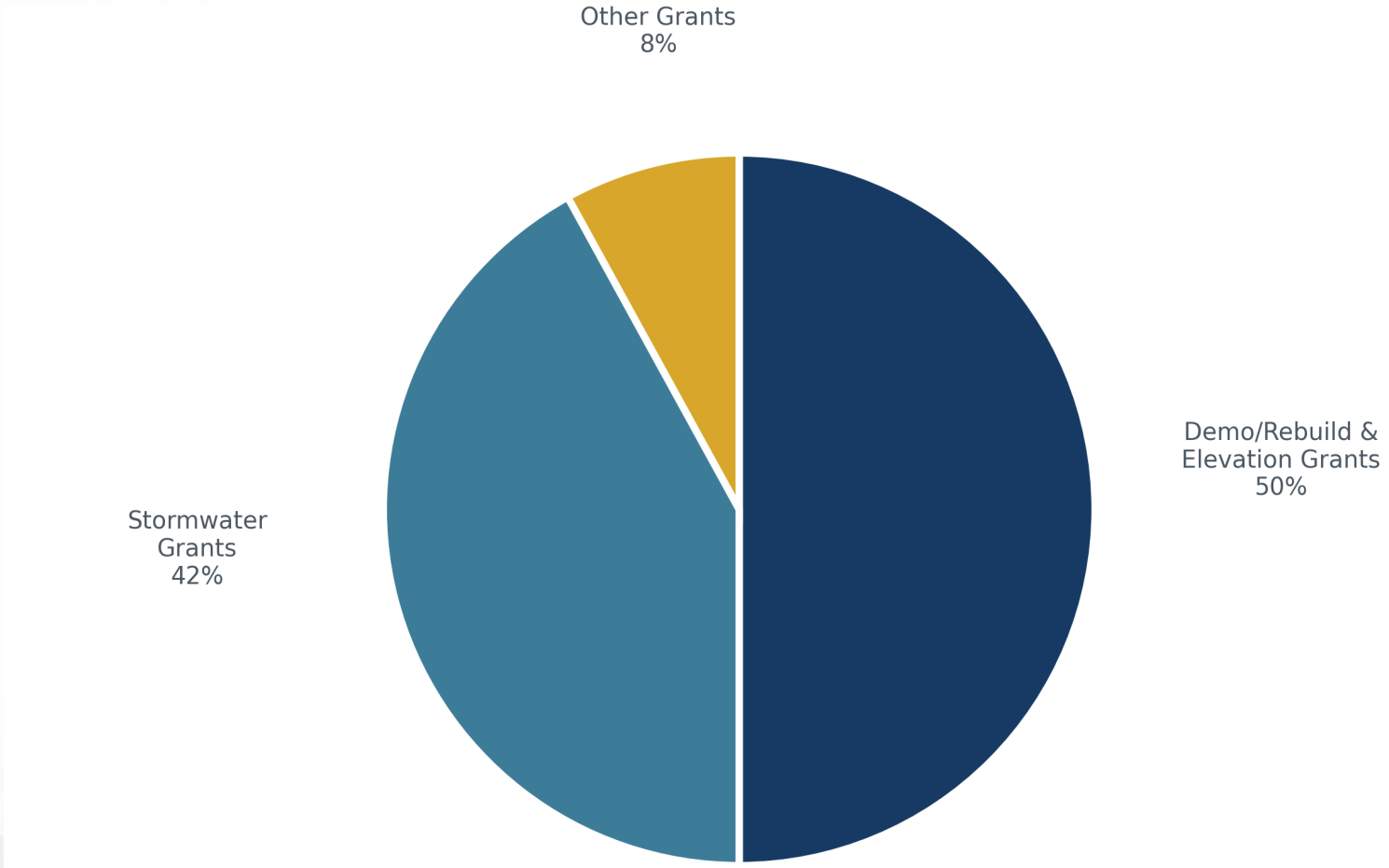
Other Taxes – By Type



Grants – Year Over Year Comparison

Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Airport Grants (FAA & FDOT)	$ 5,700,926	$ 637,000	$ (5,063,926)	-88.8%
FEMA Grants	$ 634,908	$ -	$ (634,908)	-100.0%
Demo/Rebuild & Elevation Grants	$ -	$ 5,973,375	$ 5,973,375	0.0%
FIND Grants	$ 975,785	$ 50,000	$ (925,785)	-94.9%
CDBG Grants	$ 211,332	$ 157,500	$ (53,832)	-25.5%
Stormwater Grants	$ 8,147,998	$ 5,000,000	$ (3,147,998)	-38.6%
Miscellaneous Grants	$ 1,890,759	$ 59,207	$ (1,831,552)	-96.9%
Total	**$ 17,561,708**	**$ 11,877,082**	**$ (5,684,626)**	**-32.4%**

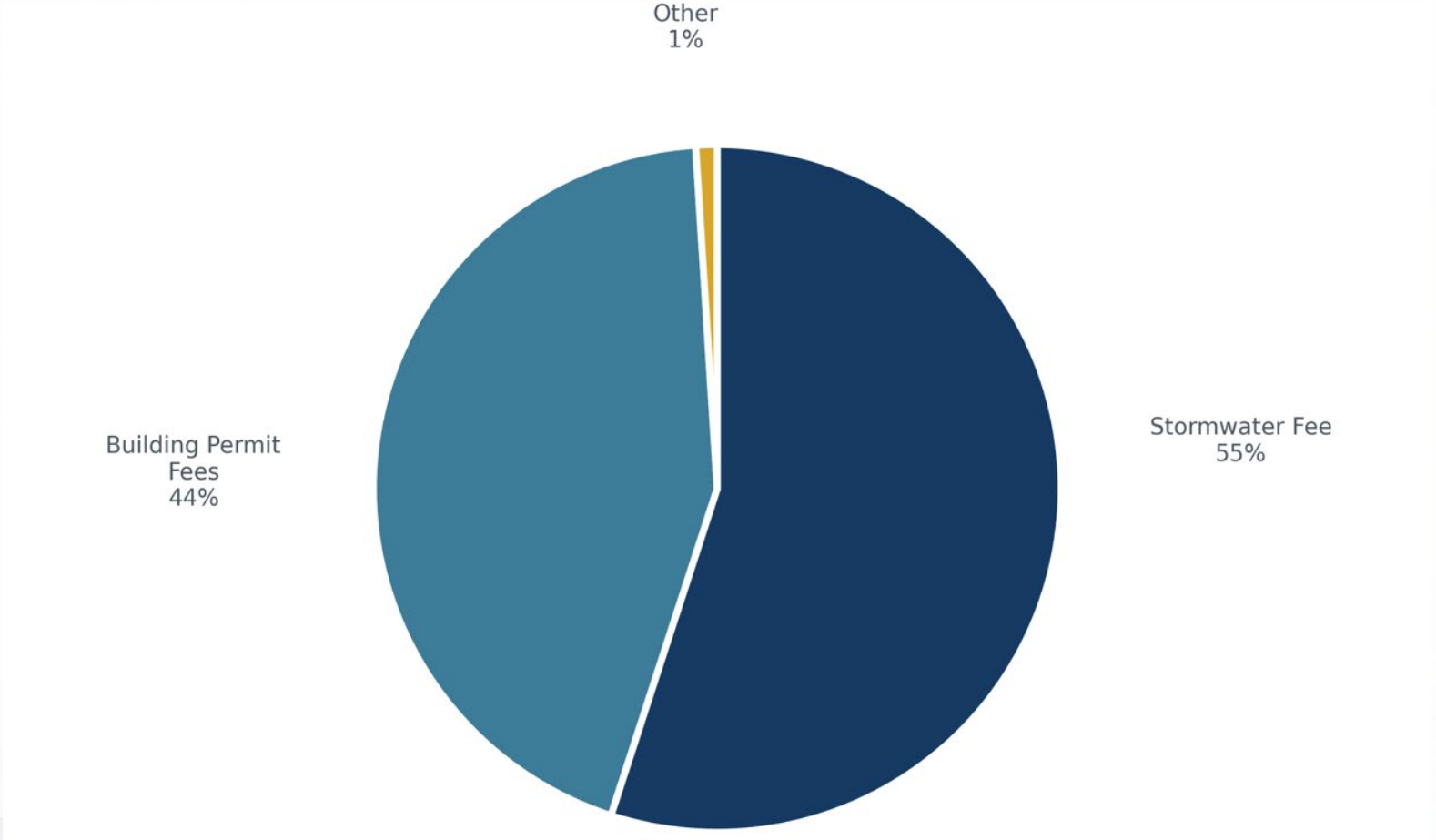
Grants – By Type



Licenses & Permits – Year Over Year Comparison

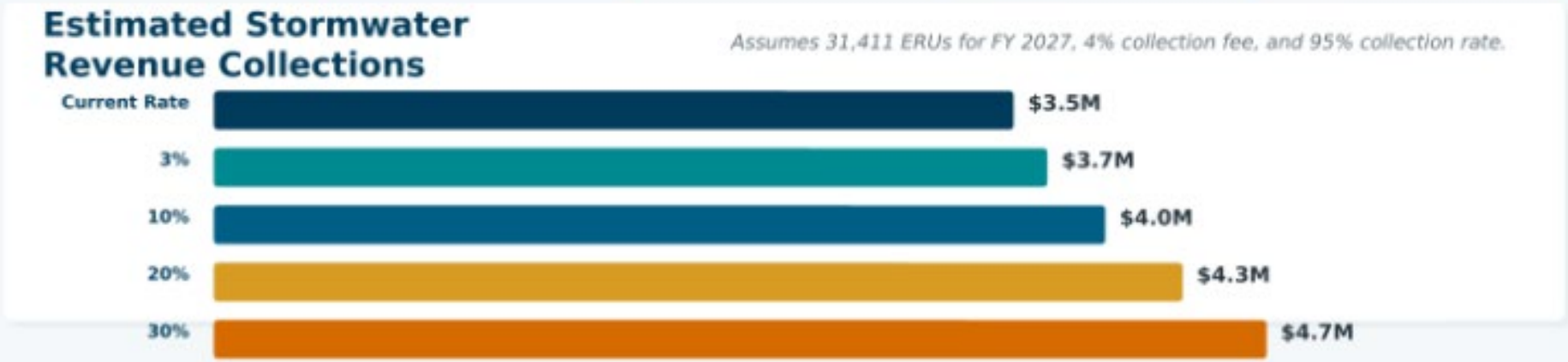
Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Stormwater Fee	$ 3,552,412	$ 3,689,032	$ 136,620	3.8%
Local Business Tax	$ 373,519	$ -	$ (373,519)	-100.0%
Tree Mitigation Fees	$ 460,146	$ -	$ (460,146)	-100.0%
Building Permit Fees	$ 2,938,242	$ 3,000,000	$ 61,758	2.1%
Other	$ 74,986	$ 75,073	$ 87	0.1%
Total	**$ 7,399,305**	**$ 6,764,105**	**$ (635,200)**	**-8.6%**

Licenses & Permits – By Type



Stormwater Rates

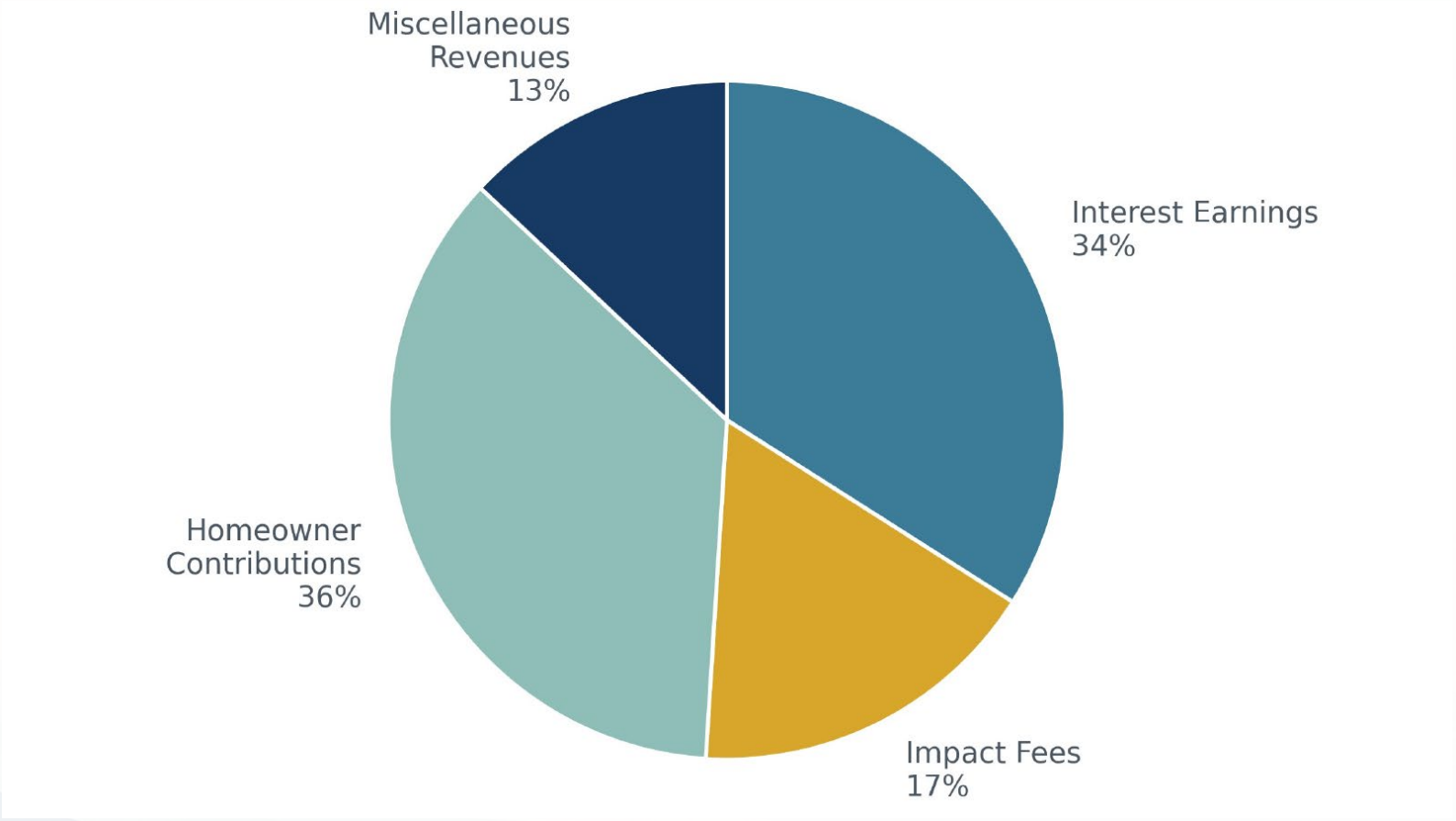
Current Rate	3% Increase	10% Increase	20% Increase	30% Increase
Current FY 2026	FY 2027 Proposed	Scenario A	Scenario B	Scenario C
$125	$129	$138	$150	$163
Rate per ERU	Rate per ERU	Rate per ERU	Rate per ERU	Rate per ERU
Baseline for comparison	+$4 per ERU Additional Revenue $150,041	+$13 per ERU Additional Revenue $407,863	+$25 per ERU Additional Revenue $751,625	+$38 per ERU Additional Revenue $1,124,034



Miscellaneous Revenues – Year Over Year Comparison

Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Interest Earnings	$ 2,156,147	$ 1,853,360	$ (302,787)	-14.0%
Contributions	$ 2,000,000	$ -	$ (2,000,000)	-100.0%
Impact Fees	$ 1,400,000	$ 910,000	$ (490,000)	-35.0%
Homeowner Contributions	$ -	$ 1,991,125	$ 1,991,125	0.0%
Miscellaneous Revenues	$ 770,766	$ 735,529	$ (35,237)	-4.6%
Total	**$ 6,326,913**	**$ 5,490,014**	**$ (836,899)**	**-13.2%**

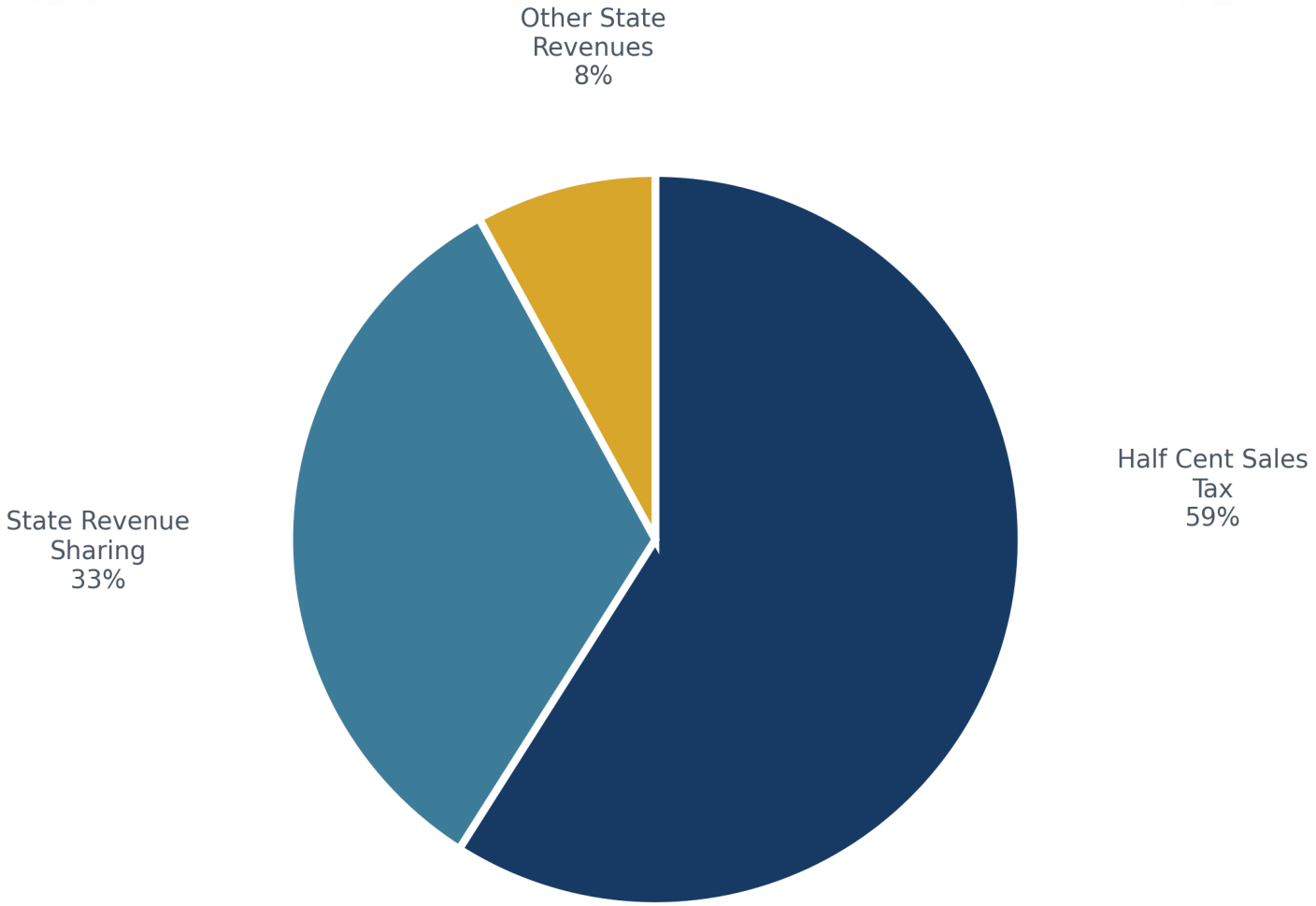
Miscellaneous Revenues – By Type



Intergovernmental Revenues – Year Over Year Comparison

Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Half Cent Sales Tax	$ 2,004,543	$ 2,074,702	$ 70,159	3.5%
State Revenue Sharing	$ 1,120,460	$ 1,159,676	$ 39,216	3.5%
Mobile Home License Fees	$ 14,000	$ 14,490	$ 490	3.5%
Alcohol License Fees	$ 47,779	$ 49,451	$ 1,672	3.5%
Miscellaneous State Revenues	$ 203,273	$ 227,971	$ 24,698	12.2%
Total	**$ 3,390,055**	**$ 3,526,290**	**$ 136,235**	**4.0%**

Intergovernmental Revenues – By Type



Funds Carried Forward – Year Over Year Comparison

Fund	FY 2026 Budget	FY 2027 Budget	Change $	Change %
General Fund	$ 29,380,000	$ 21,200,000	$ (8,180,000)	-27.8%
Stormwater Funds	$ 7,411,594	$ 3,563,714	$ (3,847,880)	-51.9%
Parking Fund	$ 4,648,304	$ 4,800,000	$ 151,696	3.3%
Sanitation Fund	$ 3,564,455	$ 3,765,424	$ 200,969	5.6%
Airport Fund	$ 1,494,442	$ 617,100	$ (877,342)	-58.7%
CRA Fund	$ 8,176,786	$ 6,541,797	$ (1,634,989)	-20.0%
Debt Service Funds	$ 960,731	$ 177,922	$ (782,809)	-81.5%
Capital Project Fund	$ 22,694,731	$ 11,931,215	$ (10,763,516)	-47.4%
Other Funds	$ 1,627,176	$ 3,085,157	$ 1,457,981	89.6%
Total	**$ 79,958,219**	**$ 55,682,329**	**$ (24,275,890)**	**-30.4%**

Type	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Unrestricted	$ 29,380,000	$ 21,200,000	$ (8,180,000)	-27.8%
Restricted	$ 50,578,219	$ 34,482,329	$ (16,095,890)	-31.8%
Total	**$ 79,958,219**	**$ 55,682,329**	**$ (24,275,890)**	**-30.4%**

Interfund Transfers – Year Over Year Comparison

Purpose	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Debt Service	$ 2,075,884	$ 2,363,005	$ 287,121	13.8%
Capital	$ 10,233,171	$ 8,528,704	$ (1,704,467)	-16.7%
Support	$ 3,376,855	$ 2,576,245	$ (800,610)	-23.7%
Establish New Funds	$ 16,823,685	$ 3,765,424	$ (13,058,261)	-77.6%
Total	**$ 32,509,595**	**$ 17,233,378**	**$ (15,276,217)**	**-47.0%**

Loans – Year Over Year Comparison

Purpose	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Police Vehicles	$ 136,625	$ -	$ (136,625)	-100.0%
Turnbull Creek Land Acquisition	$ 5,500,000	$ -	$ (5,500,000)	-100.0%
Washington Street	$ 2,440,629	$ -	$ (2,440,629)	-100.0%
Re-financed Line of Credit	$ -	$ 10,200,000	$ 10,200,000	0.0%
Total	**$ 8,077,254**	**$ 10,200,000**	**$ 2,122,746**	**26.3%**

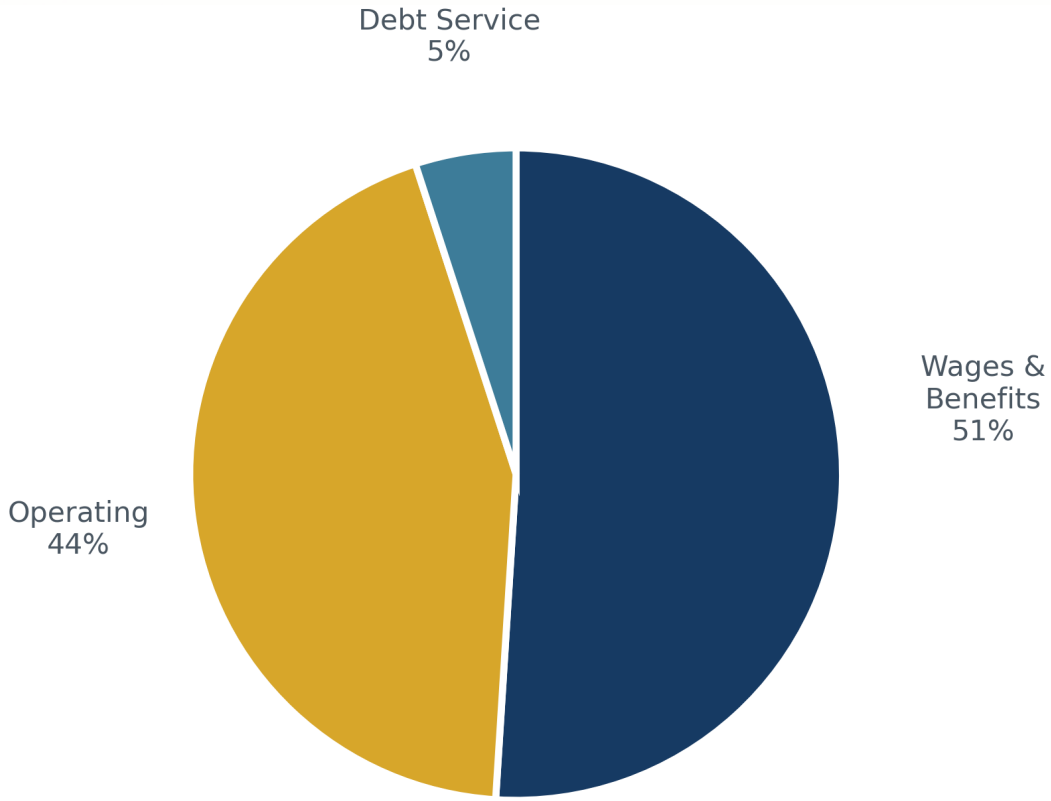
City Manager's FY 2027 Proposed Budget

Expenses

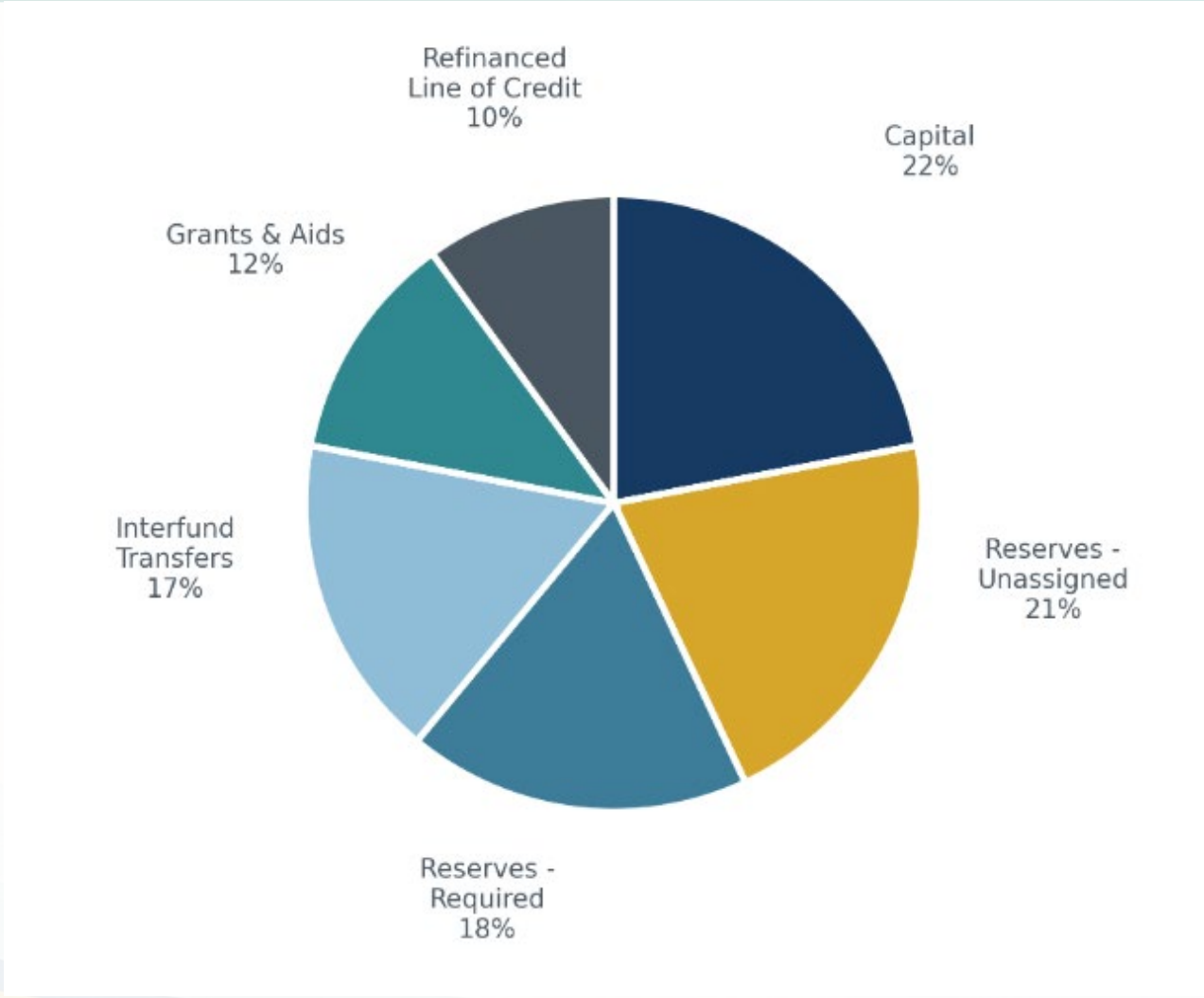
Total Expenses – Year Over Year Comparison

Expenses	2026 Budget	2027 Budget	Change $	Change %
Wages & Benefits	$ 39,478,850	$ 42,157,679	$ 2,678,829	6.8%
Operating	$ 37,579,795	$ 37,058,827	$ (520,968)	-1.4%
Debt Service	$ 3,999,555	$ 3,955,723	$ (43,832)	-1.1%
Recurring Expense Sub-total	**$ 81,058,200**	**$ 83,172,229**	**$ 2,114,029**	**2.6%**
Capital	$ 61,648,397	$ 22,977,246	$ (38,671,151)	-62.7%
Reserves - Unassigned	$ 30,386,689	$ 21,581,345	$ (8,805,344)	-29.0%
Reserves - Required	$ 17,121,347	$ 18,669,052	$ 1,547,705	9.0%
Interfund Transfers	$ 32,509,595	$ 17,233,378	$ (15,276,217)	-47.0%
Grants & Aids	$ 4,093,510	$ 11,784,442	$ 7,690,932	187.9%
Refinanced Line of Credit	$ -	$ 10,118,530	$ 10,118,530	0.0%
Non-Recurring Expense Subtotal	**$ 145,759,538**	**$102,363,993**	**$ (43,395,545)**	**-29.8%**
Total Expenses	**$ 226,817,738**	**$185,536,222**	**$ (41,281,516)**	**-18.2%**

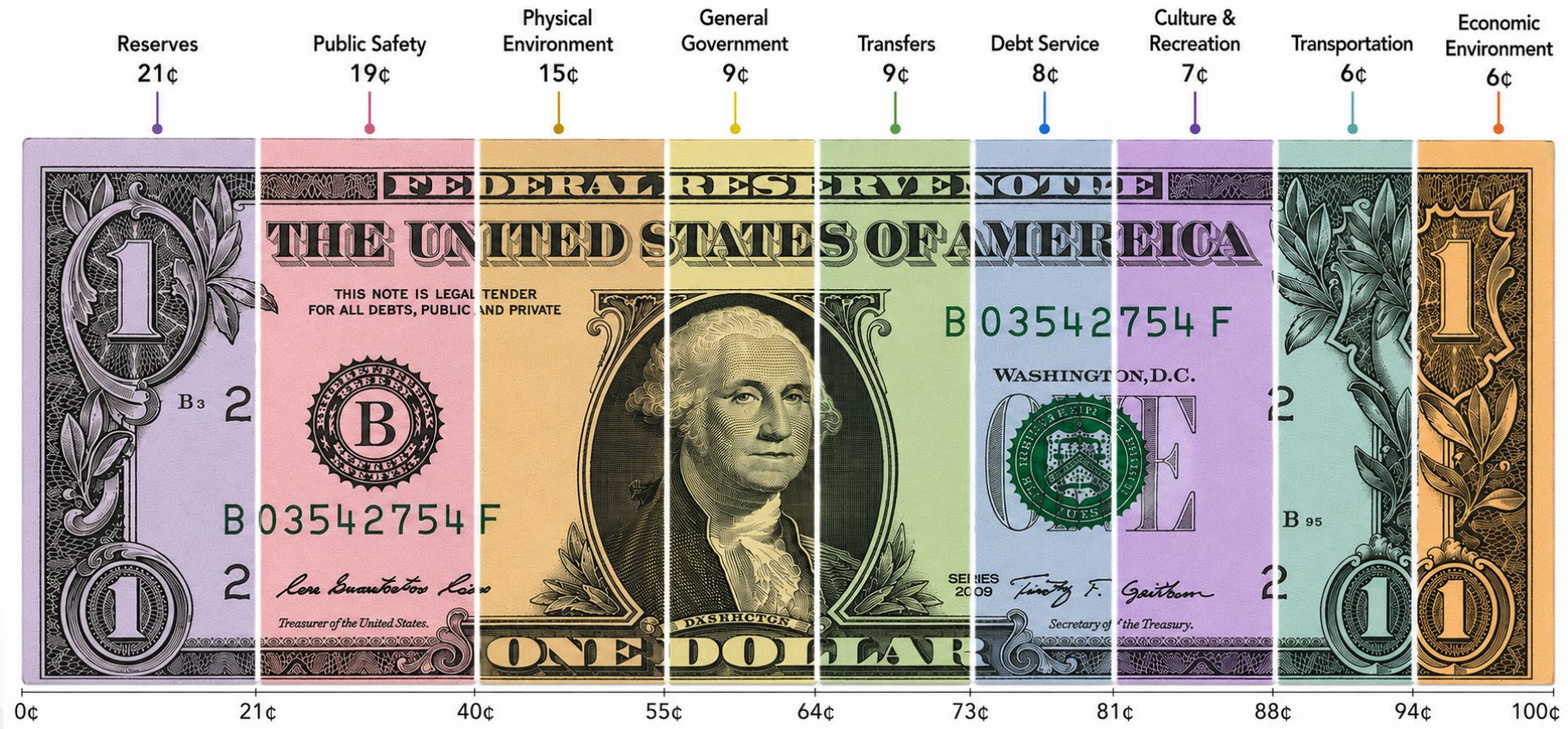
Recurring Expenses – By Type



Non-Recurring Expenses – By Type



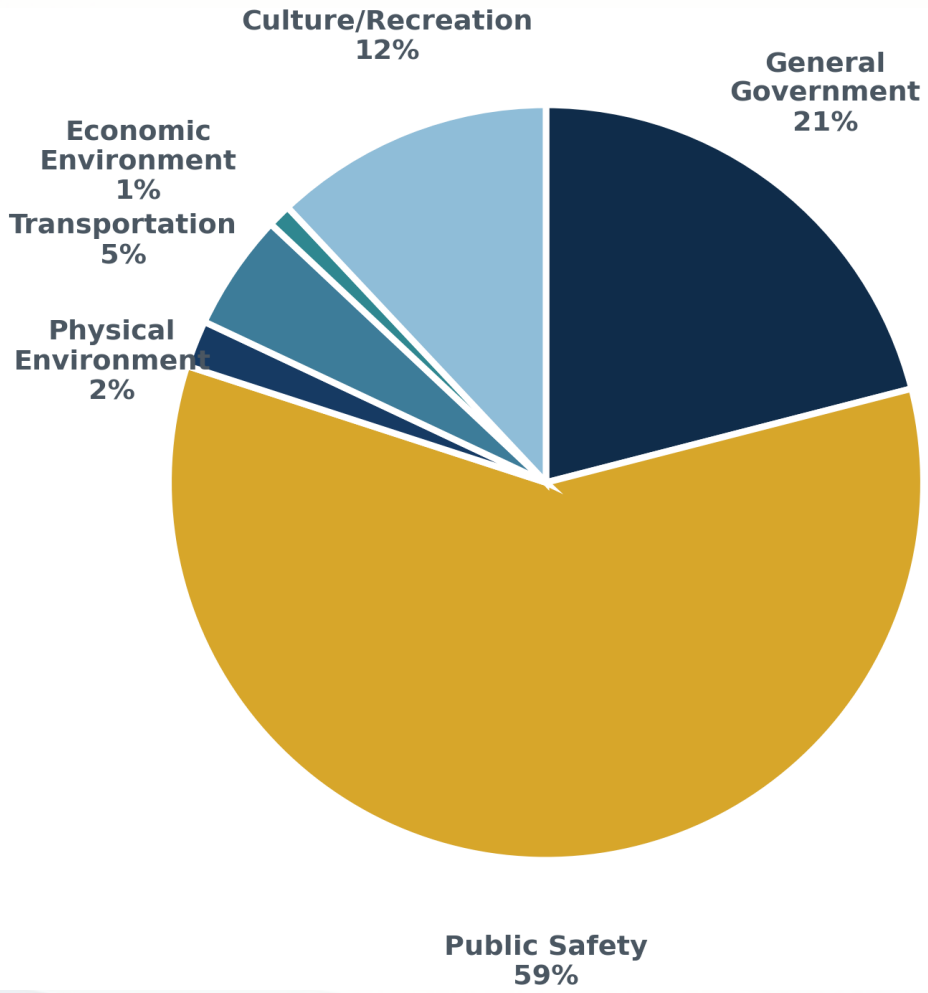
Total Expenses – Distribution of Every City Dollar



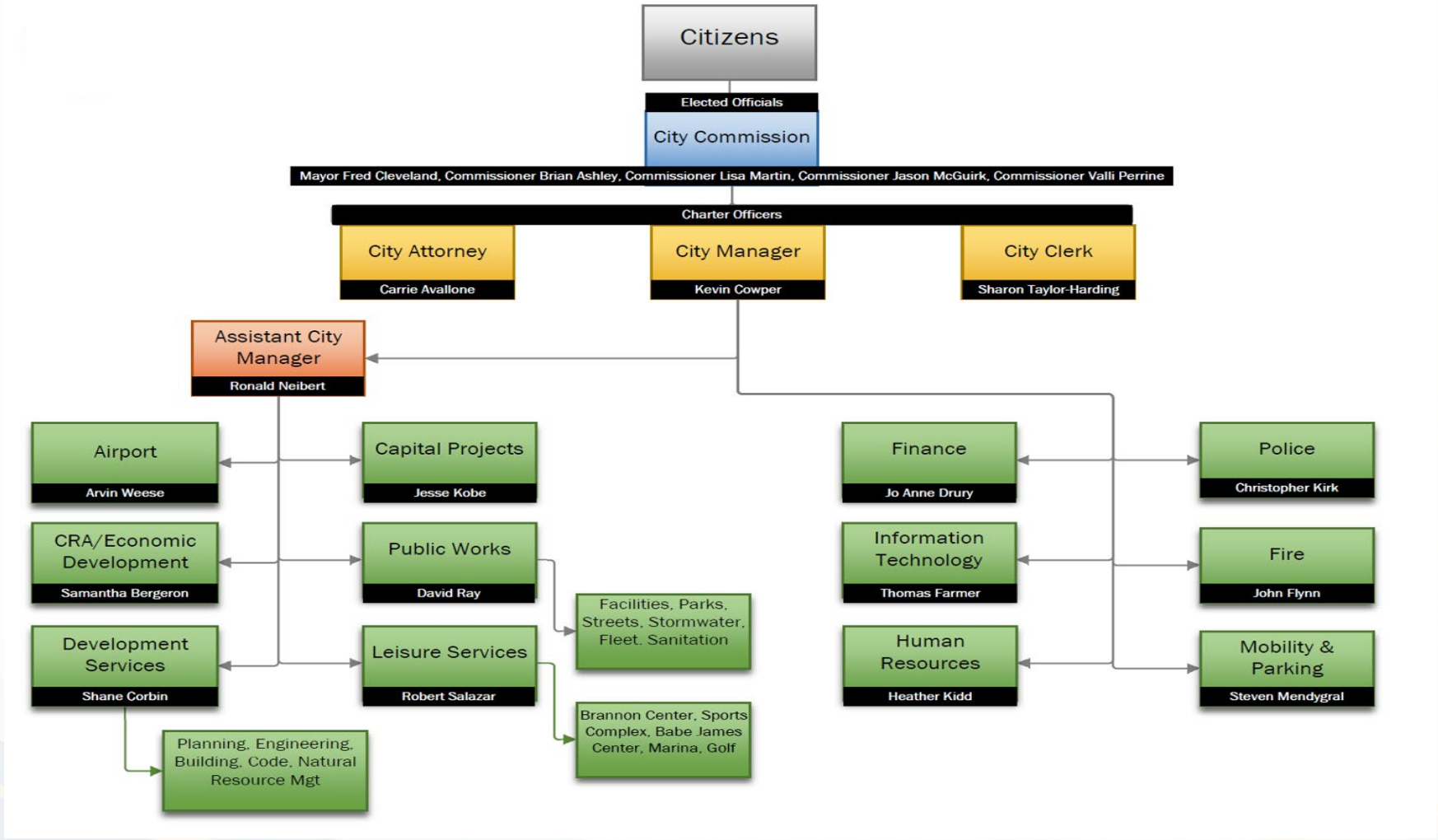
Wages & Benefits – Year Over Year Comparison

Expenses	2026 Budget	2027 Budget	Change $	Change %
Wages	$ 26,016,576	$ 27,892,757	$ 1,876,181	7.2%
FICA	$ 1,951,091	$ 2,145,127	$ 194,036	9.9%
Retirement	$ 5,492,556	$ 5,907,666	$ 415,110	7.6%
Other Benefits	$ 6,018,627	$ 6,212,129	$ 193,502	3.2%
	$ 39,478,850	**$ 42,157,679**	**$ 2,678,829**	**6.8%**

Wages & Benefits – By Function



Organizational Chart



Positions by Function

FY 2026

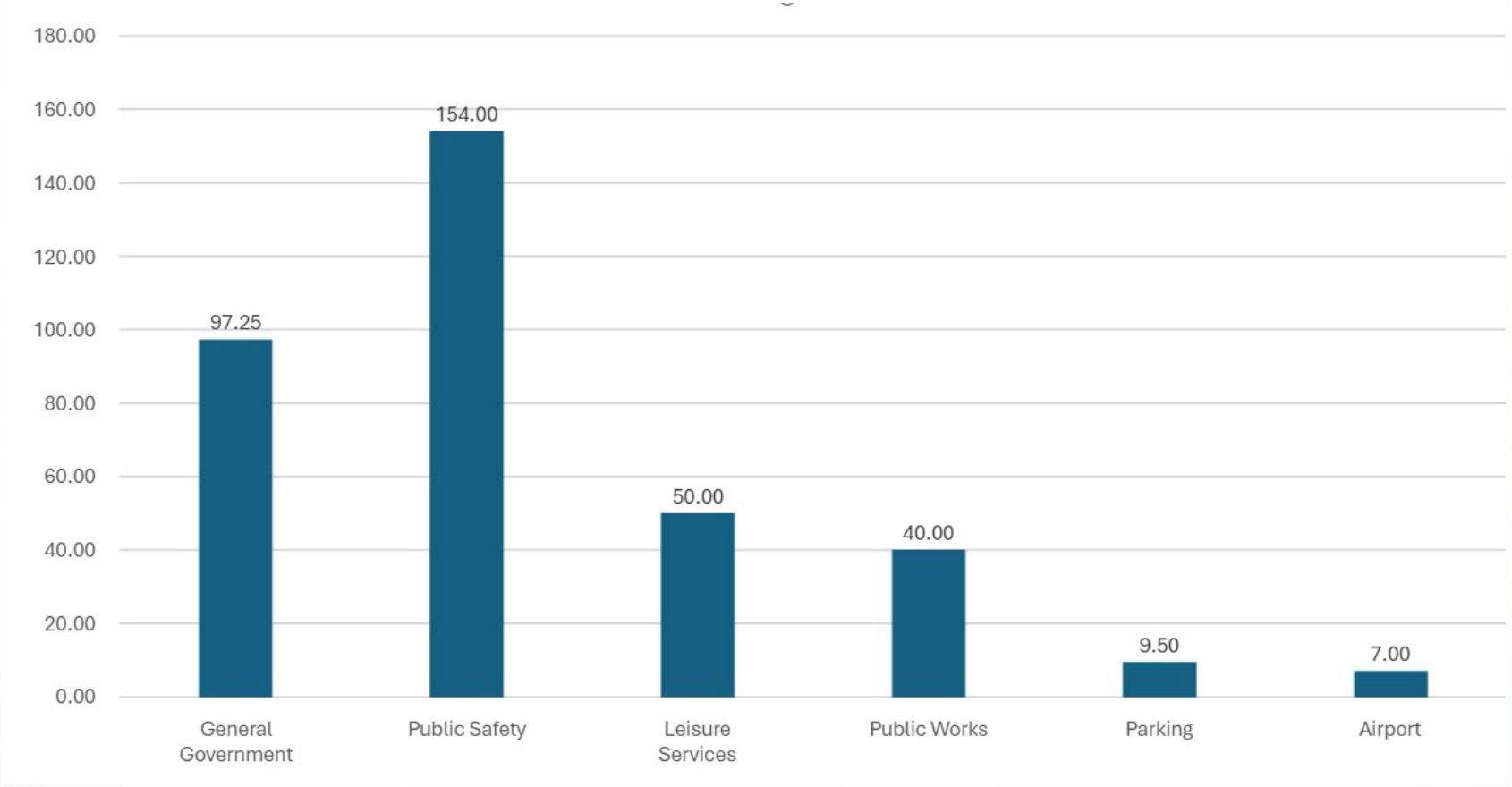
354.75

FY 2027

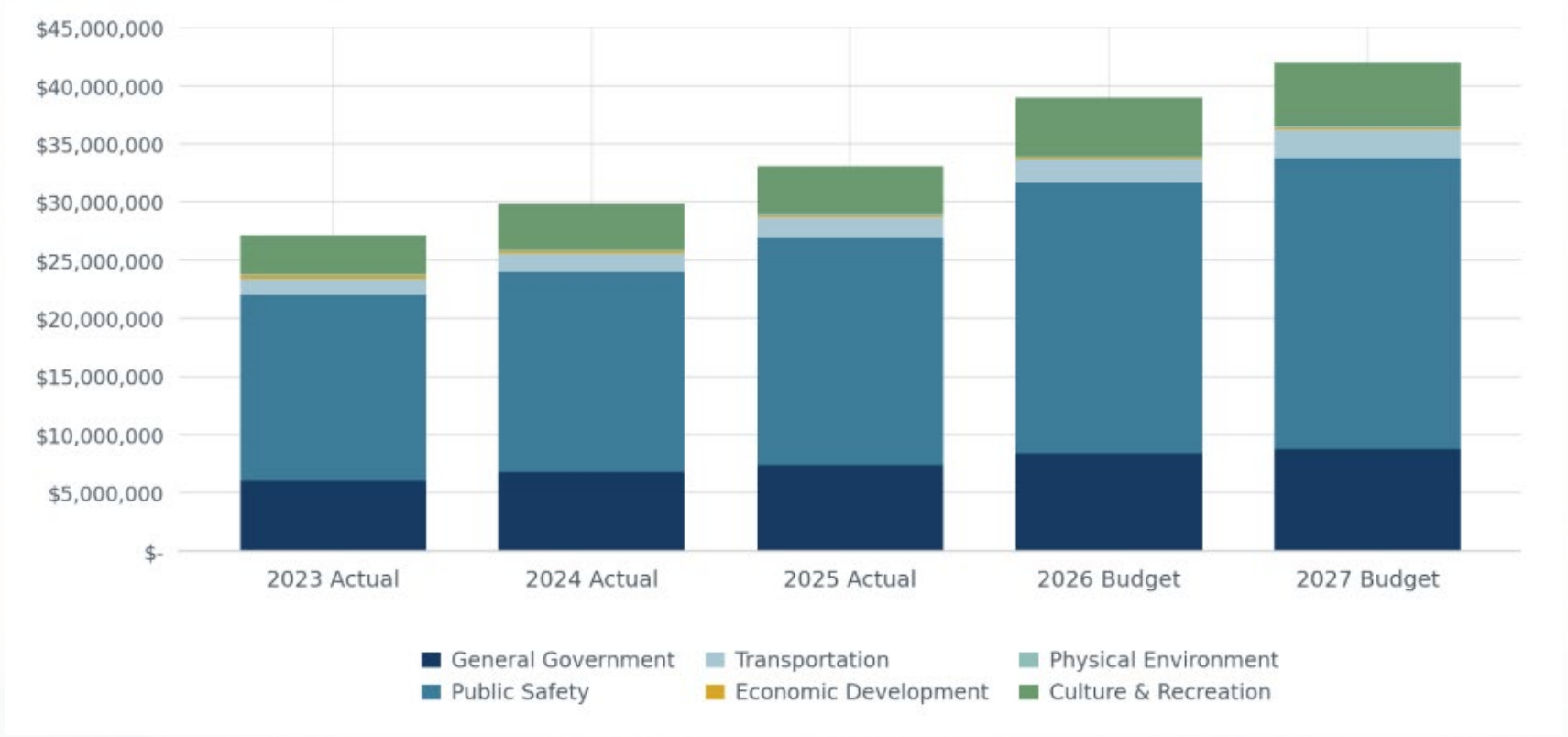
357.75

Change

3.00



Wages & Benefits – 5 Year Trend



New Positions

Parking Fund

Parking Lot/Bathroom Cleaner

1 full-time starting Oct.

FY 2027 Cost **$58,130**

Parking Fund

Parking Ambassadors

2 part-time starting Oct.

FY 2027 Cost **$42,778**

Airport Fund

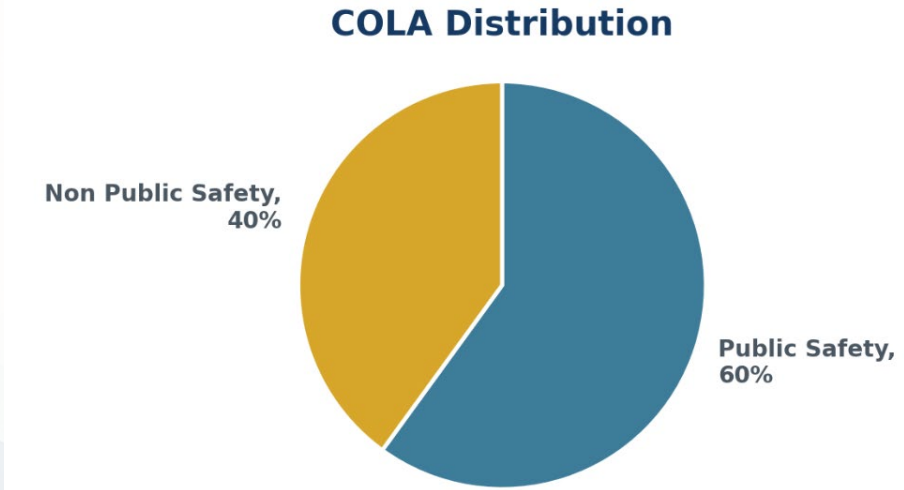
Administrative Assistant

1 full-time starting Jun.

FY 2027 Cost **$34,445**

Cost-of-Living Adjustment (COLA)

	2.0%	2.5%	3.0%	3.5%	4.0%
Wages	$ 556,415	$ 695,519	$ 834,622	$ 973,726	$ 1,112,831
FICA	$ 42,565	$ 53,207	$ 63,848	$ 74,490	$ 85,131
Retirement	$ 111,492	$ 139,365	$ 167,239	$ 195,110	$ 222,984
Total	**$ 710,472**	**$ 888,091**	**$ 1,065,709**	**$ 1,243,326**	**$ 1,420,946**

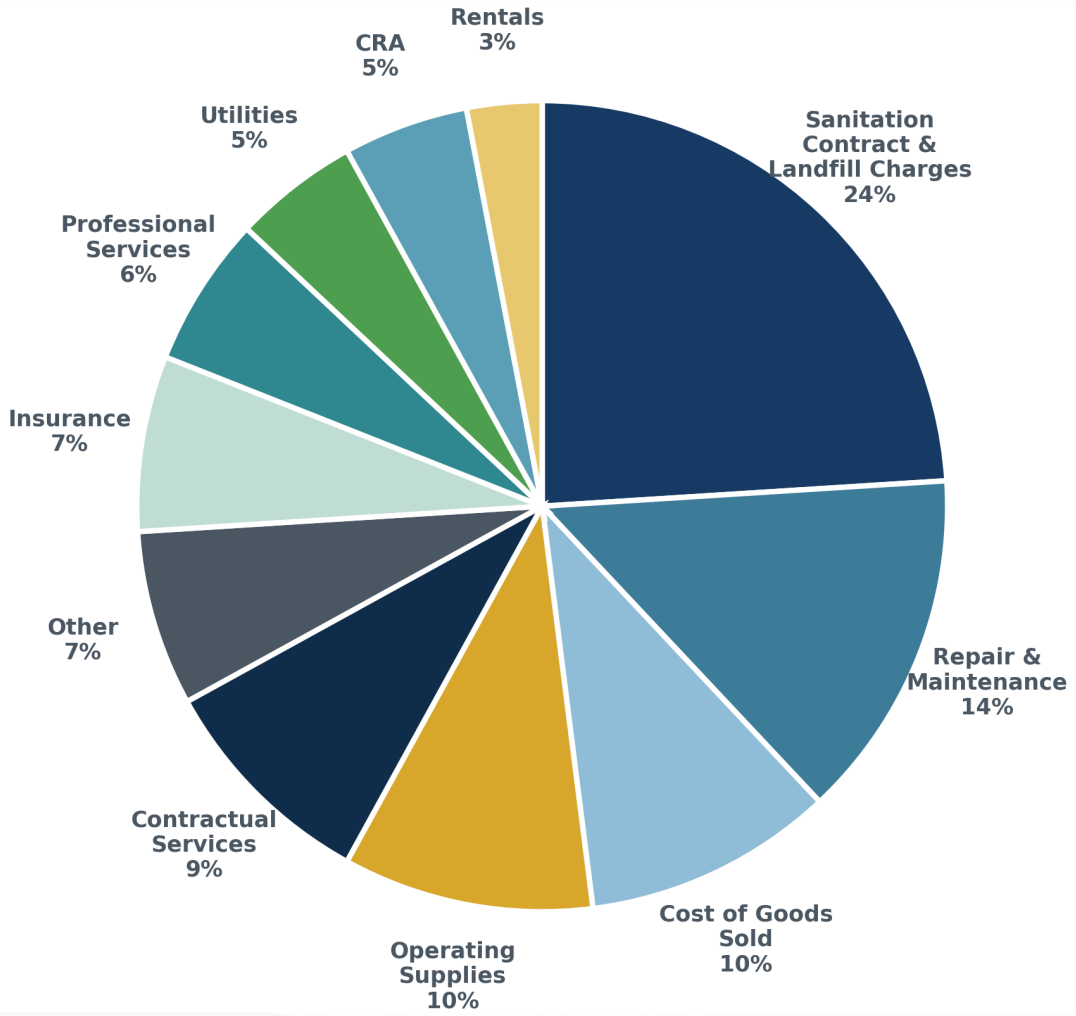


- The FY 2027 Budget does not include a COLA.
- On a year-over-year basis, inflation climbed to 4.2% in May 2026, marking the highest level since April 2023.

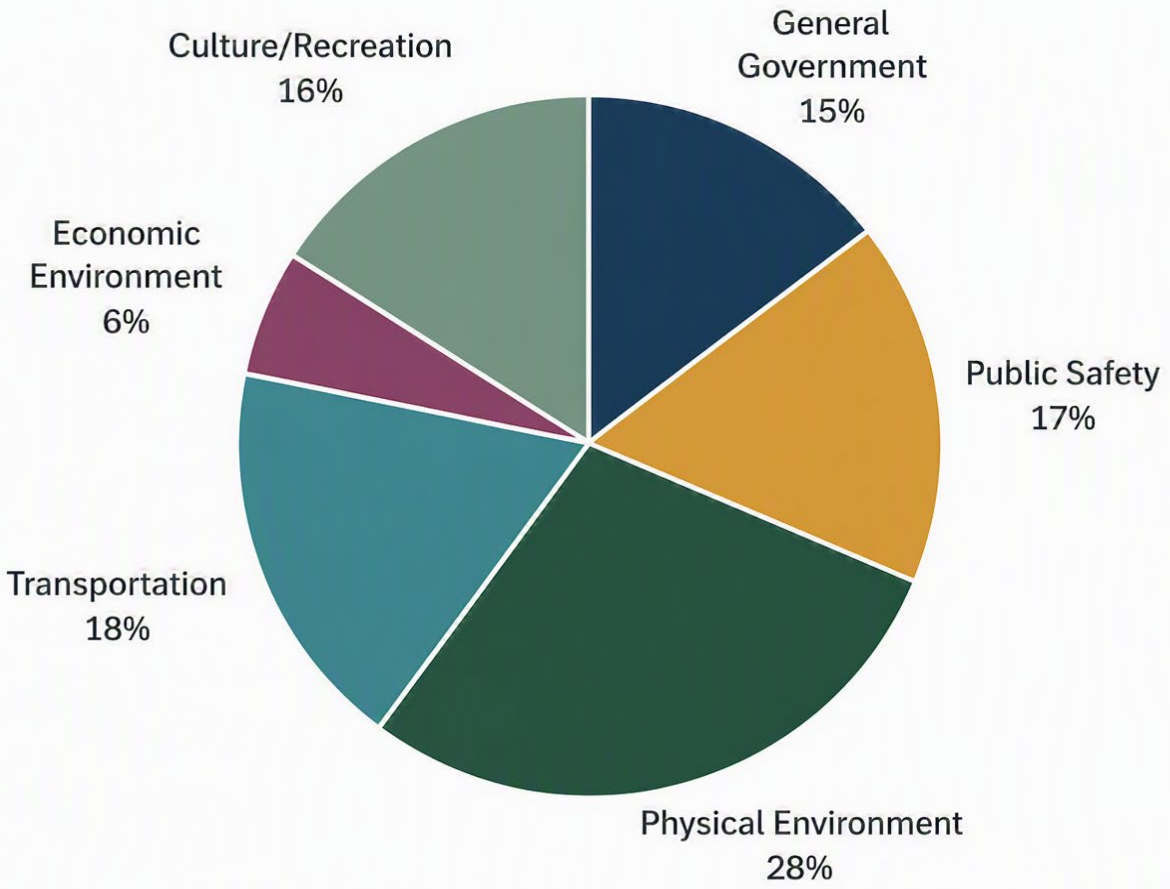
Operating Expenses – Year Over Year Comparison

Expenses	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Sanitation Contract & Landfill Charges	$ 9,350,192	$ 8,862,230	$ (487,962)	-5.2%
Repair & Maintenance	$ 5,729,002	$ 5,189,813	$ (539,189)	-9.4%
Cost of Goods Sold	$ 3,528,688	$ 3,735,000	$ 206,312	5.8%
Operating Supplies	$ 3,390,736	$ 3,608,617	$ 217,881	6.4%
Contractual Services	$ 3,200,232	$ 3,419,804	$ 219,572	6.9%
Other	$ 2,564,036	$ 2,520,840	$ (43,196)	-1.7%
Insurance	$ 2,215,146	$ 2,428,484	$ 213,338	9.6%
Professional Services	$ 2,563,379	$ 2,428,051	$ (135,328)	-5.3%
Utilities	$ 1,968,819	$ 1,922,063	$ (46,756)	-2.4%
CRA Projects	$ 2,007,667	$ 1,907,667	$ (100,000)	-5.0%
Rentals & Leases	$ 1,061,898	$ 1,036,258	$ (25,640)	-2.4%
Total	**$ 37,579,795**	**$ 37,058,827**	**$ (520,968)**	**-1.4%**

Operating Expenses – By Type



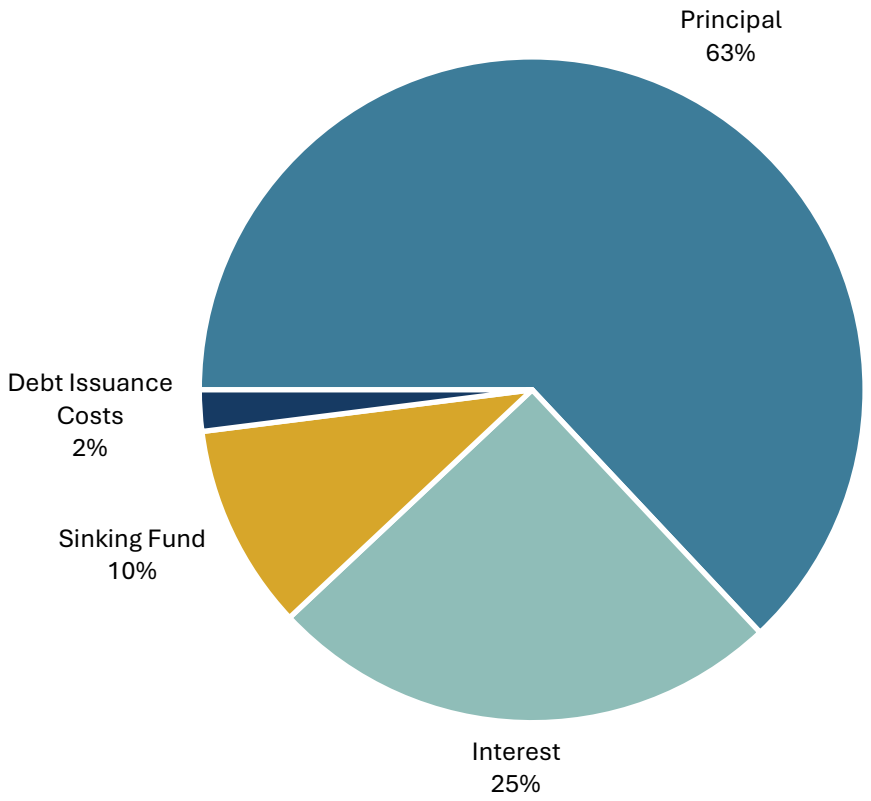
Operating Expenses – By Function



Debt Service – Year Over Year Comparison

Expenses	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Principal	$ 2,671,748	$ 2,489,201	$ (182,547)	-6.8%
Interest	$ 938,872	$ 970,416	$ 31,544	3.4%
Debt Issuance Costs	$ 47,598	$ 81,470	$ 33,872	71.2%
Sinking Fund	$ 341,337	$ 414,636	$ 73,299	21.5%
Total	**$ 3,999,555**	**$ 3,955,723**	**$ (43,832)**	**-1.1%**

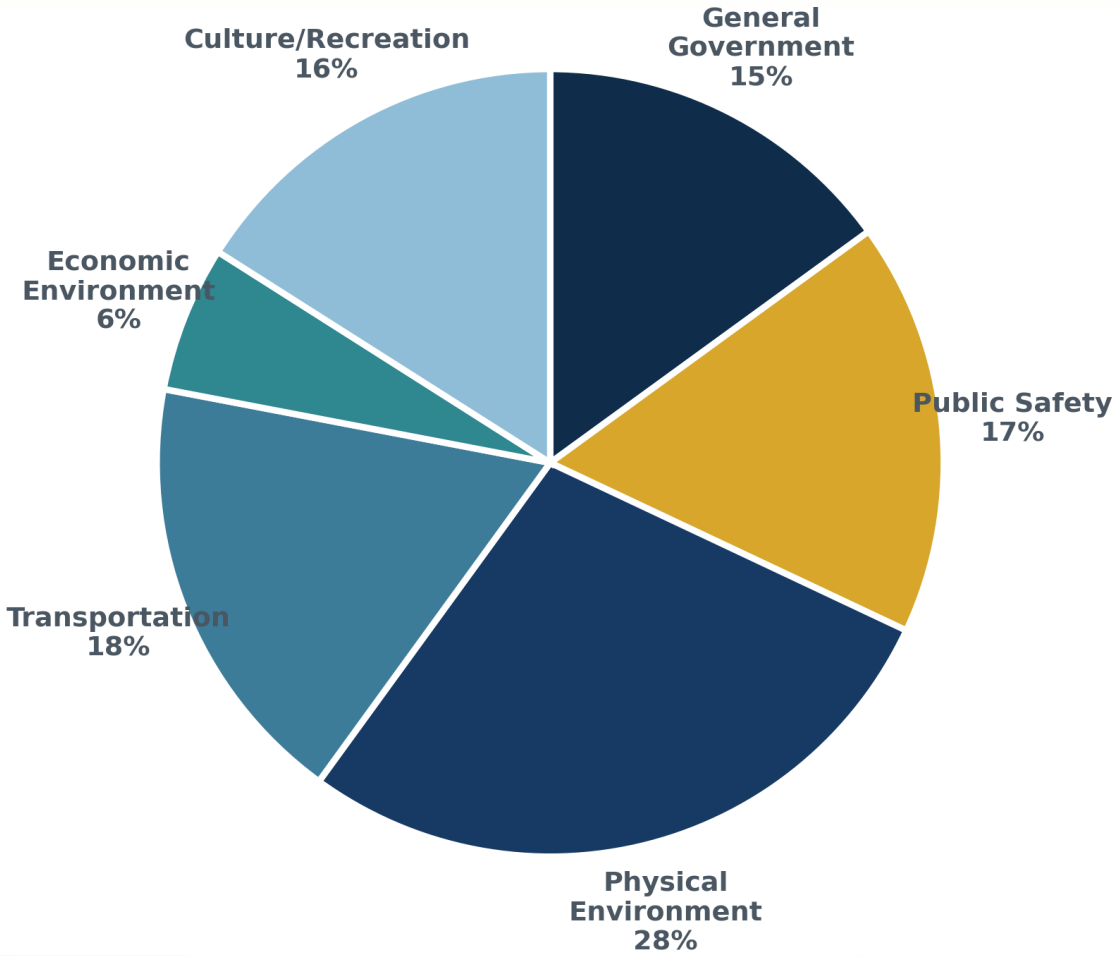
Debt Service – By Type



Capital – Year Over Year Comparison

Expense	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Land	$ 5,576,644	$ 1,000,000	$ (4,576,644)	-82%
Buildings & Improvements	$ 6,933,373	$ 3,035,390	$ (3,897,983)	-56%
Infrastructure	$ 40,442,482	$ 12,752,357	$ (27,690,125)	-68%
Equipment	$ 5,440,101	$ 3,337,549	$ (2,102,552)	-39%
Vehicles	$ 3,255,797	$ 2,851,950	$ (403,847)	-12%
Total	**$ 61,648,397**	**$ 22,977,246**	**$ (38,671,151)**	**-63%**

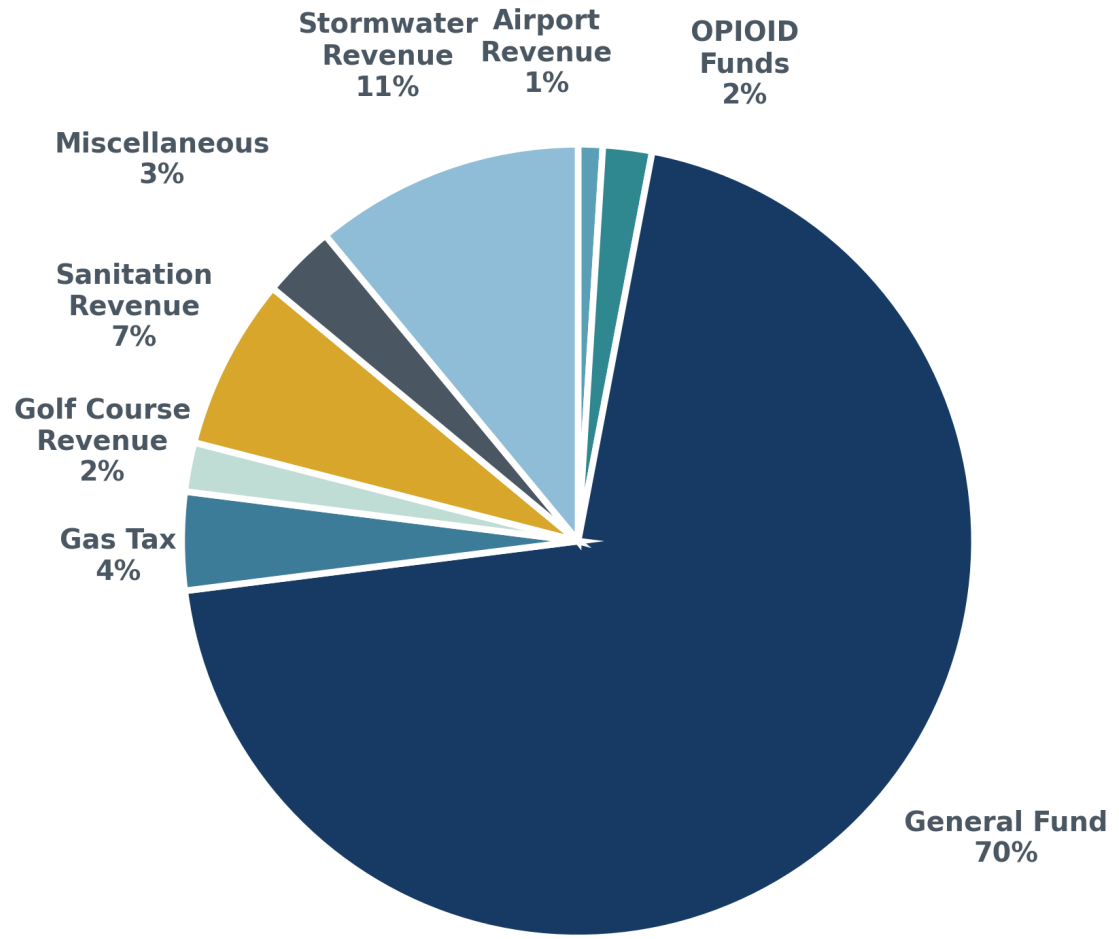
Capital – By Function



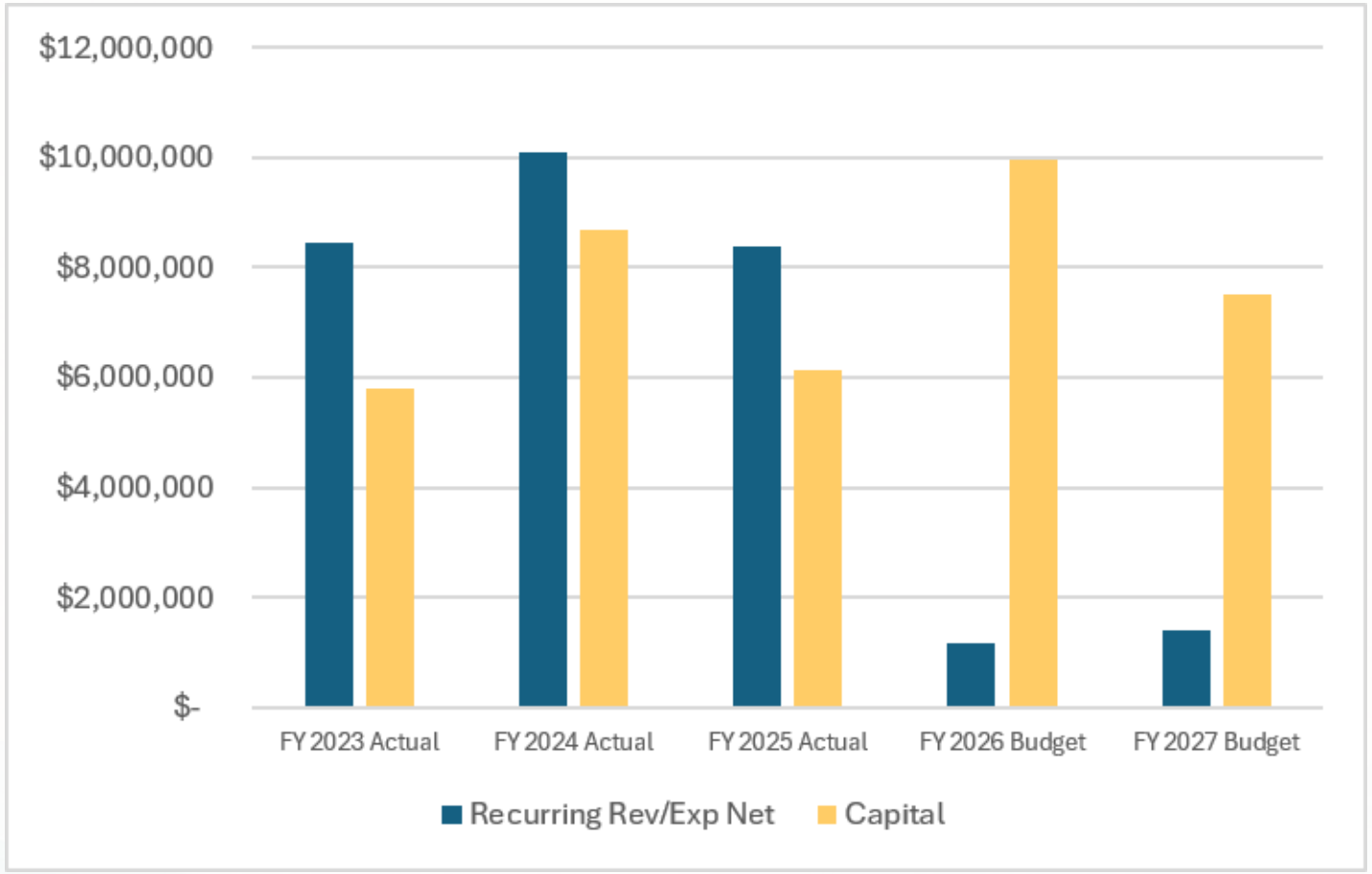
Annual Capital

PROJECT	AMOUNT	PROJECT	AMOUNT
Other Vehicles	$1,366,950	Dredging & Pipelining	$800,000
Equipment	$1,338,200	AC & Roofs	$700,000
Police Vehicles	$1,140,000	Stormwater Vehicles	$700,000
Playground Equipment and Shade	$500,000	Generators	$300,000
Sidewalks	$250,000	Docks & Piers	$200,000
Road Re-surfacing	$2,100,000	TOTAL	$9,395,150

Funding Sources for Annual Capital



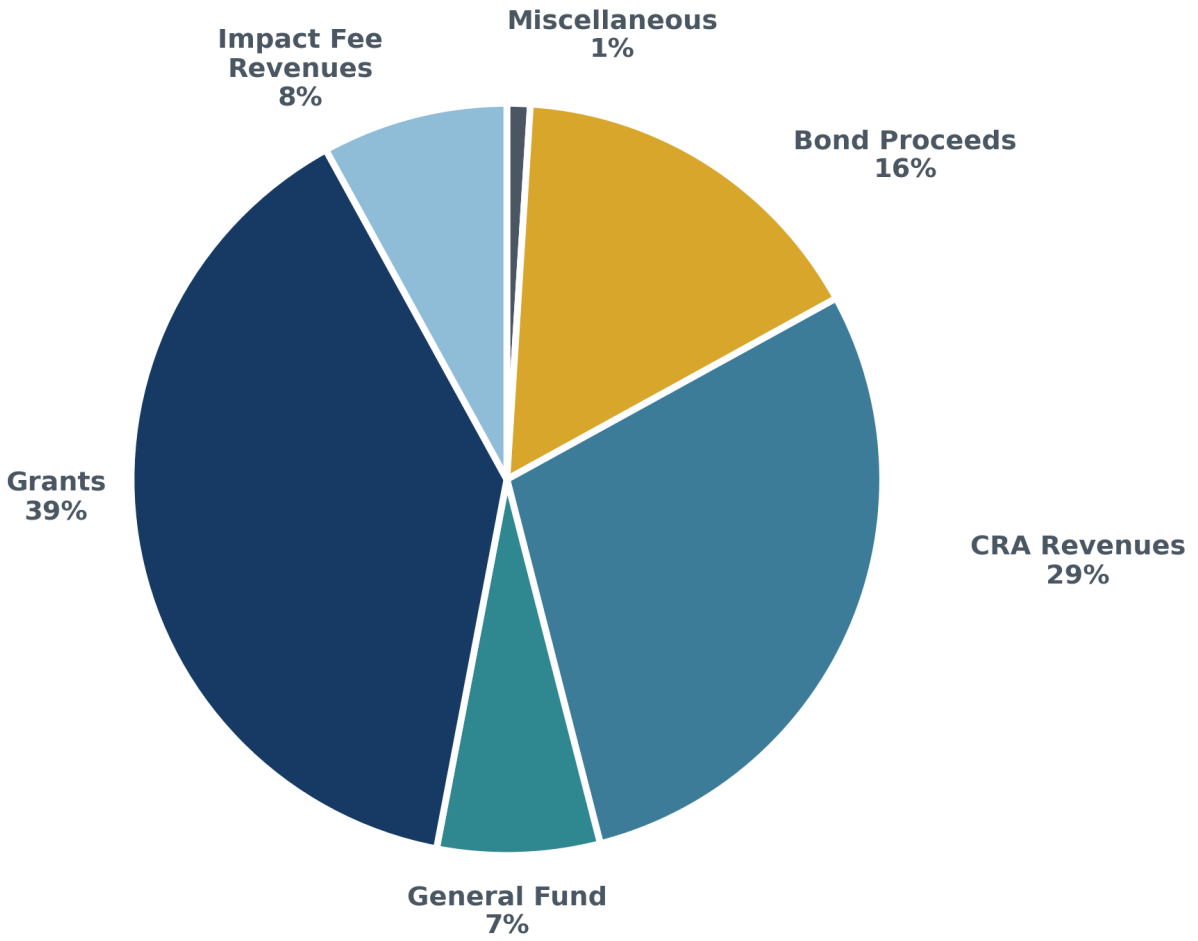
General Fund Capital 5 Year Trend



New Capital Projects

PROJECT	AMOUNT	PROJECT	AMOUNT
Historic Westside Stormwater Improvements	$5,000,000	Myrtle Avenue Park Improvements	$500,000
Turnbull Creek Land Acquisition	$1,000,000	Airport T-hangar Project	$1,663,059
Police Parking & Storage	$2,160,390	Airport Improvements	$774,513
City Gym Multi-purpose Room Reno Design	$100,000	Parking License Plate Readers	$132,500
Babe James Improvements	$315,000	Cameras and Lights in Parks	$195,000
Detwiller Park Conceptual Design	$100,000	Other CRA Projects	$995,185
Other Projects Less than $200,000	$823,609		
		TOTAL	$13,759,256

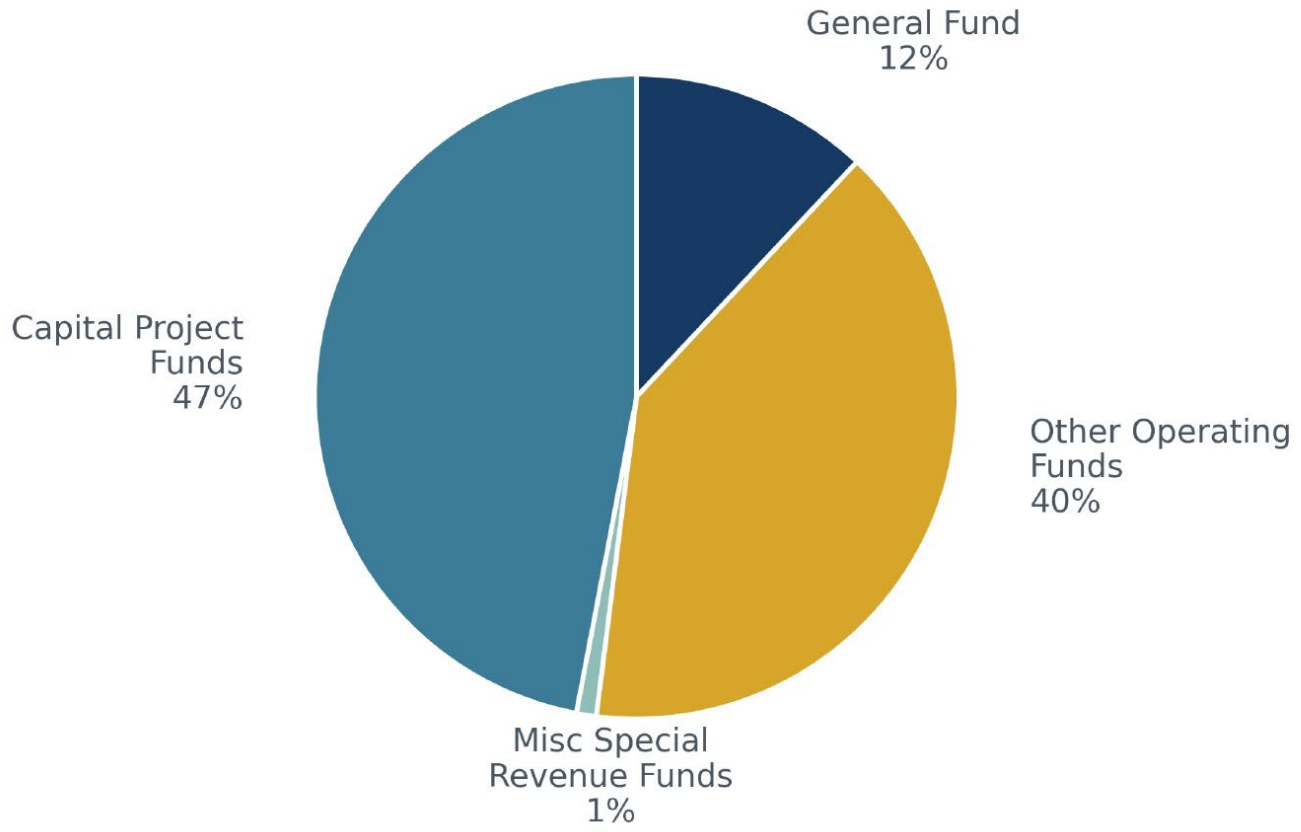
Funding Sources for New Capital Projects



Reserves Unassigned – Year Over Year Comparison

	2026 Budget	2027 Budget	Change $	Change %
General Fund + Sub Funds	$ 9,309,758	$ 2,653,933	$ (6,655,825)	-71.5%
Stormwater Fund	$ 1,775,157	$ 2,449,599	$ 674,442	38.0%
Airport Fund	$ 134,601	$ 1,589	$ (133,012)	-98.8%
Building Fund	$ 84,495	$ 310,574	$ 226,079	267.6%
Parking Fund	$ 5,029,586	$ 4,653,903	$ (375,683)	-7.5%
Tree Fund	$ 583,450	$ 439,297	$ (144,153)	-24.7%
Marina Fund	$ 19,931	$ 98,418	$ 78,487	393.8%
Fleet Maintenance Fund	$ 266,488	$ 614,577	$ 348,089	130.6%
Other Special Revenue Funds	$ 387,525	$ 250,934	$ (136,591)	-35.2%
Capital Project Funds	$ 12,795,698	$ 10,108,521	$ (2,687,177)	-21.0%
	$ 30,386,689	**$ 21,581,345**	**$ (8,805,344)**	**-29.0%**

Reserves Unassigned – By Source



Reserves Required – Year Over Year Comparison

Required Reserves	Target %	2026 Budget	2027 Budget	Change $	Change %
General Fund	25%	$ 13,609,701	$ 14,502,615	$ 892,914	6.6%
Sanitation Fund	25%	$ 2,063,134	$ 2,278,305	$ 215,171	10.4%
Stormwater Fund	20%	$ 616,570	$ 600,805	$ (15,765)	-2.6%
Building Fund	20%	$ 100,000	$ 520,161	$ 420,161	420.2%
Airport Fund	15%	$ 681,013	$ 715,122	$ 34,109	5.0%
Marina Fund	15%	$ 50,929	$ 52,044	$ 1,115	2.2%
		$ 17,121,347	**$ 18,669,052**	**$ 1,547,705**	**9.0%**

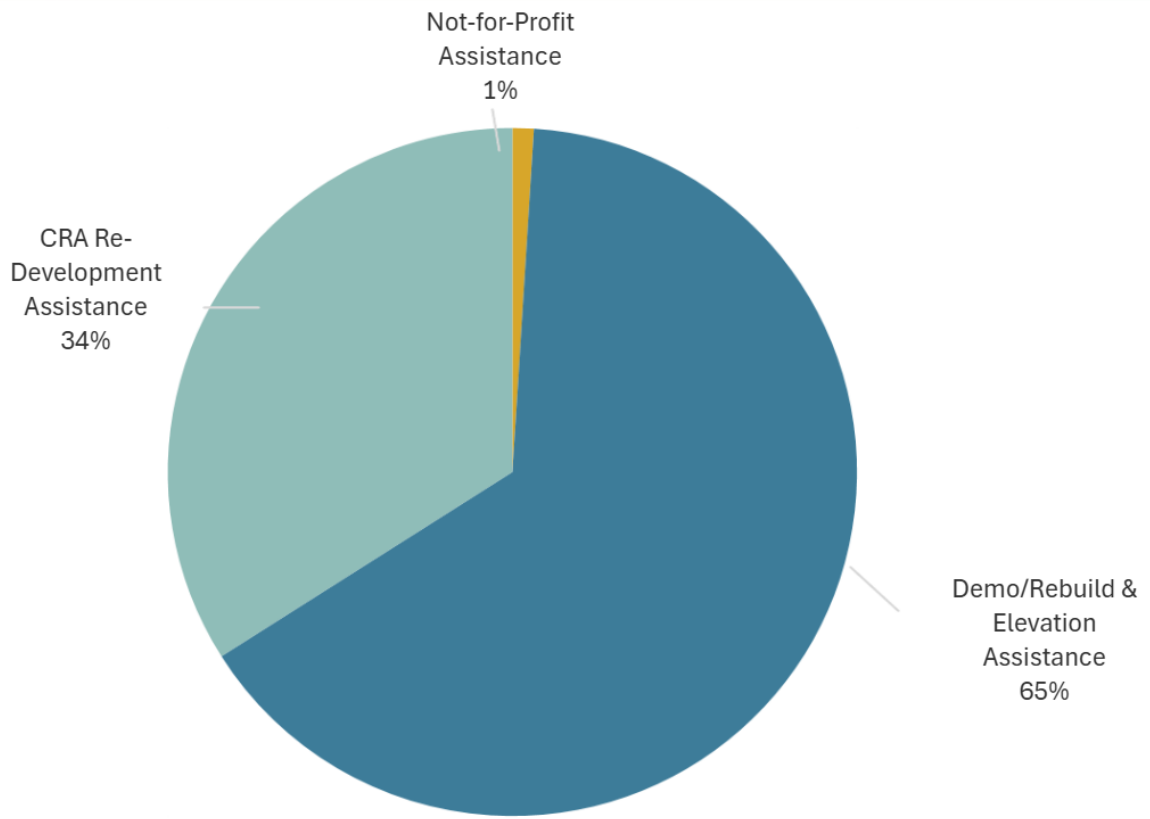
Interfund Transfers – Year Over Year Comparison

Purpose	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Debt Service	$ 2,075,884	$ 2,363,005	$ 287,121	13.8%
Capital	$ 10,233,171	$ 8,528,704	$ (1,704,467)	-16.7%
Support	$ 3,376,855	$ 2,576,245	$ (800,610)	-23.7%
Establish New Funds	$ 16,823,685	$ 3,765,424	$ (13,058,261)	-77.6%
Total	**$ 32,509,595**	**$ 17,233,378**	**$ (15,276,217)**	**-47.0%**

Grants & Aids – Year Over Year Comparison

Expenses	FY 2026 Budget	FY 2027 Budget	Change $	Change %
Not-for-Profit Assistance	$ 158,323	$ 167,458	$ 9,135	5.8%
Demo/Rebuild & Elevation Assistance	$ 14,665	$ 7,600,000	$ 7,585,335	51724.1%
CRA Re-Development Assistance	$ 3,920,522	$ 4,016,984	$ 96,462	0.0%
Total	**$ 4,093,510**	**$ 11,784,442**	**$ 7,690,932**	**187.9%**

Grants & Aids – By Type



Feedback

Budget Workshop Decision Points

1. Fire Assessment
2. Millage Rate
3. Stormwater Rate
4. Parking Rates
5. Marina Rates
6. Business Tax Receipts
7. Wage Cost-of-Living Adjustment (COLA)

Next Steps

07/28/26	Adopt maximum millage rate
07/28/26 **	Adoption of preliminary fire assessment resolution
08/05/26 **	First class mailing for fire assessment (on or before August 28)
08/20/26	Budget Workshop 2
09/08/26 **	Adoption of final fire assessment resolution
09/09/26	First public hearing
09/23/26	Second public hearing and adoption of millage rates and final FY 2027 budget
10/01/26	**Fiscal Year 2027 begins**

** Only if Commission decides to proceed with a fire assessment.

Thank You!

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026

Agenda Item:
G.4

Department UTILITY **Division** PROJECT ENGINEERING AND CONSTRUCTION	**Amount** $496,000.00 **Org/Account #** 54029000-034000

Subject: RESOLUTION 2026-XX APPROVING A WORK ORDER WITH JACOBS ENGINEERING GROUP, INC., FOR POTABLE WATER, WASTEWATER, AND RECLAIMED WATER HYDRAULIC MODELING SERVICES

Presenter: **Brian Roche, Director of Utility**

Attachments:

1. Resolution
2. Contract
3. Proposal

Background:
Council Priority:
D. Sustainable Environment and Infrastructure

Hydraulic modeling is an important planning and operational tool used by the City of Palm Coast to evaluate utility system performance and capacity, assess the impacts of growth and proposed development, identify system deficiencies, evaluate operating conditions, and support capital improvement planning.

On November 4, 2025, City Council approved a work order with another engineering firm for hydraulic modeling services in an amount not to exceed $448,447. The scope included potable water and wastewater model enhancements, development of raw water and reclaimed water models, validation/calibration activities, operational scenarios, documentation, and training.

The raw water hydraulic model and associated project activities have been completed. The engineering firm subsequently requested to be released from completing the remaining hydraulic modeling services. The anticipated final invoice for the raw water modeling effort is approximately $120,000, representing approximately 25 percent of the overall modeling effort.

To continue the program, staff requested a proposal from Jacobs Engineering Group Inc. (Jacobs), one of the City's continuing professional utility engineering consultants. Jacobs proposed work will update, develop, and validate the City's potable water, wastewater, and reclaimed water hydraulic models.

Jacobs' scope includes project management; data collection and site visits; development of water demands and wastewater flows; potable water model updates; wastewater model updates; and reclaimed water model development. The work is anticipated to extend approximately twelve months from execution of the work order and purchase order.

Jacobs proposes a not-to-exceed fee of $496,000. This is approximately $167,553 greater than the amount originally allocated in the original engineer's proposal for the portions of the modeling program remaining after the raw water model effort. The additional cost reflects the consultant transition, Jacobs' independent project mobilization and data review, and the effort required to assume responsibility for and complete the remaining model development and validation work.

Based on the anticipated final invoice from the initial consultant of approximately $120,000 and the proposed Jacobs work order of $496,000, the total anticipated expenditure for the hydraulic modeling initiative is approximately $616,000, or approximately $167,553 above the original City Council authorization to the original engineering firm.

Financial Summary:

Original Council authorization	$448,447
Current Council Request	
Anticipated initial engineer's final invoice ~	$120,000
Jacobs fee proposal	$496,000
Total anticipated expenditure ~	**$616,000**

Staff requests authorization to engage Jacobs Engineering Group, Inc. under RFSQ-SWE-24-12, to provide professional engineering services necessary to complete or develop the water, wastewater and reclaimed water hydraulic models in the amount of $496,000.

Funds for this project are budgeted in the Utility's 5-year Capital Improvement Plan.

Source of Funds Worksheet FY26
54029000-034000
Original Budget: $1,363,000.00
Total Expended/Encumbered to Date: $479,315.50
Pending Work Orders.Contracts**:** $0.00
Current (WO/Contract): $496,000.00
Balance: $387,684.50

Recommended Action:
ADOPT RESOLUTION 2026-XX APPROVING A WORK ORDER WITH JACOBS ENGINEERING GROUP, INC., FOR POTABLE WATER, WASTEWATER, AND RECLAIMED WATER HYDRAULIC MODELING SERVICES

RESOLUTION 2026-___
POTABLE WATER, WASTEWATER, AND RECLAIMED WATER HYDRAULIC MODELING SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF A WORK ORDER WITH JACOBS ENGINEERING GROUP, INC., IN THE AMOUNT NOT TO EXCEED $496,000.00 FOR POTABLE WATER, WASTEWATER, AND RECLAIMED WATER HYDRAULIC MODELING SERVICES; 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, The City of Palm Coast desires to purchase Potable Water, Wastewater, and Reclaimed Water Hydraulic Modeling Services; and

WHEREAS, Jacobs Engineering Group, Inc. desires to sell the aforementioned Potable Water, Wastewater, and Reclaimed Water Hydraulic Modeling Services to the City of Palm Coast.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. APPROVAL OF THE WORK ORDER. The City Council of the City of Palm Coast hereby approves the terms and conditions of the work order with Jacobs Engineering Group, Inc. as attached hereto and incorporated herein by reference herein by reference as Exhibit "A."

SECTION 3. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute any necessary documents.

SECTION 4. FUTURE AMENDMENTS. The City Manager, or designee is hereby authorized to approve any future amendment to Contract Agreements for changes totaling less than $100,000.00 as long as this amount does not exceed the line-item limit for

the budgeted purchase. Further, the City Manager has the authority to execute amendments to the Contract Agreements on behalf of the City for any other changes that may be necessary.

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 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 6. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 8. 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 15th day of September 2026.

ATTEST: CITY OF PALM COAST

_____ _____

KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____

MARCUS DUFFY, CITY ATTORNEY

Attachment: Exhibit “A” Work Order-Jacobs Engineering Group, Inc.

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BPO Mgr. approved

DS
YR

CONTRACT EXECUTIVE OVERVIEW
(Non-Construction)

Vendor Name Jacobs Engineering Group, Inc.

Project Name: Professional Utility Engineering Services

Bid/Reference # RFSQ-SWE-24-12

Contract Type: Master Services Agreement (Professional Services)

Contract Value $ Over $50k

Resolution # 2024- 103 **City Council Approval Date:** 07/16/2024

Standard Contract Template (Y/N): y

If No, then Reviewed by City Attorney: n/a

Length of Contract: 3 years

Renewable (Y/N): yes

If Yes, # and length of renewals: 2 at one year each

City's Project Manager Alex Blake

Brief Description/Purpose:

Professional Utility Engineering Services

Approvals:

Responsible Dept. Director DocuSigned by: Carl Cote D9149C6987AB49F... **Date:** Sep 6, 2024 | 7:41 AM PDT

City Finance Signed by: Helena Alves 4F2A5892B07B492... **Date:** Sep 6, 2024 | 12:38 PM EDT

City Attorney Signed by: Marcus Duffy A9D59FA5D9FD417... **Date:** Sep 6, 2024 | 1:13 PM EDT

Acting City Manager DocuSigned by: Lauren Johnston 17644D609F7D434... **Date:** Sep 6, 2024 | 1:13 PM EDT

Vendor Name and Email Address: Alberto Lazaro alberto.lazaro@jacobs.com

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city of PALM COAST

Finance Department
Budget & Procurement Office

160 Lake Avenue
Palm Coast, FL 32164
386-986-3730

Dear Supplier,

Please review and sign the attached agreement via DocuSign.

In addition, please attach proof of insurance which is compliant with the insurance requirements set forth in the Agreement.

Thank you.

Regards,
City of Palm Coast
Budget & Procurement Office

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MASTER SERVICES AGREEMENT
(Professional Services)

THIS MASTER SERVICES AGREEMENT ("Agreement") made and entered into this 6th day of September, 2024 ("Effective Date"), between JACOBS ENGINEERING GROUP, INC. whose primary place of business is 200 West Forsyth Street, Suite 1520, Jacksonville, Florida 32202 ("SUPPLIER") and the CITY OF PALM COAST, a municipal corporation of the State of Florida, holding tax exempt status, whose address is 160 Lake Avenue, Palm Coast, Florida 32164, ("CITY"). CITY and SUPPLIER are collectively referred to herein as "Parties".

WITNESSETH:

WHEREAS, CITY desires to procure **PROFESSIONAL UTILITY ENGINEERING SERVICES** from a competent and qualified supplier and has conducted a formal Request for Statement of Qualifications # RFSQ-SWE-24-12 (RFSQ) requesting bids/quotes for the services; and

WHEREAS, SUPPLIER is in the business of providing said services, is competent and qualified to provide said services to CITY, responded to the RFSQ and desires to render said services to CITY in accordance with the terms and conditions stated herein;

NOW, THEREFORE, in consideration of the mutual understandings and covenants set forth herein, the receipt and sufficiency of which is hereby acknowledged, CITY and SUPPLIER agree as follows:

1. SUPPLY OF SERVICES:

A. Work Order/Services. This Agreement standing alone does not authorize performance of Services or require CITY to place any orders. During the term of this Agreement, subject to the terms of a work order ("Work Order"), attached to this Agreement as Exhibit A agreed to by CITY and SUPPLIER, SUPPLIER shall provide the services, including any deliverables ("Services"), set forth in such Work Order. At a minimum, each Work Order will set forth a brief project description, the specific tasks, activities and deliverables to be performed, a timeline for performance and completion, a budget, and a payment schedule, with milestone payments where applicable. Each Work Order must be executed by the Parties prior to the commencement of Services thereunder. SUPPLIER shall use its best efforts to provide Services to CITY as described herein; to keep CITY advised of the progress of the work; to provide CITY with such reports, presentations, charts, graphs, and the like as are appropriate to the nature of the services to be performed hereunder; and to maintain complete files and records of all Services provided. Execution of a Work Order shall be an affirmative and irrefutable representation by SUPPLIER to CITY that SUPPLIER is fully familiar with any and all requisite work conditions related to the provisions of the services.

B. Quality of Services. SUPPLIER shall make no claim for additional time or money based upon its failure to comply with this AGREEMENT. SUPPLIER has informed CITY, and hereby represents to CITY, that it has extensive experience in performing and providing the services described in this AGREEMENT, and that it is well acquainted with the components that are properly and customarily included within such Services and the requirements of laws, ordinances, rules, regulations, or orders of any public authority or licensing entity having jurisdiction over CITY Projects. SUPPLIER shall diligently and in a professional and timely manner perform and provide the Services included in each Work Order. All Services to be provided shall in the minimum be in conformance with commonly accepted industry and professional codes and standards, standards of CITY, and the laws of any Federal, State, or local regulatory agencies. SUPPLIER shall be responsible for keeping apprised of any changing laws applicable to the services to be performed under this Agreement. SUPPLIER shall be responsible for the professional quality, accepted standards, technical accuracy and the coordination of all services furnished by SUPPLIER under this Agreement, as well as the conduct of its staff, personnel, employees, and agents. SUPPLIER shall work closely with the CITY on all aspects of the provision of the services. SUPPLIER shall be responsible for the professional quality, technical accuracy, competence, methodology, and the coordination of all of the following which are listed for illustration purposes and not as a limitation: documents, analysis, reports, data, plans, plats, maps, surveys, specifications, and any and all other services of whatever type or nature furnished by SUPPLIER under this Agreement. SUPPLIER shall, without additional compensation, correct or revise any errors or deficiencies in his plans, analysis, data, reports, designs, drawings, specifications, and any and all other services of whatever type or nature.

C. Schedule/Delivery. Time is of the essence in the performance of this Agreement and any Work Order hereunder. SUPPLIER shall begin performing services upon execution by both Parties of the Work Order and written notification to proceed by CITY. SUPPLIER and CITY agree to make every effort to adhere to the schedules as described in each

Work Order. However, if SUPPLIER is delayed at any time in the provision of services by any act or omission of CITY or by any other supplier employed by CITY, the time of completion shall be extended for such reasonable time as the CITY may decide in its sole and absolute discretion. If SUPPLIER'S performance is affected by any event beyond its reasonable control, including fire, explosion, flood, or other acts of God; war, terrorist acts or civil commotion; strike, lock-out or labor disturbances; or failure of public utilities or common carriers, SUPPLIER shall not be liable in connection with this Agreement to the extent affected by such force majeure event; provided that SUPPLIER gives CITY immediate written notice of the force majeure event and exercises all reasonable efforts to eliminate the effects of the force majeure event on its performance as soon as and to the extent practicable. It is further expressly understood and agreed that SUPPLIER shall not be entitled to any damages or compensation, or be reimbursed for any losses, on account of any delay or delays resulting from any of the aforesaid causes or any other cause whatsoever.

D. Change Orders. No changes to a Work Order shall be made without the prior written approval of the Parties. The agreed upon changes shall be detailed in a Change Order. Each Change Order shall include a schedule of completion for the services authorized. Change Orders shall identify this Agreement and the appropriate Work Order number. Change Orders may contain additional instructions or provisions specific to the services to be provided. Such supplemental instructions or provisions shall not be construed as a modification of this Agreement. Execution of any Change Order shall constitute a final settlement and a full accord and satisfaction of all matters relating to the change including but not limited to scope, costs and adjustments to the schedule.

E. Supplier Designated Representative/Key Personnel. SUPPLIER shall furnish a SUPPLIER Designated Representative to administer, review, and coordinate the provision of services under this Agreement and each Work Order. Upon request by CITY, SUPPLIER shall submit to CITY detailed resumes of key professional personnel that will be involved in performing services described in the Work Order. CITY hereby acknowledges its acceptance of such personnel to perform services under this Agreement. If, at any time, SUPPLIER desires to change key professional personnel in an active assignment, it shall submit the qualifications of the new professional personnel to CITY for prior approval. Key professional personnel shall include the principal-in-charge, project managers, and others interfacing with CITY personnel.

F. Replacement of SUPPLIER Personnel. CITY reserves the right to reject at any time for any lawful reason whatsoever any of SUPPLIER'S personnel assigned by SUPPLIER in connection with any Work Order. SUPPLIER shall as soon as possible thereafter provide a replacement satisfactory to CITY. In no event shall performance of the Services be delayed or shall CITY be charged for any time required for any replacement SUPPLIER'S personnel to be trained to provide or become familiarized with the Services, whether the replacement is requested by CITY or not.

G. CITY Premises. At all times while on CITY'S premises, SUPPLIER shall comply with all rules and regulations of CITY. SUPPLIER shall be responsible for its employees and agents while on CITY'S premises.

H. Ownership of Deliverables. All deliverables, including any analysis, reference data, presentations, inventions, computer models, survey data, plans and reports, or any other form of written instrument or document and ideas made or conceived by SUPPLIER that result from or in connection with or during the performances of Services for CITY and any proprietary rights thereto, shall be the property of CITY. SUPPLIER agrees to assign, and does hereby assign, to CITY all right, title and interest of whatsoever kind and nature in and to all Deliverables and related proprietary rights. SUPPLIER shall execute, acknowledge, and deliver to CITY all such further papers as may be necessary to enable CITY to own, register, publish or protect said Deliverables and related proprietary rights in any and all countries and to vest title to said Deliverables and related proprietary rights in CITY. SUPPLIER grants to the City a non-exclusive, irrevocable, unlimited, royalty-free license to use every document and all other materials prepared by the SUPPLIER for the CITY under this Agreement.

I. Acceptance Criteria. For any milestone in which SUPPLIER submits a Deliverable, CITY shall have the right to review and test such deliverable for the functional requirements or acceptance criteria specified for such deliverable and shall notify SUPPLIER if there are any deficiencies. SUPPLIER shall use its best efforts to promptly cure any such deficiencies, and after completing any such cure, SUPPLIER shall resubmit the deliverable for review and testing as set forth above. Any applicable warranty period shall only commence after acceptance by CITY.

2. COMPENSATION:

A. Costs and Expenses. Compensation to SUPPLIER for the services performed on each Work Order shall be as set forth in the Work Order/Change Order. CITY shall only reimburse SUPPLIER for out-of-pocket expenses such as gas, tolls, mileage, meals, etc., that are directly attributable to the performance of work under a Work Order and have been approved in writing in advance by an authorized representative of CITY.

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B. Invoicing. Each Work Order shall be invoiced separately. As work progresses for services satisfactorily performed, SUPPLIER shall render to the CITY, at the close of each calendar month, an itemized detailed invoice properly dated, describing all services rendered, proper documentation of the cost of the services, the name and address of SUPPLIER, Work Order Number, Contract Number, the billing period, if applicable, and all other information required by this Agreement. SUPPLIER shall not send any invoices with respect to Services, and no claim from SUPPLIER for payment (including any amount for fees or expenses) will be allowed for any work done by SUPPLIER with respect to such Services, prior to the Parties' executing the Work Order and CITY issuing a purchase order to SUPPLIER with respect to Services. Work performed by SUPPLIER without written approval by the City's Designated Representative shall not be compensated. Any work performed by SUPPLIER without written approval by CITY is performed at SUPPLIER'S own election. Except for charges or expenses of SUPPLIER expressly set forth in the applicable Work Order, CITY shall not be responsible for any other charges or expenses of SUPPLIER or any mark-ups on any expenses of SUPPLIER. SUPPLIER shall submit invoices to CITY with supporting documentation for approved expenses, signed by the Authorized Representative. Original invoices should be submitted via email to ap@palmcoastgov.com.

C. Payment Terms. The Florida Prompt Payment Act shall apply when applicable. Invoices which are in an acceptable form to CITY and without disputable items will be processed for payment under the Prompt Payment Act., Fla. Stat. 218.23; payments shall be made by CITY to SUPPLIER not more than once monthly. SUPPLIER shall continue to perform during any dispute of an invoice.

D. Financial Reconciliation. At the completion or termination of the Services and before the final payment will be made, SUPPLIER shall, upon request by CITY, provide CITY with a financial reconciliation of funds paid by CITY and tasks completed or partially completed.

3. TERM AND TERMINATION:

A. Term. This Agreement shall take effect on the Effective Date and shall terminate at the end of three (3) years. Following the initial term and at the sole option of CITY, this Agreement may be renewed for two (2) successive periods not to exceed one (1) year each. Expiration of the term of this Agreement shall have no effect upon Work Orders and Purchase Orders issued pursuant to this Agreement and prior to the expiration date. Work Orders shall remain in effect until delivery and acceptance of the work authorized by the Work Order as well as during periods of warranty and guarantee.

B. Termination By CITY.

i. Termination Without Cause. CITY may terminate this Agreement at any time upon fifteen (15) days prior written notice; provided however, that any Work Order entered into shall survive such termination under the terms of this Agreement until the conclusion of such Work Order unless such Work Order is specifically terminated. CITY may terminate any incomplete Work Order at any time and for any or no reason upon written notice to SUPPLIER. In the event of such termination, SUPPLIER shall immediately cease all work in connection with the applicable Work Order after receipt of written notice from CITY unless such notice expressly provides otherwise.

ii. Termination for Cause. CITY may terminate this Agreement for cause at any time upon written notice allowing SUPPLIER five (5) days to remedy the breach. Cause shall include but is not limited to:

1. If, in CITY'S opinion, adequate progress under a Work Order is not being made by SUPPLIER; or

2. If, in CITY'S opinion, the quality of the services provided by SUPPLIER is/are not in conformance with commonly accepted professional standards, standards of CITY, the requirements of Federal or State regulatory agencies, and SUPPLIER has not corrected such deficiencies in a timely manner as reasonably determined by CITY; or

3. SUPPLIER or any employee or agent of SUPPLIER is indicted or has a direct charge issued against him for any crime arising out of or in conjunction with any work that has been performed by SUPPLIER; or

4. SUPPLIER becomes involved in either voluntary or involuntary bankruptcy proceedings, or makes an assignment for the benefit of creditors; or

5. SUPPLIER violates the Standards of Conduct provisions herein or any provision of State or local law or any provision of the City Code of Conduct.

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iii. Except where CITY terminates for cause, SUPPLIER shall be entitled to payment for any work performed and accepted by CITY and any CITY approved expenses irrevocably committed prior to the effective date of termination. CITY shall be entitled to an appropriate refund for any amounts advanced to SUPPLIER for Services not yet performed as of the effective date of termination. SUPPLIER shall not be entitled to any damages for such early termination of Services. In no event shall CITY be responsible for any amounts in the aggregate greater than (i) the total that would have been due under such Work Order or (ii) the value of the work done by SUPPLIER in accordance with such Work Order and this Agreement with respect thereto prior to termination, whichever is less.

iv. Within five (5) days from the effective date of termination, SUPPLIER shall provide or make available to CITY all materials provided by CITY to SUPPLIER and all CITY materials, including any work-in-progress and all full and partial copies thereof, and shall also submit an invoice to CITY in accordance with the pricing set forth in such Work Order for all work done by SUPPLIER in accordance with such Work Order and this Agreement with respect thereto prior to termination.

C. Termination By SUPPLIER. SUPPLIER shall have the right to terminate this Agreement or any Work Order hereunder by way of a written notice, if CITY commits a material breach of the Agreement or a Work Order hereunder and fails to remedy such breach within fifteen (15) days after receipt of written notice of default.

D. Cooperation. Upon receipt of a notice for any termination of this Agreement and any Work Order hereunder, the Parties shall cooperate with each other and use all commercially reasonable efforts to effect a smooth transition process.

E. Survivability. The terms of this Agreement shall survive in full force and effect as to any incomplete Work Orders and Purchase Orders issued prior to the expiration of this Agreement and such Work Orders and Purchase Orders shall continue to be subject to this Agreement until such Work Orders and Purchase Orders are completed or terminated in accordance with this Agreement.

4. REPRESENTATIONS AND WARRANTIES.

A. SUPPLIER represents and warrants the following:

i. The Services shall be performed strictly in accordance with and conform to this Agreement, the applicable Work Order and any applicable industry standards and practices.

ii. The Services shall be provided by qualified personnel, suitably skilled and trained in the performance of the Services, and performed in a diligent and professional manner.

iii. SUPPLIER has obtained, at its sole and exclusive expense, any and all permits, licenses, permissions, approvals or similar consents required to perform the Services.

iv. All deliverables, material, supplies or goods provided by SUPPLIER shall be free from defects and be of merchantable quality.

v. All deliverables provided shall be original and shall not infringe any copyright or violate any rights of any persons or entities whatsoever, except that SUPPLIER shall not be responsible for any claim arising solely from SUPPLIER'S adherence to CITY'S written instructions or directions which do not involve items of SUPPLIER'S origin, design or selection.

vi. SUPPLIER shall comply with Federal, State, and local environmental, health, and safety laws and regulations applicable to the Services provided to the City. SUPPLIER agrees that any program or initiative involving the work that could adversely affect any personnel involved, citizens, residents, users, neighbors or the surrounding environment shall ensure compliance with any and all employment, safety, environmental and health laws.

B. Without limiting any other rights that CITY may have, CITY reserves the right to refuse any Services if SUPPLIER does not, or the Services do not, conform to the foregoing. Acceptance of any part of the Services shall not bind CITY to accept any non-conforming Services simultaneously provided by SUPPLIER, nor deprive CITY of the right to reject any previous or future non-conforming Services.

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C. The representations and warranties contained herein are deemed to be material obligations and shall survive any payment by CITY and shall survive any termination or expiration of this Agreement and any termination or completion of any or all Work Orders.

5. INDEMNIFICATION/SOVEREIGN IMMUNITY AND INSURANCE.

A. **Indemnification**. SUPPLIER shall indemnify and hold harmless CITY, and its officers and employees, from and against liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fees, to the extent the foregoing are caused by the negligence, recklessness, or intentionally wrongful conduct of the SUPPLIER and other persons employed or utilized by the SUPPLIER in performance of this Agreement, including damage to persons or property. The indemnification obligations herein shall not be limited to the amount of insurance coverage required herein or benefits payable by or for SUPPLIER or its agents under worker's compensation acts, disability benefits acts, or other employee benefits acts. This indemnification provision shall survive any termination or expiration of this agreement. PURSUANT TO FLORIDA STATUTES SECTION 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE IF THE REQUIREMENT OF THIS SECTION ARE MET.

B. **Sovereign Immunity**. CITY expressly retains all rights, benefits and immunities of sovereign immunity and nothing herein shall be deemed to affect the rights, privileges, and immunities of City as set forth in Section 768.28, Florida Statutes.

C. **Insurance**. SUPPLIER shall, at SUPPLIER'S own cost, procure insurance in accordance with Exhibit "B" Insurance Requirements, attached hereto and made a part hereof.

6. ALTERNATIVE DISPUTE/CONFLICT RESOLUTION.

A. In the event of a dispute related to any performance or payment obligation arising under this Agreement, the Parties agree to exhaust the conflict resolution procedures reasonably imposed by CITY prior to filing suit or otherwise pursuing legal remedies.

B. SUPPLIER agrees that it will file no suit nor otherwise pursue legal remedies based on facts or evidentiary materials that were not presented for consideration in the dispute resolution procedures set forth in subsection (A) of this Section.

C. In the event that the CITY'S dispute resolution procedures are exhausted and a suit is filed or legal remedies are otherwise pursued, the Parties shall exercise their best efforts to resolve disputes through voluntary mediation. Mediator selection and the procedures to be employed in voluntary mediation shall be reasonably imposed by CITY. The costs of voluntary mediation shall be shared equally among the Parties participating in the mediation.

7. ASSIGNMENT. SUPPLIER shall not assign this Agreement, any rights hereunder or any monies due or to become due, nor delegate or subcontract any obligations or work, without the prior written consent of CITY, and any such purported assignment without such written consent shall be void. This Agreement shall be binding on SUPPLIER'S heirs, executors, legal representatives, successors and permitted assigns.

8. AUDIT OF BOOKS AND RECORDS. SUPPLIER shall maintain all books, documents, papers, accounting records and other evidence pertaining to this Agreement during the term of this Agreement and for five (5) years subsequent to the expiration or termination of this Agreement and/or final payment whichever is later. CITY or CITY'S authorized representative, may at all reasonable times during the term of this Agreement and for five (5) years thereafter and upon reasonable notice, inspect and audit the books, documents, papers, accounting records and other evidence pertaining to this Agreement and SUPPLIER shall make such materials available at SUPPLIER'S office upon CITY'S request. In the event any audit or inspection conducted after final payment reveals any overpayment by CITY under the terms of this Agreement, SUPPLIER shall refund such overpayment to CITY within thirty (30) days of notice by CITY. SUPPLIER agrees that if any litigation, claim, or audit is started before the expiration of the record retention period established above, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

9. AUTHORIZED REPRESENTATIVE. Each party hereto represents to the other that it has undertaken all necessary actions to execute this Agreement, and that it has the legal authority to enter into this Agreement, and to undertake all obligations imposed on it. The person(s) executing this Agreement for SUPPLIER certifies/certify that he/she/they is/are authorized to bind SUPPLIER fully to the terms of this Agreement.

10. CHOICE OF LAW/JURISDICTION. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Florida. In any action or proceeding required to enforce or interpret the terms of this Agreement, venue shall be of the Seventh Judicial Circuit in and for Flagler County, Florida, or the Middle District of Florida in Orlando, Fl., if in federal court.

11. COMPLIANCE WITH LAWS. SUPPLIER agrees to comply with all Federal, State, and City laws, ordinances, regulations, and codes applicable to the Services including, but not limited to, the following:

A. Discrimination/ADA. SUPPLIER shall not discriminate against any employee or applicant for employment for work under this Agreement because of race, color, religion, sex, age, national origin, or disability and shall take affirmative steps to ensure that applicants are employed and employees are treated during employment without regard to race, color, religion, sex, age, national origin, or disability. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. SUPPLIER, moreover, shall comply with all the requirements as imposed by the Americans with Disability Act, the regulations of the Federal government issued thereunder, and any and all requirements of Federal or State law related thereto. If SUPPLIER or an affiliate is placed on a discriminatory vendor list, such action may result in termination by CITY. SUPPLIER shall certify, upon request by CITY, that it is qualified to submit a bid under Section 287.134, Discrimination, (2) (c), Florida Statutes.

B. Drug Free Workplace. SUPPLIER shall certify, upon request by CITY, that SUPPLIER maintains a drug free workplace policy in accordance with Section 287.0878, Florida Statutes. Failure to submit this certification may result in termination.

C. Immigration. CITY shall not intentionally award publicly-funded contracts to any SUPPLIER who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) Section 274A(e) of the Immigration and Nationally Act (INA)]. CITY shall consider the employment by SUPPLIER of unauthorized aliens, a violation of Section 274A (e) of the INA.

D. Scrutinized Companies. Contractor hereby certifies that it: a) has not been placed on the Scrutinized Companies that Boycott Israel List, nor is engaged in a boycott of Israel; b) has not been placed on the Scrutinized Companies with Activities in Sudan List nor the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and c) has not been engaged in business operations in Cuba or Syria. If City determines that Contractor has falsely certified facts under this paragraph or if Contractor is found to have been placed on the Scrutinized Companies Lists or is engaged in a boycott of Israel after the execution of this Contract, City will have all rights and remedies to terminate this Contract consistent with Section 287.135, F.S., as amended. The City reserves all rights to waive the certifications required by this paragraph on a case-by-case exception basis pursuant to Section 287.135, F.S., as amended.

E. Contractor Preference. Pursuant to Section 287.05701, F.S., the City cannot give preference to a Contractor based on the Contractor's social, political, or ideological interests such as:

a. The Contractor's political opinions, speech, or affiliations;
b. The Contractor's religious beliefs, religious exercise, or religious affiliations;
c. The Contractor's lawful ownership of a firearm;
d. The Contractor's lawful engagement in lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition;
e. The Contractor's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture;
f. The Contractor's support of the state or federal government in combating illegal immigration, drug trafficking, or human trafficking;
g. The Contractor's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described herein;
h. The Contractor's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such Contractor is in compliance with applicable state or federal law: 1) environmental standards, including emissions standards, benchmarks, requirements or disclosures; 2) social governance standards, benchmarks, or requirements, including, but not limited to, environmental or social justice; corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992; or policies or procedures requiring or encouraging employee participation in social justice programming, including, but not limited to, diversity, equity, or inclusion training.

F. Conflict of Interest.

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i. SUPPLIER hereby certifies that no undisclosed conflict of interest exists with respect to the Agreement, including, but not limited to, any conflicts that may be due to representation of other clients, customers or vendees, other contractual relationships of SUPPLIER, or any interest in property that SUPPLIER may have.

ii. SUPPLIER shall not engage in any action that would create a conflict of interest for any CITY employee or other person during the course of performance of, or otherwise related to, this Agreement or which would violate or cause others to violate the provisions of Part III, Chapter 112, Florida Statutes, relating to ethics in government.

iii. SUPPLIER further certifies that any conflict of interest that arises during the term of this Agreement shall be immediately disclosed in writing to CITY.

iv. Violation of this Section shall be considered as justification for immediate termination of this Agreement.

12. CONTRACT DOCUMENTS. The RFSQ and all submissions prepared by SUPPLIER in response to the RFSQ are incorporated herein by reference to the extent not inconsistent with the terms and conditions as set forth herein. Each Exhibit referred to and attached to this Agreement is an essential part of this Agreement. The Exhibits and any amendments or revisions thereto, even if not physically attached hereto, shall be treated as if they are part of this Agreement.

13. ENFORCEABILITY. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement. The waiver of a breach of any term or condition of this Agreement or Purchase Order hereunder shall not be deemed to constitute the waiver of any other breach of the same or any other term or condition hereunder. In addition, neither CITY'S review, approval or acceptance of, nor payment for, any Goods provided hereunder shall be construed to operate as a waiver of any rights under this Agreement or the Puchase Order.

14. ENTIRE AGREEMENT. This Agreement shall constitute the entire understanding of the Parties and shall not be changed, amended, altered or modified except in writing and signed by authorized representatives of the Parties with the same formality and equal dignity herewith. All prior agreements, whether written or oral between the Parties relating to the subject matter hereof are superseded by this Agreement and are of no further force or effect. Accordingly, it is agreed that no deviation from the terms of this Agreement shall be predicated upon any prior representations or agreements, whether oral or written. No term included in any invoice, estimate, confirmation, acceptance or any other similar document in connection with this Agreement or a Work Order hereunder shall be effective unless expressly stated otherwise in a writing signed by authorized representatives of the Parties with the same formality and equal dignity herewith. Any amendments to this Agreement must be in writing signed by both Parties. In the event of a conflict between this Agreement and a Work Order or any other writing, this Agreement controls over such inconsistent or additional terms.

15. E-VERIFY REGISTRATION AND USE. Effective January 1, 2021, public and private employers, contractors and subcontractors must require registration with, and use of the E-verify system in order to verify the work authorization status of all newly hired employees. Contractor acknowledges and agrees to utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of:

A. All persons employed by Contractor to perform employment duties within Florida during the term of the contract; and

B. All persons (including subvendors/subsconsultants/subcontractors) assigned by Contractor to perform work pursuant to the contract with the City. The Contractor acknowledges and agrees that use of the U.S. Department of Homeland Security's E-Verity System during the term of the contract is a condition of the contract with the City of Palm Coast.

By entering into this Agreement, the Contractor becomes obligated to comply with the provisions of Section 448.05, F.S. (2023), "Employment Eligibility," as amended from time to time. This includes, but is not limited to, utilization of the E-Verify System to verify the work authorization status of all newly hired employees, and requiring all subcontractors to provide an affidavit to Contractor attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Contractor agrees to execute the same affidavit and to maintain a copy of such affidavits for the duration of this Agreement. Failure to comply with this paragraph will result in the termination of this Agreement as provided in Section 448.095, F.S. (2023), as amended, and the Contractor will not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Contractor will also be

liable for any additional costs to City incurred as a result of the termination of this Agreement in accordance with this section.

16. **EXCLUSIVITY.** The Parties agree that CITY hereunder is not guaranteeing that any minimum amount of Services will be ordered from SUPPLIER under this Agreement. The relationship between SUPPLIER and CITY is not one of exclusivity. Without limiting the foregoing, SUPPLIER agrees that CITY has the right to benchmark, whether formally or informally, any services offered by SUPPLIER or any terms of this Agreement or any Work Order and to competitively bid any project it may have.

17. **INDEPENDENT CONTRACTOR**. The relationship of the Parties established by this Agreement and all Work Orders is that of independent contractors. It is agreed that nothing herein contained is intended or should be construed as in any manner creating or establishing a relationship of co-partners between the Parties, or as making the SUPPLIER, (including its officers, employees, and agents), the agent, representative, or employee of CITY for any purpose, or in any manner, whatsoever. Persons employed by SUPPLIER in the performance of Services and functions pursuant to this Agreement shall have no claim to pension, workers' compensation, unemployment compensation, civil service or other employee rights or privileges granted to CITY'S officers and employees either by operation of law or by CITY.

18. **INTERPRETATION**. This Agreement is the result of bona fide arms length negotiations between CITY and SUPPLIER and all Parties have contributed substantially and materially to the preparation of the Agreement. Accordingly, this Agreement shall not be construed or interpreted more strictly against any one party than against any other party.

19. **NOTICES.** Whenever either party desires to give notice to the other, it must be given by written notice, sent by registered or certified United States mail, with return receipt requested, addressed to the party for whom it is intended at the place last specified and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this Section. For the present, the Parties designate the following as the respective places for giving of notice:

FOR CITY:	**FOR SUPPLIER:**
The City Manager	Alberto Lazaro
City of Palm Coast	Jacobs Engineering Group, Inc.
160 Lake Avenue	200 West Forsyth Street, Suite 1520
Palm Coast, Florida 32164	Jacksonville, Florida 32202

20. **ORDER OF PRECEDENCE.** In the event of a conflict between the terms and conditions of this Agreement and any related exhibits, attachments, proposals, or Work Orders, the terms of this Agreement shall take precedence and control over those of the exhibit, attachment, proposal, or Work Order unless otherwise agreed to in writing by all Parties. In the event of a conflict between the terms and conditions of a Work Order and any related exhibits, attachments, or proposals, the terms of the Work Order shall take precedence and control over those of the exhibit, attachment, or proposal thereto unless otherwise agreed to in writing by all Parties.

21. **PUBLIC RECORDS LAW.**

A. The Parties specifically acknowledge that this Agreement is subject to the laws of the State of Florida, including without limitation, Chapter 119, Florida Statutes, which generally make public all records or other writings made or received by the Parties. If SUPPLIER is either a "contractor" as defined in Section 119.0701(1)(a), Florida Statutes, or an "agency" as defined in Section 119.011(2), Florida Statutes, SUPPLIER shall:

i. Keep and maintain all public records required by CITY to perform the Services herein; and

ii. Upon request from CITY'S custodian of public records, provide CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S. or as otherwise provided by law; and

iii. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement Term and following completion of the Agreement if SUPPLIER does not transfer the records to CITY; and

iv. Upon completion of the Agreement, transfer, at no cost, to CITY all public records in possession of SUPPLIER or keep and maintain public records required by CITY to perform the Services herein. If SUPPLIER transfers all

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public records to CITY upon completion of the Agreement, SUPPLIER shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If SUPPLIER keeps and maintains public records upon completion of the Agreement, SUPPLIER shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to CITY, upon request from CITY'S custodian of public records, in a format compatible with the information technology systems of CITY.

B. All requests to inspect or copy public records relating to the Agreement shall be made directly to CITY. Notwithstanding any other provision of this Agreement to the contrary, failure to comply with the requirements of this paragraph shall result in the immediate termination of the Agreement, without penalty to CITY. A contractor who fails to provide the public records to CITY within a reasonable time may be subject to penalties pursuant to Section 119.10, Florida Statutes. Further, SUPPLIER shall fully indemnify and hold harmless CITY, its officers, agents and employees from any liability and/or damages, including attorney's fees through any appeals, resulting from SUPPLIER'S failure to comply with these requirements.

C. IF THE SUPPLIER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUPPLIER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY CLERK'S OFFICE AT 386-986-3713, cityclerk@palmcoastgov.com, 160 LAKE AVENUE, PALM COAST, FLORIDA 32164.

22. SEVERABILITY. If any term, provision or condition contained in this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such term, provision or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable, shall not be affected thereby, and each term, provision, and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law when consistent with equity and the public interest.

23. SUBCONTRACTORS. In the event that SUPPLIER, during the course of this Agreement, requires the Services of any subcontractors or other professional associates in connection with performance of this Agreement or any Work Order, SUPPLIER must first secure CITY'S prior express written approval. Any subcontract shall be in writing and shall incorporate this Agreement and require the subcontractors to assume performance of SUPPLIER'S duties commensurately with SUPPLIER'S duties to CITY under this Agreement, it being understood that nothing herein shall in any way relieve SUPPLIER from any of its duties under this Agreement or any Work Order hereunder. SUPPLIER shall remain fully responsible for the performance of subcontractors or other professional associates. SUPPLIER shall provide CITY with executed copies of all subcontracts.

24. WAIVER. The failure of CITY to insist in any instance upon the strict performance of any provision of this Agreement, or to exercise any right or privilege granted to CITY hereunder, shall not constitute or be construed as a waiver of any such provision or right and the same shall continue in force.

IN WITNESS WHEREOF, the Parties hereto have made and executed this Agreement on the date below written for execution by the CITY.

CITY OF PALM COAST

DocuSigned by:
By: Lauren Johnston
17644D609F7D434...

Print: Lauren Johnston

Title: Acting City Manager

Date: Sep 6, 2024 | 1:13 PM EDT

JACOBS ENGINEERING GROUP, INC.

Signed by:
By: [signature]
1E6E8558D77A446...
(Authorized Signatory)

Print Name: Alberto M. Lazaro

Title: Vice President

Date: Sep 6, 2024 | 10:23 AM EDT

Exhibits

Docusign Envelope ID: 90058B26-FA27-4F34-9758-4F103CE2868C

A - Work Order Template Form
B - Insurance Requirements

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Exhibit A - Work Order Template Form

Work Order # _____ **PO#** _____ **Project Mgr.** _____
name

SUPPLIER NAME: _____

Contract Project Title _____ **Work Order Project Title** _____

Contract Bid # _____ **Work Order Bid #** _____

Contract Resolution # _____ **Work Order Resolution #** _____

TOTAL COST: $_____

1. **INCORPORATION BY REFERENCE** The provisions of the Contract referenced above dated _____ _____, _____ ("Agreement") are hereby expressly incorporated by reference into and made a part of this Work Order.
2. **METHOD OF COMPENSATION (chose one):** _____ **FIXED FEE/LUMP SUM** _____**UNIT BASED/ NOT TO EXCEED***
3. **PRICING (chose one):** ____ **ATTACHED** _____ **INCLUDED IN CONTRACT**
4. **SCHEDULE (chose one):**_____ **AS NEEDED BASIS** ____ **SHALL BE COMPLETED BY -** ____/____/20____
5. **DESCRIPTION OF SERVICES (chose one):** _____ **ATTACHED** _____ **INCLUDED IN CONTRACT**
6. **OTHER ATTACHMENTS TO THIS WORK ORDER:** _____**No** _____ **Yes If yes, identify:**_____
7. **MISCELLANOUS:**_____
8. **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.
9. **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	CITY APPROVAL
By: _____	By: _____
Print: _____	Print Name: _____
Title: _____	Title: Assistant City Manager or Designee
Date: _____	Date: _____

BPO Use Only:

Req #_____ Requisition Creator _____
name

Select one: _____ New PO _____ Increase to Existing/ P.O. Adjustment

DRAFT

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EXHIBIT B
Insurance Requirements

1. GENERAL.

1.1. Prior to performance under this Agreement, SUPPLIER shall furnish CITY with a Certificate of Insurance signed by an authorized representative of the insurer evidencing the insurance required in Section 3 below. CITY, its officials, officers, and employees shall be named additional insured under the Commercial General Liability policy using CG 1185 or its equivalent, as well as additional insured under the business auto policy. Except as otherwise specified in the Agreement, the insurance shall become effective prior to the commencement of work by SUPPLIER and shall be maintained in force until the Agreement completion date. The insurance provided by SUPPLIER shall apply on a primary basis and any other insurance or self-insurance maintained by CITY or CITY'S officials, officers, or employees shall be in excess of and not contributing with the insurance provided by or on behalf of SUPPLIER. The Workers' Compensation Policy and the Commercial General Liability required by this Agreement shall be provided on an occurrence rather than a claims-made basis. The Certificate of Insurance shall provide that CITY shall be given not less than thirty (30) days written notice prior to the modification, cancellation or restriction of coverage.

1.2. Until such time as the insurance is no longer required to be maintained by SUPPLIER, SUPPLIER shall provide CITY with a renewal or replacement Certificate of Insurance not less than thirty (30) days before expiration or replacement of the insurance for which a previous certificate has been provided. In addition to providing the Certificate of Insurance, if required by CITY, SUPPLIER shall, within thirty (30) days after receipt of the request, provide CITY with a certified copy of each of the policies of insurance providing the coverage required.

1.3. SUPPLIER waives all rights against CITY for recovery of damages to the extent covered by Commercial General Liability, Commercial Umbrella Liability, Business Auto Liability or Workers Compensation and Employers Liability insurance maintained per requirements herein.

1.4. Neither approval by CITY nor failure to disapprove the insurance furnished by a subcontrator or another supplier shall relieve SUPPLIER of SUPPLIER'S full responsilbility for performance of any obligation including SUPPLIER indemnification of CITY under this Agreement.

1.5. It shall also be the responsibility of SUPPLIER to ensure that all of its subcontractors performing Services under this Agreement are in compliance with the insurance requirements of this Agreement as defined above.

1.6. Compliance with the insurance requirements set forth herein shall not relieve SUPPLIER, its employees or agents of liability from any indemnification obligation under this Agreement.

1.7. Nothing herein shall be construed as a waiver of sovereign immunity by CITY beyond the limits set forth in Section 768.28, Florida Statutes.

2. INSURANCE COMPANY REQUIREMENTS.

2.1. SUPPLIER shall obtain or possess and continously maintain the coverage from a company or companies, with a Best's Rating of "A" or better and a Financial Size Category of "VII" or better according to A.M. Best CITY. Companies issuing policies other than Workers' Compensation, must be authorized to conduct business in the State of Florida and prove same by maintaining Certificates of Authority issued to the companies by the Department of Insurance of the State of Florida. Policies for Workers' Compensation may be issued by companies authorized as a group self-insurer by Section 440.57, Florida Statutes.

2.2. If, during the period which an insurance company is providing the insurance coverage required by this Agreement, an insurance company shall: 1) lose its Certificate of Authority, 2) no longer comply with Section 440.57, Florida Statutes, or 3) fail to maintain the requisite Best's Rating and Financial Size Category, SUPPLIER shall, as soon as SUPPLIER has knowledge of any such circumstance, immediately notify CITY and immediately replace the insurance coverage provided by the insurance company with a different insurance company meeting the requirements of this Agreement. Until such time as SUPPLIER has replaced the unacceptable insurer with an insurer acceptable to CITY, SUPPLIER shall be deemed to be in default of this Agreement.

3. COVERAGE. Without limiting any of the other obligations or liability of SUPPLIER, SUPPLIER shall, at SUPPLIER'S sole expense, procure, maintain and keep in force amounts and types of insurance conforming to the minimum

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requirements set forth in this subsection. The amounts and types of insurance shall conform to the following minimum requirements:

3.1. Workers' Compensation/Employer's Liability.

A. Workers Compensation Coverage SUPPLIER'S insurance shall cover SUPPLIER for liability which would be covered by the latest edition of the standard Workers' Compensation Policy, as filed for use in Florida by the National Council on Compensation Insurance, without restrictive endorsements. SUPPLIER will also be responsible for procuring proper proof of coverage from its subcontractors of every tier for liability which is a result of a Workers' Compensation injury to the subcontractor's employees. The minimum required limits to be provided by both SUPPLIER and its subcontractors is outlined in subsection (b) below. In addition to coverage from the Florida Workers' Compensation Act, where appropriate, coverage is to be included for the Federal Employers' Liability Act and any other applicable Federal or State law.Subject to the restrictions of coverage found in the standard Workers' Compensation Policy, there shall be no maximum limit on the amount of coverage for liability imposed by the Florida Workers' Compensation Act, the United States Longshoremen's and Harbor Workers' Compensation Act, or any other coverage customarily insured under Part One of the standard Workers' Compensation Policy.

B. Employers Liability Coverage

$500,000.00	(Each Accident)
$500,000.00	(Disease-Each Employee)
$500,000.00	(Disease-Policy Limit)

3.2. Commercial General Liability.

Using the latest edition of the standard Commercial General Liability Coverage Form (ISO Form CG 00 01), as filed for use in the State of Florida by the Insurance Services Office, without the attachment of restrictive endorsements other than the elimination of Coverage C, Medical Payment and the elimination of coverage for Fire Damage Legal Liability:

	LIMITS
General Aggregate (per project)	$2,000,000.00 or 2x Per Occurrence (whichever is greater)
Personal & Advertising Injury Limit	$1,000,000.00
Each Occurrence Limit	$1,000,000.00

The CGL limits may be satisfied by a combination of primary CGL and Umbrella/Excess coverage. When Umbrella/Excess is provided it shall follow form.

3.3. Business Auto Policy.

SUPPLIER'S insurance shall cover SUPPLIER for those sources of liability which would be covered by Part IV of the latest edition of the standard Business Auto Policy (ISO Form CA 00 01), as filed for use in the State of Florida by the Insurance Services Office, without the attachment of restrictive endorsements. Coverage shall include owned, non-owned and hired autos.

The minimum limits to be maintained by SUPPLIER (inclusive of any amounts provided by an Umbrella or Excess policy) shall be per accident combined single limit for bodily injury liability and property damage liability. If the coverage is subject to an aggregate, SUPPLIER shall maintain separate aggregate limits of coverage applicable to claims arising out of or in connection with the work under this Agreement. The separate aggregate limits to be maintained by SUPPLIER shall be a minimum of three (3) times the per accident limit required and shall apply separately to each policy year or part thereof.

The minimum amount of coverage under the Business Auto Policy shall be:

	LIMITS
Each Occurrence Bodily Injury and Property Damage Liability Combined	$1,000,000.00

3.4. Professional Liability: SUPPLIER shall provide professional liability insurance as well as errors and omission insurance in a minimum amount of $1,000,000 CSL or its equivalent, with a combined single limit of not less than $1,000,000, protecting SUPPLIER against claims of the City for negligence, errors, mistakes, or omissions in the performance of Services to be performed and furnished by SUPPLIER.

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FORM 5- E-VERIFY REGISTRATION AND USE AFFIDAVIT

A. Pursuant to section 448.095, Florida Statutes, beginning January 1, 2021, all Contractors (as defined by the statute) shall register with and use the U.S. Department of Homeland Security's E-Verify system, https://e-verify.uscis.gov/emp, to verify the work authorization status of all its employees hired on and after January 1, 2021.

B. Also, pursuant to section 448.095, Florida Statutes, Contractors shall also require all subcontractors performing work under to use the E-Verify system for any employees the subcontractors may hire.

C. Instructions - Provide evidence of compliance with section 448.095, Florida Statutes including an Affidavit stating all employees hired on and after January 1, 2021 have had their work authorization status verified through the E-Verify system and a copy of their proof of registration in the E-Verify system.

1. Please create an Affidavit on your company's letter head in a similar form to that attached below.
2. Have it signed and notarized.
3. Then attach the notarized affidavit and the proof of registration where indicated.

D. The successful proposer awarded the contract hereunder must obtain from all subcontractors providing goods or services under the awarded contract, an affidavit stating the subcontractor does not employ, contract with, or subcontract with an unauthorized alien, as defined in section 448.095, Florida Statutes along with a copy of the subcontractor's proof of registration. The successful bidder must maintain a copy of each subcontractor affidavit and proof of registration during the duration of the contract awarded and provide to City upon request.

E. Failure to comply with this provision is a material breach of the awarded contract and shall result in the immediate termination without penalty to the City. Proposer shall be liable for all costs incurred by the City to secure a replacement contract, including but not limited to, any increased costs for the same services, any costs due to delay, and rebidding costs, if applicable.

Jacobs Engineering Group Inc.

Name of Proposer

Alberto Lazaro

Name and Titles of Authorized Representative(s)



Signature(s)

May 23, 2024

Printed Date

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[Company Letter Head]
CONTRACTOR E-VERIFY AFFIDAVIT

I hereby certify that Jacobs Engineering Group Inc. *[insert contractor company name]* does not employ, contract with, or subcontract with an unauthorized alien, and is otherwise in full compliance with Section 448.095, Florida Statutes.

All employees hired on or after January 1, 2021 have had their work authorization status verified through the E-Verify system.

A true and correct copy of Jacobs Engineering Group Inc. *[insert contractor company name]* proof of registration in the E-Verify system is attached to this Affidavit.

Print Name: Alberto Lazaro

Title: Vice President

Date: May 23, 2024

STATE OF FLORIDA

COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this 23rd day of May, 2024 by Alberto Lazaro [name of officer or agent, title of officer or agent] of Jacobs Engineering Group Inc. [name of contractor company acknowledging], a Florida [state or place of incorporation] corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ [type of identification] as identification.

Notary Public

[NOTARY SEAL]

Notary Public State of Florida
Brandi Lee Murray
My Commission HH 050217
Expires 01/29/2025

Brandi Lee Murray

Name typed, printed or stamped

My Commission Expires: January 29, 2025

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FORM 6 – PUR 1355

FOREIGN COUNTRY OF CONCERN ATTESTATION (PUR 1355)

This form must be completed by an officer or representative of an entity submitting a bid, proposal, or reply to, or entering into, renewing, or extending, a contract with a Governmental Entity which would grant the entity access to an individual's Personal Identifying Information. Capitalized terms used herein have the definitions ascribed in Rule 60A-1.020, F.A.C.

Jacobs Engineering Group Inc. is not owned by the government of a Foreign Country of Concern, is not organized under the laws of nor has its Principal Place of Business in a Foreign Country of Concern, and the government of a Foreign Country of Concern does not have a Controlling Interest in the entity. Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true

Printed Name: Alberto Lazaro

Title: Vice President

Signature: 

Date: May 23, 2024

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AFFIDAVIT OF COMPLIANCE WITH ANTI-HUMAN TRAFFICKING LAWS

State of Florida

County of Duval

In accordance with section 787.06 (13), Florida Statutes, the undersigned, on behalf of Jacobs Engineering Gro (the "Lender"), hereby attests under penalty of perjury, that the Lender does not use coercion for labor or services as defined in Section 787.06, Florida Statutes, entitled "Human Trafficking."

The undersigned representative of the Lender is authorized to execute this affidavit on behalf of the Lender.

Date: Sep 6, 2024 | 10:23 AM EDT

Signed: Signed by: 1E6E8558D77A446...

Entity: Jacobs Engineering Group, Inc.

Name: Alberto M. Lazaro

Title: Vice President

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 2024, by _____.

Notary Signature

_____

PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known_____

OR Produced Identification_____

Type of Identification Produced_____

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 08/30/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LIC #0437153 1-212-948-1306 Marsh Risk & Insurance Services CIRTS_Support@jacobs.com 633 W. Fifth Street Los Angeles, CA 90071 USA	CONTACT NAME: PHONE (A/C, No, Ext): FAX (A/C, No): 1-212-948-1306 E-MAIL ADDRESS:
INSURED Jacobs Engineering Group Inc. C/O Global Risk Management 555 South Flower Street, Suite 3200 Los Angeles, CA 90071 USA	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : ACE AMER INS CO — 22667 INSURER B : INDEMNITY INS CO OF NORTH AMER — 43575 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 751277419 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			HDO G4892007A	07/01/24	07/01/25	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
	X CONTRACTUAL LIABILITY						MED EXP (Any one person)	$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	$ 1,000,000
	X POLICY PRO-JECT LOC						GENERAL AGGREGATE	$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG	$ 1,000,000
								$
A	AUTOMOBILE LIABILITY			ISA H10739585	07/01/24	07/01/25	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WLR C5072041A (AOS)	07/01/24	07/01/25	X PER STATUTE OTH-ER	
A	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N: N	N / A		SCF C57256710 (WI)	07/01/24	07/01/25	E.L. EACH ACCIDENT	$ 500,000
A	(Mandatory in NH)			WCU C57256564 (OH)*	07/01/24	07/01/25	E.L. DISEASE - EA EMPLOYEE	$ 500,000
A	If yes, describe under DESCRIPTION OF OPERATIONS below			WLR C57256667 (AZ)	07/01/24	07/01/25	E.L. DISEASE - POLICY LIMIT	$ 500,000
A	PROFESSIONAL LIABILITY			EON G21655065 015	07/01/24	07/01/25	PER CLAIM/PER AGG	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

PROJECT MGR: Samantha Ofarrell. CONTRACT MGR: Cindy Kahl. RE: Master Service Agreement for Professional Utility Engineering Services. CONTRACT END DATE: 09-06-2027. SECTOR: Public. City of Palm Coast, its officials, officers, and employees are added as an additional insured for general liability & auto liability as respects the negligence of the insured in the performance of insured's services to cert holder under contract for captioned work. The General Liability and Auto Liability insurance policies are primary and the certificate holder's insurance is excess and non-contributory. Waiver of subrogation is hereby granted in favor of cert holder for GL, AL and WC. Coverage includes U.S. Longshore and Harbor Workers Compensation Act Coverage and Outer Continental Shelf Lands Act Coverage. *THIS IS A

CERTIFICATE HOLDER	CANCELLATION
City of Palm Coast 160 Lake Avenue Palm Coast, FL 32164 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE

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SUPPLEMENT TO CERTIFICATE OF INSURANCE

DATE
08/30/2024

NAME OF INSURED: **Jacobs Engineering Group Inc.**

Additional Description of Operations/Remarks from Page 1:

SAMPLE CERTIFICATE ONLY*. THE ACTUAL CERTIFICATE FOR THE PROPOSED PROJECT WILL COMPLY WITH THE TERMS AND CONDITIONS NEGOTIATED IN THE FINAL CONTRACT, CONSISTENT WITH POLICY TERMS AND CONDITIONS.

Additional Information:

***$2,000,000 SIR FOR STATE OF: OHIO**

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AFFIDAVIT OF COMPLIANCE WITH ANTI-HUMAN TRAFFICKING LAWS

State of Florida

County of Duval

In accordance with section 787.06 (13), Florida Statutes, the undersigned, on behalf of Jacobs Engineering Group, Inc. (the "Lender"), hereby attests under penalty of perjury, that the Lender does not use coercion for labor or services as defined in Section 787.06, Florida Statutes, entitled "Human Trafficking."

The undersigned representative of the Lender is authorized to execute this affidavit on behalf of the Lender.

Date: 9/6/2024

Signed: _____

Entity: Jacobs Engineering Group, Inc.

Name: Alberto M. Lazaro

Title: Vice President

Sworn to (or affirmed) and subscribed before me this 6th day of September, 2024, by Alberto M. Lazaro.



Notary Signature

_____

PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known x

OR Produced Identification_____

Type of Identification Produced_____

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RESOLUTION 2024 -103
CONTINUING SERVICE AGREEMENTS FOR
PROFESSIONAL UTILITY ENGINEERING SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING MASTER SERVICES AGREEMENTS FOR PROFESSIONAL UTILITY ENGINEERING SERVICES: PROVIDING LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR FUTURE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Professional Utility Engineering consultants have expressed a desire to provide utility engineering services throughout the City of Palm Coast; and

WHEREAS, the City Council of the City of Palm Coast desires enter approve contracts with the top seven (7) ranked firms for the above-mentioned services for the City of Palm Coast.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. APPROVAL OF AGREEMENTS. The City Council of the City of Palm Coast hereby approves the terms and conditions of the master services agreements with Wright-Pierce, Inc., Freese & Nichols, Inc., McKim & Creed, CPH, Inc., Jacobs Engineering Group, Inc., Four Water Engineering, Inc., Infrastructure Solution Services, as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 3. AUTHORIZATION TO NEGOTIATE, FINALIZE, AND EXECUTE. The City Manager, or designee has the authorization to negotiate, finalize and execute the necessary documents.

SECTION 4. FUTURE AMENDMENTS. The City Manager, or designee is hereby authorized to approve any future amendment to the Master Services Agreement for

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changes totaling less than $50,000.00 as long as this amount does not exceed the line-item limit for the budgeted purchase. Further, the City Manager has the authority to execute amendments to the Master Price Agreement on behalf of the City for any other changes that may be necessary.

SECTION 5. 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 6. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 8. 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 16th day of July 2024.

ATTEST:

KALEY COOK, CITY CLERK

CITY OF PALM COAST

DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY

Attachment: Exhibit "A" – MSA Draft Contracts

Professional Utility Engineering Services – Citywide Potable Water, Wastewater, and Reclaimed Water Hydraulic Modeling

Date:	September 2, 2026
Project name:	City of Palm Coast – Potable Water, Wastewater, and Reclaimed Water Hydraulic Models Development
Attention:	Raynetta Marshall, PE Carole Smith, PE
Client:	City of Palm Coast
Prepared by:	Baha Mirghani, PhD, PE
Reviewed by:	Jose A. Ramos, PE, Matt Tennant, PhD, PE
Copies to:	Brian Roche, PE, CPA

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Gainesville, FL 32601
United States
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www.jacobs.com

The City of Palm Coast (City) seeks hydraulic modeling services for its potable water, wastewater, and reclaimed water systems. In this proposal Jacobs Engineering Group Inc. ("Supplier" or "Jacobs") will develop and validate the City's potable water, wastewater, and reclaimed water models.

The scope of work outlined below is provided in accordance with our Contract for Professional Utility Engineering Services dated September 6, 2024 (RFSQ-SWE-24-12).

Project Background

The City of Palm Coast owns, operates, maintains, and manages large utility systems that include:

- Potable Water System: three water treatment plants (WTPs) and approximately 675 miles of water mains.
- Wastewater System: two wastewater treatment facilities (WWTFs), over 700 miles of gravity mains, approximately 186 lift stations (LSs), approximately 200 miles of force mains, and 14,000 pretreatment effluent pumping (PEP) tanks.
- Reclaimed Water System: two high service pump stations (HSPs) and approximately 150 miles of reclaimed water mains.

To manage these utility systems, the City previously developed potable water and wastewater models that simulate working conditions within the pressure pipe networks. Now, the City has requested Jacobs to update and/or develop hydraulic models for its potable water, wastewater, and reclaimed water systems using most up to date information and then validate functional performance for these models.

Using these models, the City can run operational scenarios that model existing or future conditions to assist the City's engineering and operations staff to make informed operational and capital improvement decisions.

Scope of Services

The intent of this scope is categorized in Tasks 1 – 6 below:

Task 1 – Project Management

Task 2 – Data Collection and Site Visits

Task 3 – Water Demands and Wastewater Flows

Task 4 – Potable Water Model Update

Task 5 – Wastewater Model Update

Task 6 – Reclaimed Water Model Development

Task 7 – Run Operational Scenarios (Exclusion)

Task 8 – Model Calibration (Exclusion)

To provide comprehensive modeling service, the following goals will be addressed:

- Model update and/or development,
- Model validation/calibration and testing,
- Establish baseline and conduct specific model scenarios.

Task 1 – Project Management

Jacobs will perform project management activities and conduct the following subsections as described below:

1.1 Project Management

This task includes planning, scheduling, budgeting, staff management, invoicing, preparing monthly status reports, and all communication with subconsultants and the City. Also, Jacobs will set up a SharePoint File Transfer Protocol (FTP) site for the project to enable information exchange.

1.2 Project Meetings

Jacobs will prepare a meeting agenda for each meeting prior to the meeting and a meeting summary to document key meeting items in a PDF that will be distributed to all attendees after the meeting.

- Project Kickoff Meeting (In person) – Following receipt of the fully executed Work Order and Purchase Order, a project kickoff meeting will be conducted at the City office (or any other place coordinated between the City and Jacobs), up to two Jacobs staff members will attend in-person; others will attend via Microsoft Teams ("Teams") as necessary. The goal of the meeting will be to review scope, schedule, budgeting, communication, deadlines, and critical success factors.
- Coordination and Review Meetings (up to 12 meetings total) – Meetings will serve as coordination and/or review sessions over the course of the project, as well as activities such as fire flow testing and wastewater lift station drawdown testing. The specific topics to be covered in each meeting and the dates associated with each meeting will be coordinated between the City and Jacobs. All coordination and review meetings will be hosted virtually on Microsoft Teams, with the option to hold up to two on-site meetings as needed.

Task 1 Deliverable:

The following deliverables will be provided electronically in pdf format:

- Kickoff Meeting Notes
- Coordination and Review Meeting Notes

Task 2 – Data Collection and Site Visits

Jacobs will collect the data needed to develop and/or update the hydraulic models, and will conduct site visits to key facilities to better understand facility operations. Data and site visit notes from other Jacobs projects, such as Wastewater Program Management & Owners Representation Services, will be used whenever possible.

2.1 Data Collection and Review

Jacobs will submit a data request of information to be obtained from the City. Jacobs will review data provided by the City as outlined below:

- Review the previous hydraulic models and past reports related to potable water distribution, wastewater collection, and reclaimed water systems.
- Geographical information systems (GIS) files that define spatial configuration, connectivity, lengths, material, and diameters of the piping systems within the City service area including potable water distribution, wastewater collection including force mains and gravity mains, and reclaimed water.
- Boundary condition GIS shapefiles or spreadsheets that define spatial configuration, connectivity, diameters, height, material, type, speed, elevations, etc. for vertical elements including lift stations, manholes, WWTFs, WTPs, storage tanks, booster pump stations, and reclaimed water HSPs and tanks.
- Reclaimed water HSPs, booster pump stations, and lift station as-built drawings and pump information (pump capacity information, pump curves).
- GIS shapefiles for the City potable water, wastewater, and reclaimed water service area, parcels, land use and future population growth (number of planned residential units/commercial space).
- Customers billing/meter records GIS file that includes customer consumptions (potable water and reclaimed water billing records) for the last 2 years, and meter locations. Advanced metering infrastructure (AMI) data (if available).
- Rainfall data collected at the WWTFs.
- Ground infiltration data for the service area.
- 1-foot contour maps derived from a county-wide Light Detection and Ranging (LiDAR) data that covers potable water, wastewater, and reclaimed water service area.
- Digital Evaluation Model that covers the water distribution, wastewater collection, and reclaimed water system service area (if available).
- Supervisory control and data acquisition (SCADA) system data for 2 years including WTPs water production, storage tanks data, WWTF influent flow data, pumps data, pressures, and flow readings within the potable water, wastewater, and reclaimed water systems.
- Previous performance studies including Operations and Maintenance records for water distribution, wastewater collection, and reclaimed water systems.
- Level of Service (LOS) goals, LOS will be used to assess the hydraulic performance of the modeled potable water, wastewater, and reclaimed water systems. At the applicable meetings, Jacobs will work with the City to finalize the LOS parameters and ranges for the system authorized for

modeling. LOS goals will be established after the initial model runs and in collaboration with the City, considering model results, City preferences and standards, FDEP regulatory requirements, and guidance from AWWA M32 (Computer Modeling of Water Distribution Systems) and WEF Manual of Practice FD-17 (Design of Wastewater and Stormwater Pumping Stations). Preliminary LOS goals parameters include:

- Maximum Velocities: 8 fps (maximum) and 5 fps (design) for all systems
- Minimum Velocity: 2 fps for wastewater
- Maximum Pressures: 60, 80, and 100 psi thresholds, depending on operating conditions and system
- Run times, wet wells high level, surcharges, sanitary sewer overflows (SSOs) for wastewater, and pump operating points.

The intent of this task is to update and/or develop base models utilizing collected information to reflect the existing system's condition and attributes. The objective is to use validated models to run various scenarios that help to analyze the utility systems and identify future improvement options.

2.2 Site Visits

Jacobs will conduct site visits to the three WTPs, two WWTFs, selected lift stations, two reclaimed water HSPs, booster stations, and storage tanks as outlined below:

- Schedule site visits to the two WWTFs, selected lift stations, and reclaimed water HSPs to meet with the operations staff to document WWTFs and pump stations operation and control philosophy. Site visits will include WWTF #1 and #2, 2 reclaimed water HSPs, and up to15 selected lift stations.
- Schedule site visits to the three WTPs, pump stations, and tanks to meet with the operations staff to document WTPs, pump stations, and tanks operation and control philosophy. Site visits will include 3 WTPs, booster pump stations, and storage tanks.
- The site visit notes will be documented and transmitted electronically to the City.

Task 2 Deliverables

The following deliverables will be provided electronically in pdf format:

- Data Request List
- Draft/Final Site Visit Notes

Task 3 – Water Demands and Wastewater Flows

In this task the water demands, wastewater flows, and reclaimed water demands will be allocated across the City service area to allow the potable water, wastewater and reclaimed water models to be significantly validated and used for scenario evaluations. Jacobs will process 2025 and available 2026 potable water and reclaimed water billing records, parcel data, and available SCADA records (for WTPs daily water production, reclaimed HSPs daily flow, WWTFs daily flow, and lift stations) to develop spatial demand and flow allocations for the models. This demand and flow allocation provides the basis for meaningful model validation and scenario evaluations. With this allocation, the models will be able to serve as a reliable tool to support capital and operational planning. This task includes the following subsections:

3.1 Develop Potable Water Demands

- Develop the water demand distribution to include new developments.
- The demands will be developed using three components:

- Customer demands (meter records) – ADD and MDD will be allocated spatially
- Routine flushing demands
- Water loss (supply minus customer demands minus routine flushing demands).

3.2 Develop Wastewater Flows

- Develop wastewater flow distribution to include new developments.
- The flows will be developed using three components:
  - Base sanitary flow – based on a portion of customer water demand – AADF will be allocated spatially by sewershed
  - Based infiltration – based on groundwater infiltration data provided
  - Rainfall derived inflow and infiltration (RDII) - for each sewershed and each WWTP.

3.3 Develop Reclaimed Water Demands

- Develop reclaimed water demand distribution to include new developments.
- The demands will be developed using 2 components:
  - Customer demands (meter records) – ADD and MDD will be allocated spatially
  - Water loss (supply minus customer demands).

Task 3 Deliverable:

- Develop geocoded customer demands for potable water and reclaimed water, and spatially allocated wastewater flow per sewershed in GIS shapefiles.

Task 4 – Potable Water Model Update

In this task, the existing potable water model will be converted to Bentley WaterGEMS, updated with up-to-date infrastructure (via GIS) and then validated. The validated model will be used to evaluate the hydraulic performance of the existing system and make improvement recommendations.

4.1 Potable Water Model Creation

Steps to update the potable water model are described in the subsections below.

4.1.1 Potable Water System Primary Boundary Conditions

- WTP Pump Stations: Incorporate record drawings information and operations provided by the City:
  - Pump station components: Incorporate provided data including quantity of pumps, tanks, piping dimensions, lengths, elevations, piping, local loss elements, and connection configurations.
  - Pump performance curves: Add pump curves data to the model. This step is so that flow rates and system head relationships are accurately simulated.
  - Catalog pump curves: Develop an Excel file to track pump curves used in the model and those in the field.
  - Operations: Confirm that the model accurately represents discharge pressure versus station capacity at each station.

- Water Distribution System Tanks: Incorporate record drawings information and operations as needed:
    - Tanks: Include data on dimensions, levels as applicable, fill valves, piping information, local loss elements, and connection configurations.
    - Operations: Include operations and controls data so that the model accurately simulates valves operation.

4.1.2 Potable Water System Network

- Include the piping network using the provided up-to-date GIS data, supplemented by record drawings (preferred) for developments not yet captured in GIS. The minimum pipe diameter to include in the model is 4-inch.
- Convert nominal diameter to inside pipe diameters based on materials and the City's pipe specifications.
- Include Hazen-Williams coefficients (C-values) to reflect piping materials, sizes, and pipe conditions.
- Assign elevations to model nodes using the GIS elevation datum.
- Assign the potable water demands developed as part of Task 3 to model nodes.

4.2 Potable Water Model Validation

A high-level validation can be conducted for the hydraulic model including the following:

- Hydrant flow testing: Conduct up to 10 hydrant flow tests in a single day. Record hydraulic test results, booster pump discharge pressures and flow rates, pump station performance, and distribution tank water surface elevations. Hydrant flows will be recorded manually; the remaining data is expected to be obtained from SCADA, although manual field recording is acceptable if needed. Also, previous hydrant tests performed by the City (approxemlty100 tests) will be considered.
- Field data collection plan: Jacobs will prepare a plan defining roles and responsibilities of the City.
- Model validation: Use collected data to validate hydraulic performance of the model. Observed and simulated booster pump discharge pressures and flow rates, as well as hydrant pressures (static and residual), will be compared. Minor adjustments to Hazen-Williams C-factors and, if necessary, boundary conditions adjustment may be made to better align simulated outputs with observed data.
- Model verification should confirm that model connectivity is 99+% and physical attributes (tanks, pumps, pipes, etc.) have been accurately represented. 'Adjustment' step should include connectivity issues as best as possible based on flow test results.
- Outcome: This abbreviated validation effort will either confirm the model is suitable for scenario evaluation and system planning or provide sufficient information to guide a more targeted field data collection program (under Task 8, Model Calibration - not included in this scope) to support development of calibration if needed. Validation criteria will be discussed and mutually agreed upon with the City. LOS goals and criteria highlighted in Section 2.1 will be used. Recording

pressures using data loggers at strategic locations in the system could be included in the calibration effort (Task 8 below).

4.3 Perform Scenarios and Document Results

After the model is developed and validated, it can then be used with confidence to perform scenarios and evaluate system performance.

4.3.1 Perform Scenarios

Three steady-state scenarios listed below are recommended to be performed for the existing system to evaluate performance against LOS goals; however, additional two extended period simulation (EPS) scenarios can be added per the City request:

- Average Annual Day Demand (AADD): This scenario will provide insight into average daily performance and typical pressure conditions.
- Peak Hour Demand (PHD): This scenario is used to evaluate peak customer demands and is required by regulations for system sizing and evaluation. PHD can be determined for the entire system by reviewing and analyzing fresh water production and HSPs diurnal adjusted for areas with reclaimed water service versus areas without reclaimed water service.
- Maximum Day Demand (MDD) + Fire Flow (FF): This scenario is used to evaluate fire flow capability under MDD conditions and required by regulations for proper sizing of the system.

Jacobs will meet with the City to review results, assess the ability of the system to satisfy LOS goals, and discuss potential improvements. Following this review, Jacobs will test up to two improvement alternatives using the established scenarios and will review the results with the City. Recommended improvements will then be finalized.

4.3.2 Document Results

Develop a Potable Water Hydraulic Model Technical Memorandum (PWHM TM) documenting the model update and validation process and results. Deliver the PWHM TM to the City for review. Meet with City to review the PWHM TM.

4.3.3 Finalize Model

Based on the PWHM TM review, incorporate any comments into the model and finalize model. The final electronic versions of the model software files and associated data will be provided to the City for their use. Also, Jacobs will help the City to operate the model within their system.

Task 4 Deliverable:

- Draft and Final Technical Memorandum submitted electronically in PDF format
- Final potable water model files

Task 5 – Wastewater Model Update

In this task, the existing wastewater model will be converted to Bentley SewerGEMS, updated with up-to-date infrastructure (via GIS) and then validated. The validated model will then be used to evaluate the hydraulic performance of the existing system and make improvement

recommendations.

5.1 Wastewater Model Updates

Wastewater model development activities are described in the subsections below:

5.1.1 Wastewater System - Primary Boundary Configuration

- Force main discharges at WWTFs:
    - Discharge Piping: Include accurate sizes, lengths, local loss elements, and discharge elevation, as applicable, as well as their connection configurations to improve flow and headloss estimates.
- Lift stations:
    - Compare pump station data in the existing model with the data provided by the City related to the pump stations such as wet well diameters, elevations, gravity invert elevations, operational elevations, quantity of pumps, diameters of on-site lift station piping, estimate local loss elements, and connection configurations.
    - Review and compare record drawings for up to 10 lift stations with the corresponding model stations, and update the model as needed. Pump station model-to-record drawing comparisons are usually limited to large capacity stations, stations on critical locations, or stations anticipated to have a significant hydraulic impact on the overall system.
    - For the new City-owned lift stations not yet in the model, incorporate record drawing information in the model as needed. This will include wet well diameters, elevations, gravity invert elevations, operational elevations, quantity of pumps, diameters of on-site lift station piping, estimate local loss elements, and their connection configurations.
    - Pump performance curves: Obtain and review actual pump curves against model inputs and update the model as needed to confirm curves are correctly represented. Add accurate pump curve data where curves are missing and for new lift stations. This update will allow pumping behavior, flow rates, and system head relationships to be accurately simulated.
    - Catalog pump curves: Develop an Excel file to document pump curves used in the model and those in the field. This step is important for stations that contain many pumps.
    - Assign the wastewater flows developed as part of Task 3 to applicable wet wells.
- PEP Tanks
    - Modeling of individual 14,000 PEP tank systems are excluded from this scope of work. However, Jacobs will model lift stations downstream of PEP tanks and include aggregated flows provided by these PEP tanks.

5.1.2 Wastewater System - Network Configuration

- The network will be updated using most updated GIS data, supplemented by record drawings for improvements not yet captured in GIS.
    - Update model force mains by doing the following:

        - Converting nominal diameter to inside pipe diameters based on materials and the City's pipe specifications. The minimum pipe diameter to include in the model is 4-inch.
        - Incorporating force main high point elevations and discharge elevations.
        - Updating Hazen-Williams coefficients (C-values) to reflect the actual materials, sizes, and pipe conditions.
    - Update model gravity mains and manholes by doing the following:
        - Converting gravity main nominal diameter to inside pipe diameters based on materials and the City's pipe specifications. The minimum pipe diameter to include in the model is 4-inch.
        - Review for negative or flat slopes, then populate missing gravity main invert elevations, manhole diameters, and invert elevation with information contained in GIS. New features not yet in the model and missing in GIS will be populated with record drawing information.
        - Updating Manning's n values to reflect the actual materials, sizes, and pipe conditions. This can be provided in spreadsheet format then added to the model.
- Assign the applicable wastewater model flows developed as part of Task 3 to model manholes.

5.2 Validate the Wastewater Model

A high-level validation can be conducted for the updated wastewater model including the following:

- Drawdown testing: Conduct up to 16 drawdown tests over a two-day period. For these tests, the City will confirm lift station discharge piping contains a valved connection for installation of calibrate pressure gauges.
- Field data collection plan: Jacobs will prepare a plan defining roles and responsibilities of the City and Jacobs for the drawdown testing.
- Model validation: Jacobs will review daily WWTFs influent flow records and select potential days for model validation that serve as the following:
    - Dry weather flow (DWF) day — approximately an annual average daily flow (AADF) day
    - Wet weather flow (WWF) day — approximately a maximum daily flow (MDF) day.
    - Jacobs will select 3 days for each scenario for potential used. For these days, the City will provide hourly WWTFs influent flow data and available lift station SCADA data.
    - Jacobs will observe and simulate WWTFs influent flow and lift station runtimes and make a comparison using the collected data.
    - Minor adjustments to Hazen-Williams C-factors, Manning n-values and, if necessary, boundary conditions may be made to better align simulated outputs with observed data.
- Outcome: This simplified validation effort including lift stations will either confirm the model is suitable for scenario valuation and system planning or suggest a more targeted field data collection program (under Task 8, Model Calibration – not included in this scope) to support development of calibration if needed. Validation criteria will be discussed and mutually agreed upon with the City. LOS goals and criteria highlighted in Task 2 will be used. Recording pressures using data loggers at strategic locations in the system could be included in the additional model calibration effort.

5.3 Perform Scenarios and Document Results

After validating the wastewater model, it can then be utilized with confidence to perform scenarios and evaluate system performance.

5.3.1 Performance Scenarios

Jacobs will conduct the following scenarios for the existing modeled system and evaluating performance against LOS goals. All model scenarios will be run with the validated model.

- DWF (approximately AADF) 24-hour extended period simulation (EPS) scenario: Jacobs will perform this scenario and assess system performance with respect to the LOS goals. Diurnal can be developed by using influent data collected at WWTP. For this scenario, modeled lift station pump will turn on and off as they do in the actual system in response flow conditions and wet well levels.
- WWF (approximately MDF) 24-hour EPS scenario: Jacobs will perform this scenario and assess system performance with respect to the LOS goals. Note that the maximum flow hour during this scenario will mimic peak hour flow conditions. For this scenario, modeled lift station pump will turn on and off as they do in the actual system in response flow conditions and wet well levels.
- Model verification should confirm model connectivity is 99+% and physical attributes (wet-wells, pumps, pipes, etc) have been accurately represented.
- Baseline steady state scenario: this study state scenario will consist of turning all duty pumps on (i.e., all pumps on except for the largest pump, which will be off) and assessing system performance with respect to the LOS goals.

Jacobs will meet with the City to review results, assess the ability of the system to satisfy LOS goals, and discuss potential improvements. Following this review, Jacobs will test up to two improvement alternatives using the established scenarios and will review the results with the City. Recommended improvements will then be finalized.

5.3.2 Document Results

Develop a Wastewater Hydraulic Model Technical Memorandum (WWHM TM) documenting the model development process and results. Deliver the WWHM TM to the City for review. Meet with City to review the WWHM TM.

5.3.3 Finalize Model

Based on the results of the WWHM TM Meeting, incorporate any comments into the model and finalize model. The final electronic versions of the model software files, and associated data will be provided to the City for their use. Also, Jacobs will help the City to operate the model within their system.

Task 5 Deliverable:

- Draft and Final Technical Memorandum submitted electronically in PDF format
- Final wastewater model files

Task 6 – Reclaimed Water Model Development

Create the reclaimed water model using Bentley WaterGEMS and City provided up-to-date GIS data including the location of reclaimed water mains, storage facilities, and pumping facilities.

6.1 Reclaimed Water Model Creation

6.1.1 Reclaimed Water System Primary Boundary Conditions

- Pump Station Representation: Incorporate record drawings information and operations provided by the City:
    - Pump station components: Incorporate provided data including quantity, dimensions, sizing, diameters, lengths, as applicable, for tanks, pumps, piping, local loss elements, and their configurations. The intent is to predict flow and pressure.
    - Pump performance curves: Obtain and include pump curves data to the model.
    - Catalog pump curves: Develop an Excel file to track pump curves used in the model and those in the field.
    - Operations: Confirm the model accurately represents discharge pressure versus station capacity at each station.

6.1.2 Reclaimed Water System Network

- Incorporate the pipe network using the provided up-to-date GIS data. Minimum pipe diameter to include in the model is 4-inch.
- Include Hazen-Williams coefficients (C-values) to reflect piping materials, sizes, and pipe conditions.
- Assign elevations to model nodes using the provided GIS elevation datum.
- Assign the reclaimed water demands developed as part of Task 3 to model nodes.

6.2 Reclaimed Water Model Validation

- Minimal validation to check mass balance and verify pump flow rates:
    - Compare reclaimed water production flows at pump stations with model predictions.
    - Check model predictions align with actual operational data (pump flow rates). Model connectivity and attributes will be verified, confirmed, and checked with the City team.
    - Model verification should confirm that model connectivity is 99+% and physical attributes (pumps, pipes, etc.) have been accurately represented.

6.3 Perform Scenarios and Document Results

After the model is created and validated, it can then be used to perform scenarios and evaluate system performance.

6.3.1 Perform Scenarios

Jacobs anticipates performing the following steady-state scenarios for the existing system and evaluating performance against LOS goals; however, the specific scenarios can be adjusted as requested by the City.

- AADD: The operations of the HSPs and tanks will match water system operation. The scenario provides operating staff with insight into average daily performance and typical pressure conditions.
- PHD: The operations of the HSPs and tank will match water system operation. The scenario is used to evaluate peak customer demands and required by regulations for system sizing and evaluation.

Jacobs will meet with the City to review results, assess the ability of the system to satisfy LOS goals, and discuss potential improvements. Following this review, Jacobs will test up to two improvement alternatives using the established scenarios and will review the results with the City. Recommended improvements will then be finalized.

6.3.2 Document Results

Develop a Reclaimed Water Hydraulic Model Technical Memorandum (RDWHM TM) documenting the model development process and results. Deliver the RDWHM TM to the City for review. Meet with City to review the RDWHM TM.

6.3.3 Finalize Model

Upon completion of model creation and validation tasks, Jacobs will incorporate any comments into the model and finalize model. The final electronic versions of the model software files and associated data will be provided to the City for their use. Also, Jacobs will help the City to operate the model within their system.

Task 6 Deliverable:

- Draft and Final Technical Memorandum submitted electronically in PDF format
- Final reclaimed water model files

Task 7 – Run Additional Scenarios (Exclusion)

This is an "as-needed" task to perform operational scenarios utilizing any of the developed models. Once an operational scenario is identified and discussed, Jacobs will develop a short task description with hour estimate. Upon receipt of a fully executed Change Order to the Work Order and a Purchase Order, Jacobs will complete the work and provide results via summary email or technical memorandum, depending on complexity. The time charges for each operational scenario will be charged to this task.

Task 7 Deliverable:

- Operational scenario results via summary email or draft and final technical memorandum submitted electronically in PDF format

Task 8 – Model Calibration (Exclusion)

Based on the model validation results for a given model, Jacobs may recommend overall or targeted calibration of the model. Some hydraulic models initially fail to align well with field data when they are first created or updated. The calibration effort will start by determining the reasons for the discrepancies and then making necessary adjustments to improve the model's accuracy. It is important to note that the simplified pump station representations, flow distribution, and pipe friction coefficient of the base model suggest that the model may be more suitable for master planning than operational-level modeling. Model

validation is included in the scope above and provides a minimal number of checks to validate the model based on system specific needs. The model calibration described in this task may be recommended following validation. This Task only proceed if authorized by the City via the receipt of a fully executed Change Order to the Work Order and a Purchase Order.

8.1 Water Model Calibration

Based on validation outcomes, steady-state calibration and/or 24-hour EPS calibration may be recommended. Activities may include:

- Field data collection plan
- Up to 10 additional hydrant tests with manual data collection, SCADA, and data loggers
- Recording system flows/pressures over time via SCADA and data loggers
- Comparing field monitoring data to model predictions at key points
- Calibrating under steady-state and/or 24-hour EPS conditions

8.2 Wastewater Model Calibration

Based on validation outcomes, 24-hour EPS calibration may be recommended. Activities may include:

- Field data collection plan
- Up to 20 additional drawdown tests to verify pump flow rates over time
- Recording system pressures at strategic air release valve (ARV) locations and WWTFs/LS SCADA over time
- Comparing field monitoring data to model predictions at key points
- Calibrating using one or more of the above datasets under 24-hour EPS conditions

8.3 Reclaimed Water Model Calibration

If warranted by validation, targeted calibration activities may include:

- Reclaimed Water Distribution Monitoring:
    - Using City provided pressure monitoring results.
    - Compare field monitoring data to model predictions to confirm that they align with actual system behavior.
- Verify Seasonal Demand Predictions:
    - Compare model predictions for reclaimed water demand seasonal variations with actual usage patterns from previous seasons.

Task 8 Deliverable:

- Draft and final technical memorandum submitted electronically in PDF format
- Calibrated hydraulic models

Key Project Staff

The key project staff are as follows:

Title	Name	Contact Number	Email
Project Manager/Technical Lead	Baha Mirghani, PhD, PE	352-614-8411	baha.mirghani@jacobs.com
Client Service Manager	Jose Ramos, PE	352-262-7223	jose.ramos1@jacobs.com
Quality Control/Assurance	Manish Kumar	352-335-7991	manish.kumar@jacobs.com
Water Engineer/Modeler	Rency Sangani	352-335-7991	rency.sangani@jacobs.com
Wastewater Engineer/Modeler	Hrishikesh Kane	352-335-7991	hrishikesh.kane@jacobs.com

Meetings and Site Visits

Jacobs will conduct a series of meetings as outlined above to facilitate coordination with the City throughout the duration of the project. In addition, Jacobs will conduct site visits to the utility facilities as described in Task 2. The meetings will be conducted online using Microsoft Teams unless otherwise specified. Each meeting is scheduled to be approximately 90 minutes in duration. Jacobs will prepare a PowerPoint presentation to facilitate meetings. During the meeting, the PowerPoint presentation will be updated with key discussion topics, and it will serve as final meeting notes. The following meetings and site visits are anticipated:

- Kickoff meeting
- Site visits for the utility systems
- Coordination and review workshops (total of 12)

Schedule

This task order duration is expected to last twelve (12) months from receiving the fully executed Work Order (WO) and Purchase Order (PO) from the City. Table below presents the estimated duration by task. Adjustment to the proposed schedule will be considered as per the City's request. Jacobs' support in outside of the scope of work defined herein and exceeding the anticipated duration period, may be considered out of scope and will be subjected to additional service. If the Work Order duration needs to be extended, Jacobs will submit a request for a Change Order.

Proposed Schedule

Task	Days
Task 1: Project Management	365 (after receipt of the fully executed WO and PO)
Task 2: Data Collection & Site Visits	30 (after receipt of the fully executed WO and PO)

Task 3: Water Demands & Wastewater Flows	60 (after Task 2)
Task 4: Potable Water Model Update	150 (after Task 3)
Task 5: Wastewater Model Update	180 (after Task 3)
Task 6: Reclaimed Water Model Development	210 (after Task 3)

Basis of Compensation and Resources Breakdown

The compensation outlined below is provided in accordance with our Contract for Professional Utility Engineering Services dated September 6, 2024 (RFSQ-SWE-24-12). Jacobs has created an initial estimate of the hours and team roles needed for this proposal, and our fee reflects an estimated 2,892 billed hours of labor. As the work is conducted, the actual hours may change. The work will be performed on a unit based/not to exceed basis with staff members plus reimbursable expenses.

Task	**Estimated Fee Amount**
Task 1: Project Management	$ 62,579
Task 2: Data Collection & Site Visits	$ 55,293
Task 3: Water Demands & Wastewater Flows	$ 68,391
Task 4: Potable Model Update	$ 107,867
Task 5: Wastewater Model Update	$ 125,016
Task 6: Reclaimed Water Model Development	$ 68,275
Expenses	$ 8,579
TOTAL PROPOSED FEE [1]	**$ 496,000**

[1] Hourly Rates Based on Attached Schedule of Fee

Jacobs will invoice monthly based on project progress.

The following table presents the resources planned to execute the work defined in this Scope of Work with their corresponding billing rates.

Job Title	Labor Category	Year 1		Year 2		Total Cost ($)
		Rate ($)	No. of Hours	Rate ($)	No. of Hours	
PM/Technical Lead	Engineer9/ Technologist 9	273	184	281	368	153,640
Senior Technologist/ Modeling QC	Engineer 5/ Technologist 5	176	167	181	335	90,027
Modeler/Engineer	Engineer 3/ Technologist 3	126	529	130	1,056	203,946
GIS/CAD Technician	Design Technician 4	154	66	159	131	30,993
Technical Editor	Design Technician 4	154	18	159	38	8,814
		Labor				**$ 487,420**
		Expenses				**$ 8,580**
		Total				**$ 496,000**

Figures presented in this table are rounded to the nearest whole number, decimal place, or specified unit. Consequently, certain totals may not reconcile exactly with the sum of their components, and displayed amounts may differ slightly from underlying calculations.

Assumptions, Limitations and Clarifications

The scope of work and fee estimate for this project is based on the following assumptions:

- The City will provide all relevant documents, data, and background information, including previous hydraulic models for potable and wastewater, record plans and specifications, hydraulics studies and reports, etc. The City will be responsible for providing data as stated in Task 2. Jacobs will reasonably rely upon the accuracy and completeness of the information/data provided by the City or other third parties without independent verification. Additional effort by Jacobs due to invalid data or information provided by the City or others, may entitle Jacobs to additional Compensation.
- Tasks 7 and 8 are not included in the current scope of work. Any work associated with Tasks 7 and 8 would require additional resources and effort beyond the current scope.
- Jacobs will have access to the utility systems and other necessary infrastructure details.
- This proposal assumes the City will provide all field monitoring equipment needed to monitor and collect data for model verification and calibration for various systems. If needed, Jacobs can assist the City in leasing/purchasing equipment to be used for the field monitoring.
- This proposal assumes the City will install field monitoring equipment needed to monitor and collect data for model verification and calibration for various systems.
- This proposal assumes the City will open/close hydrants/valves/LSs and operate its equipment as needed to support field data collection.
- The potable water, wastewater, and reclaimed water modeling scope considers minimum pipe diameter of 4 inches.
- Jacobs will run the final models within the City's system, assuming the City has the necessary computing capabilities and software to operate the models.
- This proposal assumes that the scope of the wastewater model excludes PEP tanks modeling.
- Permitting, Survey, Geotechnical Investigation, Services during Construction, Cost Estimating work, SCADA connection or configuration, and groundwater infiltration monitoring are not included in this task assignment.
- Development of water master plans, future flow projection, and running future condition model scenarios are not included in this task assignment.
- Drawings will be sketches using existing as-builts or aerial photos as backgrounds; CAD will not be used.
- Meetings. will be conducted virtually using Teams unless otherwise specified.
- Deliverables will be submitted electronically in Adobe Acrobat (pdf) format.
- Travel expenses will be billed without markup and will include lodging, rental car, mileage, meals, reproduction, postage, and miscellaneous expenses.
- The City Site Safety Training. The Jacobs staff visiting/working at the City sites will be adequately trained by the City and by Jacobs prior to conducting the work.

- If other health and safety training is required by the City for Jacobs staff, the training will be provided by the City and coordinated through Jacobs's project manager. All costs incurred for health and safety training for staff related to this Task Assignment and provided by the City or Jacobs will be billed to the City and considered part of the services under this assignment.

- Review of Third-Party Design. Any review by Jacobs of design prepared by a third- party shall be for general conformance with the design intent, drawings and specifications but not a complete review of all design details and calculations. The Designer and their design professionals shall remain responsible for the accuracy and completeness of their design and construction documents. Jacobs does not assume any liability for work product(s) prepared by third parties, including but not limited to design and related work and makes no representation or warranty regarding same. Jacobs will reasonably rely upon the accuracy and completeness of the information/data provided by the City or other third parties.
- In providing opinions of cost, financial analyses, economic feasibility projections, for the project, the Jacobs has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operations or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, Jacobs makes no warranty that the City's actual project costs, financial aspects, economic feasibility, will not vary from Jacobs' opinions, analyses, projections, or estimates.

- SCADA/City S/W Systems Assessments and/or Programing Services - Jacobs consultation, review, configuration, or study (as applicable) of City's software, hardware, products or systems (collectively "City's System") in no way makes Jacobs responsible for the performance, operation or security of City's System. Jacobs makes no warranty, whether expressed or implied, as to the viability or performance of City's System. Additionally, Jacobs cannot and does not provide any representation, warranty or guarantee that its services will ensure City's System will not be vulnerable, susceptible or open to outside infiltration, exploitation, hacking or breach from third parties, outside entities or sources. City is solely responsible for the security of City's System and Jacobs' services do not in any way relieve City of any responsibility for the protection, firewalling and/or overall security of City's System. Jacobs shall have no responsibility or liability for the security of City's System and City shall indemnify and hold Jacobs harmless for any claims, liability, actions, damages, expenses, and/or costs of any kind associated with any actual or alleged infiltration, data loss, data corruption, exploitation, hacking or breach of City's System at any time regardless of the source or cause thereof.

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026

Agenda Item:
G.5

Department	INFORMATION TECHNOLOGY	**Amount**	
Division	INFORMATION TECHNOLOGY	**Org/Account #**	65052525-051020

Subject: RESOLUTION 2026-XX APPROVING PIGGYBACKING THE TIPS CONTRACT WITH CLEARGOV FOR SOFTWARE AND SERVICES

Presenter: **Doug Akins, Director of Information Technology**

Attachments:

1. Resolution
2. TIPS Contract with ClearGov, Inc.

Background:

Finance staff evaluated platforms designed to assist local governments with developing, publishing, and presenting their annual budget documents and selected ClearGov as the preferred solution.

ClearGov provides budgeting and digital budget book tools that will help streamline the process of preparing the City's annual budget book and reduce the amount of staff time currently required to assemble, format, and publish the document.

The platform will also help Finance present the City's budget information in a format that is more accessible and easier for residents to navigate, including tools designed to support ADA accessibility and provide a more user-friendly online presentation of budget information.

ClearGov is available through TIPS Contract No. 230105, Technology Solutions, Products, and Services. ClearGov's awarded offerings under the contract include budgeting, planning, digital budget book, and transparency solutions. The current TIPS contract runs through May 31, 2028, with one additional one-year renewal available.

This item utilizes a piggyback contract, allowing the City to adopt competitively solicited agreements established by other governmental entities. This method reduces administrative burden, accelerates procurement timelines, and provides access to pre-negotiated pricing, terms, and vendor performance standards. All piggyback contracts are reviewed by the City Attorney to ensure legal sufficiency and compliance with applicable laws. When the original contract originates from an agency outside the State of Florida, the City incorporates necessary provisions to ensure conformity with Florida law and local procurement requirements. This approach maintains compliance with state purchasing standards while promoting cost efficiency and enabling staff to focus on core service delivery.

Staff is requesting approval of the piggyback contract at this time so that the purchasing vehicle is in place if funding for ClearGov is approved as part of the FY27 budget. Approval of this item does not itself authorize an unbudgeted expenditure.

Financial Impact

The proposed FY27 budget includes $43,000 for the ClearGov software subscription. Purchase of the software will be contingent upon final approval and appropriation of funding in the FY27 budget.

Recommended Action:
ADOPT RESOLUTION 2026-XX APPROVING PIGGYBACKING THE TIPS CONTRACT WITH CLEARGOV FOR SOFTWARE AND SERVICES

RESOLUTION 2026-__
PIGGYBACKING THE TIPS CONTRACT WITH CLEARGOV FOR SOFTWARE SERVICES

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING PIGGYBACKING THE INTERLOCAL PURCHASING SYSTEM (TIPS) CONTRACT WITH CLEARGOV, INC., FOR THE PURCHASE OF SOFTWARE AND CONSULTANT SERVICES; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast's budget includes costs for software and consulting services; and

WHEREAS, ClearGov desires to provide the above referenced software and services to the City of Palm Coast; and

WHEREAS, the City of Palm Coast desires to purchase these software and services by piggybacking the existing Interlocal Purchasing System (TIPS) contract with ClearGov.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the findings of the City Council of the City of Palm Coast.

SECTION 2. APPROVAL OF PIGGYBACK CONTRACT. The City Council of the City of Palm Coast hereby approves piggybacking the Interlocal Purchasing System (TIPS) contract with ClearGov for software and consulting services, as attached hereto and incorporated herein by reference as Exhibit "A."

SECTION 3. AUTHORIZATION TO EXECUTE. The City Manager, or designee, is hereby authorized to execute the necessary documents.

SECTION 4. FUTURE AMENDMENTS. The City Manager, or designee is hereby authorized to approve any future amendments for changes totaling less than

$100,000.00 as long as this amount does not exceed the line-item limit for the budgeted purchase. Further, the City Manager has the authority to execute amendments to the Piggyback Agreement on behalf of the City for any other changes that may be necessary.

SECTION 5. 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 6. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

SECTION 8. 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 15th day of September 2026.

ATTEST: CITY OF PALM COAST

_____ _____

KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____

MARCUS DUFFY, CITY ATTORNEY

Attachment: Exhibit "A" Piggyback Contract Interlocal Purchasing System (TIPS) with ClearGov

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BPO Review

CONTRACT EXECUTIVE OVERVIEW

Vendor Name: ClearGov, Inc.

Bid/Contract Ref # RFP 230105 Technology Solutions, Products, and Services

Agency Name: Inter-local Purchasing System (TIPS) A Dept. of Texas Education Service Center Region 8

Contract Type: Piggyback

Contract Value OVER $100K

Resolution # 2026-_____ **City Council Approval Date:**_____

Contract Term End Date 5/31/2028

Renewable Y/N Y **If yes # and length of renewals:** One (1) Additional 1-year Renewal

City's Project Manager(s) Doug Akins

In Process

Brief Description/Purpose:

To utilize the terms, conditions, scope and pricing of the TIPS Agreement for Technology Solutions, Products, and Services as needed.

Approvals:

Responsible Dept. Director _____ **Date:**_____

City Finance _____ **Date:**_____

City Attorney _____ **Date:**_____

City Manager _____ **Date:**_____

Vendor Name and Email Michael Mattson mmattson@cleargov.com

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city of PALM COAST

Finance Department
Budget & Procurement Office

160 Lake Avenue
Palm Coast, FL 32164
386-986-3730

ClearGov, Inc.
Attn: Michael Mattson
2 Mill & Main; Suite 630
Maynard, MA 01754

RE: Engagement Letter Authorizing Piggyback

Technology Solutions, Products, and Services
Contract Name

TIPS RFP 230105
Contract Reference

Dear Michael,

The City of Palm Coast, Florida requests permission to utilize your company's above referenced contract in accordance with its terms and conditions and pricing. If agreed, please indicate approval by electronically signing below as well as the Addendum covering the E-Verify and Public Records requirements.

Contractor is aware of and agrees to comply with the requirements of Florida Statutes § 287.138. To the extent that, under this Agreement, Contractor has access to personal identifying information, Contractor agrees that: Contractor is not owned by the government of a foreign country of concern; the government of a foreign country of concern does not have a controlling interest in Contractor; and Contractor is not organized under the laws of and does not have its principal place of business in a foreign country of concern. Per Florida Statutes § 287.138(1)(c), "foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern. Breach of this provision shall be considered a material breach of this Agreement and shall entitle City to, in its sole discretion, terminate this Agreement.

All invoices should be sent via email to ap@palmcoastgov.com. If email is not possible, please mail invoices to: City of Palm Coast, Attn: Accounts Payable, 160 Lake Avenue, Palm Coast, Florida 32164. All legal notices should be sent to the attention of the City Manager at the same address.

Please feel free to contact me at the email address below if you have any questions.

Regards,
Shannon Nolan
Shannon Nolan
Procurement Coordinator
sknolan@palmcoastgov.com

This Engagement Letter is hereby acknowledged and agreed to:

CITY OF PALM COAST

By: _____

Print Name: Michael McGlothlin

Title: City Manager

Date: _____

CLEARGOV, INC.

Signed by:
By: Michael Mattson
B97E4A398DE44E5...
(Authorized Signatory)

Print Name: Michael Mattson

Title: CRO

Date: Jul 30, 2026 | 9:29 AM EDT

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ENGAGEMENT LETTER ADDENDUM

1. **E-Verify Registration and Use.**

"Effective January 1, 2021, public and private employers, contractors and subcontractors must require registration with, and use of the E-verify system to verify the work authorization status of all newly hired employees. Contractor acknowledges and agrees to utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of:

a) All persons employed by Contractor to perform employment duties within Florida during the term of the contract; and

b) All persons (including sub vendors/subconsultants/subcontractors) assigned by Contractor to perform work pursuant to the contract with the City. The Contractor acknowledges and agrees that use of the U.S. Department of Homeland Security's E-Verity System during the term of the contract is a condition of the contract with the City of Palm Coast.

By entering into this Agreement, the Contractor becomes obligated to comply with the provisions of Section 448.05, F.S. (2023), "Employment Eligibility," as amended from time to time. This includes, but is not limited to, utilization of the E-Verify System to verify the work authorization status of all newly hired employees and requiring all subcontractors to provide an affidavit to Contractor attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Contractor agrees to execute the same affidavit and to maintain a copy of such affidavits for the duration of this Agreement. Failure to comply with this paragraph will result in the termination of this Agreement as provided in Section 448.095, F.S. (2023), as amended, and the Contractor will not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Contractor will also be liable for any additional costs to City incurred because of the termination of this Agreement in accordance with this section."

In Process

2. **Prohibition against considering social, environmental, political, or ideological interests in government contracting**

Pursuant to Section 287.05701, F.S., the City cannot give preference to a Contractor based on the Contractor's social, political, or ideological interests such as:

a. The Contractor's political opinions, speech, or affiliations.
b. The Contractor's religious beliefs, religious exercise, or religious affiliations.
c. The Contractor's lawful ownership of a firearm.
d. The Contractor's lawful engagement in lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition.
e. The Contractor's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture.
f. The Contractor's support of the state or federal government in combating illegal immigration, drug trafficking, or human trafficking.
g. The Contractor's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described herein.
h. The Contractor's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such Contractor is in compliance with applicable state or federal law: 1) environmental standards, including emissions standards, benchmarks, requirements or disclosures; 2) social governance standards, benchmarks, or requirements, including, but not limited to, environmental or social justice; corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992; or policies or procedures requiring or encouraging employee participation in social justice programming, including, but not limited to, diversity, equity, or inclusion training.

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3. **Scrutinized Companies**

A. Contractor hereby certifies that it: a) has not been placed on the Scrutinized Companies that Boycott Israel List, nor is engaged in a boycott of Israel; b) has not been placed on the Scrutinized Companies with Activities in Sudan List nor the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and c) has not been engaged in business operations in Cuba or Syria. If City determines that Contractor has falsely certified facts under this paragraph or if Contractor is found to have been placed on the Scrutinized Companies Lists or is engaged in a boycott of Israel after the execution of this Contract, City will have all rights and remedies to terminate this Contract consistent with Section 287.135, F.S., as amended. The City reserves all rights to waive the certifications required by this paragraph on a case-by-case exception basis pursuant to Section 287.135, F.S., as amended.

4. **Public Records.**

A. The Parties specifically acknowledge that the Agreement is subject to the laws of the State of Florida, including without limitation, Chapter 119, Florida Statutes, which generally make public all records or other writings made or received by the Parties. If SUPPLIER is either a "contractor" as defined in Section 119.0701(1)(a), Florida Statutes, or an "agency" as defined in Section 119.011(2), Florida Statutes, SUPPLIER shall:

5. Keep and maintain all public records required by CITY to perform the Services herein; and
6. Upon request from CITY's custodian of public records, provide CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S. or as otherwise provided by law; and
7. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement Term and following completion of the Agreement if SUPPLIER does not transfer the records to CITY; and
8. Upon completion of the Agreement, transfer, at no cost, to CITY all public records in possession of SUPPLIER or keep and maintain public records required by CITY to perform the Services herein. If SUPPLIER transfers all public records to CITY upon completion of the Agreement, SUPPLIER shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If SUPPLIER keeps and maintains public records upon completion of the Agreement, SUPPLIER shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to CITY, upon request from CITY'S custodian of public records, in a format compatible with the information technology systems of CITY.

In Process

B. All requests to inspect or copy public records relating to the Agreement shall be made directly to CITY. Notwithstanding any other provision of this Agreement to the contrary, failure to comply with the requirements of this paragraph shall result in the immediate termination of the Agreement, without penalty to CITY. A contractor who fails to provide the public records to CITY within a reasonable time may be subject to penalties pursuant to Section 119.10, Florida Statutes. Further, SUPPLIER shall fully indemnify and hold harmless CITY, its officers, agents and employees from any liability and/or damages, including attorney's fees through any appeals, resulting from SUPPLIER'S failure to comply with these requirements.

C. IF THE SUPPLIER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUPPLIER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY CLERK'S OFFICE AT 386-986-3713, cityclerk@palmcoastgov.com, 160 LAKE AVENUE, PALM COAST, FLORIDA 32164.

9. **Governing Law**

This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida, without regard to its conflict of laws principles. The parties agree that any action or proceeding required to enforce or interpret the terms of this Agreement, venue shall be of the Seventh Judicial Circuit in and for Flagler County, Florida, or the Middle District of Florida in Orlando, FL., if in federal court. Each party hereby consents to the personal jurisdiction of such courts and waives any objection based on venue or inconvenient forum.

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10. **Sovereign Immunity**

City of Palm Coast expressly retains all rights, benefits and immunities of sovereign immunity and nothing herein shall be deemed to affect the rights, privileges, and immunities of City of Palm Coast as set forth in Section 768.28, Florida Statutes.

11. **Taxes**

Taxes, customs and tariffs on commodities or contractual services purchased under this contract will not be assessed against the City of Palm Coast unless mandated by State or Federal Law.

CITY OF PALM COAST

By: _____

Print Name: Michael McGlothlin

Title: City Manager

Date: _____

SUPPLIER

By: Signed by: Michael Mattson (Authorized Signatory)

Print Name: Michael Mattson

Title: CRO

Date: Jul 30, 2026 | 9:29 AM EDT

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TIPS VENDOR AGREEMENT

TIPS RFP 230105 Technology Solutions, Products, and Services

The following Vendor Agreement ("Agreement") creates a legal agreement between The Interlocal Purchasing System ("TIPS"), a government purchasing cooperative and Department of Texas Region 8 Education Service Center and (INSERT ENTITY NAME):

ClearGov, Inc.

(ENTER ENTITY NAME]

its owners, agents, subsidiaries, and affiliates (together, "Vendor") (individually, "Party", and collectively the "Parties") and this agreement shall exclusively govern the contractual relationship ("Agreement") between the Parties.

TIPS, a governmental entity and a national purchasing cooperative seeks to provide a valuable and necessary solution to public entities and qualifying non-profits by performing the public procurement solicitation process and awarding compliant contracts to qualified vendors. Then, where the law of a customer's jurisdiction allows, instead of public entities and qualifying non-profits expending time, money, and resources on the extensive public procurement process, the use of TIPS allows public entities to quickly select and purchase their preferred products or services from qualified, competitively evaluated vendors through cooperative purchasing.

1. **Purpose.** The purpose of this Agreement is to identify the terms and conditions of the relationship between TIPS and Vendor. Public entities and qualifying non-profits that properly join or utilize TIPS "(TIPS Members") may elect to "piggyback" off of TIPS' procurements and agreements where the laws of their jurisdiction allow. TIPS Members are not contractual parties to this Agreement although terms and conditions of this Agreement may ensure benefits to TIPS Members.

2. **Authority.** The Parties agree that the signatories below are individual authorized to enter into this Agreement on behalf of their entity and that they are acting under due and proper authority under applicable law.

3. **Definitions.**

In Process

   a. **TIPS Pricing:** The specific pricing, discounts, and other pricing terms and incentives which Vendor submitted and TIPS approved for each respective TIPS Contract awarded to Vendor and all permissible, subsequent pricing updates submitted by Vendor and accepted by TIPS, if any.

   b. **Authorized Reseller:** A reseller or dealer authorized and added by a Vendor through their online TIPS Vendor Portal to make TIPS sales according to the terms and conditions herein.

4. **Entire Agreement.** This Agreement resulted from TIPS posting a "TIPS Solicitation" (RFP, RCSP, RFQ, or other) and Vendor submitting a proposal in response to that posted TIPS Solicitation for evaluation and award. The Parties agree that this Agreement consists of the provisions set forth herein and: (1) The TIPS solicitation document resulting in this Agreement; (2) Any addenda or clarifications issued in relation to the TIPS solicitation; (3) All solicitation information provided to Vendor by TIPS through the TIPS eBid System; (3) Vendor's entire proposal response to the TIPS solicitation including all accepted required attachments, acknowledged notices and certifications, accepted negotiated terms, pricing, accepted responses to questions, and accepted written clarifications of Vendor's proposal, and; any properly included attachments to this Agreement. All documentation and information listed is hereby incorporated by reference as if set forth herein verbatim. In the event of conflict between the terms herein and one of the incorporated documents the terms and conditions herein shall control.

5. **Vendor's Specific Warranties, Terms, and License Agreements.** Because TIPS serves public entities and non-profits throughout the nation all of which are subject to specific laws and policies of their jurisdiction, as a matter of standard practice, TIPS does not typically accept a Vendor's specific "Sale Terms" (warranties, license agreements, master agreements, terms and conditions, etc.) on behalf of all TIPS Members. TIPS may permit Vendor to attach those to this Agreement to display to interested customers what terms may apply to their Supplemental Agreement with Vendor (if submitted by Vendor for that purpose). However, unless this term of the Agreement is negotiated and modified to state otherwise, those specific Sale Terms are not accepted by TIPS on behalf of all TIPS Members and each Member may choose whether to accept, negotiate, or reject those specific Sale Terms, which must be reflected in a separate agreement between Vendor and the Member in order to be effective.

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6. **Vendor Identity and Contact Information.** It is Vendor's sole responsibility to ensure that all identifying vendor information (name, EIN, d/b/a's, etc.) and contact information is updated and current at all times within the TIPS eBid System and the TIPS Vendor Portal. It is Vendor's sole responsibility to confirm that all e-correspondence issued from tips-usa.com, ionwave.net, and tipsconstruction.com to Vendor's contacts are received and are not blocked by firewall or other technology security. Failure to permit receipt of correspondence from these domains and failure to keep vendor identity and contact information current at all times during the life of the contract may cause loss of TIPS Sales, accumulating TIPS fees, missed rebid opportunities, lapse of TIPS Contract(s), and unnecessary collection or legal actions against Vendor. It is no defense to any of the foregoing or any breach of this Agreement that Vendor was not receiving TIPS' electronic communications issued by TIPS to Vendor's listed contacts.

7. **Initiation of TIPS Sales.** When a public entity initiates a purchase with Vendor, if the Member inquires verbally or in writing whether Vendor holds a TIPS Contract, it is the duty of the Vendor to verify whether the Member is seeking a TIPS purchase. Once verified, Vendor must include the TIPS Contract Number on all purchase communications and sales documents exchanged with the TIPS Member.

8. **TIPS Sales and Supplemental Agreements.** The terms of the specific TIPS order, including but not limited to: shipping, freight, insurance, delivery, fees, bonding, cost, delivery expectations and location, returns, refunds, terms, conditions, cancellations, order assistance, etc., shall be controlled by the purchase agreement (Purchase Order, Contract, Invoice, etc.) (hereinafter "Supplemental Agreement") entered into between the TIPS Member Customer and Vendor only. TIPS is not a party to any Supplemental Agreement. All Supplemental Agreements shall include Vendor's Name, as known to TIPS, and TIPS Contract Name and Number. Vendor accepts and understands that TIPS is not a legal party to TIPS Sales and Vendor is solely responsible for identifying fraud, mistakes, unacceptable terms, or misrepresentations for the specific order prior to accepting. Vendor agrees that any order issued from a customer to Vendor, even when processed through TIPS, constitutes a legal contract between the customer and Vendor only. When Vendor accepts or fulfills an order, even when processed through TIPS, Vendor is representing that Vendor has carefully reviewed the order for legality, authenticity, and accuracy and TIPS shall not be liable or responsible for the same. In the event of a conflict between the terms of this TIPS Vendor Agreement and those contained in any Supplemental Agreement, the provisions set forth herein shall control unless otherwise agreed to and authorized by the Parties in writing within the Supplemental Agreement.

9. **Right of Refusal.** Vendor has the right not to sell to a TIPS Member under the awarded agreement at Vendor's discretion unless otherwise required by law.

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10. **Reporting TIPS Sales**. Vendor must report all TIPS Sales to TIPS. If a TIPS sale is initiated by Vendor receiving a TIPS Member's purchase order from TIPS directly, Vendor may consider that specific TIPS Sale reported. Otherwise, with the exception of TIPS Automated Vendors, who have signed an exclusive agreement with TIPS regarding reporting, all TIPS Sales must be reported to TIPS by either: (1) Emailing the purchase order or similar purchase document (with Vendor's Name, as known to TIPS, and the TIPS Contract Name and Number included) to TIPS at tipspo@tips-usa.com with "Confirmation Only" in the subject line of the email within three business days of Vendor's acceptance of the order, or; (2) Within 3 business days of the order being accepted by Vendor, Vendor must login to the TIPS Vendor Portal and successfully self-report all necessary sale information within the Vendor Portal and confirm that it shows up accurately on your current Vendor Portal statement. No other method of reporting is acceptable unless agreed to by the Parties in writing. Failure to report all sales pursuant to this provision may result in immediate cancellation of Vendor's TIPS Contract(s) for cause at TIPS' sole discretion. Please refer to the TIPS Accounting FAQ's for more information about reporting sales and if you have further questions, contact the Accounting Team at accounting@tips-usa.com.

11. **TIPS Administration Fees.** The collection of administrative fees by TIPS, a government entity, for performance of these procurement services is required pursuant to Texas Government Code Section 791.011 et. seq. The administration fee ("TIPS Administration Fee") is the amount legally owed by Vendor to TIPS for TIPS Sales made by Vendor. The TIPS Administration Fee amount is typically a set percentage of the amount paid by the TIPS Member for each TIPS Sale, less shipping cost, bond cost, and taxes if applicable and identifiable, which is legally due to TIPS, but the exact TIPS Administration Fee for this Contract is published in the corresponding solicitation and is incorporated herein by reference. TIPS Administration Fees are due to TIPS immediately upon Vendor's receipt of payment, including partial payment, for a TIPS Sale. The TIPS Administration Fee is assessed on the amount paid by the TIPS Member, not on the Vendor's cost or on the amount for which the Vendor sold the item to a dealer or Authorized Reseller. Upon receipt of payment for a TIPS Sale, including partial payment (which renders TIPS Administration Fees immediately due), Vendor shall issue to TIPS the corresponding TIPS Administration Fee payment as soon as possible but not later than thirty-one calendar days following Vendor's receipt of payment. Vendor shall pay TIPS via check unless otherwise agreed to by the Parties in writing. Vendor shall include clear documentation with the issued payment dictating to which sale(s) the amount should be applied. Vendor may create a payment report within their TIPS Vendor Portal which is the preferred documentation dictating to which TIPS Sale(s) the amount should be applied. Failure to pay all TIPS Administration Fees pursuant to this provision may result in immediate cancellation of Vendor's TIPS Contract(s) for cause at TIPS' sole discretion as well as the initiation of collection and legal actions by TIPS against Vendor to the extent permitted by law. Any overpayment of participation fees to TIPS by Vendor will be refunded to the Vendor

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within ninety (90) days of receipt of notification if TIPS receives written notification of the overpayment not later than the expiration of six (6) months from the date of overpayment and TIPS determines that the amount was not legally due to TIPS pursuant to this agreement and applicable law. Any notification of overpayment received by TIPS after the expiration of six (6) months from the date that TIPS received the payment will render the overpayment non-refundable. Region 8 ESC and TIPS reserve the right to extend the six (6) month deadline if approved by the Region 8 ESC Board of Directors. TIPS reserves all rights under the law to collect TIPS Administration Fees due to TIPS pursuant to this Agreement.

12. **Term of the Agreement.** This Agreement with TIPS is for approximately five years with a one-year, consecutive option for renewal as described herein. Renewal options are not automatic and shall only be effective if offered by TIPS at its sole discretion. If TIPS offers a renewal option, the Vendor will be notified via email issued to Vendor's then-listed Primary Contact. The renewal option shall be deemed accepted by Vendor unless Vendor notifies TIPS of its objection to the renewal option in writing and confirms receipt by TIPS.

    Actual Effective Date: Agreement is effective upon signature by authorized representatives of both Parties. The Effective Date does not affect the "Term Calculation Start Date."

    Term Calculation Start Date: To keep the contract term consistent for all vendors awarded under a single TIPS contract, Vendor shall calculate the foregoing term as starting on the last day of the month that "Award Notifications" are anticipated as published in the Solicitation, regardless of the actual Effective Date.

    Example of Term Calculation Start Date: If the anticipated "Award Date" published in the Solicitation is May 22, 2023, but extended negotiations delay award until June 27, 2023 (Actual Effective Date), the Term Calculation Start Date shall be May 31, 2023 in this example.

    Contract Expiration Date: To keep the contract term consistent for all vendors awarded under a single TIPS contract, the term expiration date shall be five-years from the Term Calculation Start Date.

    Example of Contract Expiration Date: If the anticipated "Award Date" published in the Solicitation is May 22, 2023, but extended negotiations delay award until June 27, 2023 (Actual Effective Date), the Term Calculation Start Date shall be May 31, 2023 and the Contract Expiration Date of the resulting initial "five-year" term, (which is subject to an extension(s)) will be May 31, 2028 in this example.

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    Option(s) for Renewal: Any option(s) for renewal shall begin on the Contract Expiration Date, or the date of the expiration of the prior renewal term where applicable, and continue for the duration specified for the renewal option herein.

    Example of Option(s) for Renewal: In this example, if TIPS offers a one-year renewal and the Contract Expiration Date is May 31, 2028, then the one-year renewal is effective from May 31, 2028 to May 31, 2029.

    TIPS may offer to extend Vendor Agreements to the fullest extent the TIPS Solicitation resulting in this Agreement permits.

13. **TIPS Pricing.** Vendor agrees and understands that for each TIPS Contract that it holds, Vendor submitted, agreed to, and received TIPS' approval for specific pricing, discounts, and other pricing terms and incentives which make up Vendor's TIPS Pricing for that TIPS Contract ("TIPS Pricing"). Vendor confirms that Vendor will not add the TIPS Administration Fee as a charge or line-item in a TIPS Sale. Vendor hereby certifies that Vendor shall only offer goods and services through this TIPS Contract if those goods and services are included in or added to Vendor's TIPS Pricing and approved by TIPS. TIPS reserves the right to review Vendor's pricing update requests as specifically as line-item by line-item to determine compliance. However, Vendor contractually agrees that all submitted pricing updates shall be within the original terms of the Vendor's TIPS Pricing (scope, proposed discounts, price increase limitations, and other pricing terms and incentives originally proposed by Vendor) such that TIPS may accept Vendors price increase requests as submitted without additional vetting at TIPS discretion. Any pricing quoted by Vendor to a TIPS Member or on a TIPS Quote shall never exceed Vendor's TIPS Pricing for any good or service offered through TIPS. Vendor certifies by signing this agreement that Vendor's TIPS Pricing for all goods and services included in Vendor's TIPS Pricing shall either be equal to or less than Vendor's current pricing for that good or service for any other customer. TIPS Pricing price increases and modifications, if permitted, will be honored according to the terms of the solicitation and Vendor's proposal, incorporated herein by reference.

14. **Indemnification of TIPS.** **VENDOR AGREES TO INDEMNIFY, HOLD HARMLESS, AND DEFEND TIPS, TIPS MEMBERS, TIPS OFFICERS, TIPS EMPLOYEES, TIPS DIRECTORS, AND TIPS TRUSTEES (THE "TIPS INDEMNITEES") FROM AND AGAINST ALL CLAIMS AND SUITS BY THIRD-PARTIES FOR DAMAGES, INJURIES TO PERSONS (INCLUDING DEATH), PROPERTY DAMAGES, LOSSES, EXPENSES, FEES, INCLUDING COURT COSTS, ATTORNEY'S FEES, AND EXPERT FEES, ARISING OUT OF OR RELATING TO VENDOR'S PERFORMANCE UNDER THIS AGREEMENT (INCLUDING THE PERFORMANCE OF VENDOR'S OFFICERS, EMPLOYEES, AGENTS, AUTHORIZED RESELLERS, SUBCONTRACTORS, LICENSEES, OR INVITEES), REGARDLESS OF THE NATURE OF THE CAUSE OF ACTION,**

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INCLUDING WITHOUT LIMITATION CAUSES OF ACTION BASED UPON COMMON, CONSTITUTIONAL, OR STATUTORY LAW OR BASED IN WHOLE OR IN PART UPON ALLEGATIONS OF NEGLIGENT OR INTENTIONAL ACTS OR OMISSIONS ON THE PART OF VENDOR, ITS OFFICERS, EMPLOYEES, AGENTS, AUTHORIZED RESELLERS, SUBCONTRACTORS, LICENSEES, OR INVITEES. **NO LIMITATION OF LIABILITY FOR DAMAGES FOR PERSONAL INJURY OR PROPERTY DAMAGE ARE PERMITTED OR AGREED TO BY TIPS.** APART FROM THIS INDEMNIFICATION PROVISION REQUIRING INDEMNIFICATION OF THE TIPS INDEMNITEES' ATTORNEY'S FEES AS SET FORTH ABOVE, RECOVERY OF ATTORNEYS' FEES BY THE PREVAILING PARTY IS AUTHORIZED ONLY IF AUTHORIZED BY TEX. EDUC. CODE § 44.032(F).

15. **Indemnification and Assumption of Risk – Vendor Data.** VENDOR AGREES THAT IT IS VOLUNTARILY PROVIDING DATA (INCLUDING BUT NOT LIMITED TO: VENDOR INFORMATION, VENDOR DOCUMENTATION, VENDOR'S PROPOSALS, VENDOR PRICING SUBMITTED OR PROVIDED TO TIPS, TIPS CONTRACT DOCUMENTS, TIPS CORRESPONDENCE, VENDOR LOGOS AND IMAGES, VENDOR'S CONTACT INFORMATION, VENDOR'S BROCHURES AND COMMERCIAL INFORMATION, VENDOR'S FINANCIAL INFORMATION, VENDOR'S CERTIFICATIONS, AND ANY OTHER VENDOR INFORMATION OR DOCUMENTATION, INCLUDING WITHOUT LIMITATION SOFTWARE AND SOURCE CODE UTILIZED BY VENDOR, SUBMITTED TO TIPS BY VENDOR AND ITS AGENTS) ("VENDOR DATA") TO TIPS. FOR THE SAKE OF CLARITY, AND WITHOUT LIMITING THE BREADTH OF THE INDEMNITY OBLIGATIONS IN SECTION 13 ABOVE, VENDOR AGREES TO PROTECT, INDEMNIFY, AND HOLD THE TIPS INDEMNITEES HARMLESS FROM AND AGAINST ANY AND ALL LOSSES, CLAIMS, ACTIONS, DEMANDS, ALLEGATIONS, SUITS, JUDGMENTS, COSTS, EXPENSES, FEES, INCLUDING COURT COSTS, ATTORNEY'S FEES, AND EXPERT FEES AND ALL OTHER LIABILITY OF ANY NATURE WHATSOEVER ARISING OUT OF OR RELATING TO: (I) ANY UNAUTHORIZED, NEGLIGENT OR WRONGFUL USE OF, OR CYBER DATA BREACH INCIDENT AND VIRUSES OR OTHER CORRUPTING AGENTS INVOLVING, VENDOR'S DATA, PRICING, AND INFORMATION, COMPUTERS, OR OTHER HARDWARE OR SOFTWARE SYSTEMS, AND; (II) ALLEGATIONS OR CLAIMS THAT ANY VENDOR DATA INFRINGES ON THE INTELLECTUAL PROPERTY RIGHTS OF A THIRD-PARTY OR VENDOR.

16. **Procedures Related to Indemnification.** In the event that an indemnity obligation arises, Vendor shall pay all amounts set forth in Section 13 and 14 above (including any settlements) and – if it has accepted its indemnity obligation without qualification – control the legal defense to such claim or cause of action, including without limitation attorney selection, strategy, discovery, trial, appeal, and settlement, and TIPS shall, at Vendor's cost and expense (with respect to reasonable out of pocket costs and expenses incurred by TIPS which shall be reimbursed to TIPS by Vendor), provide all commercially reasonable assistance requested by Vendor. In controlling any defense, Vendor shall ensure that all assertions of governmental immunity and all applicable pleas and defenses shall be promptly asserted.

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17. **Indemnity for Underlying Sales and Supplemental Agreements.** Vendor shall be solely responsible for any customer claims or any disputes arising out of TIPS Sales or any Supplemental Agreement as if sold in the open-market. The Parties agree that TIPS shall not be liable for any claims arising out of Vendor's TIPS Sales or Supplemental Agreements, including but not limited to: allegations of product defect or insufficiency, allegations of service defect or insufficiency, allegations regarding delivery defect or insufficiency, allegations of fraud or misrepresentation, allegations regarding pricing or amounts owed for TIPS sales, and/or allegations regarding payment, over-payment, under-payment, or non-payment for TIPS Sales. Payment/Drafting, overpayment/over-drafting, under-payment/under-drafting, or non-payment for TIPS Sales between customer and Vendor and inspections, rejections, or acceptance of such purchases shall be the exclusive respective obligations of Vendor/Customer, and disputes shall be handled in accordance with the terms of the underlying Supplemental Agreement(s) entered into between Vendor and Customer. Vendor acknowledges that TIPS is not a dealer, subcontractor, agent, or reseller of Vendor's goods and services and shall not be responsible for any claims arising out of alleged insufficiencies or defects in Vendor's goods and services, should any arise.

18. **Confidentiality of Vendor Data.** Vendor understands and agrees that by signing this Agreement, all Vendor Data is hereby released to TIPS, TIPS Members, and TIPS third-party administrators to effectuate Vendor's TIPS Contract except as provided for herein. The Parties agree that Vendor Data is accessible by all TIPS Members as if submitted directly to that TIPS Member Customer for purchase consideration. If Vendor otherwise considers any portion of Vendor's Data to be confidential and not subject to public disclosure pursuant to Chapter 552 Texas Gov't Code (the "Public Information Act") or other law(s) and orders, Vendor must have identified the claimed confidential materials through proper execution of the Confidentiality Claim Form which is required to be submitted as part of Vendor's proposal resulting in this Agreement and incorporated by reference. The Confidentiality Claim Form included in Vendor's proposal and incorporated herein by reference is the sole indicator of whether Vendor considers any Vendor Data confidential in the event TIPS receives a Public Information Request. If TIPS receives a request, any responsive documentation not deemed confidential by you in this manner will be automatically released. For Vendor Data deemed confidential by you in this manner, TIPS will follow procedures of controlling statute(s) regarding any claim of confidentiality and shall not be liable for any release of information required by law, including Attorney General determination and opinion. In the event that TIPS receives a written request for information pursuant to the Public Information Act that affects Vendor's interest in any information or data furnished to TIPS by Vendor, and TIPS requests an opinion from the Attorney General, Vendor may, at its own option and expense, prepare comments and submit information directly to the Attorney General stating why the requested information is exempt from disclosure pursuant to the requirements of the

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Public Information Act. Vendor is solely responsible for submitting the memorandum brief and information to the Attorney General within the time period prescribed by the Public Information Act. Notwithstanding any other information provided in this solicitation or Vendor designation of certain Vendor Data as confidential or proprietary, Vendor's acceptance of this TIPS Vendor Agreement constitutes Vendor's consent to the disclosure of Vendor's Data, including any information deemed confidential or proprietary, to TIPS Members or as ordered by a Court or government agency, including without limitation the Texas Attorney General. Vendor agrees that TIPS shall not be responsible or liable for any use or distribution of information or documentation by TIPS Members or as required by law.

19. **Vendor's Authorized Resellers.** TIPS recognizes that many vendors operate in the open market through the use of resellers or dealers. For that reason, TIPS permits Vendor to authorize Authorized Resellers within its Vendor Portal and make TIPS Sales through the Authorized Reseller(s). Once authorized by Vendor in the Vendor Portal, the Authorized Reseller(s) may make TIPS sales to TIPS Members. However, all purchase documents must include: (1) Authorized Reseller's Name; (2) Vendor's Name, as known to TIPS, and; (3) Vendor's TIPS Contract Name and Number under which it is making the TIPS Sale. Either Vendor or Reseller may report the sale pursuant to the terms herein. However, Vendor agrees that it is legally responsible for all reporting and fee payment as described herein for TIPS Sales made by Authorized Resellers. The TIPS Administration Fee is assessed on the amount paid by the TIPS Member, not on the Vendor's cost or on the amount for which the Vendor sold the item to a dealer or Authorized Reseller. The Parties intend that Vendor shall be responsible and liable for TIPS Sales made by Vendor's Authorized Resellers. Vendor agrees that it is voluntarily authorizing this Authorized Reseller and in doing so, Vendor agrees that it is doing so at its own risk and agrees to protect, indemnify, and hold TIPS harmless in accordance with Sections 14-17 above related to Authorized Reseller TIPS Sales made pursuant to this Agreement or purporting to be made pursuant to this Agreement that may be asserted against Vendor whether rightfully brought or otherwise. The Parties further agree that it is no defense to Vendor's breach of this Agreement that an Authorized Reseller caused Vendor of breach this Agreement.

20. **Circumvention of TIPS Sales**. When a public entity initiates a purchase with Vendor, if the Member inquires verbally or in writing whether Vendor holds a TIPS Contract, it is the duty of the Vendor to verify whether the Member is seeking a TIPS purchase. Any request for quote, customer communication, or customer purchase initiated through or referencing a TIPS Contract shall be completed through TIPS pursuant to this Agreement. Any encouragement or participation by Vendor in circumventing a TIPS sale being completed may result in immediate termination of Vendor's TIPS Contract(s) for cause as well as preclusion from future TIPS opportunities at TIPS sole discretion.

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21. **State of Texas Franchise Tax.** By signature hereon, Vendor hereby certifies that Vendor is not currently delinquent in the payment of any franchise taxes owed to the State of Texas under Chapter 171 of the Texas Tax Code.

22. **Termination.**

A) Termination for Convenience. TIPS may, by written notice to Vendor, terminate this Agreement for convenience, in whole or in part, at any time by giving thirty (30) days' written notice to Vendor of such termination, and specifying the effective date thereof.

B) Termination for Cause. If Vendor fails to materially perform pursuant to the terms of this Agreement, TIPS shall provide written notice to Vendor specifying the default. If Vendor does not cure such default within thirty (30) days, TIPS may terminate this Agreement, in whole or in part, for cause. If TIPS terminates this Agreement for cause, and it is later determined that the termination for cause was wrongful, the termination shall automatically be converted to and treated as a termination for convenience.

C) Vendor's Termination. If TIPS fails to materially perform pursuant to the terms of this Agreement, Vendor shall provide written notice to TIPS specifying the default ("Notice of Default"). If TIPS does not cure such default within thirty (30) days, Vendor may terminate this Agreement, in whole or in part, for cause. If TIPS terminates this Agreement for cause, and it is later determined that the termination for cause was wrongful, the termination shall automatically be converted to and treated as a termination for convenience.

D) Upon termination, all TIPS Sale orders previously accepted by Vendor shall be fulfilled and Vendor shall be paid for all TIPS Sales executed pursuant to the applicable terms. All TIPS Sale orders presented to Vendor but not fulfilled by Vendor, prior to the actual termination of this agreement shall be honored at the option of the TIPS Member. TIPS shall submit to Vendor an invoice for any outstanding TIPS Administration Fees and approved expenses and Vendor shall pay such fees and expenses within 30 calendar days of receipt of such valid TIPS invoice. Vendor acknowledges and agrees that continued participation in TIPS is subject to TIPS' sole

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discretion and that any Vendor may be removed from the TIPS program at any time with or without cause. This termination clause does not affect TIPS Sales Supplemental Agreements pursuant to this term regarding termination and the Survival Clause term

E) Vendor hereby waives any and all claims for damages, including, but not limited, to consequential damages or lost profits, that might arise from TIPS' act of terminating this Agreement.

23. **Survival Clause.** It is the intent of the Parties that this Agreement and procurement method applies to any TIPS Sale made during the life of this Agreement even if made on or near the Contract Expiration Date as defined herein. Thus, all TIPS Sales, including but not limited to: leases, service agreements, license agreements, open purchase orders, warranties, and contracts, even if they extend months or years past the TIPS Contract Expiration Date, shall survive the expiration or termination of this Agreement subject to the terms and conditions of the Supplemental Agreement between Customer and Vendor or unless otherwise specified herein.

24. **Audit Rights.** Due to transparency statutes and public accountability requirements of TIPS and TIPS Members, Vendor shall at their sole expense, maintain documentation of all TIPS Sales for a period of three years from the time of the TIPS Sale. In order to ensure and confirm compliance with this agreement, TIPS shall have authority to conduct audits of Vendor's TIPS Pricing or TIPS Sales with thirty-days' notice unless the audit is ordered by a Court Order or by a Government Agency with authority to do so without said notice. Notwithstanding the foregoing, in the event that TIPS is made aware of any pricing being offered to eligible entities that is materially inconsistent with Vendor's TIPS Pricing, TIPS shall have the ability to conduct the audit internally or may engage a third- party auditing firm to investigate any possible non-compliant conduct or may terminate the Agreement according to the terms of this Agreement. In the event of an audit, the requested materials shall be reasonably provided in the time, format, and at the location acceptable to TIPS. TIPS agrees not to perform a random audit the TIPS transaction documentation more than once per calendar year, but reserves the right to audit for just cause or as required by any governmental agency or court with regulatory authority over TIPS or the TIPS Member. These audit rights shall survive termination of this Agreement for a period of one (1) year from the effective date of termination.

25. **Conflicts of Interest.** The Parties confirm that they have not offered, given, or accepted, nor intend to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, service to the other in connection with this Agreement. Vendor affirms that, to the best of Vendor's knowledge, this Agreement has been arrived at independently, and is awarded without collusion with anyone to obtain information or gain any favoritism that would in any way limit competition or give an unfair advantage over other vendors in the award of this Agreement. Vendor agrees that it has disclosed any necessary affiliations with Region 8 Education Service Center and the TIPS Department, if any, through the Conflict of Interest attachment provided in the solicitation resulting in this Agreement.

26. **Volume of TIPS Sales.** Nothing in this Agreement or any TIPS communication may be construed as a guarantee that TIPS or TIPS Members will submit any TIPS orders to Vendor at any time.

27. **Compliance with the Law.** The Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations applicable to their entity in connection with the programs contemplated under this Agreement.

28. **Severability.** If any term(s) or provision(s) of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, then such term(s) or provision(s) shall be deemed restated to reflect the original intention of the Parties as nearly as possible in accordance with applicable law and the remainder of this Agreement, and the remainder of the provisions of this Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated, unless such holding causes the obligations of the Parties hereto to be impossible to perform or shall render the terms of this Agreement to be inconsistent with the intent of the Parties hereto.

29. **Force Majeure.** If by reason of Force Majeure, either party hereto shall be rendered unable wholly or in part to carry out its obligations under this Agreement through no fault of its own then such party shall give notice and full particulars of Force Majeure in writing to the other party within a reasonable time after occurrence of the event or cause relied upon. Upon delivering such notice, the obligation of the affected party, so far as it is affected by such Force Majeure as described, shall be suspended during the continuance of the inability then claimed but for no longer period, and such party shall endeavor to remove or overcome such inability with all reasonable dispatch. In the event that Vendor's obligations are suspended by reason of Force Majeure, all TIPS Sales accepted prior to the Force Majeure event shall be the legal responsibility of Vendor and the terms of the TIPS Sale Supplemental Agreement shall control Vendor's failure to fulfill for a Force Majeure event.

30. **Immunity.** Vendor agrees that nothing in this Agreement shall be construed as a waiver of sovereign or government immunity; nor constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to Region 8 Education

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Service Center or its TIPS Department. The failure to enforce, or any delay in the enforcement of, any privileges, rights, defenses, remedies, or immunities available to Region 8 Education Service Center or its TIPS Department under this Agreement or under applicable law shall not constitute a waiver of such privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel.

31. **Insurance Requirements.** Vendor agrees to maintain the following minimum insurance requirements for the duration of this Agreement. All policies held by Vendor to adhere to this term shall be written by a carrier with a financial size category of VII and at least a rating of "A-" by A.M. Best Key Rating Guide. The coverages and limits are to be considered minimum requirements and in no way limit the liability of the Vendor(s). Any immunity available to TIPS or TIPS Members shall not be used as a defense by the contractor's insurance policy. Only deductibles applicable to property damage are acceptable, unless proof of retention funds to cover said deductibles is provided. "Claims made" policies will not be accepted. Vendor's required minimum coverage shall not be suspended, voided, cancelled, non-renewed or reduced in coverage or in limits unless replaced by a policy that provides the minimum required coverage except after thirty (30) days prior written notice by certified mail, return receipt requested has been given to TIPS or the TIPS Member if a project or pending delivery of an order is ongoing. Upon request, certified copies of all insurance policies shall be furnished to the TIPS or the TIPS Member. Vendor agrees that when Vendor or its subcontractors are liable for any damages or claims, Vendor's policy, shall be primary over any other valid and collectible insurance carried by the Member or TIPS.

General Liability:	$1,000,000 each Occurrence/Aggregate
Automobile Liability:	$300,000 Includes owned, hired & non-owned
Workers' Compensation:	Statutory limits for the jurisdiction in which the Vendor performs under this Agreement. If Vendor performs in multiple jurisdictions, Vendor shall maintain the statutory limits for the jurisdiction with the greatest dollar policy limit requirement.
Umbrella Liability:	$1,000,000 each Occurrence/Aggregate

32. **Waiver.** No waiver of any single breach or multiple breaches of any provision of this Agreement shall be construed to be a waiver of any breach of any other provision. No delay in acting regarding any breach of any provision shall be construed to be a waiver of such breach.

33. **Binding Agreement.** This Agreement shall be binding and inure to the benefit of the Parties hereto and their respective heirs, legal successors, and assigns.

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34. **Headings.** The paragraph headings contained in this Agreement are included solely for convenience of reference and shall not in any way affect the meaning or interpretation of any of the provisions of this Agreement.

35. **Choice of Law and Venue.** This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Texas. Any proceeding, claim, action, or alternative dispute resolution arising out of or relating to this Agreement or involving TIPS shall be brought in a State Court of competent jurisdiction in Camp County, Texas, or if Federal Court is legally required, a Federal Court of competent jurisdiction in the Eastern District of Texas, and each of the Parties irrevocably submits to the exclusive jurisdiction of said court in any such proceeding, waives any objection it may now or hereafter have to venue or to convenience of forum, agrees that all claims in respect of the proceeding shall be heard and determined only in any such court, and agrees not to bring any proceeding arising out of or relating to this procurement process or any contract resulting from or and contemplated transaction in any other court. The Parties agree that either or both of them may file a copy of this paragraph with any court as written evidence of the knowing, voluntary and freely bargained for agreement between the Parties irrevocably to waive any objections to venue or to convenience of forum.

36. **Relationship of the Parties.** Nothing contained in this Agreement shall be construed to make one Party an agent of the other Party nor shall either party have any authority to bind the other in any respect, unless expressly authorized by the other party in writing. The Parties are independent contractors and nothing in this Agreement creates a relationship of employment, trust, agency or partnership between them.

37. **Assignment.** No assignment of this Agreement or of any duty or obligation of performance hereunder, shall be made in whole or in part by a Party hereto without the prior written consent of the other Party. Written consent of TIPS shall not be unreasonably withheld.

38. **Minimum Condition and Warranty Requirements for TIPS Sales.** All goods quoted or sold through a TIPS Sale shall be new unless clearly stated otherwise in writing. All new goods and services shall include the applicable manufacturers minimum standard warranty unless otherwise agreed to in the Supplemental Agreement.

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39. **Minimum Customer Support Requirements for TIPS Sales.** Vendor shall provide timely and commercially reasonable support for TIPS Sales or as agreed to in the applicable Supplemental Agreement.

40. **Minimum Shipping Requirements for TIPS Sales.** Vendor shall ship, deliver, or provide ordered goods and services within a commercially reasonable time after acceptance of the order. If a delay in delivery is anticipated, Vendor shall notify the TIPS Member as to why delivery is delayed and provide an updated estimated time for completion. The TIPS Member may cancel the order if the delay is not commercially acceptable or not consistent with the Supplemental Agreement applicable to the order.

41. **Minimum Vendor License Requirements.** Vendor shall maintain, in current status, all federal, state, and local licenses, bonds and permits required for the operation of the business conducted by Vendor. Vendor shall remain fully informed of and in compliance with all ordinances and regulations pertaining to the lawful provision of goods or services under the TIPS Agreement. TIPS and TIPS Members reserve the right to stop work and/or cancel a TIPS Sale or terminate this or any TIPS Sale Supplemental Agreement involving Vendor if Vendor's license(s) required to perform under this Agreement or under the specific TIPS Sale have expired, lapsed, are suspended or terminated subject to a 30-day cure period unless prohibited by applicable statue or regulation.

42. **Minimum Vendor Legal Requirements.** Vendor shall remain aware of and comply with this Agreement and all local, state, and federal laws governing the sale of products/services offered by Vendor under this contract. Such applicable laws, ordinances, and policies must be complied with even if not specified herein.

43. **Minimum Site Requirements for TIPS Sales (*when applicable to TIPS Sale*).**

Cleanup: When performing work on site at a TIPS Member's property, Vendor shall clean up and remove all debris and rubbish resulting from their work as required or directed by the TIPS Member or as agreed by the parties. Upon completion of work, the premises shall be left in good repair and an orderly, neat, clean and unobstructed condition.

Preparation: Vendor shall not begin a project for which a TIPS Member has not prepared the site, unless Vendor does the preparation work at no cost, or until TIPS Member includes the cost of site preparation in the TIPS Sale Site preparation includes, but is not limited to: moving furniture, installing wiring for networks or power, and similar pre-installation requirements.

In Process

Registered Sex Offender Restrictions: For work to be performed at schools, Vendor agrees that no employee of Vendor or a subcontractor who has been adjudicated to be a registered sex offender will perform work at any time when students are, or reasonably expected to be, present unless otherwise agreed by the TIPS Member. Vendor agrees that a violation of this condition shall be considered a material breach and may result in the cancellation of the TIPS Sale at the TIPS Member's discretion. Vendor must identify any additional costs associated with compliance of this term. If no costs are specified, compliance with this term will be provided at no additional charge.

Safety Measures: Vendor shall take all reasonable precautions for the safety of employees on the worksite, and shall erect and properly maintain all necessary safeguards for protection of workers and the public. Vendor shall post warning signs against all hazards created by the operation and work in progress. Proper precautions shall be taken pursuant to state law and standard practices to protect workers, general public and existing structures from injury or damage.

Smoking: Persons working under Agreement shall adhere to the TIPS Member's or local smoking statutes, codes, ordinances, and policies.

44. **Payment for TIPS Sales.** TIPS Members may make payments for TIPS Sales directly to Vendor, Vendor's Authorized Reseller, or as otherwise agreed to in the applicable Supplemental Agreement after receipt of the invoice and in compliance with applicable payment statutes. Regardless of how payment is issued or received for a TIPS Sale, Vendor is responsible for all reporting and TIPS Administration Fee payment requirements as stated herein.

45. **Marketing.** Vendor agrees to allow TIPS to use their name and logo within the TIPS website, database, marketing materials, and advertisements unless Vendor negotiates this term to include a specific acceptable-use directive. Any use of TIPS' name and logo or any form of publicity, inclusive of press release, regarding this Agreement by Vendor must have prior approval from TIPS which will not be unreasonably withheld. Request may be made by email to tips@tips-usa.com. For marketing efforts directed to TIPS Members, Vendor must request and execute a separate Joint Marketing Disclaimer, at marketing@tips-usa.com, before TIPS can release contact information for TIPS Member entities for the purpose of marketing your TIPS contract(s). Vendor must adhere to strict Marketing Requirements once a disclaimer is executed. The Joint Marketing Disclaimer is a supplemental agreement specific to joint marketing efforts and has no effect on the terms of the TIPS Vendor Agreement. Vendor agrees that any images, photos, writing, audio, clip art,

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music, or any other intellectual property ("Property") or Vendor Data utilized, provided, or approved by Vendor during the course of the joint marketing efforts are either the exclusive property of Vendor, or Vendor has all necessary rights, license, and permissions to utilize said Property in the joint marketing efforts. Vendor agrees that they shall indemnify and hold harmless TIPS and its employees, officers, agents, representatives, contractors, assignees, designees, and TIPS Members from any and all claims, damages, and judgments involving infringement of patent, copyright, trade secrets, trade or services marks, and any other intellectual or intangible property rights and/or claims arising from the Vendor's (including Vendor's officers', employees', agents', Authorized Resellers', subcontractors', licensees', or invitees') unauthorized use or distribution of Vendor Data and Property.

46. **Tax Exempt Status of TIPS Members.** Most TIPS Members are tax exempt entities and the laws and regulations applicable to the specific TIPS Member customer shall control.

47. **Automatic Renewal Limitation for TIPS Sales.** No TIPS Sale may incorporate an automatic renewal clause that exceeds month to month terms with which the TIPS Member must comply. All renewal terms incorporated into a TIPS Sale Supplemental Agreement shall only be valid and enforceable when Vendor received written confirmation of acceptance of the renewal term from the TIPS Member for the specific renewal term. The purpose of this clause is to avoid a TIPS Member inadvertently renewing an Agreement during a period in which the governing body of the TIPS Member has not properly appropriated and budgeted the funds to satisfy the Agreement renewal. Any TIPS Sale Supplemental Agreement containing an "Automatic Renewal" clause that conflicts with these terms is rendered void and unenforceable.

48. **Choice of Law Limitation for TIPS Sales.** Vendor agrees that if any "Choice of Law" provision is included in any TIPS Sale agreement/contract between Vendor and a TIPS Member, that clause must provide that the "Choice of Law" applicable to the TIPS Sale agreement/contract between Vendor and TIPS Member shall be the state where the TIPS Member operates unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing a "Choice of Law" clause that conflicts with these terms is rendered void and unenforceable.

49. **Venue Limitation for TIPS Sales.** Vendor agrees that if any "Venue" provision is included in any TIPS Sale Agreement/contract between Vendor and a TIPS Member, that clause must provide that the "Venue" for any litigation or alternative dispute resolution shall be in the state and county where the TIPS Member operates unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing a "Venue" clause that conflicts with these terms is rendered void and unenforceable.

In Process

50. **Indemnity Limitation for TIPS Sales.** Texas and other jurisdictions restrict the ability of governmental entities to indemnify others. Vendor agrees that if any "Indemnity" provision which requires the TIPS Member to indemnify Vendor is included in any TIPS sales agreement/contract between Vendor and a TIPS Member, that clause must either be stricken or qualified by including that such indemnity is only permitted, "to the extent permitted by the laws and constitution of [TIPS Member's State]" unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing an "Indemnity" clause that conflicts with these terms is rendered void and unenforceable.

51. **Arbitration Limitation for TIPS Sales.** Vendor agrees that if any "Arbitration" provision is included in any TIPS Sale agreement/contract between Vendor and a TIPS Member, that clause may not require that the arbitration is mandatory or binding. Vendor agrees that if any "Arbitration" provision is included in any TIPS Sale agreement/contract between Vendor and a TIPS Member, that clause provides for only voluntary and non-binding arbitration unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing a "Arbitration" clause that conflicts with these terms is rendered void and unenforceable.

In Witness Whereof, the parties hereto, each acting under due and proper authority, have signed this Agreement.

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TIPS VENDOR AGREEMENT SIGNATURE FORM

TIPS RFP 230105 Technology Solutions, Products, and Services

Vendor Name: ClearGov, Inc.

Vendor Address: 2 Mill & Main; Suite 630

City: Maynard State: MA Zip Code: 01754

Vendor Authorized Signatory Name: Bryan A. Burdick

Vendor Authorized Signatory Title: President

Vendor Authorized Signatory Phone: (855) 553-2715

Vendor Authorized Signatory Email: bburdick@cleargov.com

Vendor Authorized Signature: Bryan A Burdick Date: 2/14/23

(The following is for TIPS completion only)

TIPS Authorized Signatory Name: Dr. David Fitts

TIPS Authorized Signatory Title: Executive Director

TIPS Authorized Signature: David Wayne Fitts Date: 5/5/2023

Docusign Envelope ID: 589843E2-CBEB-8D2D-8093-CAA9309AE2E0

230105
ClearGov, Inc.
Supplier Response

In Process

Event Information

Number: 230105
Title: Technology Solutions, Products, and Services
Type: Request for Proposal
Issue Date: 1/5/2023
Deadline: 2/17/2023 03:00 PM (CT)
Notes: This is a solicitation issued by The Interlocal Purchasing System (TIPS), a department of Texas Region 8 Education Service Center. It is an Indefinite Delivery, Indefinite Quantity ("IDIQ") solicitation. It will result in contracts that provide, through adoption/"piggyback" an indefinite quantity of supplies/services, during a fixed period of time, to TIPS public entity and qualifying non-profit "TIPS Members" throughout the nation. Thus, there is no specific project or scope of work to review. Rather this solicitation is issued as a prospective award for utilization when any TIPS Member needs the goods or services offered during the life of the agreement.

IF YOU CURRENTLY HOLDS TIPS CONTRACT 200105 TECHNOLOGY SOLUTIONS, PRODUCTS, AND SERVICES ("200105"), YOU MUST RESPOND TO THIS SOLICITATION TO PREVENT LAPSE OF CONTRACT UNLESS YOU HOLD ANOTHER CURRENT TIPS CONTRACT THAT COVERS ALL OF YOUR TECHNOLOGY OFFERINGS. THIS AWARDED CONTRACT WILL REPLACE YOUR EXPIRING TIPS CONTRACT 200105.

IF YOU HOLD A TIPS "TECHNOLOGY SOLUTIONS, PRODUCTS, AND SERVICES" CONTRACT OTHER THAN 200105 AND YOU CHOOSE TO RESPOND HEREIN, YOUR EXISTING TIPS

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"TECHNOLOGY SOLUTIONS, PRODUCTS, AND SERVICES" CONTRACT WILL BE TERMINATED AND REPLACED BY THIS CONTRACT.

IF YOU HOLD ANOTHER TIPS CONTRACT OTHER THAN 200105 WHICH COVERS ALL OF YOUR TECHNOLOGY OFFERINGS AND YOU ARE SATISFIED WITH IT, THERE IS NO NEED TO RESPOND TO THIS SOLICITATION UNLESS YOU PREFER TO HOLD BOTH CONTRACTS OR REPLACE YOUR EXISTING TIPS "TECHNOLOGY SOLUTIONS, PRODUCTS, AND SERVICES" CONTRACT.

Contact Information

Address: Region 8 Education Service Center
4845 US Highway 271 North
Pittsburg, TX 75686
Phone: +1 (866) 839-8477
Email: bids@tips-usa.com

In Process

ClearGov, Inc. Information

Contact:	Tyler Bridges
Address:	2 Mill & Main; Suite 630 Maynard, MA 01754
Phone:	(855) 553-2715
Fax:	(774) 759-3045
Toll Free:	(855) 553-2715
Email:	tbridges@cleargov.com
Web Address:	www.cleargov.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Bryan A. Burdick
Signature

tbridges@cleargov.com
Email

Submitted at 2/17/2023 02:15:35 PM (CT)

Supplier Note

Please let us know if we can provide any additional information. Thank you again for your time and consideration.

Requested Attachments

Pricing Form 1 — ClearGov - TIPS RFP 230105 - Pricing Form 1.xlsx

Pricing Form 1 must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, properly completed as instructed, and uploaded to this location.

Pricing Form 2 — ClearGov - TIPS RFP 230105 - Pricing Form 2.xlsx

Pricing Form 2 must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, properly completed as instructed, and uploaded to this location.

Alternate or Supplemental Pricing Documents — ClearGov - TIPS RFP 230105 - 2023 Rate Cards.pdf

Optional. If when completing Pricing Form 1 & Pricing Form 2 you direct TIPS to view additional, alternate, or supplemental pricing documentation, you may upload that documentation.

Vendor Agreement — ClearGov - TIPS RFP 230105 - Vendor Agreement.pdf

The Vendor Agreement must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, Vendor Name placed in the line provided at the top, and uploaded to this location. If Vendor has proposed deviations to the Vendor Agreement, Vendor may assert so in the Attribute Questions and those shall be addressed during evaluation.

Vendor Agreement Signature Form — ClearGov - TIPS RFP 230105 - Vendor Agreement Signature Form.pdf

The Vendor Agreement Signature Form must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, properly completed, and uploaded to this location. If Vendor has proposed deviations to the Vendor Agreement, Vendor may leave the signature line of this page blank and assert so in the Attribute Questions and those shall be addressed during evaluation.

Reference Form — ClearGov - TIPS RFP 230105 - Reference Form.xls

The Reference Form must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, properly completed, and uploaded to this location. The Reference Form must be uploaded in Excel format.

Required Confidentiality Claim Form — ClearGov - TIPS RFP 230105 - Confidentiality Claim Form.pdf

The Required Confidentiality Claim Form must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, properly completed, and uploaded to this location. This is the only way for Vendor to assert confidentiality of any information submitted.

In Process

Conflict of Interest Questionnaire - Form CIQ

No response

Do not upload this form unless you have a reportable conflict with TIPS. There is an Attribute entitled “Conflict of Interest Questionnaire Requirement” immediately followed by an Attribute entitled “Conflict of Interest Questionnaire Requirement – Form CIQ – Continued.” Properly respond to those Attributes and only upload this form if applicable/instructed. If upload is required based on your response to those Attributes, the Conflict of Interest Questionnaire – Form CIQ must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, properly completed, and uploaded at this location.

Disclosure of Lobbying Activities - Standard Form - LLL

No response

Do not upload this form unless Vendor has reportable lobbying activities. There are Attributes entitled, “2 CFR Part 200 or Federal Provision - Byrd Anti-Lobbying Amendment – Continued.” Properly respond to those Attributes and only upload this form if applicable/instructed. If upload is required based on your response to those Attributes, the Disclosure of Lobbying Activities – Standard Form - LLL must be downloaded from the “Attachments” section of the IonWave eBid System, reviewed, properly completed, and uploaded to this location.

Current Form W-9

ClearGov Inc - W9 - 2023.pdf

Vendor must upload their current IRS Tax Form W-9. The legal name, EIN, and d/b/a's listed should match the information provided herein exactly. This form will be utilized by TIPS to properly identify your entity.

Certificates & Licenses (Supplemental Vendor Information Only)

No response

Optional. If Vendor would like to display any applicable certificates or licenses (including HUB certificates) for TIPS and TIPS Member Customer consideration, Vendor may upload those at this location. These supplemental documents shall not be considered part of the TIPS Contract. Rather, they are Vendor Supplemental Information for marketing and informational purposes only.

Vendor’s Warranties, Terms, and Conditions (Supplemental Vendor Information Only)

No response

Optional. If Vendor would like to display any standard warranties, terms, or conditions which are often applicable to their offerings for TIPS and TIPS Member Customer consideration, Vendor may upload those at this location. These supplemental documents shall not be considered part of the TIPS Contract. Rather, they are Vendor Supplemental Information for marketing and informational purposes only.

In Process

Supplemental Vendor Information (Supplemental Vendor Information Only)

No response

Optional. If Vendor would like to display or include any brochures, promotional documents, marketing materials, or other Vendor Information for TIPS and TIPS Member Customer consideration, Vendor may upload those at this location.
These supplemental documents shall not be considered part of the TIPS Contract. Rather, they are Vendor Supplemental Information for marketing and informational purposes only.

Vendor Logo (Supplemental Vendor Information Only)

No response

Optional. If Vendor desires that their logo be displayed on their public TIPS profile for TIPS and TIPS Member viewing, Vendor may upload that logo at this location. These supplemental documents shall not be considered part of the TIPS Contract. Rather, they are Vendor Supplemental Information for marketing and informational purposes only.

Response Attachments

ClearGov - TIPS RFP 230105 - Product Overview.pdf

ClearGov Product Overview

ClearGov - TIPS RFP 230105 - BCM Service Agreement (Informational).docx

ClearGov Budget Cycle Management (BCM) Service Agreement (Supplemental Vendor Information)

ClearGov - TIPS RFP 230105 - ClearForms Service Agreement (Informational).docx

ClearGov ClearForms Service Agreement (Supplemental Vendor Information)

Bid Attributes

1 Disadvantaged/Minority/Women Business & Federal HUBZone

Some participating public entities are required to seek Disadvantaged/Minority/Women Business & Federal HUBZone ("D/M/WBE/Federal HUBZone") vendors. Does Vendor certify that their entity is a D/M/WBE/Federal HUBZone vendor?

If you respond "Yes," you must upload current certification proof in the appropriate "Response Attachments" location.

NO

2 Historically Underutilized Business (HUB)

Some participating public entities are required to seek Historically Underutilized Business (HUB) vendors as defined by the Texas Comptroller of Public Accounts Statewide HUB Program. Does Vendor certify that their entity is a HUB vendor?

If you respond "Yes," you must upload current certification proof in the appropriate "Response Attachments" location.

No

3 National Coverage

Can the Vendor provide its proposed goods and services to all 50 US States?

Yes

4 States Served

If Vendor answered "No" to the question entitled "National Coverage," please list all states where vendor can provide the goods and services proposed directly below. Your response may dictate which potential TIPS Member customers consider purchasing your offerings.

No response

5 Description of Vendor Entity and Vendor's Goods & Services

If awarded, this description of Vendor and Vendor's goods and services will appear on the TIPS website for customer/public viewing.

ClearGov delivers just right software solutions to help local government work better. Specifically, we provide a complete Budget Cycle Management suite of connected solutions for Capital Budgeting; Personnel Budgeting; Operational Budgeting; Digital Budget Book and Transparency. We also offer a turnkey permitting and licensing platform to help local governments automate forms and other workflows. All ClearGov products are built for local governments from the ground up to be easy to implement, easy to understand, easy to use and easy to afford.

6 Primary Contact Name

Please identify the individual who will be primarily responsible for all TIPS matters and inquiries for the duration of the contract.

Bryan A. Burdick

7 Primary Contact Title

Primary Contact Title

President

8 Primary Contact Email

Please enter a valid email address that will definitely reach the Primary Contact.

bburdick@cleargov.com

9 Primary Contact Phone

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

Please provide the accurate and current phone number where the individual who will be primarily responsible for all TIPS matters and inquiries for the duration of the contract can be reached directly.

8555532715

10 Primary Contact Fax

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

No response

11 Primary Contact Mobile

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

No response

In Process

12 Secondary Contact Name

Please identify the individual who will be secondarily responsible for all TIPS matters and inquiries for the duration of the contract.

Tyler Bridges

13 Secondary Contact Title

Secondary Contact Title

Proposal Manager

14 Secondary Contact Email

Please enter a valid email address that will definitely reach the Secondary Contact.

tbridges@cleargov.com

15 Secondary Contact Phone

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

Please provide the accurate and current phone number where the individual who will be secondarily responsible for all TIPS matters and inquiries for the duration of the contract can be reached directly.

8555532715

16 **Secondary Contact Fax**

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

No response

17 **Secondary Contact Mobile**

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

No response

18 **Administration Fee Contact Name**

Please identify the individual who will be responsible for all payment, accounting, and other matters related to Vendor's TIPS Administration Fee due to TIPS for the duration of the contract.

Brenda Luebbers

19 **Administration Fee Contact Email**

Please enter a valid email address that will definitely reach the Administration Fee Contact.

bluebbers@cleargov.com

20 **Administration Fee Contact Phone**

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

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In Process

21 **Purchase Order and Sales Contact Name**

Please identify the individual who will be responsible for receiving and processing purchase orders and sales under the TIPS Contract.

Bryan A. Burdick

22 **Purchase Order and Sales Contact Email**

Please enter a valid email address that will definitely reach the Purchase Order and Sales Contact.

bburdick@cleargov.com

23 **Purchase Order and Sales Contact Phone**

Numbers only, no symbols or spaces (Ex. 8668398477). The system will auto-populate your entry with commas once submitted which is appropriate and expected (Ex. 8,668,398,477).

8555532715

24 **Company Website**

Company Website (Format - www.company.com)

www.cleargov.com

25 **Entity D/B/A's and Assumed Names**

You must confirm that you are responding to this solicitation under your legal entity name. Go now to your Supplier Profile in this eBid System and confirm that your profile reflects your "Legal Name" as it is listed on your W9.

In this question, please identify all of your entity's assumed names and D/B/A's. Please note that you will be identified publicly by the Legal Name under which you respond to this solicitation unless you organize otherwise with TIPS after award.

ClearGov, Inc.

26 **Primary Address**

Primary Address

2 Mill & Main Place, Suite 630

27 **Primary Address City**

Primary Address City

Maynard

28 **Primary Address State**

Primary Address State (2 Digit Abbreviation)

MA

29 **Primary Address Zip**

Primary Address Zip

01754

In Process

30 **Search Words Identifying Vendor**

Please list all search words and phrases to be included in the TIPS database related to your entity. ***Do not*** list words which are not associated with the bid category/scope (See bid title for general scope). This will help users find you through the TIPS website search function. You may include product names, manufacturers, specialized services, and other words associated with the scope of this solicitation.

ClearGov,Clear Gov,Transparency,budget,budget book,budgeting,insights,capital,capital planning,personnel planning,digital budget,budgeting software,citizen engagement,capital budgets,permitting,licensing,workflow,business process automation,forms,Enterprise Resource Planning,ERP,strategic planning,strategic plan,strategic planning consulting,comprehensive plan,comprehensive planning

31 **Certification of Vendor Residency (Required by the State of Texas)**

Does Vendor's parent company or majority owner:

(A) have its principal place of business in Texas; ***or*** (B) employ at least 500 persons in Texas?

Texas Education Code Section 44.031 requires that this information be considered in evaluation for certain contracts. However, Vendor response does not affect points, scoring, or potential award.

No

32 **Vendor's Principal Place of Business (City)**

In what city is Vendor's principal place of business located?

Maynard

33 **Vendor's Principal Place of Business (State)**

In what state is Vendor's principal place of business located?

Massachusetts

34 **Vendor's Years in Business**

How many years has the business submitting this proposal been operating in its current capacity and field of work?

6

35 **Certification Regarding Entire TIPS Agreement**

Vendor agrees that, if awarded, Vendor's final TIPS Contract will consist of the provisions set forth in the finalized TIPS Vendor Agreement, Vendor's responses to these attribute questions, and: (1) The TIPS solicitation document resulting in this Agreement; (2) Any addenda or clarifications issued in relation to the TIPS solicitation; (3) All solicitation information provided to Vendor by TIPS through the TIPS eBid System; (3) Vendor's entire proposal response to the TIPS solicitation including all accepted required attachments, acknowledged notices and certifications, accepted negotiated terms, accepted pricing, accepted responses to questions, and accepted written clarifications of Vendor's proposal, and; any properly included attachments to the TIPS Contract.

Does Vendor agree?

Yes

36 **Minimum Percentage Discount Offered to TIPS Members on all Goods and Services (READ CAREFULLY)**

Please read thoroughly and carefully as an error on your response can render your contract award unusable.

TIPS Members often turn to TIPS Contracts for ease of use and to receive discounted pricing.

In Process

What is the minimum percentage discount that you can offer TIPS Members off of all goods and service pricing that you offer?

Vendor must respond with a percentage from 0%-100%. The percentage discount that you input below will be applied to your "Catalog Pricing", as defined in the solicitation, for all TIPS Sales made during the life of the contract. You cannot alter this percentage discount once the solicitation legally closes. You will always be required to discount every TIPS Sale by the percentage included below. If you add goods or services to your "Catalog Pricing" during the life of the contract, you will be required to sell those new items with this discount applied.

Example: In this example, you enter a 10% minimum percentage discount below. In year-one of your TIPS Contract, your published "Catalog Pricing" (website/store/published pricing) for "Tablet A" is $100 and for "Tablet Set-Up Service" is $100. In this example, you must sell those items under the TIPS Contract at the proposed 10% discounted price of: "Tablet A" - $90, "Tablet Set-Up Service" - $90. In year two of your TIPS Contract, you update your "Catalog Pricing" with the market. You add "Tablet B" to your "Catalog Pricing" for $200 and have increased the price of "Tablet A" to $110 and the price of "Tablet Set-Up Service" to $110. In this example, after the "Catalog Pricing" update, you must still sell those items under the TIPS Contract at the proposed 10% discounted price of: "Tablet A" - $99, "Tablet Set-Up Service" - $99, and "Tablet B" - $180.00.

If you cannot honor the discount on all goods and items now included or which may be added in the future with certainty, then you should offer a lesser discount percentage below.

What is the minimum percentage discount that you can offer TIPS Members off of all goods and service pricing that you offer?

0%

37 Honoring Vendor's Minimum Percentage Discount

Vendor is asked in these Attribute Questions to provide a Minimum Percentage Discount offered to TIPS Members on all goods and services sold under the TIPS Contract. Points will be assigned for your response and scoring of your proposal will be affected. A "YES" answer will be awarded the maximum 10 points and a "NO" answer will be awarded 0 points.

Does Vendor agree to honor the Minimum Percentage Discount off of their TIPS "Catalog Pricing" that Vendor proposed for all TIPS Sales made for the duration of the TIPS Contract?

Yes

38 Volume and Additional Discounts

In addition to the Minimum Percentage Discount proposed herein, does Vendor ever expect and intend to offer additional, greater, or volume discounts to TIPS Members?

Point(s) may be assigned for your response in the category of "Pricing" during scoring and evaluation.

No

39 "Catalog Pricing" and Pricing Requirements

This is a requirement of the TIPS Contract and is non-negotiable.

In this solicitation and resulting contract, "Catalog Pricing" shall be defined as:

In Process

"The then available list of goods or services, in the most current listing regardless of date, that takes the form of a catalog, price list, price schedule, shelf-price or other viewable format that:

A. is regularly maintained by the manufacturer or Vendor of an item; and

B. is either published or otherwise available for review by TIPS or a customer during the purchase process;

C. to which the Minimum Percentage Discount proposed by the proposing Vendor may be applied.

If awarded on this TIPS Contract, for the duration of the contract, Vendor agrees to provide, upon request, their then current "Catalog Pricing." Or, in limited circumstances where Vendor has proposed the Percentage Mark-Up method of pricing in this proposal, proof of Vendor's "cost" may be accepted by TIPS in place of catalog pricing.

YES

40 **EXCEPTIONS & DEVIATIONS TO TIPS STANDARD TERMS AND CONDITIONS**

Vendor agrees that, if awarded, Vendor's final TIPS Contract will consist of the provisions set forth in the finalized TIPS Vendor Agreement, Vendor's responses to these attribute questions, and: (1) The TIPS solicitation document resulting in this Agreement; (2) Any addenda or clarifications issued in relation to the TIPS solicitation; (3) All solicitation information provided to Vendor by TIPS through the TIPS eBid System; (3) Vendor's entire proposal response to the TIPS solicitation including all accepted required attachments, acknowledged notices and certifications, accepted negotiated terms, accepted pricing, accepted responses to questions, and accepted written clarifications of Vendor's proposal, and; any properly included attachments to the TIPS Contract. In the event of conflict between the terms of the finalized Vendor Agreement and one of the incorporated documents the terms and conditions which are in the best interest of governmental/qualifying non-profit TIPS Members shall control at TIPS sole discretion.

If Vendor responds, "No, Vendor does not agree" to this Attribute, after this solicitation legally closes and TIPS begins evaluating Vendor's file, TIPS will provide Vendor with a draft Word Document version of the Vendor Agreement and will be instructed to include all requested negotiations as redline edits for TIPS consideration. This is the only proper way to submit proposed deviations for TIPS consideration. TIPS reserves the right to accept, decline, or modify Vendor's requested negotiated terms. For this reason, answering "No, Vendor does not agree" may ultimately delay or prevent award.

Does Vendor agree with TIPS standard terms and conditions as presented in the TIPS solicitation document (RFP, RCSP, RFQ, or other) and the TIPS Vendor Agreement document?

Yes

41 **TIPS Sales Reporting Requirements**

This is a requirement of the TIPS Contract and is non-negotiable.

By submitting this proposal, Vendor certifies that Vendor will properly report all TIPS sales. With the exception of TIPS Automated Vendors, who have signed an exclusive agreement with TIPS regarding reporting, all TIPS Sales must be reported to TIPS by either:

(1) Emailing the purchase order or similar purchase document (with Vendor's Name, as known to TIPS, and the TIPS Contract Name and Number included) to TIPS at tipspo@tips-usa.com with "Confirmation Only" in the subject line of the email within three business days of Vendor's acceptance of the order, or;

(2) Within 3 business days of the order being accepted by Vendor, Vendor must login to the TIPS Vendor Portal and successfully self-report all necessary sale information within the Vendor Portal and confirm that it shows up accurately on your current Vendor Portal statement.

No other method of reporting is acceptable unless agreed to by the Parties in writing. Failure to report all sales pursuant to this provision may result in immediate cancellation of Vendor's TIPS Contract(s) for cause at TIPS' sole discretion.

In Process

42	**TIPS Administration Fee Requirement and Acknowledgment** **This is a requirement of the TIPS Contract and is non-negotiable.** The collection of fees by TIPS, a government entity, for performance of these procurement services is required pursuant to Texas Government Code Section 791.011 et. seq. The TIPS Administration Fee is the amount legally owed by Vendor to TIPS for TIPS Sales made by Vendor. The TIPS Administration Fee amount is typically a set percentage of each TIPS Sale legally due to TIPS, but the exact TIPS Administration Fee for this Contract is published in the corresponding RFP or RCSP document. TIPS Administration Fees are due to TIPS immediately upon Vendor's receipt of payment, including partial payment, for a TIPS Sale. By submitting a proposal, Vendor agrees that it has read, understands, and agrees to the published TIPS Administration Fee amount, calculation, and payment requirements. By submitting a proposal Vendor further confirms that all TIPS Pricing includes the TIPS Administration Fee and Vendor will not show adding the TIPS Administration Fee as a charge or line-item in any TIPS Sale.

43	**TIPS Member Access to Vendor Proposal & Documentation** **This is a requirement of the TIPS Contract and is non-negotiable.** Notwithstanding any other information provided in this solicitation or Vendor designation of certain documentation as confidential or proprietary, Vendor's submission of this proposal constitutes Vendor's express consent to the disclosure of Vendor's comprehensive proposal, including any information deemed confidential or proprietary, **to TIPS Members**. The proposing Vendor agrees that TIPS shall not be responsible or liable for any use or distribution of information or documentation to TIPS Members or by TIPS Members. By submitting this proposal, Vendor certifies the foregoing.

44	**Non-Collusive Bidding Certificate** **This is a requirement of the TIPS Contract and is non-negotiable.** By submission of this proposal, the Vendor certifies that: 1) This proposal has been independently arrived at without collusion with any other entity, bidder, or with any competitor; 2) This proposal has not been knowingly disclosed and will not be knowingly disclosed, prior to the opening of bids, or proposals for this project, to any other bidder, competitor or potential competitor: 3) No attempt has been or will be made to induce any other person, partnership or corporation to modify, submit, or not to submit a bid or proposal; and 4) The person signing this bid or proposal certifies that they are duly authorized to execute this proposal/contract on behalf of Vendor and they have fully informed themselves regarding the accuracy of the statements contained in this certification, and under the penalties being applicable to the bidder as well as to the person signing in its behalf;

In Process

45 Antitrust Certification Statements (Tex. Government Code § 2155.005)

This is a requirement of the TIPS Contract and is non-negotiable.

By submission of this bid or proposal, Vendor certifies under penalty of perjury of the laws of the State of Texas that:

(1) I am duly authorized to execute this proposal/contract on my own behalf or on behalf of the company, corporation, firm, partnership or individual (Vendor) identified herein;

(2) In connection with this proposal, neither I nor any representative of Vendor has violated any provision of the Texas Free Enterprise and Antitrust Act, Tex. Bus. & Comm. Code Chapter 15;

(3) In connection with this proposal, neither I nor any representative of the Vendor has violated any federal antitrust law;

(4) Neither I nor any representative of Vendor has directly or indirectly communicated any of the contents of this bid to a competitor of the Company or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Company.

46 Limitation on Out-of-State Litigation - Texas Business and Commerce Code § 272

This is a requirement of the TIPS Contract and is non-negotiable.

Texas Business and Commerce Code § 272 prohibits a construction contract, or an agreement collateral to or affecting the construction contract, from containing a provision making the contract or agreement, or any conflict arising under the contract or agreement, subject to another state's law, litigation in the courts of another state, or arbitration in another state. If included in Texas construction contracts, such provisions are voidable by a party obligated by the contract or agreement to perform the work.

By submission of this proposal, Vendor acknowledges this law and ***if Vendor enters into a construction contract with a Texas TIPS Member*** under this procurement, Vendor certifies compliance.

In Process

47 Required Confidentiality Claim Form

This is a requirement of the TIPS Contract and is non-negotiable.

TIPS provides the required TIPS Confidentiality Claim Form in the "Attachments" section of this solicitation. Vendor must execute this form by either signing and waiving any confidentiality claim, or designating portions of Vendor's proposal confidential. If Vendor considers any portion of Vendor's proposal to be confidential and not subject to public disclosure pursuant to Chapter 552 Texas Gov't Code or other law(s) and orders, Vendor must have identified the claimed confidential materials through proper execution of the Confidentiality Claim Form.

If TIPS receives a public information act or similar request, any responsive documentation not deemed confidential by you in this manner will be automatically released. For Vendor documents deemed confidential by you in this manner, TIPS will follow procedures of controlling statute(s) regarding any claim of confidentiality and shall not be liable for any release of information required by law, including Attorney General determination and opinion.

Notwithstanding any other Vendor designation of Vendor's proposal as confidential or proprietary, Vendor's submission of this proposal constitutes Vendor's agreement that proper execution of the required TIPS Confidentiality Claim Form is the only way to assert any portion of Vendor's proposal as confidential.

48 **Non-Discrimination Statement and Certification**

This is a requirement of the TIPS Contract and is non-negotiable.

In accordance with Federal civil rights law, all U.S. Departments, including but not limited to the USDA, USDE, FEMA, are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by federal funds (not all bases apply to all programs).

Vendor certifies that Vendor will comply with applicable Non-Discrimination and Equal Opportunity provisions set forth in TIPS Member Customers' policies and other regulations at the local, state, and federal levels of governments.

☑ Yes, I certify (Yes)

49 **Limitation of Vendor Indemnification and Similar Clauses**

This is a requirement of the TIPS Contract and is non-negotiable.

TIPS, a department of Region 8 Education Service Center, a political subdivision, and local government entity of the State of Texas, is prohibited from indemnifying third-parties (pursuant to the Article 3, Section 52 of the Texas Constitution) except as otherwise specifically provided for by law or as ordered by a court of competent jurisdiction. Article 3, Section 52 of the Texas Constitution states that "no debt shall be created by or on behalf of the State … " and the Texas Attorney General has opined that a contractually imposed obligation of indemnity creates a "debt" in the constitutional sense. Tex. Att'y Gen. Op. No. MW-475 (1982). Thus, contract clauses which require TIPS to indemnify Vendor, pay liquidated damages, pay attorney's fees, waive Vendor's liability, or waive any applicable statute of limitations must be deleted or qualified with "to the extent permitted by the Constitution and Laws of the State of Texas."

In Process

Does Vendor agree?

☑ Yes, I Agree (Yes)

50 **Alternative Dispute Resolution Limitations**

This is a requirement of the TIPS Contract and is non-negotiable.

TIPS, a department of Region 8 Education Service Center, a political subdivision, and local government entity of the State of Texas, does not agree to binding arbitration as a remedy to dispute and no such provision shall be permitted in this Agreement with TIPS. Vendor agrees that any claim arising out of or related to this Agreement, except those specifically and expressly waived or negotiated within this Agreement, may be subject to non-binding mediation at the request of either party to be conducted by a mutually agreed upon mediator as prerequisite to the filing of any lawsuit arising out of or related to this Agreement. Mediation shall be held in either Camp or Titus County, Texas. Agreements reached in mediation will be subject to the approval by the Region 8 ESC's Board of Directors, authorized signature of the Parties if approved by the Board of Directors, and, once approved by the Board of Directors and properly signed, shall thereafter be enforceable as provided by the laws of the State of Texas.

Does Vendor agree?

Yes

5 1 No Waiver of TIPS Immunity

This is a requirement of the TIPS Contract and is non-negotiable.

Vendor agrees that nothing in this Agreement shall be construed as a waiver of sovereign or government immunity; nor constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to Region 8 Education Service Center or its TIPS Department. The failure to enforce, or any delay in the enforcement, of any privileges, rights, defenses, remedies, or immunities available to Region 8 Education Service Center or its TIPS Department under this Agreement or under applicable law shall not constitute a waiver of such privileges, rights, defenses, remedies, or immunities or be considered as a basis for estoppel.

Does Vendor agree?

☑ Yes, Vendor agrees (Yes)

5 2 Payment Terms and Funding Out Clause

This is a requirement of the TIPS Contract and is non-negotiable.

Vendor agrees that TIPS and TIPS Members shall not be liable for interest or late-payment fees on past-due balances at a rate higher than permitted by the laws or regulations of the jurisdiction of the TIPS Member.

Funding-Out Clause: Vendor agrees to abide by the applicable laws and regulations, including but not limited to Texas Local Government Code § 271.903, or any other statutory or regulatory limitation of the jurisdiction of any TIPS Member, which requires that contracts approved by TIPS or a TIPS Member are subject to the budgeting and appropriation of currently available funds by the entity or its governing body.

Does Vendor agree?

☑ Yes, Vendor agrees (Yes)

5 3 Certification Regarding Prohibition of Certain Terrorist Organizations (Tex. Gov. Code 2270)

Vendor certifies that Vendor is not a company identified on the Texas Comptroller's list of companies known to have contracts with, or provide supplies or services to, a foreign organization designated as a Foreign Terrorist Organization by the U.S. Secretary of State.

Does Vendor certify?

Yes

5 4 Certification Regarding Prohibition of Boycotting Israel (Tex. Gov. Code 2271)

If (a) Vendor is not a sole proprietorship; (b) Vendor has ten (10) or more full-time employees; and (c) this Agreement or any agreement with a TIPS Member under this procurement has value of $100,000 or more, the following certification shall apply; otherwise, this certification is not required. Vendor certifies, where applicable, that neither the Vendor, nor any affiliate, subsidiary, or parent company of Vendor, if any, boycotts Israel, and Vendor agrees that Vendor and Vendor Companies will not boycott Israel during the term of this Agreement. For purposes of this Agreement, the term "boycott" shall mean and include refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory but does not include an action made for ordinary business purposes.

When applicable, does Vendor certify?

Yes

55 **Certification Regarding Prohibition of Contracts with Certain Foreign-Owned Companies (Tex. Gov. Code 2274)**

Certain public entities are prohibited from entering into a contract or other agreement relating to critical infrastructure that would grant Vendor direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by a customer for product warranty and support purposes.

Vendor certifies that neither it nor its parent company nor any affiliate of Vendor or its parent company, is (1) owned by or the majority of stock or other ownership interest of the company is held or controlled by individuals who are citizens of China, Iran, North Korea, Russia, or a designated country; (2) a company or other entity, including governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country; or (3) headquartered in China, Iran, North Korea, Russia, or a designated country.

For purposes of this certification, “critical infrastructure” means “a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility.” Vendor certifies that Vendor will not grant direct or remote access to or control of critical infrastructure, except for product warranty and support purposes, to prohibited individuals, companies, or entities, including governmental entities, owned, controlled, or headquartered in China, Iran, North Korea, Russia, or a designated country, as determined by the Governor.

When applicable, does Vendor certify?

Yes

In Process

56 Certification Regarding Prohibition of Discrimination Against Firearm and Ammunition Industries (Tex. Gov. Code 2274)

If (a) Vendor is not a sole proprietorship; (b) Vendor has at least ten (10) full-time employees; and (c) this Agreement or any Supplemental Agreement with certain public entities have a value of at least $100,000 that is paid wholly or partly from public funds; (d) the Agreement is not excepted under Tex. Gov. Code 2274 and (e) the purchasing public entity has determined that Vendor is not a sole-source provider or the purchasing public entity has not received any bids from a company that is able to provide this written verification, the following certification shall apply; otherwise, this certification is not required.

Vendor certifies that Vendor, or association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary parent company, or affiliate of these entities or associations, that exists to make a profit, does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of this contract against a firearm entity or firearm trade association.

For purposes of this Agreement, “discriminate against a firearm entity or firearm trade association” shall mean, with respect to the entity or association, to: “(1) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (2) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (3) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association.”

“Discrimination against a firearm entity or firearm trade association” does not include: “(1) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (2) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency, or for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association.”

When applicable, does Vendor certify?

Yes

57 **Certification Regarding Termination of Contract for Non-Compliance (Tex. Gov. Code 552.374)**

If Vendor is not a governmental body and (a) this Agreement or any Supplemental Agreement with a public entity has a stated expenditure of at least $1 million in public funds for the purchase of goods or services by certain public entities; or (b) this Agreement or any Supplemental Agreement results in the expenditure of at least $1 million in public funds for the purchase of goods or services by certain public entities in their fiscal year, the following certification shall apply; otherwise, this certification is not required.

As required by Tex. Gov. Code 552.374, the following statement is included in the RFP and the Agreement (unless the Agreement is (1) related to the purchase or underwriting of a public security; (2) is or may be used as collateral on a loan; or (3) proceeds from which are used to pay debt service of a public security of loan): “The requirements of Subchapter J, Chapter 552, Government Code, may apply to this solicitation and Agreement and the Vendor agrees that this Agreement and any applicable Supplemental Agreement can be terminated if Vendor knowingly or intentionally fails to comply with a requirement of that subchapter.”

Pursuant to Chapter 552 of the Texas Government Code, Vendor certifies that Vendor shall: (1) preserve all contracting information related to this Agreement as provided by the records retention requirements applicable to TIPS or the purchasing TIPS Member for the duration of the Agreement; (2) promptly provide to TIPS or the purchasing TIPS Member any contracting information related to the Agreement that is in the custody or possession of Vendor on request of TIPS or the purchasing TIPS Member; and (3) on completion of the Agreement, either (a) provide at no cost to TIPS or the purchasing TIPS Member all contracting information related to the Agreement that is in the custody or possession of Vendor, or (b) preserve the contracting information related to the Agreement as provided by the records retention requirements applicable to TIPS or the purchasing TIPS Member.

When applicable, does Vendor certify?

Yes

In Process

58 **Certification Regarding Prohibition of Boycotting Certain Energy Companies (Tex. Gov. Code 2274)**

If (a) Vendor is not a sole proprietorship; (b) Vendor has ten (10) or more full-time employees; and (c) this Agreement or any Supplemental Agreement with certain public entities has a value of $100,000 or more that is to be paid wholly or partly from public funds, the following certification shall apply; otherwise, this certification is not required.

Vendor certifies that Vendor, or any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of these entities or business associations, if any, do not boycott energy companies and will not boycott energy companies during the term of the Agreement or any applicable Supplemental Agreement.

For purposes of this certification the term “company” shall mean an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, that exists to make a profit.

The term “boycott energy company” shall mean “without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (a) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law, or (b) does business with a company described by paragraph (a).” (See Tex. Gov. Code 809.001).

When applicable, does Vendor certify?

Yes

In Process

59 **Felony Conviction Notice - Texas Education Code 44.034**

Texas Education Code, Section 44.034, Notification of Criminal History, Subsection (a), states, "a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.”

Subsection (b) states, "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract.”

Subsection (c) states, "This section does not apply to a publicly held corporation.

Vendor certifies one of the following:

A. My firm is a publicly held corporation; therefore, this reporting requirement is not applicable, or;

B. My firm is not owned nor operated by anyone who has been convicted of a felony, or;

C. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony.

If Vendor responds with Option (C), Vendor is required to provide information in the next attribute.

B. My firm is not owned nor operated by felon.

60 **Felony Conviction Notice - Texas Education Code 44.034 - Continued**

If Vendor selected Option (C) in the previous attribute, Vendor must provide the following information herein:

1. Name of Felon(s)

2. The Felon(s) title/role in Vendor's entity, and

3. Details of Felon(s) Conviction(s).

No response

61 **Conflict of Interest Questionnaire Requirement**

Vendor agrees that it has looked up, read, and understood the current version of Texas Local Government Code Chapter 176 which generally requires disclosures of conflicts of interests by Vendor hereunder if Vendor:

(1) has an employment or other business relationship with a local government officer of our local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of our local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of our local governmental entity.

(4) Any other financial, commercial, or familial relationship with our local government that may warrant reporting under this statute.

Does Vendor certify that it has NO reportable conflict of interest?

Yes

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62 **Conflict of Interest Questionnaire Requirement - Form CIQ - Continued**

If you responded "No, Vendor does not certify - VENDOR HAS CONFLICT" to the Conflict of Interest Questionnaire question above, you are required by law to fully execute and upload the form attachment entitled "Conflict of Interest Questionnaire - Form CIQ." If you accurately claimed no conflict above, you may disregard the form attachment entitled "Conflict of Interest Questionnaire - Form CIQ."

Have you uploaded this form if applicable?

Not Applicable

63 **Upload of Current W-9 Required**

Vendors are required by TIPS to upload a current, accurate W-9 Internal Revenue Service (IRS) Tax Form for your entity. This form will be utilized by TIPS to properly identify your entity.

You must confirm that you are responding to this solicitation under your legal entity name. Go now to your Supplier Profile in this eBid System and confirm that your profile reflects your "Legal Name" as it is listed on your W9.

64 **Regulatory Good Standing Certification**

Does Vendor certify that its entity is in good standing will all government entities and agencies, whether local, state, or federal, that regulate any aspect of Vendor's field of work or business operations?

If Vendor selects "No", Vendor must provide explanation on the following attribute question.

Yes

65 **Regulatory Good Standing Certification - Explanation - Continued**

If Vendor responded to the prior attribute that "No", Vendor is not in good standing, Vendor must provide an explanation of that lack of good standing here for TIPS consideration.

No response

66 **Instructions Only - Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion**

Instructions for Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

1. By answering yes to the next Attribute question below, the vendor and prospective lower tier participant is providing the certification set out herein in accordance with these instructions.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and / or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participants,” “person,” “primary covered transaction,” “principal,” “proposal” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction” without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and / or debarment.

67 **Suspension or Debarment Certification**

Read the instructions in the attribute above and then answer the following accurately.

Vendor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

Does Vendor certify?

Yes

68 **Vendor Certification of Criminal History - Texas Education Code Chapter 22**

Texas Education Code Chapter 22 requires entities that contract with school districts to provide services to obtain criminal history record information regarding covered employees. Contractors must certify to the district that they have complied. Covered employees with disqualifying criminal histories are prohibited from serving at a school district pursuant to this law.

DEFINITIONS

Covered employees: Employees of a contractor or subcontractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes direct contact with students.

Disqualifying criminal history: Any conviction or other criminal history information designated by the District, or one of the following offenses, if at the time of the offense, the victim was under 18 or enrolled in a public school: (a) a felony offense under Title 5, Texas Penal Code; (b) an offense for which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or (c) an equivalent offense under federal law or the laws of another state.

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Vendor certifies:

NONE (Section A): None of the employees of Vendor and any subcontractors are covered employees, as defined above. If this box is checked, I further certify that Contractor has taken precautions or imposed conditions to ensure that the employees of Vendor and any subcontractor will not become covered employees. Contractor will maintain these precautions or conditions throughout the time the contracted services are provided under this procurement.

OR

SOME (Section B): Some or all of the employees of Vendor and any subcontractor are covered employees. If this box is checked, I further certify that: (1) Vendor has obtained all required criminal history record information regarding its covered employees. None of the covered employees has a disqualifying criminal history; (2) If Vendor receives information that a covered employee subsequently has a reported criminal history, Vendor will immediately remove the covered employee from contract duties and notify the purchasing entity in writing within 3 business days; (3) Upon request, Vendor will provide the purchasing entity with the name and any other requested information of covered employees so that the purchasing entity may obtain criminal history record information on the covered employees; (4) If the purchasing entity objects to the assignment of a covered employee on the basis of the covered employee's criminal history record information, Vendor agrees to discontinue using that covered employee to provide services at the purchasing entity.

Which option does Vendor certify?

None

69 **Certification Regarding "Choice of Law" Terms with TIPS Members**

Vendor agrees that if any "Choice of Law" provision is included in any sales agreement/contract between Vendor and a TIPS Member, that clause must provide that the "Choice of Law" applicable to the sales agreement/contract between Vendor and TIPS Member shall be the state where the TIPS Member operates unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing a "Choice of Law" clause that conflicts with these terms is rendered void and unenforceable.

If Vendor disagrees, after this solicitation legally closes and TIPS begins evaluating Vendor's file, TIPS will provide Vendor with a draft Word Document version of the Vendor Agreement and will be instructed to include all requested negotiations as redline edits for TIPS consideration.

Does Vendor agree?

Yes

70 **Certification Regarding "Venue" Terms with TIPS Members**

Vendor agrees that if any "Venue" provision is included in any sales agreement/contract between Vendor and a TIPS Member, that clause must provide that the "Venue" for any litigation or alternative dispute resolution is shall be in the state and county where the TIPS Member operates unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing a "Venue" clause that conflicts with these terms is rendered void and unenforceable.

If Vendor disagrees, after this solicitation legally closes and TIPS begins evaluating Vendor's file, TIPS will provide Vendor with a draft Word Document version of the Vendor Agreement and will be instructed to include all requested negotiations as redline edits for TIPS consideration.

Does Vendor agree?

Yes

In Process

71 **Certification Regarding "Automatic Renewal" Terms with TIPS Members**

Vendor agrees that no TIPS Sale may incorporate an "Automatic Renewal" clause that exceeds month to month terms with which the TIPS Member must comply. All renewal terms incorporated into a TIPS Sale Supplemental Agreement shall only be valid and enforceable when Vendor received written confirmation of acceptance of the renewal term from the TIPS Member for the specific renewal term. The purpose of this clause is to avoid a TIPS Member inadvertently renewing a Supplemental Agreement during a period in which the governing body of the TIPS Member has not properly appropriated and budgeted the funds to satisfy the Agreement renewal. Any TIPS Sale Supplemental Agreement containing an "Automatic Renewal" clause that conflicts with these terms is rendered void and unenforceable.

If Vendor disagrees, after this solicitation legally closes and TIPS begins evaluating Vendor's file, TIPS will provide Vendor with a draft Word Document version of the Vendor Agreement and will be instructed to include all requested negotiations as redline edits for TIPS consideration.

Does Vendor agree?

Yes

72 **Certification Regarding "Indemnity" Terms with TIPS Members**

Texas and other jurisdictions restrict the ability of governmental entities to indemnify others. Vendor agrees that if any "Indemnity" provision which requires the TIPS Member to indemnify Vendor is included in any sales agreement/contract between Vendor and a TIPS Member, that clause must either be stricken or qualified by including that such indemnity is only permitted, "to the extent permitted by the laws and constitution of [TIPS Member's State]" unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing an "Indemnity" clause that conflicts with these terms is rendered void and unenforceable.

If Vendor disagrees, after this solicitation legally closes and TIPS begins evaluating Vendor's file, TIPS will provide Vendor with a draft Word Document version of the Vendor Agreement and will be instructed to include all requested negotiations as redline edits for TIPS consideration.

Does Vendor agree?

Yes

73 **Certification Regarding "Arbitration" Terms with TIPS Members**

Vendor agrees that if any "Arbitration" provision is included in any TIPS Sale agreement/contract between Vendor and a TIPS Member, that clause may ***not*** require that the arbitration is mandatory or binding. Vendor agrees that if any "Arbitration" provision is included in any TIPS Sale agreement/contract between Vendor and a TIPS Member, that clause provides for only voluntary and non-binding arbitration unless the TIPS Member expressly agrees otherwise. Any TIPS Sale Supplemental Agreement containing a “Arbitration” clause that conflicts with these terms is rendered void and unenforceable.

If Vendor disagrees, after this solicitation legally closes and TIPS begins evaluating Vendor's file, TIPS will provide Vendor with a draft Word Document version of the Vendor Agreement and will be instructed to include all requested negotiations as redline edits for TIPS consideration.

Does Vendor agree?

Yes

In Process

74 **2 CFR PART 200 AND FEDERAL CONTRACT PROVISIONS EXPLANATION**

TIPS and TIPS Members will sometimes seek to make purchases with federal funds. In accordance with 2 C.F.R. Part 200 of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (sometimes referred to as “EDGAR”),Vendor's response to the following questions labeled "2 CFR Part 200 or Federal Provision" will indicate Vendor's willingness and ability to comply with certain requirements which may be applicable to TIPS purchases paid for with federal funds, if accepted by Vendor.

Your responses to the following questions labeled "2 CFR Part 200 or Federal Provision" will dictate whether TIPS can list this awarded contract as viable to be considered for a federal fund purchase. **Failure to certify all requirements labeled "2 CFR Part 200 or Federal Provision" will mean that your contract is listed as not viable for the receipt of federal funds. However, it will not prevent award.**

If you do enter into a TIPS Sale when you are accepting federal funds, the contract between you and the TIPS Member will likely require these same certifications.

75

2 CFR Part 200 or Federal Provision - Vendor Willingness to Accept Federal Funds

This certification is not required by federal law. However, TIPS Members are public entities and qualifying non-profits which often receive federal funding and grants (ESSER, CARES Act, EDGAR, etc.) ***Accepting such funds often requires additional required certifications and responsibilities for Vendor.*** The following attribute questions include these required certifications. Your response to this questions, the following certifications, and other factors will determine whether your contract award will be deemed as eligible for federal fund expenditures by TIPS Members.

If awarded, is Vendor willing to accept payment for goods and services offered under this contract paid for by a TIPS Member with federal funds?

Yes

76

2 CFR Part 200 or Federal Provision - Contracts

Contracts for more than the simplified acquisition threshold currently set at $250,000 (2 CFR § 200.320), which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

Notice: Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members reserve all rights and privileges under the applicable laws and regulations with respect to this procurement in the event of breach of contract by either party.

Does vendor agree?

Yes

77

2 CFR Part 200 or Federal Provision - Termination

Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of $10,000)

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members reserve the right to terminate any agreement in excess of $10,000 resulting from this procurement process for cause after giving the vendor an appropriate opportunity and up to 30 days, to cure the causal breach of terms and conditions. ESC Region 8 and TIPS Members reserve the right to terminate any agreement in excess of $10,000 resulting from this procurement process for convenience with 30 days notice in writing to the awarded vendor. The Vendor would be compensated for work performed and goods procured as of the termination date if for convenience of the ESC Region 8 and TIPS Members. Any award under this procurement process is not exclusive and the ESC Region 8 and TIPS reserves the right to purchase goods and services from other vendors when it is in the best interest of the ESC Region 8 and TIPS.

Does vendor agree?

Yes

78

2 CFR Part 200 or Federal Provision - Clean Air Act

Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

Pursuant to the Clean Air Act, et al above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members require that the proposer certify that during the term of an award by the ESC Region 8 and TIPS Members resulting from this procurement process the vendor agrees to comply with all of the above regulations, including all of the terms listed and referenced therein.

Does vendor agree?

Yes

79

2 CFR Part 200 or Federal Provision - Byrd Anti-Lobbying Amendment

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members require the proposer certify that during the term and during the life of any contract with ESC Region 8 and TIPS Members resulting from this procurement process the vendor certifies that it is in compliance with all applicable provisions of the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).

In Process

Does Vendor agree?

Yes

80

2 CFR Part 200 or Federal Provision - Byrd Anti-Lobbying Amendment - Continued

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding $100,000 in Federal Funds

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “disclosure Form to Report Lobbying,” in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding $100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

Does Vendor certify that it has NOT lobbied as described herein?

Yes

In Process

81

2 CFR Part 200 or Federal Provision - Byrd Anti-Lobbying Amendment - Continued

If you answered "No, Vendor does not certify - Lobbying to Report" to the above attribute question, you must download, read, execute, and upload the attachment entitled "Disclosure of Lobbying Activities - Standard Form - LLL", as instructed, to report the lobbying activities you performed or paid others to perform.

82

2 CFR Part 200 or Federal Provision - Federal Rule

Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of $100,000)

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, ESC Region 8 and TIPS Members requires the proposer certify that in performance of the contracts, subcontracts, and subgrants of amounts in excess of $250,000, the vendor will be in compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).

Does vendor certify compliance?

Yes

83	**2 CFR Part 200 or Federal Provision - Procurement of Recovered Materials** A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include: (1) procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; (2) procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. Does vendor certify that it is in compliance with these provisions? Yes

84	**2 CFR Part 200 or Federal Provision - Rights to Inventions** If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency. Pursuant to the above, when the foregoing applies to ESC Region 8 and TIPS Members, Vendor certifies that during the term of an award resulting from this procurement process, Vendor agrees to comply with all applicable requirements as referenced in the Federal rule above. Does vendor certify? Yes

In Process

85

2 CFR Part 200 or Federal Provision - Domestic Preferences for Procurements and Compliance with Buy America Provisions

As appropriate and to the extent consistent with law, TIPS Member Customers, to the greatest extent practicable under a Federal award, may provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). Vendor agrees that the requirements of this section will be included in all subawards including all contracts and purchase orders for work or products under this award, to the greatest extent practicable under a Federal award. For purposes of 2 CFR Part 200.322, “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stag through the application of coatings, occurred in the United States. Moreover, for purposes of 2 CFR Part 200.322, “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum, plastics and polymer-based products such as polyvinyl chloride pipe, aggregates such as concrete, glass, including optical fiber, and lumber.

Vendor certifies that it is in compliance with all applicable provisions of the Buy America Act. Purchases made in accordance with the Buy America Act must still follow the applicable procurement rules calling for free and open competition. For purposes of 2 CFR Part 200.322,

“Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

“Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

In Process

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, Vendor certifies that to the greatest extent practicable Vendor will provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).

Does Vendor Certify?

Yes

86

2 CFR Part 200 or Federal Provision - Ban on Foreign Telecommunications

ESC 8 and TIPS Members are prohibited from obligating or expending Federal financial assistance, to include loan or grant funds, to: (1) procure or obtain, (2) extend or renew a contract to procure or obtain, or (3) enter into a contract (or extend or renew a contract) to procure or obtain, equipment, services, or systems that use "covered telecommunications" equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. "Covered telecommunications" equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities), and physical security surveillance of critical infrastructure and other national security purposes, and video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities) for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes detailed in 2 CFR § 200.216.

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, Vendor certifies that Vendor will not purchase equipment, services, or systems that use "covered telecommunications", as defined by 2 CFR §200.216 equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

Does vendor certify?

Yes

87

2 CFR Part 200 or Federal Provision - Contract Cost & Price

For contracts more than the simplified acquisition threshold currently set at $250,000, a TIPS Member may, in very rare circumstances, be required to negotiate profit as a separate element of the price pursuant to 2 C.F.R. 200.324(b). Under those circumstances, Vendor agrees to provide information and negotiate with the TIPS Member regarding profit as a separate element of the price. However, Vendor certifies that the total price charged by the Vendor shall not exceed the Vendor's TIPS pricing and pricing terms proposed.

Does Vendor certify?

Yes

88

2 CFR Part 200 or Federal Provision - Equal Employment Opportunity

Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members on any federally assisted construction contract, the equal

opportunity clause is incorporated by reference here.

Does Vendor Certify?

Yes

89

2 CFR Part 200 or Federal Provision - Davis Bacon Act Compliance

Texas Statute requires compliance with Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146- 3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non- Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

Pursuant to state and federal requirements, Vendor certifies that it will be in compliance with all applicable Davis-Bacon Act provisions if/when applicable.

Does Vendor certify?

Yes

90

2 CFR Part 200 or Federal Provision - Contract Work Hours and Safety Standards

Where applicable, all contracts awarded by ESC 8 and TIPS Members in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

Pursuant to the above, when federal funds are expended by ESC Region 8 and TIPS Members, Vendor certifies that during the term of an award for all contracts resulting from this procurement process, Vendor will be in compliance with all applicable provisions of the Contract Work Hours and Safety Standards Act.

Does Vendor certify?

Yes

91

2 CFR Part 200 or Federal Provision - FEMA Fund Certification & Certification of Access to Records

If and when Vendor accepts a TIPS purchase paid for in full or part with FEMA funds, Vendor certifies that:

(1) Vendor agrees to provide the TIPS Member, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives access to and rights to reproduce any books, documents, papers, and records of the Contractor which are directly pertinent to this contract, or any contract resulting from this procurement, for the purposes of making audits, examinations, excerpts, and transcriptions. This right also includes timely and reasonable access to Vendor's personnel for the purpose of interview and discussion relating to such documents. Vendor agrees to provide the FEMA Administrator or an authorized representatives access to construction or other work sites pertaining to the work being completed under the contract. Vendor acknowledges and agrees that no language in this contract or the contract with the TIPS Member is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.

(2) The Vendor shall not use the Department of Homeland Security's seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.

(3) The Vendor will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

(4) The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

(5) The Vendor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the Vendor's actions pertaining to this contract.

Does Vendor certify?

Yes, Vendor certifies

92

2 CFR Part 200 or Federal Provision - Certification of Compliance with the Energy Policy and Conservation Act

When appropriate and to the extent consistent with the law, Vendor certifies that it will comply with the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq; 49 C.F.R. Part 18) and any state mandatory standards and policies relating to energy efficiency which are contained in applicable state energy conservation plans issued in compliance with the Act.

Does Vendor certify?

Yes

93	**2 CFR Part 200 or Federal Provision - Certification of Compliance with Never Contract with the Enemy** Where applicable, all contracts awarded by ESC 8 and TIPS Members in excess of $50,000.00, within the period of performance, and which are performed outside of the United States, including U.S. territories, are subject to the regulations implementing Never Contract with the Enemy in 2 CFR part 183. Per 2 CFR part 183, in the situation specified, ESC 8 and TIPS Members shall terminate any contract or agreement resulting from this procurement which violates the Never Contract with the Enemy regulation in 2 CFR part 183, including if Vendor is actively opposing the United States or coalition forces involved in a contingency operation in which members of the the Armed Forces are actively engaged in hostilities. Vendor certifies that it is neither an excluded entity under the System for Award Management (SAM) nor Federal Awardee Performance and Integrity Information System (FAPIIS) for any contract terminated due to Never Contract with the Enemy as a Termination for Material Failure to Comply. Does Vendor certify? Yes
94	**2 CFR Part 200 or Federal Provision - Certification of Compliance with EPA Regulations** For contracts resulting from this procurement, in excess of $100,000.00 and paid for with federal funds, Vendor certifies that Vendor will comply with all applicable standards, orders, regulations, and/or requirements issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act, as amended (33 U.S.C. 1368), Executive Order 117389 and Environmental Protection Agency Regulation, 40 CFR Part 15. Does Vendor certify? Yes
95	**2 CFR Part 200 or Federal Provision - Record Retention Requirements** For contracts resulting from this procurement, paid for by ESC 8 or TIPS Members with federal funds, Vendor certifies that Vendor will comply with the record retention requirements detailed in 2 CFR § 200.334. Vendor certifies that Vendor will retain all records as required by 2 CFR § 200.334 for a period of three years after final expenditure or financial reports, as applicable, and all other pending matters are closed. Does Vendor certify? Yes
96	**2 CFR Part 200 or Federal Provision - Subcontracting and Affirmative Steps for Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.** Do you ever anticipate the possibility of subcontracting any of your work under this award if you are successful? If you respond "Yes", you must respond to the following attribute question accurately. If you respond "No", you may skip the following attribute question. No

97 **2 CFR Part 200 or Federal Provision - If "Yes" Response to Above Attribute - Continued - Subcontracting and Affirmative Steps for Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.**

Only respond to this question if you responded "Yes" to the attribute question directly above. Skip this question if you responded "No" to the attribute question directly above.

Does Vendor certify that it will follow the following affirmative steps? Federal Regulation 2 CFR §200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. (a)The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce ; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs(1) through (5) of this section.

In Process

Does Vendor certify?

No response

98 **ACKNOWLEDGMENT & BINDING CORPORATE AUTHORITY**

By submitting this proposal, the individual(s) submitting on behalf of the Vendor certify that they are authorized by Vendor to complete and submit this proposal on behalf of Vendor and that this proposal was duly submitted on behalf of Vendor by authority of its governing body, if any, and within the scope of its corporate powers.

Vendor further certifies that it has read, examined, and understands all portions of this solicitation including but not limited to all attribute questions, attachments, solicitation documents, bid notes, and the Vendor Agreement(s). Vendor certifies that, if necessary, Vendor has consulted with counsel in understanding all portions of this solicitation.

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TIPS 230105 Technology Solutions, Products, and Services	ClearGov, Inc.

TIPS REFERENCE FORM

All requested information must be typed and uploaded in Excel format. Do not handwrite or upload in any format other than Excel. Emails provided must be current and active. Do not include TIPS/Region 8 employees as a reference. The entities that you provide must be paying customers, not affiliates/partners/manufacturers/resellers, etc.

You must provide below at least three (3) references from three different entity customers, preferably government or non-profit entities, who have purchased goods or services from your vendor entity within the last three years.

Customer Entity Name	Customer Contact Nam	Valid Contact Email	Valid Contact Phone
City of Alamosa, CO	**Lisa Sandoval**	**lsandoval@ci.alamosa.co.us**	**(719) 589-2593 x 1**
Franklin County, NC	**Jamie Holtzman**	**jholtzman@franklincountync.us**	**(919) 496-3182**
Richland County, SC	**Abhi Deshpande**	**deshpande.abhijit@richlandcountysc.gov**	**(803) 576-2095**

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TIPS CONTRACT 230105

REQUIRED CONFIDENTIALITY CLAIM FORM

(VENDOR MUST COMPLETE THE FOLLOWING VENDOR INFORMATION)

Vendor Entity Name: ClearGov, Inc.

Vendor Authorized Signatory Name: Bryan A. Burdick

Vendor Authorized Signatory Title: President

Vendor Authorized Signatory Email: bburdick@cleargov.com

Vendor Address: 2 Mill & Main; Suite 630

City: Maynard State: MA Zip Code: 01754

Vendor agrees that it is voluntarily providing its data (including but not limited to: Vendor information, Vendor documentation, Vendor's proposal, Vendor pricing submitted or provided to TIPS, TIPS contract documents, TIPS correspondence, Vendor logos and images, Vendor's contact information, Vendor's brochures and commercial information, Vendor's financial information, Vendor's certifications, and any other Vendor information or documentation submitted to TIPS by Vendor and its agents) (Hereinafter, "Vendor Data") to TIPS. Vendor understands and agrees that TIPS is a government entity subject to public information laws including but not limited to Texas Government Code (TGC) Chapter 552. Vendor agrees that regardless of confidentiality designations herein, Vendor's submission of a proposal constitutes Vendor's consent to the disclosure and release of Vendor's Data and comprehensive proposal, including any information deemed confidential or proprietary herein, to and by TIPS Members.

Notwithstanding the foregoing permissible release to TIPS Members, if Vendor considers any portion of Vendor's proposal to be otherwise confidential and not subject to public disclosure pursuant to public information laws, including but not limited to TGC Chapter 552, Vendor must properly execute ***Option 1 only*** below, attach to this PDF all documents and information that Vendor deems confidential, and upload the consolidated documentation. Regardless of the Option selected below, this form must be completed and uploaded to the "Response Attachments" section of the eBid System entitled "Required Confidentiality Claim Form." Execution and submission of this form is the sole indicator of whether Vendor considers any Vendor Data confidential in the event TIPS receives a request, a Public Information Request, or subpoena. If TIPS receives a request, any responsive documentation not deemed confidential by you through proper execution of Option 1 of this form will be automatically released. For information deemed confidential by you through proper execution of Option 1 of this form, TIPS will follow procedures of controlling statute(s) regarding withholding that documentation and shall not be liable for any release of information required by law, including Attorney General opinion or court order.

(VENDOR MUST COMPLETE ONE OF THE TWO OPTIONS AND UPLOAD IN THE EBID SYSTEM)

OPTION 1 – DESIGNATING CONFIDENTIAL MATERIALS – YES, VENDOR HAS ATTACHED CONFIDENTIAL MATERIALS

(Confirm each bullet point and sign below)

- Vendor claims some Vendor Data confidential to the extent permitted by TGC Chapter 552 and other applicable law.
- Vendor attached to this PDF all potentially confidential Vendor Data and listed the number of attached pages below.
- Vendor's authorized signatory has signed below and shall upload this document in the proper location in the eBid System.
- Vendor agrees that TIPS shall not be liable for any release of confidential information required by law.

Number of pages attached deemed confidential: _____

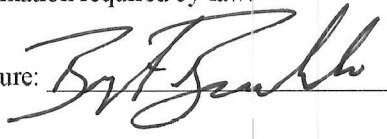
Authorized Signature: _____

OPTION 2 – WAIVER OF CONFIDENTIALITY – NO, VENDOR HAS NOT ATTACHED CONFIDENTIAL MATERIALS

(Confirm each bullet point and sign below)

By signing for Option 2 below, Vendor expressly waives any confidentiality claim for all Vendor Data submitted in relation to this proposal and resulting contract. Vendor confirms that TIPS may freely release Vendor Data submitted in relation to this proposal or resulting contract to any requestor. Vendor agrees that TIPS shall not be responsible or liable for any use or distribution of Vendor Data by TIPS or TIPS Members.

- Vendor's authorized signatory has signed below and shall upload this document in the proper location in the eBid System.
- Vendor agrees that TIPS shall not be liable for any release of confidential information required by law.

Authorized Signature: 

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VENDOR SUPPLEMENTAL INFORMATION

TIPS permits Vendors to submit supplemental documentation and information ("Vendor Supplemental Information") with their proposals to display to TIPS Member Customers their qualifications, offerings, and special terms. The following documents are for marketing and informational purposes only. They are not terms of Vendor's TIPS Contract. If the Vendor Supplemental Information herein contains any warranties, terms, or conditions, the TIPS Member Customer may review and determine whether or not those are applicable and acceptable for any TIPS purchase before proceeding. If the Vendor Supplemental Information contains any licenses or certificates, TIPS encourages the TIPS Member Customer to ensure current accuracy at the time of a TIPS purchase.

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ClearGov BCM Service Agreement

This ClearGov BCM Service Agreement (the ***"Agreement"***) is made and entered into by and between ClearGov, Inc. (***"ClearGov"***), a Delaware corporation with its principal offices at 2 Mill & Main; Suite 630, Maynard, MA 01754 and ***Customer*** (as defined in the applicable ClearGov Service Order) (each a ***"Party"*** and collectively the ***"Parties"***). This Agreement governs the terms and conditions under which Customer may utilize the ClearGov Service as set forth herein and as specified in one or more applicable ClearGov Service Order(s) executed by Customer in connection herewith and incorporated herein (the ***"ClearGov Service Order(s)"***). In event of any conflict between the terms set forth in this Agreement and any terms or conditions of any applicable ClearGov Service Order, the terms of the applicable ClearGov Service Order shall prevail.

WHEREAS ClearGov owns and operates the ClearGov Service, a Web-based SaaS solution that includes a variety of ClearGov App(s) and provides various features and functionality via such ClearGov App(s); and

WHEREAS Customer wishes to utilize the ClearGov Service in order to convey fiscal budget, key metrics and other information to the public as well as to leverage the functionality of such ClearGov App(s);

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ClearGov and Customer hereby agree as follows:

1) **Definitions.** Capitalized terms used in this Agreement, and not otherwise defined herein, shall have the following meanings:
   - 1.1) ***"Account"*** means an access point for the ClearGov Service that requires registration by the Customer.
   - 1.2) ***"ClearGov API"*** means an application programming interface that provides access to specified content and functionality within certain ClearGov Apps.
   - 1.3) ***"ClearGov Apps"*** means collectively all of the Web applications hosted by ClearGov and available via the ClearGov Service, including but not limited to the applications listed in any applicable ClearGov Service Order. All features, functionality, reports, etc. for each ClearGov App are included as material elements of the applicable ClearGov App. ClearGov may modify, combine, add or delete ClearGov Apps from the ClearGov Service from time to time at its sole discretion, provided that in the event that ClearGov terminates or deletes any ClearGov App to which Customer is actively subscribing, ClearGov shall provide a pro-rata refund for the applicable portion of the Subscription Service Fee for the remainder of the then current Service Period.
   - 1.4) ***"ClearGov Data"*** means any aggregated and normalized key metrics and benchmarking data collected by ClearGov for the delivery of the ClearGov Service.
   - 1.5) ***"ClearGov Service"*** means the complete set of ClearGov software and related materials including but not limited to the ClearGov Apps, ClearGov Data, ClearGov Web Site, the Documentation and the Software.
   - 1.6) ***"ClearGov Web Site"*** means the Web site owned and operated by ClearGov and made available at the following URL: http://www.ClearGov.com and/or any successor site(s).
   - 1.7) ***"Customer PDF"*** means one or more PDF files of Customer's digital documents created by Customer using the ClearGov Apps.
   - 1.8) ***"Customer Data"*** means any data provided to ClearGov by or on behalf of Customer or any data entered or uploaded into the ClearGov Service by or on behalf of Customer, including Sensitive Data entered or provided by Customer. Customer Data specifically excludes ClearGov Data as well as any anonymized, customized, modified or derivative works related to the Customer Data.
   - 1.9) ***"Customer State"*** means the state, commonwealth or territory in which the Customer is located.
   - 1.10) ***"Customer Web Site"*** means any Web site owned and operated by Customer.
   - 1.11) ***"Documentation"*** means any accompanying proprietary documentation made available to Customer by ClearGov for use with the ClearGov Service, including any documentation available online or otherwise.
   - 1.12) ***"Sensitive Data:*** means any Customer Data that may reasonably be deemed sensitive and/or private in nature, including but not limited to personal wage garnishments, individual healthcare-related expenses, data protected by HIPAA, etc.
   - 1.13) ***"Software"*** means the source code and/or other code which are material elements of the ClearGov Apps and ClearGov Service.

2) **Service Usage & Licenses.**
   - 2.1) Account Password and Security. Customer shall protect its passwords and take full responsibility for Customer's own, as well as any third-party, use of the Customer Account(s). Customer is solely responsible for any and all activities that occur under such Customer Account(s), except for any activities performed by ClearGov as set forth herein. Customer agrees to notify ClearGov immediately upon learning of any unauthorized use of a Customer Account or any other breach of security. From time to time, ClearGov's support staff may log in to the Customer Account in order to maintain or improve service, including providing Customer assistance with technical or billing issues. Customer hereby acknowledges and consents to such access.
   - 2.2) ClearGov License. Subject to the terms and conditions of this Agreement and as specifically set forth in the applicable ClearGov Service Order(s), ClearGov grants Customer a limited, revocable, non-exclusive, non-transferable, non-distributable, worldwide license to utilize the ClearGov Service for the following functionality:
     - a) Content Delivery. Customer may integrate, link and publish applicable public-facing content from the applicable ClearGov Apps within one or more Customer Web Site(s);
     - b) Application Access. Customer may access the ClearGov Apps via Customer's Account to utilize the functionality provided within such ClearGov Apps; and
     - c) API Access. Customer may access the ClearGov API to distribute and display public-facing content from the ClearGov Apps within one or more Customer Web Site(s).

3) **Term and Termination.**
   - 3.1) Term. The duration of this Agreement shall be defined in accordance with the Term set forth in all applicable Service Order(s). The Term shall commence upon the Start Date set forth in the first ClearGov Service Order executed between the Parties and shall continue in full force and effect until the termination or expiration of all applicable ClearGov Service Order(s) (the ***"Term"***).
   - 3.2) Termination. This Agreement and/or any applicable ClearGov Service Order may be terminated prior to the expiration of the term as follows:
     - a) Either Party may terminate this Agreement if the other Party fails to cure a material breach of the Agreement within fifteen (15) days after receipt of written notice

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thereof.

b) Either Party may terminate this Agreement if the other Party is involved in insolvency proceedings, receivership, bankruptcy, or assignment for the benefit of creditors.

3.3) Obligations. Upon expiration or termination of this Agreement:

a) Each Party shall promptly return to the other all of the Confidential Information of the other Party in its possession or control;

b) Customer shall cease use of the ClearGov Service and shall remove all links from the Customer Web Site(s) to any content provided by the ClearGov Apps, provided that Customer may continue to provide access to any Customer PDF(s). Customer shall be solely responsible for hosting and delivering such Customer PDF(s) as well as any ongoing costs for doing so; and

c) Any outstanding fees shall become immediately due and payable, and termination of this Agreement shall not relieve Customer from its obligation to pay to ClearGov any such fees.

3.4) Survival. Sections 3.3, 3.4 and 4 through 8 inclusive shall survive any termination or expiration of this Agreement.

4) Fees and Billing.

4.1) Fees. Customer shall pay the Fees in accordance with the terms set forth in the applicable ClearGov Service Order.

4.2) Interest and Collections. Customer will be charged $50 for payments by checks that are returned due to insufficient funds. Any late payments will accrue interest equal to one and one-half percent (1.5%) per month, or the maximum amount allowable under law, whichever is less, compounded monthly. ClearGov shall be entitled to recover all reasonable costs of collection (including agency fees, attorneys' fees, in-house counsel costs, expenses and costs) incurred in attempting to collect payment from Customer.

4.3) Taxes. Customer is solely responsible for all applicable sales, use and other taxes and similar charges based on or arising from this Agreement or any ClearGov Service Order. In the event that Customer is exempt from sales tax, Customer will provide ClearGov with a tax-exempt certificate upon request.

5) Intellectual Property.

5.1) General. Both Parties may only use the other Party's intellectual property as expressly set forth herein. Nothing in this Agreement shall be construed in any manner to affect or modify either Party's ownership rights in any preexisting or future works, trademarks, copyrights or technologies developed or created by either Party, including without limitation, their respective proprietary software used in connection with the development and provision of their respective Web sites, databases, systems, products and/or services. Unless specifically agreed by the Parties in writing, all intellectual property, including without limitation information that could become the subject of a patent, copyright or trade secret, developed by a Party in the context of performing its obligations under this Agreement shall be exclusively owned by that Party and the other Party shall cooperate with any reasonable requests to execute documents confirming such ownership.

5.2) Data Ownership and License.

a) Customer represents and warrants that it has obtained all data subjects' consent or otherwise has the full legal right necessary to provide the Customer Data to ClearGov for ClearGov's use as contemplated by this Agreement. Customer acknowledges that ClearGov shall have no legal liability for its use and/or the display of the Customer Data as contemplated by this Agreement.

b) Customer represents and warrants that Customer shall not provide or enter Sensitive Data to be displayed in any publicly available element of the ClearGov Service. To the extent that Customer enters or uploads any Sensitive Data into the ClearGov Service, Customer shall assume full responsibility for the disclosure of such Sensitive Data. ClearGov is under no obligation to review and/or verify whether or not Customer Data includes Sensitive Data.

c) Customer Data shall remain the property of Customer, and Customer hereby grants ClearGov a limited, perpetual, irrevocable and royalty-free right to use, copy, modify, and display the Customer Data within any ClearGov App(s) and for the purpose of providing the ClearGov Service.

5.3) Proprietary Rights Notice. The ClearGov Service and all intellectual property rights in the ClearGov Service are, and shall remain, the property of ClearGov. All rights in and to the ClearGov Service not expressly granted to Customer in this Agreement are hereby expressly reserved and retained by ClearGov without restriction, including, without limitation, ClearGov's right to sole ownership of the ClearGov API, ClearGov Apps, ClearGov Data, ClearGov Web Site, Documentation and Software. Without limiting the generality of the foregoing, Customer agrees not to (and to not allow any third party to): (a) sublicense, copy, distribute, rent, lease, lend or use the ClearGov Service outside of the scope of the license granted herein or make the ClearGov Service available to any third party or use the ClearGov Service on a service bureau time sharing basis; (b) copy, modify, adapt, translate, prepare derivative works from, reverse engineer, disassemble, or decompile the ClearGov Service or otherwise attempt to discover or reconstruct any source code, underlying ideas, algorithms, file formats, program interfaces or other trade secrets related to the ClearGov Service; (c) use the trademarks, trade names, service marks, logos, domain names and other distinctive brand features or any copyright or other proprietary rights associated with the ClearGov Service for any purpose without the express written consent of ClearGov; (d) register, attempt to register, or assist anyone else to register any trademark, trade name, service marks, logos, domain names and other distinctive brand features, copyrights or other proprietary rights associated with ClearGov other than in the name of ClearGov; or (e) modify, remove, obscure, or alter any notice of copyright, trademark, or other proprietary right or legend appearing in or on any item included with the ClearGov Service. If the use of the ClearGov Service is being purchased by or on behalf of the U.S. Government or by a U.S. Government prime contractor or subcontractor (at any tier), in accordance with 48 C.F.R. 227.7202-4 (for Department of Defense (DOD) acquisitions) and 48 C.F.R. 2.101 and 12.212 (for non-DOD acquisitions), the Government's rights in the ClearGov Service, including its rights to use, modify, reproduce, release, perform, display or disclose any elements of the ClearGov Service, will be subject in all respects to the commercial license rights and restrictions provided in this Agreement.

6) Representations, Warranties, Indemnification and Liability.

6.1) By ClearGov. ClearGov represents and warrants that: (i) the ClearGov Service shall be provided in accordance with, and shall not violate applicable laws, rules or regulations; and (ii) by using the ClearGov Service, Customer will not violate or in any way infringe upon the personal or proprietary rights of any third party, (iii) to ClearGov's knowledge, the ClearGov Service does not contain any virus, worm, Trojan horse, time bomb or similar contaminating or destructive feature; and (iv)

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ClearGov holds all necessary rights to permit the use of the ClearGov Service and all components thereof provided to Customer under this Agreement.

6.2) By Customer. Customer represents and warrants that: (i) it has all right, title, and interest in and to the Customer Data necessary for its use in connection with the ClearGov Service; and (ii) it shall not use the ClearGov Service in a manner or in connection with any activity that would violate this Agreement or any law, rule or regulation or rights of any third party.

6.3) By Both. ClearGov and Customer both represent and warrant that (i) each has full power and authority to enter into and perform its obligations under this Agreement; (ii) this Agreement is a legal, valid and binding obligation, enforceable against each Party in accordance with its terms; and (iii) entering into this Agreement will not knowingly violate the Agreement or any laws, regulations or third-party contracts.

6.4) Indemnification by ClearGov. At ClearGov's cost, ClearGov agrees to indemnify, hold harmless and defend Customer against any cost, loss or expense (including attorney's fees) resulting from any claims by third parties for loss, damage or injury (each, a ***"Claim"***) arising out of or relating to (i) ClearGov's breach of any term, condition, representation or warranty of this Agreement, (ii) ClearGov's violation of any third party rights in connection with the ClearGov Service or (iii) ClearGov's violations of applicable laws, rules or regulations in connection with the ClearGov Service. In such a case, Customer will provide ClearGov with written notice of such Claim. Customer shall cooperate as fully as reasonably required in the defense of any Claim. Customer reserves the right, at its own expense, to assume the exclusive defense and control of any matter subject to indemnification by ClearGov. Notwithstanding the foregoing, unless the settlement involves no cost, loss or continuing liability to Customer, ClearGov shall not settle any Claim, without the written consent of Customer, such consent not to be unreasonably withheld.

6.5) Limited Warranty. ClearGov warrants that the ClearGov Service will be delivered in a professional and workmanlike manner substantially in accordance with the statement of work set forth in the applicable ClearGov Service Order and that the ClearGov Service will operate in all material respects as described in its product descriptions and/or documentation. EXCEPT FOR THE EXPRESS WARRANTIES STATED IN THIS AGREEMENT, INCLUDING ANY APPLICABLE CLEARGOV SERVICE ORDER, CLEARGOV MAKES NO ADDITIONAL WARRANTY, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR NON-INFRINGEMENT, GUARANTEES, REPRESENTATIONS, PROMISES, STATEMENTS, ESTIMATES, CONDITIONS, OR OTHER INDUCEMENTS.

6.6) Limitation of Liability. NEITHER CLEARGOV NOR CUSTOMER WILL BE LIABLE TO THE OTHER PARTY FOR ANY INDIRECT, SPECIAL, PUNITIVE, CONSEQUENTIAL (INCLUDING, WITHOUT LIMITATION, LOST PROFITS), OR INCIDENTAL DAMAGES, WHETHER BASED ON A CLAIM OR ACTION OF CONTRACT, WARRANTY, NEGLIGENCE, STRICT LIABILITY, OR OTHER TORT, BREACH OF ANY STATUTORY DUTY, INDEMNITY OR CONTRIBUTION, OR OTHERWISE, EVEN IF THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE EXCLUSION CONTAINED IN THIS PARAGRAPH SHALL APPLY REGARDLESS OF THE FAILURE OF THE EXCLUSIVE REMEDY PROVIDED IN THE FOLLOWING SENTENCE. BOTH PARTIES' TOTAL CUMULATIVE LIABILITY TO THE OTHER PARTY FOR ANY LOSS OR DAMAGES RESULTING FROM ANY CLAIMS, DEMANDS OR ACTIONS ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL NOT EXCEED THE CUMULATIVE FEES PAID BY CUSTOMER TO CLEARGOV IN THE PRECEDING TWELVE (12) MONTHS. THE FOREGOING SHALL NOT LIMIT A PARTY'S (A) PAYMENT OBLIGATIONS UNDER THE AGREEMENT; (B) LIABILITY FOR INDEMNIFICATION OBLIGATIONS UNDER SECTION 6.4; (C) LIABILITY FOR ANY BREACH OF ITS CONFIDENTIALITY OBLIGATIONS UNDER SECTION 7; (D) LIABILITY FOR ANY BREACH OF ITS REPRESENTATIONS, WARRANTIES, OR OBLIGATIONS UNDER SECTION 5.2; OR (E) LIABILITY FOR ITS INFRINGEMENT OR MISAPPROPRIATION OF ANY PROPRIETARY RIGHTS OF THE OTHER PARTY. NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED AS EXCLUDING OR LIMITING A PARTY'S LIABILITY FOR FRAUD OR ITS LIABILITY FOR DEATH OR PERSONAL INJURY ARISING FROM ITS NEGLIGENCE.

6.7) Essential Element. The provisions of this Section 6 are an essential element of the benefit of the consideration reflected in this Agreement.

7) Confidentiality.

7.1) Subject to any applicable open public records laws in the Customer State, each Party will keep the specific terms of this Agreement confidential, including the contents of the schedules and exhibits, and not disclose any portion of them to any third party (other than to its attorneys, accountants, advisors and potential investors who are bound to keep such information confidential) without the other Party's prior written consent, except as required by law, including but not limited to open public record laws.

7.2) In addition, in connection with the negotiation and performance of this Agreement, a Party (the ***"Receiving Party"***) may receive information from the other Party (the ***"Disclosing Party"***) which is confidential or proprietary in nature, including without limitation information about a Party's products, systems and services (***"Confidential Information"***). The Receiving Party agrees that, during the term of this Agreement and for a period of three (3) years thereafter, it will keep the Confidential Information in strictest confidence and protect such Confidential Information by similar security measures as it takes to protect its own Confidential Information of a similar nature, but in no event shall the Receiving Party take less than reasonable care with the Confidential Information of the Disclosing Party. The Receiving Party also agrees that it will not use any Confidential Information for any purpose other than in connection with the performance of its obligations under this Agreement.

7.3) The term ***"Confidential Information"*** shall not include information which A) is or becomes generally available to the public without breach of this Agreement, B) is in the possession of the Receiving Party prior to its disclosure by the Disclosing Party, C) becomes available from a third party not in breach of any obligations of confidentiality, D) is independently developed by the Receiving Party, or E) is required to be disclosed by the Receiving Party pursuant to law, rule, regulation, subpoena or court order, including but not limited to open public record laws.

7.4) The Parties recognize that the disclosure or use of a Disclosing Party's Confidential Information by the Receiving Party in violation of the provisions of this Section 7 may cause irreparable injury to the Disclosing Party; therefore, in the event either Party breaches the provisions of this Section 7, the other Party, in addition to any other remedies it may have, shall be entitled to seek preliminary and permanent

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injunctive relief without the necessity of posting a bond.

8) Miscellaneous.

8.1) General. If any provision of this Agreement is held to be unenforceable for any reason, such provision shall be reformed to the extent necessary to make it enforceable to the maximum extent permissible so as to implement the intent of the Parties, and the remainder of this Agreement shall continue in full force and effect. A waiver of any default is not a waiver of any subsequent default. The relationship between ClearGov and Customer is one of independent contractors, not partnership, joint venture or agency. This Agreement shall be binding upon and inure to the benefit of the respective successors and permitted assigns of the Parties hereto. The United Nations Convention on Contracts for the International Sale of Goods and the Uniform Computer Information Transactions Act shall not apply to this Agreement. The Software is controlled by U.S. Export Regulations, and it may not be exported to or used by embargoed countries or individuals.

8.2) Entire Agreement. This Agreement and the accompanying ClearGov Service Order(s), together, constitute a valid and binding agreement between the Parties and are intended to be the Parties' complete, integrated expression of the terms of their agreement with respect to the ClearGov Service, and any prior agreements or understandings with respect to such subject matter are superseded hereby and fully merged herein.

8.3) Assignment. Neither Party will assign this Agreement in whole or in part to any third party without the prior written consent of the other Party; provided, however, either Party may assign this Agreement without such consent to any subsidiary or parent company of such Party or to any successor by way of any merger, consolidation or other corporate reorganization of such Party or sale of all or substantially all of the assets of such Party or to an entity that assumes, by sale, license or otherwise, the business activities that are the subject of this Agreement, provided that such subsidiary or parent company or successor assumes or is otherwise fully bound by all of the obligations of the assigning Party under this Agreement.

8.4) Marketing Materials. Customer agrees that ClearGov may utilize Customer's name solely to identify it as a ClearGov Customer on the ClearGov Web site, in client lists and other marketing materials. Any other uses of Customer's name and/or logo (other than as included in the content and/or other items furnished to ClearGov by Customer) shall require Customer's prior written consent.

8.5) Insurance. ClearGov shall maintain commercial general liability insurance, cybersecurity insurance, product liability insurance and auto liability insurance in amounts that are consistent with industry standards. ClearGov shall maintain Worker's Compensation insurance as required by law.

8.6) No Boycott of Israel. ClearGov hereby certifies that ClearGov is not currently engaged in and shall not, for the duration of the Term of this Agreement, engage in a boycott of goods or services from the State of Israel; companies doing business in or with the State of Israel or authorized by, licensed by or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

8.7) Jurisdiction. This Agreement shall be governed by the applicable laws in the Customer State, without regard to conflict of laws rules. Any dispute, claim or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate, shall be determined exclusively by arbitration in the Customer State before a panel of three arbitrators. Such arbitration shall be administered by JAMS pursuant to JAMS' Streamlined Arbitration Rules and Procedures. Judgment on an award, if any, may be entered in any court having jurisdiction. This clause shall not preclude parties from seeking provisional remedies in aid of arbitration from a court of appropriate jurisdiction. The Parties acknowledge that this Agreement evidences a transaction involving interstate commerce. Notwithstanding the provision with respect to applicable substantive law, any arbitration conducted pursuant to the terms of this Agreement shall be governed by the Federal Arbitration Act (9 U.S.C., Secs. 1-16).

8.8) Force Majeure. If the performance of this Agreement or any obligations hereunder is prevented or interfered with by reason of fire or other casualty or accident, strikes or labor disputes, war or other violence, any law, proclamation, regulation, or requirement of any government agency, or any other act or condition beyond the reasonable control of a Party hereto, that Party upon giving prompt notice to the other Party shall be excused from such performance during such occurrence.

8.9) Notices. All notices, requests, or other communications between the Parties that are required or permitted hereunder will be in writing and will be given by: (a) delivery in person or by prepaid courier service with a nationally recognized courier company, (b) delivery by registered or certified mail, postage prepaid, return receipt requested, (c) by confirmed fax, or (d) email to the address and/or fax number set forth in the applicable ClearGov Service Order. A Party may change the street or email address or fax number to which notice is to be sent by giving written notice of such change. Notices will be deemed given when received as evidenced by verification from the courier company, the mail or confirmation of email receipt or fax confirmation.

8.10) Titles & Subtitles. The titles and subtitles in this Agreement are used for convenience only and are not to be considered in construing it.

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This ClearForms Service Agreement (the ***"Agreement"***) is made and entered into by and between ClearGov, Inc. (***"ClearGov"***), a Delaware corporation with its principal offices at 2 Mill & Main; Suite 630, Maynard, MA 01754 and ***Customer*** (as defined in the applicable ClearGov Service Order) (each a ***"Party"*** and collectively the ***"Parties"***). This Agreement governs the terms and conditions under which Customer may utilize the ClearGov Service as set forth herein and as specified in one or more applicable ClearGov Service Order(s) executed by Customer in connection herewith and incorporated herein (the ***"ClearGov Service Order(s)"***). In event of any conflict between the terms set forth in this Agreement and any terms or conditions of any applicable ClearGov Service Order, the terms of the applicable ClearGov Service Order shall prevail.

WHEREAS ClearGov owns and operates the ClearGov Service, a Web-based SaaS solution that includes one or more ClearGov App(s) and provides various features and functionality via such ClearGov App(s); and

WHEREAS Customer wishes to utilize the ClearGov Service in order to leverage the functionality of such ClearGov App(s);

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ClearGov and Customer hereby agree as follows:

1) **Definitions.** Capitalized terms used in this Agreement, and not otherwise defined herein, shall have the following meanings:
   - 1.1) ***"ClearGov App(s)"*** means collectively all of the Web applications hosted by ClearGov and available via the ClearGov Service, including but not limited to the applications listed in any applicable ClearGov Service Order. All features, functionality, reports, etc. for each ClearGov App are included as material elements of the applicable ClearGov App. ClearGov may modify, combine, add or delete ClearGov Apps from the ClearGov Service from time to time at its sole discretion, provided that in the event that ClearGov terminates or deletes any ClearGov App to which Customer is actively subscribing, ClearGov shall provide a pro-rata refund for the applicable portion of the Subscription Service Fee for the remainder of the then current Service Period.
   - 1.2) ***"ClearGov Service"*** means the complete set of ClearGov software and related materials including but not limited to the ClearGov Apps, ClearGov Web Site, the Documentation and the Software.
   - 1.3) ***"ClearGov Web Site"*** means the Web site owned and operated by ClearGov and made available at the following URL: http://www.ClearGov.com and/or any successor site(s).
   - 1.4) ***"Customer Account"*** means an access point for the ClearGov Service that requires registration by the Customer.
   - 1.5) ***"Customer Data"*** means any and all data, information, content and materials uploaded or imported into the ClearGov Service by or on behalf of Customer, including without limitation content for display on a Published Workflow.
   - 1.6) ***"Customer Personnel"*** means Customer's individual employees and contractors that use the ClearGov Service through the Customer Account.
   - 1.7) ***"Customer State"*** means the state, commonwealth or territory in which the Customer is located.
   - 1.8) ***"Customer Web Site"*** means any Web site owned and operated by Customer.
   - 1.9) ***"Documentation"*** means any accompanying proprietary documentation made available to Customer by ClearGov for use with the ClearGov Service, including any documentation available online or otherwise.
   - 1.10) ***"End User"*** means an individual who interacts with a Published Workflow (other than Customer Personnel acting in their capacity as such), including (by way of example) for purposes of submitting an application, registration, inquiry or other data, information, content or materials to Customer.
   - 1.11) ***"End User Data"*** means any and all data, information, content and materials uploaded or imported into the ClearGov Service by or on behalf of an End User through the use of a Published Workflow, not including Payment Information.
   - 1.12) ***"Integrated Payment Provider"*** means a Payment Provider that has been fully integrated into the ClearGov App.
   - 1.13) ***"Linked Payment Provider"*** means a Payment Provider that is accessible via the ClearGov App, but has not been fully integrated.
   - 1.14) ***"Payment Information"*** means a credit card number, debit card number, ACH information or other payment instrument information that is submitted by an End User as part of a transaction facilitated by a Published Workflow through payment processing functionality incorporated therein as contemplated under Section 2.4. Payment Information is not stored on or by the ClearGov Service but instead is passed through directly to the applicable Payment Provider.
   - 1.15) ***"Payment Page"*** means a Web page designed to securely collect and transmit Payment Information to a Payment Provider.
   - 1.16) ***"Payment Provider"*** means any third party that enables payment processing for the purpose of allowing Workflows to include the ability for End Users to make payments to Customer.
   - 1.17) ***"Published Workflow"*** means a Workflow that is launched within the ClearGov Service such that it is accessible via a compatible web browser End User(s).
   - 1.18) ***"Sensitive Data"*** means: (i) Social Security or other tax identification numbers; (ii) account, credit or debit card numbers, with or without any required security code, access code, PIN or password that would permit access to an individual's financial account, and account information, including balances and transaction data; (iii) user names, passwords or other credentials for accessing any End User accounts on any third party systems or services; and (iv) any other information with respect to which the unauthorized use or disclosure thereof would be reasonably likely to cause material loss or damage to any third party.
   - 1.19) ***"Software"*** means the source code and/or other code which are material elements of the ClearGov Apps and ClearGov Service.
   - 1.20) ***"Transaction"*** means an action completed by an End User as part of a Published Workflow that requires payment of any kind.
   - 1.21) ***"Workflow"*** means a web-based process built within the ClearGov Service under a Customer's Account, whether or not such process has been completed and/or published.

2) **Service Usage & Licenses.**
   - 2.1) Account Password and Security. Customer shall protect its passwords and take full responsibility for Customer's own, as well as any third-party, use of the Customer Account(s). Customer is solely responsible for any and all activities that occur under such Customer Account(s), except for any activities performed by ClearGov as set forth herein. Customer agrees to notify ClearGov immediately upon learning of any unauthorized use of a Customer Account or any other breach of security. From time to time, ClearGov's support staff may log in to the Customer Account in order to maintain or

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improve service, including providing Customer assistance with technical or billing issues. Customer hereby acknowledges and consents to such access.

2.2) Provision of Service. Subject to the terms and conditions of this Agreement and as specifically set forth in the applicable ClearGov Service Order(s), ClearGov grants Customer a limited, revocable, non-exclusive, non-transferable, non-distributable, worldwide license to utilize the ClearGov Service solely:
   a) for purposes of creating and publishing Workflows in furtherance of Customer's own operations;
   b) in the manner enabled by ClearGov; and
   c) in accordance with all applicable Documentation and any reasonable rules or guidelines that ClearGov may provide.

2.3) Restricted Use. Customer acknowledges that use of the ClearGov Service is provided only for Customer's own use, and Customer agrees not to use the ClearGov Service for the benefit of any third party.

2.4) Payment Processing. ClearGov may directly integrate and offer one or more preferred Payment Providers via the ClearGov Service, and ClearGov may enable connections to other Payment Providers upon request from time to time. In the event that Customer elects to enable the ability for End Users to make payments in conjunction with one or more Workflows, Customer acknowledges and agrees that Customer will be required to:
   a) select and activate the applicable Payment Provider via the ClearGov Service;
   b) acknowledge and agree to the terms of use of such applicable Payment Provider and that all payment processing services will be governed by such Payment Provider's policies, including by not limited to its privacy policies; and
   c) pay any applicable payment processing fees (the ***"Processing Fees"***) including additional fees for international payments, if any, to such Payment Provider. To be clear, Processing Fees are separate and distinct from the Transaction Fees set forth in the applicable Service Order.

   Customer's Payment Provider selection will be limited to those Payment Providers offered and/or connected with the ClearGov Service. Customer shall have the option to change its selected Payment Provider by providing at least sixty (60) days written notice to ClearGov (email acceptable) and by completing a new Payment Provider selection process within the ClearGov Service. Customer acknowledges and agrees that ClearGov does not control the performance of any Payment Provider and that ClearGov shall have no liability with respect to thereto. In addition, Customer acknowledges that ClearGov bears no responsibility with respect to any and all disputes, claims, demands, suits, actions or proceedings that an End User may bring in connection with any charges incurred by such End User in connection with a Published Workflow.

2.5) Refunds & Chargebacks. Customer may issue End User refunds through the ClearGov App regardless of the selected Payment Provider. In the event that an End User requests a chargeback, A) if Customer is utilizing an Integrated Payment Provider, Customer may dispute such chargeback requests via the ClearGov App or B) if Customer is utilizing a Linked Payment Provider, Customer must dispute such chargeback requests directly with such Linked Payment Provider. For either refunds or chargebacks, the Transaction Fee will be automatically refunded if Customer is utilizing an Integrated Payment Provider, but Transaction Fee refunds must be requested via an email to ClearGov if the transaction was processed via a Linked Payment Provider.

3) Term and Termination.

3.1) Term. The duration of this Agreement shall be defined in accordance with the Term set forth in all applicable Service Order(s). The Term shall commence upon the Start Date set forth in the first ClearGov Service Order executed between the Parties and shall continue in full force and effect until the termination or expiration of all applicable ClearGov Service Order(s) (the ***"Term"***).

3.2) Termination. This Agreement and/or any applicable ClearGov Service Order may be terminated prior to the expiration of the Term as follows:
   a) Either Party may terminate this Agreement if the other Party fails to cure a material breach of the Agreement within fifteen (15) days after receipt of written notice thereof.
   b) Either Party may terminate this Agreement if the other Party is involved in insolvency proceedings, receivership, bankruptcy, or assignment for the benefit of creditors.

3.3) Obligations. Upon expiration or termination of this Agreement:
   a) Each Party shall promptly return to the other all of the Confidential Information of the other Party in its possession or control;
   b) Customer shall cease use of the ClearGov Service and shall remove all links from the Customer Web Site to the ClearGov Service; and
   c) Any outstanding fees shall become immediately due and payable, and termination of this Agreement shall not relieve Customer from its obligation to pay to ClearGov any such fees.

3.4) Survival. Sections 3.3, 3.4 and 4 through 8 inclusive shall survive any termination or expiration of this Agreement.

4) Fees and Billing.

4.1) Fees. Customer shall pay the Fees in accordance with the terms set forth in the applicable ClearGov Service Order.

4.2) Interest and Collections. Customer will be charged $50 for payments by checks that are returned due to insufficient funds. Any late payments will accrue interest equal to one and one-half percent (1.5%) per month, or the maximum amount allowable under law, whichever is less, compounded monthly. ClearGov shall be entitled to recover all reasonable costs of collection (including agency fees, attorneys' fees, in-house counsel costs, expenses and costs) incurred in attempting to collect payment from Customer.

4.3) Taxes. Customer is solely responsible for all applicable sales, use and other taxes and similar charges based on or arising from this Agreement or any ClearGov Service Order. In the event that Customer is exempt from sales tax, Customer will provide ClearGov with a tax-exempt certificate upon request.

5) Intellectual Property.

5.1) General. Both Parties may only use the other Party's intellectual property as expressly set forth herein. Nothing in this Agreement shall be construed in any manner to affect or modify either Party's ownership rights in any preexisting or future works, trademarks, copyrights or technologies developed or created by either Party, including without limitation, their respective proprietary software used in connection with the development and provision of their respective Web sites, databases, systems, products and/or services. Unless specifically agreed by the Parties in writing, all intellectual property, including without limitation information that could become the subject of a patent, copyright or trade secret, developed by a Party in the context

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of performing its obligations under this Agreement shall be exclusively owned by that Party and the other Party shall cooperate with any reasonable requests to execute documents confirming such ownership.

5.2) Proprietary Rights Notice. The ClearGov Service and all intellectual property rights in the ClearGov Service are, and shall remain, the property of ClearGov. All rights in and to the ClearGov Service not expressly granted to Customer in this Agreement are hereby expressly reserved and retained by ClearGov without restriction, including, without limitation, ClearGov's right to sole ownership of the ClearGov Apps, ClearGov Web Site, Documentation and Software. Without limiting the generality of the foregoing, Customer agrees not to (and to not allow any third party to): (a) sublicense, copy, distribute, rent, lease, lend or use the ClearGov Service outside of the scope of the license granted herein or make the ClearGov Service available to any third party or use the ClearGov Service on a service bureau time sharing basis; (b) copy, modify, adapt, translate, prepare derivative works from, reverse engineer, disassemble, or decompile the ClearGov Service or otherwise attempt to discover or reconstruct any source code, underlying ideas, algorithms, file formats, program interfaces or other trade secrets related to the ClearGov Service; (c) use the trademarks, trade names, service marks, logos, domain names and other distinctive brand features or any copyright or other proprietary rights associated with the ClearGov Service for any purpose without the express written consent of ClearGov; (d) register, attempt to register, or assist anyone else to register any trademark, trade name, service marks, logos, domain names and other distinctive brand features, copyrights or other proprietary rights associated with ClearGov other than in the name of ClearGov; or (e) modify, remove, obscure, or alter any notice of copyright, trademark, or other proprietary right or legend appearing in or on any item included with the ClearGov Service. If the use of the ClearGov Service is being purchased by or on behalf of the U.S. Government or by a U.S. Government prime contractor or subcontractor (at any tier), in accordance with 48 C.F.R. 227.7202-4 (for Department of Defense (DOD) acquisitions) and 48 C.F.R. 2.101 and 12.212 (for non-DOD acquisitions), the Government's rights in the ClearGov Service, including its rights to use, modify, reproduce, release, perform, display or disclose any elements of the ClearGov Service, will be subject in all respects to the commercial license rights and restrictions provided in this Agreement.

5.3) Data Ownership and License.

a) Control. Customer Data and End User Data, but not Payment Information, is stored by or on behalf of Customer when it is submitted via the ClearGov Service. Customer acknowledges and agrees that ClearGov has no obligation to monitor or edit the Customer Data or End User Data, and that as between the Parties Customer is solely responsible therefor. ClearGov reserves the right to remove any Customer Data or End User Data which ClearGov becomes aware may violate the terms of this Agreement, violate any law, rule or regulation or infringe, misappropriate or violate any third party intellectual property right or privacy right.

b) Customer-Owned Data. As between the Parties, Customer shall own all right, title and interest in and to Customer Data and End User Data. Customer hereby grants ClearGov a non-exclusive, worldwide license to use, reproduce, modify, create derivative works of, display, perform and transmit the Customer Data and End User in connection with ClearGov's operation of the ClearGov Service and as otherwise authorized herein. ClearGov may use and disclose Customer Data and End User Data as follows: (i) ClearGov may internally use Customer Data and End User Data for ClearGov's internal business purposes (such as performing ClearGov's obligations hereunder, operating the ClearGov Service, analyzing usage of the ClearGov Service and developing and improving ClearGov's products and services); (ii) ClearGov may disclose Customer Data and End User Data to its third party service providers that assist it in operating the ClearGov Service as is reasonably necessary for such assistance; (iii) ClearGov may disclose Customer Data and End User Data as may be required by law or legal process; (iv) ClearGov may disclose Customer Data and End User Data where it is aggregated with data unrelated to Customer and where neither Customer nor any End User is identified; and (v) in any manner for which Customer provides its prior written consent.

c) Sensitive Data. Customer acknowledges that the ClearGov Service is not intended for the storage of Sensitive Data, and Customer agrees not to solicit or encourage the submission of Sensitive Data or itself submit Sensitive Data in connection with any Workflow, provided that Payment Information may be submitted by an End User via a Payment Page. To the extent that Customer submits, solicits or encourages the submission of Sensitive Data, Customer shall assume full responsibility for the disclosure of such Sensitive Data. ClearGov is under no obligation to review and/or verify whether or not Sensitive Data has been submitted in connection with any Workflow.

d) Usage Data. As between the parties, ClearGov shall own all right, title and interest in and to all data generated by ClearGov in connection with the operation of the ClearGov Service and Customer's use thereof (the ***"Usage Data"***). Usage Data may include, by way of example and not limitation, when and how often Customer Personnel use the ClearGov Service and which ClearGov Service features are used the most often.

e) Back-Ups. ClearGov is not obligated to provide access to Customer Data and End User Data following any expiration or termination of this Agreement. ClearGov reserves the right to delete all Customer Data and End User Data following any such expiration or termination. Customer is responsible for making such back-ups of End User Data as Customer may deem appropriate using any data export functionality which may be made available for such purpose.

f) Privacy. Customer acknowledges and agrees that each Published Workflow shall include a direct link to ClearGov's then-current privacy policy, which may be found at the following URL: https://cleargov.com/terms-and-conditions.

6) Representations, Warranties, Indemnification and Liability.

6.1) By ClearGov. ClearGov represents and warrants that: (i) the ClearGov Service shall be provided in accordance with, and shall not violate applicable laws, rules or regulations; and (ii) by using the ClearGov Service, Customer will not violate or in any way infringe upon the personal or proprietary rights of any third party, (iii) to ClearGov's knowledge, the ClearGov Service does not contain any virus, worm, Trojan horse, time bomb or similar contaminating or destructive feature; and (iv) ClearGov holds all necessary rights to permit the use of the ClearGov Service and all components thereof provided to Customer under this Agreement.

6.2) By Customer. Customer represents and warrants that: (i) it has all right, title, and interest in and to the Customer Data necessary for its use in connection with the ClearGov Service;

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and (ii) it shall not use the ClearGov Service in a manner or in connection with any activity that would violate this Agreement or any law, rule or regulation or rights of any third party.

6.3) By Both. ClearGov and Customer both represent and warrant that (i) each has full power and authority to enter into and perform its obligations under this Agreement; (ii) this Agreement is a legal, valid and binding obligation, enforceable against each Party in accordance with its terms; and (iii) entering into this Agreement will not knowingly violate any laws, regulations or third-party contracts.

6.4) Indemnification by ClearGov. At ClearGov's cost, ClearGov agrees to indemnify, hold harmless and defend Customer against any cost, loss or expense (including attorney's fees) resulting from any claims by third parties for loss, damage or injury (each, a ***"Claim"***) arising out of or relating to (i) ClearGov's breach of any term, condition, representation or warranty of this Agreement, (ii) ClearGov's violation of any third party rights in connection with the ClearGov Service or (iii) ClearGov's violations of applicable laws, rules or regulations in connection with the ClearGov Service. In such a case, Customer will provide ClearGov with written notice of such Claim. Customer shall cooperate as fully as reasonably required in the defense of any Claim. Customer reserves the right, at its own expense, to assume the exclusive defense and control of any matter subject to indemnification by ClearGov. Notwithstanding the foregoing, unless the settlement involves no cost, loss or continuing liability to Customer, ClearGov shall not settle any Claim, without the written consent of Customer, such consent not to be unreasonably withheld.

6.5) Limited Warranty. ClearGov warrants that the ClearGov Service will be delivered in a professional and workmanlike manner substantially in accordance with the statement of work set forth in the applicable ClearGov Service Order and that the ClearGov Service will operate in all material respects as described in its product descriptions and/or documentation. EXCEPT FOR THE EXPRESS WARRANTIES STATED IN THIS AGREEMENT, INCLUDING ANY APPLICABLE CLEARGOV SERVICE ORDER, CLEARGOV MAKES NO ADDITIONAL WARRANTY, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, INCLUDING WITHOUT LIMITATION ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR NON-INFRINGEMENT, GUARANTEES, REPRESENTATIONS, PROMISES, STATEMENTS, ESTIMATES, CONDITIONS, OR OTHER INDUCEMENTS.

6.6) Limitation of Liability. NEITHER CLEARGOV NOR CUSTOMER WILL BE LIABLE TO THE OTHER PARTY FOR ANY INDIRECT, SPECIAL, PUNITIVE, CONSEQUENTIAL (INCLUDING, WITHOUT LIMITATION, LOST PROFITS), OR INCIDENTAL DAMAGES, WHETHER BASED ON A CLAIM OR ACTION OF CONTRACT, WARRANTY, NEGLIGENCE, STRICT LIABILITY, OR OTHER TORT, BREACH OF ANY STATUTORY DUTY, INDEMNITY OR CONTRIBUTION, OR OTHERWISE, EVEN IF THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE EXCLUSION CONTAINED IN THIS PARAGRAPH SHALL APPLY REGARDLESS OF THE FAILURE OF THE EXCLUSIVE REMEDY PROVIDED IN THE FOLLOWING SENTENCE. BOTH PARTIES' TOTAL CUMULATIVE LIABILITY TO THE OTHER PARTY FOR ANY LOSS OR DAMAGES RESULTING FROM ANY CLAIMS, DEMANDS OR ACTIONS ARISING OUT OF OR RELATING TO THIS AGREEMENT SHALL NOT EXCEED THE CUMULATIVE FEES PAID BY CUSTOMER TO CLEARGOV IN THE PRECEDING TWELVE (12) MONTHS. THE FOREGOING SHALL NOT LIMIT A PARTY'S (A) PAYMENT OBLIGATIONS UNDER THE AGREEMENT; (B) LIABILITY FOR INDEMNIFICATION OBLIGATIONS UNDER SECTION 6.4; (C) LIABILITY FOR ANY BREACH OF ITS CONFIDENTIALITY OBLIGATIONS UNDER SECTION 7; OR (D) LIABILITY FOR ANY BREACH OF ITS REPRESENTATIONS, WARRANTIES, OR OBLIGATIONS UNDER SECTION 5.23(c); OR (E) LIABILITY FOR ITS INFRINGEMENT OR MISAPPROPRIATION OF ANY PROPRIETARY RIGHTS OF THE OTHER PARTY. NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED AS EXCLUDING OR LIMITING A PARTY'S LIABILITY FOR FRAUD OR ITS LIABILITY FOR DEATH OR PERSONAL INJURY ARISING FROM ITS NEGLIGENCE.

6.7) Essential Element. The provisions of this Section 6 are an essential element of the benefit of the consideration reflected in this Agreement.

7) Confidentiality.

7.1) Subject to any applicable open public records laws in the Customer State, each Party will keep the specific terms of this Agreement confidential, including the contents of the schedules and exhibits, and not disclose any portion of them to any third party (other than to its attorneys, accountants, advisors and potential investors who are bound to keep such information confidential) without the other Party's prior written consent, except as required by law, including but not limited to open public record laws.

7.2) In addition, in connection with the negotiation and performance of this Agreement, a Party (the ***"Receiving Party"***) may receive information from the other Party (the ***"Disclosing Party"***) which is confidential or proprietary in nature, including without limitation information about a Party's products, systems and services (***"Confidential Information"***). The Receiving Party agrees that, during the term of this Agreement and for a period of three (3) years thereafter, it will keep the Confidential Information in strictest confidence and protect such Confidential Information by similar security measures as it takes to protect its own Confidential Information of a similar nature, but in no event shall the Receiving Party take less than reasonable care with the Confidential Information of the Disclosing Party. The Receiving Party also agrees that it will not use any Confidential Information for any purpose other than in connection with the performance of its obligations under this Agreement.

7.3) The term ***"Confidential Information"*** shall not include information which A) is or becomes generally available to the public without breach of this Agreement, B) is in the possession of the Receiving Party prior to its disclosure by the Disclosing Party, C) becomes available from a third party not in breach of any obligations of confidentiality, D) is independently developed by the Receiving Party, or E) is required to be disclosed by the Receiving Party pursuant to law, rule, regulation, subpoena or court order, including but not limited to open public record laws.

7.4) The Parties recognize that the disclosure or use of a Disclosing Party's Confidential Information by the Receiving Party in violation of the provisions of this Section 7 may cause irreparable injury to the Disclosing Party; therefore, in the event either Party breaches the provisions of this Section 7, the other Party, in addition to any other remedies it may have, shall be entitled to seek preliminary and permanent injunctive relief without the necessity of posting a bond.

8) Miscellaneous.

8.1) General. If any provision of this Agreement is held to be unenforceable for any reason, such provision shall be reformed to the extent necessary to make it enforceable to the maximum extent permissible so as to implement the intent of the Parties, and the remainder of this Agreement

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shall continue in full force and effect. A waiver of any default is not a waiver of any subsequent default. The relationship between ClearGov and Customer is one of independent contractors, not partnership, joint venture or agency. This Agreement shall be binding upon and inure to the benefit of the respective successors and permitted assigns of the Parties hereto. The United Nations Convention on Contracts for the International Sale of Goods and the Uniform Computer Information Transactions Act shall not apply to this Agreement. The Software is controlled by U.S. Export Regulations, and it may not be exported to or used by embargoed countries or individuals.

8.2) Entire Agreement. This Agreement and the accompanying ClearGov Service Order(s), together, constitute a valid and binding agreement between the Parties and are intended to be the Parties' complete, integrated expression of the terms of their agreement with respect to the ClearGov Service, and any prior agreements or understandings with respect to such subject matter are superseded hereby and fully merged herein.

8.3) Assignment. Neither Party will assign this Agreement in whole or in part to any third party without the prior written consent of the other Party; provided, however, either Party may assign this Agreement without such consent to any subsidiary or parent company of such Party or to any successor by way of any merger, consolidation or other corporate reorganization of such Party or sale of all or substantially all of the assets of such Party or to an entity that assumes, by sale, license or otherwise, the business activities that are the subject of this Agreement, provided that such subsidiary or parent company or successor assumes or is otherwise fully bound by all of the obligations of the assigning Party under this Agreement.

8.4) Marketing Materials. Customer agrees that ClearGov may utilize Customer's name solely to identify it as a ClearGov Customer on the ClearGov Web site, in client lists and other marketing materials. Any other uses of Customer's name and/or logo (other than as included in the content and/or other items furnished to ClearGov by Customer) shall require Customer's prior written consent.

8.5) Insurance. ClearGov shall maintain commercial general liability insurance, cybersecurity insurance, product liability insurance and auto liability insurance in amounts that are consistent with industry standards. ClearGov shall maintain Worker's Compensation insurance as required by law.

8.6) No Boycott of Israel. ClearGov hereby certifies that ClearGov is not currently engaged in and shall not, for the duration of the Term of this Agreement, engage in a boycott of goods or services from the State of Israel; companies doing business in or with the State of Israel or authorized by, licensed by or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

8.7) Jurisdiction. This Agreement shall be governed by the applicable laws in the Customer State, without regard to conflict of laws rules. Any dispute, claim or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate, shall be determined by arbitration in the Customer State before a panel of three arbitrators. Such arbitration shall be administered by JAMS pursuant to JAMS' Streamlined Arbitration Rules and Procedures. Judgment on an award, if any, may be entered in any court having jurisdiction. This clause shall not preclude parties from seeking provisional remedies in aid of arbitration from a court of appropriate jurisdiction. The Parties acknowledge that this Agreement evidences a transaction involving interstate commerce. Notwithstanding the provision with respect to applicable substantive law, any arbitration conducted pursuant to the terms of this Agreement shall be governed by the Federal Arbitration Act (9 U.S.C., Secs. 1-16).

8.8) Modification. ClearGov shall have the right to modify this Agreement at any time by posting revised terms and conditions at the following URL: https://cleargov.com/terms-and-conditions. In the event that such modifications involve a material change to the Agreement, ClearGov will provide notice via email that this Agreement has been materially modified. Changes will be binding on the date they are posted (or as otherwise stated in any notice of such changes). Continued use of the ClearGov Service will be considered acceptance by Customer of the then current Agreement.

8.9) Force Majeure. If the performance of this Agreement or any obligations hereunder is prevented or interfered with by reason of fire or other casualty or accident, strikes or labor disputes, war or other violence, any law, proclamation, regulation, or requirement of any government agency, or any other act or condition beyond the reasonable control of a Party hereto, that Party upon giving prompt notice to the other Party shall be excused from such performance during such occurrence.

8.10) Notices. All notices, requests, or other communications between the Parties that are required or permitted hereunder will be in writing and will be given by: (a) delivery in person or by prepaid courier service with a nationally recognized courier company, (b) delivery by registered or certified mail, postage prepaid, return receipt requested, (c) by confirmed fax, or (d) email to the address and/or fax number set forth in the applicable ClearGov Service Order. A Party may change the street or email address or fax number to which notice is to be sent by giving written notice of such change. Notices will be deemed given when received as evidenced by verification from the courier company, the mail or confirmation of email receipt or fax confirmation.

8.11) Titles & Subtitles. The titles and subtitles in this Agreement are used for convenience only and are not to be considered in construing it.

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ClearGov Civic Pricing Pledge

At ClearGov we are committed to dealing with our customers in an open, consistent and transparent manner. We want you to feel confident that you are getting great value for your investment in ClearGov and not to worry that the town down the road got a better deal just because they negotiated harder. We also believe in keeping it simple, so there are no hidden fees - you'll know exactly how much your investment in ClearGov will be. As such, ClearGov subscription tiers are based on the size of your Annual Civic Budget, in accordance with the structure set forth in the tables below.

ClearGov Civic Module Pricing - Budgeting & Planning Suite

Tier*	Tier Low	Tier High	Setup**	Platform***	Operational Budgeting	Personnel Budgeting	Capital Budgeting	Digital Budget Book	Premium Budget Book	Strategic Planning	Capital Project Tracking
Tier 1	$0	$19,999,999.99	50% of Module Cost	$ 10,000.00	$ 7,675.00	$ 7,675.00	$ 7,675.00	$ 5,100.00	$ 5,100.00	$ 7,675.00	$ 5,100.00
Tier 2	$20,000,000	$49,999,999.99	50% of Module Cost	$ 15,000.00	$ 11,150.00	$ 11,150.00	$ 11,150.00	$ 7,600.00	$ 7,600.00	$ 11,150.00	$ 7,600.00
Tier 3	$50,000,000	$99,999,999.99	50% of Module Cost	$ 20,000.00	$ 15,800.00	$ 15,800.00	$ 15,800.00	$ 10,800.00	$ 10,800.00	$ 15,800.00	$ 10,800.00
Tier 4	$100,000,000	$299,999,999.99	50% of Module Cost	$ 25,000.00	$ 21,225.00	$ 21,225.00	$ 21,225.00	$ 14,600.00	$ 14,600.00	$ 21,225.00	$ 14,600.00
Tier 5	$300,000,000	$599,999,999.99	50% of Module Cost	$ 30,000.00	$ 29,400.00	$ 29,400.00	$ 29,400.00	$ 21,350.00	$ 21,350.00	$ 29,400.00	$ 21,350.00
Tier 6	$600,000,000	$999,999,999.99	50% of Module Cost	$ 35,000.00	$ 40,225.00	$ 40,225.00	$ 40,225.00	$ 30,750.00	$ 30,750.00	$ 40,225.00	$ 30,750.00
Tier 7	$1,000,000,000	$10,000,000,000	50% of Module Cost	$ 40,000.00	$ 55,250.00	$ 55,250.00	$ 55,250.00	$ 39,225.00	$ 39,225.00	$ 55,250.00	$ 39,225.00

** Tier is based on the size of Annual Civic Budget and includes all funds.*
*** Setup Fee is a one-time fee per module, and covers activation, data on-boarding, training, etc.*
**** Base Platform Fee required for one or more modules.*
***** ClearGov provides bundle discounting based on the number of products purchased.*

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ClearGov Civic Module Pricing - Financial Disclosure & Reporting Suite

Tier*	Tier Low	Tier High	Setup**	Platform***	ACFR	PAFR	Quarterly Reporting	Monthly Reporting	Custom Reporting	Transparency
Tier 1	$0	$19,999,999.99	50% of Module Cost	$ 10,000.00	$ 7,675.00	$ 3,837.50	$ 3,837.50	$ 3,837.50	$ 3,837.50	$ 4,438.00
Tier 2	$20,000,000	$49,999,999.99	50% of Module Cost	$ 15,000.00	$ 11,150.00	$ 5,575.00	$ 5,575.00	$ 5,575.00	$ 5,575.00	$ 6,775.00
Tier 3	$50,000,000	$99,999,999.99	50% of Module Cost	$ 20,000.00	$ 15,800.00	$ 7,900.00	$ 7,900.00	$ 7,900.00	$ 7,900.00	$ 9,875.00
Tier 4	$100,000,000	$299,999,999.99	50% of Module Cost	$ 25,000.00	$ 21,225.00	$ 10,612.50	$ 10,612.50	$ 10,612.50	$ 10,612.50	$ 13,375.00
Tier 5	$300,000,000	$599,999,999.99	50% of Module Cost	$ 30,000.00	$ 29,400.00	$ 14,700.00	$ 14,700.00	$ 14,700.00	$ 14,700.00	$ 17,300.00
Tier 6	$600,000,000	$999,999,999.99	50% of Module Cost	$ 35,000.00	$ 40,225.00	$ 20,112.50	$ 20,112.50	$ 20,112.50	$ 20,112.50	$ 21,925.00
Tier 7	$1,000,000,000	$10,000,000,000	50% of Module Cost	$ 40,000.00	$ 55,250.00	$ 27,625.00	$ 27,625.00	$ 27,625.00	$ 27,625.00	$ 29,050.00

** Tier is based on the size of Annual Civic Budget and includes all funds.*
*** Setup Fee is a one-time fee per module, and covers activation, data on-boarding, training, etc.*
**** Base Platform Fee required for one or more modules.*
***** ClearGov provides bundle discounting based on the number of products purchased.*

Annual Rate Increases

In keeping with our pricing pledge ClearGov is ***open, consistent and transparent*** *with annual rate increases that are included in all ClearGov Service Orders, as follows:*

- Annual subscription fee shall increase at a rate of 5% per annum.

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ClearGov School Pricing Pledge

At ClearGov we are committed to dealing with our customers in an open, consistent and transparent manner. We want you to feel confident that you are getting great value for your investment in ClearGov and not to worry that the school district down the road got a better deal just because they negotiated harder. We also believe in keeping it simple, so there are no hidden fees - you'll know exactly how much your investment in ClearGov will be. As such, ClearGov subscription tiers are based on the total student enrollment of your school district, in accordance with the structure set forth in the tables below.

ClearGov School Module Pricing - Budgeting & Planning Suite

Tier*	Tier Low	Tier High	Setup**	Platform***	Operational Budgeting	Personnel Budgeting	Capital Budgeting	Digital Budget Book	Premium Budget Book	Strategic Planning	Capital Project Tracking
Tier 1	0	2,499	50% of Module Cost	$ 10,000.00	$ 7,675.00	$ 7,675.00	$ 7,675.00	$ 5,100.00	$ 5,100.00	$ 7,675.00	$ 5,100.00
Tier 2	2,500	4,999	50% of Module Cost	$ 15,000.00	$ 11,150.00	$ 11,150.00	$ 11,150.00	$ 7,600.00	$ 7,600.00	$ 11,150.00	$ 7,600.00
Tier 3	5,000	9,999	50% of Module Cost	$ 20,000.00	$ 15,800.00	$ 15,800.00	$ 15,800.00	$ 10,800.00	$ 10,800.00	$ 15,800.00	$ 10,800.00
Tier 4	10,000	19,999	50% of Module Cost	$ 25,000.00	$ 21,225.00	$ 21,225.00	$ 21,225.00	$ 14,600.00	$ 14,600.00	$ 21,225.00	$ 14,600.00
Tier 5	20,000	39,999	50% of Module Cost	$ 30,000.00	$ 29,400.00	$ 29,400.00	$ 29,400.00	$ 21,350.00	$ 21,350.00	$ 29,400.00	$ 21,350.00
Tier 6	40,000	79,999	50% of Module Cost	$ 35,000.00	$ 40,225.00	$ 40,225.00	$ 40,225.00	$ 30,750.00	$ 30,750.00	$ 40,225.00	$ 30,750.00
Tier 7	80,000	1,000,000	50% of Module Cost	$ 40,000.00	$ 55,250.00	$ 55,250.00	$ 55,250.00	$ 39,225.00	$ 39,225.00	$ 55,250.00	$ 39,225.00

** Tier is based on the total student enrollment.*

*** Setup Fee is a one-time fee per module, and covers activation, data on-boarding, training, etc.*

**** Base Platform Fee required for one or more modules.*

***** ClearGov provides bundle discounting based on the number of products purchased.*

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ClearGov School Module Pricing - Financial Disclosure & Reporting Suite

Tier*	Tier Low	Tier High	Setup**	Platform***	ACFR	PAFR	Quarterly Reporting	Monthly Reporting	Custom Reporting	Transparency
Tier 1	0	2,499	50% of Module Cost	$ 10,000.00	$ 7,675.00	$ 3,837.50	$ 3,837.50	$ 3,837.50	$ 3,837.50	$ 4,438.00
Tier 2	2,500	4,999	50% of Module Cost	$ 15,000.00	$ 11,150.00	$ 5,575.00	$ 5,575.00	$ 5,575.00	$ 5,575.00	$ 6,775.00
Tier 3	5,000	9,999	50% of Module Cost	$ 20,000.00	$ 15,800.00	$ 7,900.00	$ 7,900.00	$ 7,900.00	$ 7,900.00	$ 9,875.00
Tier 4	10,000	19,999	50% of Module Cost	$ 25,000.00	$ 21,225.00	$ 10,612.50	$ 10,612.50	$ 10,612.50	$ 10,612.50	$ 13,375.00
Tier 5	20,000	39,999	50% of Module Cost	$ 30,000.00	$ 29,400.00	$ 14,700.00	$ 14,700.00	$ 14,700.00	$ 14,700.00	$ 17,300.00
Tier 6	40,000	79,999	50% of Module Cost	$ 35,000.00	$ 40,225.00	$ 20,112.50	$ 20,112.50	$ 20,112.50	$ 20,112.50	$ 21,925.00
Tier 7	80,000	1,000,000	50% of Module Cost	$ 40,000.00	$ 55,250.00	$ 27,625.00	$ 27,625.00	$ 27,625.00	$ 27,625.00	$ 29,050.00

** Tier is based on the total student enrollment.*
*** Setup Fee is a one-time fee per module, and covers activation, data on-boarding, training, etc.*
**** Base Platform Fee required for one or more modules.*
***** ClearGov provides bundle discounting based on the number of products purchased.*

Annual Rate Increases

In keeping with our pricing pledge ClearGov is ***open, consistent and transparent*** *with annual rate increases that are included in all ClearGov Service Orders, as follows:*

- Annual subscription fee shall increase at a rate of 5% per annum.

Docusign Envelope ID: 589843E2-CBEB-8D2D-8093-CAA9309AE2E0

FORM 7 – PUR 1355

FOREIGN COUNTRY OF CONCERN ATTESTATION (PUR 1355)

This form must be completed by an officer or representative of an entity submitting a bid, proposal, or reply to, or entering into, renewing, or extending, a contract with a Governmental Entity which would grant the entity access to an individual's Personal Identifying Information. Capitalized terms used herein have the definitions ascribed in Rule 60A-1.020, F.A.C.

ClearGov, Inc. is not owned by the government of a Foreign Country of Concern, is not organized under the laws of nor has its Principal Place of Business in a Foreign Country of Concern, and the government of a Foreign Country of Concern does not have a Controlling Interest in the entity.

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

In Process

Printed Name: Michael Mattson

Title: CRO

Signature: Signed by: Michael Mattson DD3550CF7D7F419...

Date: 7/15/2026 | 11:55 AM MDT

Docusign Envelope ID: 589843E2-CBEB-8D2D-8093-CAA9309AE2E0

AFFIDAVIT OF COMPLIANCE WITH ANTI-HUMAN TRAFFICKING LAWS

State of Massachusetts

County of Worcester

In accordance with section 787.06 (14), Florida Statutes, the undersigned, on behalf of ClearGov, Inc. (the "Entity"), hereby attests under penalty of perjury, that the Entity does not use coercion for labor or services as defined in Section 787.06, Florida Statutes, entitled "Human Trafficking."

The undersigned representative of the Entity is authorized to execute this affidavit on behalf of the Entity.

Date: 7/15/2026 | 11:55 AM MDT

Signed: Signed by: Michael Mattson

Entity: ClearGov, Inc.

Name: Michael Mattson

Title: Chief Revenue Officer

Sworn to (or affirmed) and subscribed before me this 15th day of July, 2026 by Michael Mattson.

Christina M. Pizzeri Notary Signature

CHRISTINA M. PIZZERI
Notary Public
Massachusetts
My Commission Expires
Dec 15, 2028

Christina M. Pizzeri
PRINT, TYPE OR STAMP NAME OF NOTARY

Personally known ✓
OR Produced Identification ✓
Type of Identification Produced License

CHRISTINA M. PIZZERI NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS

Docusign Envelope ID: 589843E2-CBEB-8D2D-8093-CAA9309AE2E0

ClearGov

CONTRACTOR E-VERIFY AFFIDAVIT

July 15, 2026

I hereby certify that ClearGov, Inc. does not employ, contract with, or subcontract with an unauthorized alien, and is otherwise in full compliance with Section 448.095, Florida Statutes.

All employees hired on or after January 1, 2021 have had their work authorization status verified through the E-Verify system.

A true and correct copy of ClearGov, Inc.'s proof of registration in the E-Verify system is attached to this Affidavit.

Signature: Signed by: Michael Mattson DD3550CF7D7F419...

Print Name: Michael Mattson
Title: CRO
Date: 7/15/2026 | 11:55 AM MDT

STATE OF MASSACHUSETTS
COUNTY OF Worcester
The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☑ online notarization, this 15th day of July, 2026 by Michael Mattson [name of officer or agent, title of officer or agent] of ClearGov, Inc., a Delaware corporation, on behalf of the corporation. He/she is personally known to me or has produced License [type of identification] as identification.

Christina M. Pizzeri

CHRISTINA M. PIZZERI
Notary Public
Massachusetts
My Commission Expires
Dec 15, 2028

Notary Public
Christina M. Pizzeri
Name typed, printed or stamped
My Commission Expires: Dec 15, 2028

Docusign Envelope ID: 589843E2-CBEB-8D2D-8093-CAA9309AE2E0

E-VERIFY IS A SERVICE OF DHS AND SSA

Company ID Number: 1237036

Approved by:

Employer ClearGov Inc	
Name (Please Type or Print) Brenda L Luebbers	**Title**
Signature Electronically Signed	**Date** 10/09/2017
Department of Homeland Security – Verification Division	
Name (Please Type or Print) USCIS Verification Division	**Title**
Signature Electronically Signed	**Date** 10/10/2017

Docusign Envelope ID: 589843E2-CBEB-8D2D-8093-CAA9309AE2E0

CONTRACTOR E-VERIFY AFFIDAVIT

I hereby certify that ClearGov, Inc. *[insert contractor company name]* does not employ, contract with, or subcontract with an unauthorized alien, and is otherwise in full compliance with Section 448.095, Florida Statutes.

All employees hired on or after January 1, 2021 have had their work authorization status verified through the E-Verify system.

A true and correct copy of ClearGov, Inc. *[insert contractor company name]* proof of registration in the E-Verify system is attached to this Affidavit.

Signed by:
Michael Mattson

Print Name: Michael Mattson

Title: Chief Revenue Officer

Date: 7/15/2026 | 11:55 AM MDT

STATE OF ~~FLORIDA~~ Massachusetts

COUNTY OF Worcester

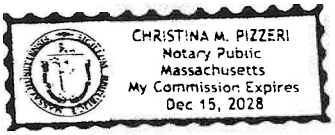
The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☑ online notarization, this 15th day of July, 2026 by Michael Mattson, CRO *[name of officer or agent, title of officer or agent]* of ClearGov *[name of contractor company acknowledging]*, a Delaware *[state or place of incorporation]* corporation, on behalf of the corporation. He/she is personally known to me or has produced License *[type of identification]* as identification.



Christina M. Pizzeri
Notary Public

Christina M. Pizzeri
Name typed, printed or stamped

My Commission Expires: 12-15-28



City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** G.6

Department COMMUNITY DEVELOPMENT **Division** PLANNING	**Amount** **Org/Account #**

Subject: RESOLUTION 2026-XX SUNSETTING THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE (BEAC)

Presenter: **Phong Nguyen, PTP, Planning Manager**

Attachments:

1. Resolution

Background:

City Council adopted Resolution 2006-07, which created the Beautification and Environmental Advisory Committee (BEAC) and Ordinance 2006-03, which reorganized City Board and Committees. The purpose of the BEAC was to identify issues within the City of Palm Coast related to the beautification, scenic beauty, natural resource conservation, aesthetic enhancements, environmental protection and other related matters and to evaluate and consider activities, methods, projects and programs that could be implemented within the City to address the matters considered by the Committee and the issues studied by the Committee.

On January 2, 2026, City Council adopted Resolution 2026-09 created the Parks and Recreation Advisory Board (PRAB) to consult with city departments and to advise and make recommendations to the City Council, City Manager and Parks & Recreation on matters relating to the arts, culture, history, recreation and parks activities and open spaces. The primary goals, projects, and overarching objectives originally assigned to the BEAC have successfully integrated into the scope of the Parks and Recreation Advisory Board.

Staff recommends approval of sunsetting of the BEAC and consolidating its advisory purview into the Parks and Recreation Advisory Board promotes administrative efficiency and enhances comprehensive long-range planning for the CIty.

This is a legislative item.

Recommended Action:
ADOPT RESOLUTION 2026-XX SUNSETTING THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE (BEAC)

RESOLUTION 2026-___
SUNSETTING THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE (BEAC)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, SUNSETTING THE BEAUTIFICATION AND ENVIRONMENTAL ADVISORY COMMITTEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council adopted Resolution 2006-07, which created the Beautification and Environmental Advisory Committee (BEAC) and Ordinance 2006-03, which reorganized City Boards and Committees; and

WHEREAS, the purpose of the BEAC was to identify issues within the City of Palm Coast relating to the beautification, scenic beauty, natural resource conservation, aesthetic enhancements, environmental protection and other related matters and to evaluate and consider activities, methods, projects and programs that could be implemented within the City to address the matters considered by the Committee and the issues studied by the Committee; and

WHEREAS, the City Council has created the new Parks and Recreation Advisory Board to consult with city departments and to advise and make recommendations to the City Council, City Manager and Parks & Recreation on matters relating to the arts, culture, history, recreation and parks activities and open space needs; and

WHEREAS, the primary goals, projects, and overarching objectives originally assigned to the BEAC have successfully integrated into the scope of the Parks and Recreation Advisory Board; and

WHEREAS, the City Council finds that sunsetting the BEAC and consolidating its advisory purview into the Parks and Recreation Advisory Board promotes administrative efficiency and enhances comprehensive long-range planning for the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above-stated recitals are true and correct and are hereby incorporated by reference as the legislative findings of the City Council.

SECTION 2. REPEALER. Resolution 2006-07, Beautification and Environmental Advisory Committee, is hereby repealed and the committee is hereby sunsetted.

SECTION 3. END OF THE TERMS OF THE COMMITTEE MEMBERS. The terms of all appointed members of the BEAC will end upon the date of the effective date of this resolution.

SECTION 4. 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 5. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 6. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any action necessary to implement the action taken in this Resolution.

SECTION 7. 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 15th day of September 2026.

ATTEST: CITY OF PALM COAST

_____ _____

KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____

MARCUS DUFFY, CITY ATTORNEY

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026

Agenda Item:
H.1

Department **Division**	COMMUNITY DEVELOPMENT PLANNING	**Amount** **Org/Account #**	
Subject:	APPOINT ONE (1) MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE		
Presenter:	**Community Development**		
Attachments:	1. Application (1)		

Background:

In 2009, the City and County entered an Interlocal Agreement regarding The Affordable Housing Advisory Committee. The Agreement states “as vacancies occur, the City and County shall share in the appointment of members to fill those seats.” It is the City of Palm Coast’s opportunity to appoint four members to this Committee.

Section 420.9076, Fla. Stat., provides the AHAC guidelines, including the qualifications of the membership. One representative from at least six of the categories below must be met to be appointed:

(a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
(b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
(c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
(d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
(e) A citizen who is actively engaged as a for-profit provider of affordable housing.
(f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
(g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.
(h) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.
(i) A citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) A citizen who represents employers within the jurisdiction.
(k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

Currently, the board is comprised of the following members:

Members	Role	Category	County/City	Term Expires
Carla Amaral	Residential Home Builder Industry	A	PC	5/20/28
Kim Carney	Elected Official	N/A	FC	N/A
Adolphus Evans	Resident of Local Jurisdiction	I	PC	5/20/28
Charles Gambaro, Jr.	Elected Official	N/A	PC	N/A
Trish Giaccone	Non-Profit Affordable Housing Provider	F	FC	3/4/27
Nicole Graves	Essential Services Personnel	K	FC	12/18/26
Joe	Labor Activity Representative	C	FC	7/22/29
Mindy Melendez	Resident Engage Real Estate Profession	G	PC	9/17/27
Devrie Paradowski	Advocate for Low-Income Persons	D	FC	12/18/26
Sandra Shank	Local Planning Agency	H	PC	10/2/27

One (1) application was received from the resident listed below:

Applicant	Role	Category	County/City
Pam Lauer	A Citizen Engaged in Non-Profit	F	PC

Recommended Action:
APPOINT ONE (1) MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee *	☐	Planning & Land Development Regulation Board * ** ♠
☐	Code Enforcement Board *	☐	Volunteer Firefighters' Pension Fund Board *
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee *	☐	Charter Review Committee
☐	Parks & Recreation Advisory Board		
☑	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☐ **No**

1. **PERSONAL**

Name: PAM LAUER E-mail address PATRICIA.LAUER@MFHP.ORG

Residence Address: 14 PENN MANOR LN District #

City: PALM COAST State: FL Zip: 32164

Mailing Address (If Different from Residence):

Home Phone 386-547-2310 Business Phone: 386-274-4441

Date of Birth: 11/6/63 Place of Birth: New Jersey

How long have you been a permanent resident of Palm Coast? 18 YEARS

What year did you become a continuous resident of the City of Palm Coast? 2008

List all places of residence for the last five years.

Address	City & State	From	To
14 PENN MANOR LN	PALM COAST FL	2014	NOW

Are you a registered voter in Flagler County? ☑ Yes ☐ No

Have you ever used or been known by any other legal name? ☑ Yes ☐ No

If yes, explain: PATRICIA ANN MARIE LAMER

Are you a citizen of the United States? ☑ Yes ☐ No

If no, explain:

If you are a naturalized citizen of the United States, date of naturalization:

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement:

Occupation: Housing Counselor Current Employer: M.I.D Florida Housing

Current Business Address: 1834 Mason Ave

Daytona Beach FL 32117 386-274-4441

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
M.I.D Florida	NFP	HUD Counselor	2021 - present

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☑ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position Employee Agency Period of Employment

3. **EDUCATION**

High School: Copper City High (Name & Location) Year Graduated: 1982

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
DAVIE FLORIDA (BCC)	1983-1986	
	1986-1991	

4. **MILITARY SERVICE**

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☑ No

Date of Service:

Branch or Component:

Date and Type of Discharge:

5. **INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?**

~~Are you currently or have you ever served on any City Volunteer Board or Committee?~~ ☐ Yes ☑ No

If yes, which Board or Committee?

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

6. **QUALIFICATIONS FOR APPOINTMENT**

State your experiences and interests or elements of your personal history that qualify you for this appointment.

HUD Counselor, lending experience

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☑ Yes ☐ No

HUD Counselor

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☑ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☑ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☑ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☑ No
If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

What is your understanding of the relationship of this Board or Committee to the City Council?

7. **REFERENCES – Please list three references (business and/or personal)**

LYDIA GREGG – 1834 MASON AVE – 386-274-4441
Name, Address & Telephone Number

JENNICA EDGERTON – 1834 MASON AVE – 386-274-4441
Name, Address & Telephone Number

JANINE WILLIS – 1834 MASON AVE – 386-274-4441
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☑ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Signature _____ Date 7/21/26

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: 386-986-3713
EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

SUNSHINE LAW: **The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.**

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** H.2

Department COMMUNITY DEVELOPMENT **Division** PLANNING	**Amount** **Org/Account #**

Subject: APPOINT MEMBERS TO THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD

Presenter: **Community Development**

Attachments:

1. Applications (7)

Background:

The terms of three (3) regular board members and one (1) alternate member will expire September 2026. Additionally, there is currently a vacant regular seat. This item is for City Council to appoint four (4) regular board members and one (1) alternate to the Planning and Land Regulation Board (PLDRB).

Pursuant to State law, the PLDRB is designated as the local planning agency. Responsibilities of the PLDRB include making recommendations to the City Council regarding the Comprehensive Plan, Land Development Code, and development applications. Further, the PLDRB acts as final authority (subject to appeal to the City Council) on special exceptions and variances.

Section 2-2(a)(5) of the City's Code of Ordinances provides, “In appropriate circumstances the City Council shall make every reasonable effort to ensure that City Council Districts are as equally represented as practicable; provided, however, that the City's local planning agency (Planning and Land Development Regulation Board) shall have at least one appointed from each City Council District.”

Currently, the board is comprised of the following members:

Members	District	Term Expires	Occupation
James Albano	1	2028	Building Contractor
Lisa Divina	n/a	Appointed by Flagler Schools	n/a
Hung Hilton	2	2026	Solutions Architect (IT)
Shandra Shank	4	2028	Realtor
Dana Mark Stancel	3	2028	US Postal Letter Carrier
vacant			
vacant			
vacant			

Alternates			
Larry Gross	2	2026	Systems Engineer
Garrett Decker	3	2028	Realtor

Applications were received from the residents listed below. One additional application was received from an individual residing outside the City.

Applicant	District	Occupation
Jeff Adams	4	Retired Dir. of Operations Construction
Dawid Blaszkiewicz	2	Contractor
Janice Catoggio	4	Business Consultant
Andrew Dodzik	4	Retired Engineer
Adolphus Evans	3	Retired HUD Housing Manager
Jim Sugg	4	Retired Chief Electrical Inspector
Tyler Warner	1	Financial Analyst

Recommended Action:
APPOINT MEMBERS TO THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☒	Planning & Land Development Regulation Board* ** ♠
☐	Code Enforcement Board*	☐	Firefighters' Retirement System and Trust Board*
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Parks & Recreation Advisory Board	☐	Charter Review Committee
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☒ **No**

1. **PERSONAL**

Name: Jeffrey L. Adams E mail address: jeff.adams33715@gmail.com

Residence Address: 38 Matanzas Cove Dr. District # 4

City: City of Palm Coast State: FL Zip: 32137

Mailing Address (If Different from Residence):

Home Phone 727-480-0482 Business Phone: —

Date of Birth: 01/21/1953 Place of Birth: Indianapolis, INDIANA

How long have you been a permanent resident of Palm Coast? 20 months

What year did you become a continuous resident of the City of Palm Coast? 2024 (Dec)

List all places of residence for the last five years.

Address	City & State	From	To
7611 Helen White LN	Land O'Lakes, FL	June 2021	Dec. 2024

Are you a registered voter in Flagler County? ☒ Yes ☐ No

Have you ever used or been known by any other legal name? ☐ Yes ☒ No

If yes, explain: _____

Are you a citizen of the United States? ☒ Yes ☐ No

If no, explain: _____

If you are a naturalized citizen of the United States, date of naturalization: _____

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: Director of Operations

Occupation: Construction Current Employer: Retired

Current Business Address: _____

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Osprey Construction 1911 US Hwy 301 N Ste 220	Commercial & Residential Construction	[Director of Operations]	Sept. 2016 – Aug. 2024

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☒ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

3. EDUCATION

High School: Manual High School - Indianapolis, IN Year Graduated: 1971
Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
Franklin College, Franklin, IN	Aug. 1971 - May 1975	Bachelor of Arts

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☒ No

Date of Service: _____

Branch or Component: _____

Date and Type of Discharge:

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☒ Yes ☐ No

If yes, which Board or Committee? Affordable Housing Advisory Committee

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years

Name of Organization(s)

N/A

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

I'm currently a active Certified General Contractor of the state of Florida. I hold a 30-hour OSHA certification. I have over 40 years in construction, land developement, and participated ~~in~~ as an expert witness in multiple defects in construction projects/cases.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☒ Yes ☐ No

Certified General Contractor - CGC1517394

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☒ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☒ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☒ Yes ☐ No
If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date
CGC1517394	06/15/2009	State of Florida	

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

I've been an expert witness which is required by law to be neutral in many situations.

What is your understanding of the relationship of this Board or Committee to the City Council?

It is the task of the committee to review applications for zoning, environmental impacts, and make recommendations to City Council.

7. **REFERENCES – Please list three references (business and/or personal)**

Doug Hancock 5301 Mirian Dr. Lakeland, FL. 33812 (863)670-6060
Name, Address & Telephone Number

Warren Gritzinger 3014 N US Hwy 301, Tampa, FL. 33619 (813)267-5251
Name, Address & Telephone Number

Lynne Olney 16606 N. Dale Mabry, Tampa, FL 33618 (813)967-5125
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☒ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Signature

08/10/2026
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**

EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

SUNSHINE LAW: **The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.**

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☒	Planning & Land Development Regulation Board * ** ♠
☐	Code Enforcement Board*	☐	Volunteer Firefighters' Pension Fund Board*
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee*	☐	Charter Review Committee
☐	Parks & Recreation Advisory Board		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☒ **No**

1. **PERSONAL**

Name: Dawid Blaszkiewicz E-mail address DAWIDBLASZKIEWICZ@yahoo.com

Residence Address: 22 cheyenne ct District # _____

City: Palm Coast State: FL Zip: 32137

Mailing Address (If Different from Residence): _____

Home Phone 386-270-2522 Business Phone: _____

Date of Birth: 09/02/1994 Place of Birth: Poland

How long have you been a permanent resident of Palm Coast? 8 yrs

What year did you become a continuous resident of the City of Palm Coast? 2018

List all places of residence for the last five years.

Address	City & State	From	To
300 canopy Walk Ln	Palm Coast FL	August 2018	Feb 2019
136 Wellstone Dr	Palm Coast FL	Feb 2019	Nov 2019
22 cheyenne ct	Palm Coast FL	Nov 2019	Present

Are you a registered voter in Flagler County? ☐ Yes ☒ No

Have you ever used or been known by any other legal name? ☐ Yes ☒ No

If yes, explain: _____

Are you a citizen of the United States? ☒ Yes ☐ No

If no, explain: _____

If you are a naturalized citizen of the United States, date of naturalization: _____

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: _____

Occupation: Contractor Current Employer: JMD Quality Construction

Current Business Address: 22 cheyenne ct

Palm Coast (City) FL (State) 32137 (Zip) 386-270-2522 (Phone #)

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Same as Above			

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☒ No
If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

3. EDUCATION

High School: Bridgewater Raritan HS Bridgewater NJ Year Graduated: 2013
Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
Kean University	2014 - 2017	Not Completed

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☒ No

Date of Service: _____

Branch or Component: _____

Date and Type of Discharge:

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☐ Yes ☒ No
If yes, which Board or Committee? _____

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

Owner of JMD Quality Construction

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

Lived in Palm Coast since 2018. Have seen the growth. Im a general contractor and mainly work in City of Palm Coast and Flagler County. Built Homes / Renovated and worked on Commercial Projects.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☐ Yes ☒ No

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☒ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☒ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☒ No
If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

I have studied accounting and am involved in Building and improving peoples Homes in Palm Coast. Being younger helps with looking at future of Palm Coast For my wife and future kids.

What is your understanding of the relationship of this Board or Committee to the City Council?

To Review future projects coming into palm coast.

7. **REFERENCES – Please list three references (business and/or personal)**

Jim Albano 16 Birdseye pl Palm Coast FL 386-237-0328
Name, Address & Telephone Number

Lindsay Delamore 25 Claymont ct S Palm Coast FL 386-503-8303
Name, Address & Telephone Number

Chris Ragazzo 71 Comanche ct Palm Coast FL 386-931-2000
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☒ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Signature

7/21/26
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**

EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

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VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☒	Planning & Land Development Regulation Board * ** ♠
☐	Code Enforcement Board*	☐	Volunteer Firefighters' Pension Fund Board*
☒	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee*	☐	Charter Review Committee
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☒ **No**

1. **PERSONAL**

Name: Janice Catoggio E-mail address jpcatoggio123@gmail.com

Residence Address: 35 Wood Haven Drive District # _____

City: Palm Coast State: FL Zip: 32164

Mailing Address (If Different from Residence): _____

~~Home~~ Cell Phone (386)503-4058 Business Phone: 386 503-4058

Date of Birth: July 23, 1966 Place of Birth: Brooklyn NY

How long have you been a permanent resident of Palm Coast? 25 years

What year did you become a continuous resident of the City of Palm Coast? 2001

List all places of residence for the last five years.

Address	City & State	From	To
35 Wood Haven Drive	Palm Coast	2015	present

Are you a registered voter in Flagler County? ☒ Yes ☐ No

Have you ever used or been known by any other legal name? ☒ Yes ☐ No

If yes, explain: Been married Janice Raymond.
Been married Janica Bontempo
maiden name Janice Butler

Are you a citizen of the United States? ☒ Yes ☐ No

If no, explain:

If you are a naturalized citizen of the United States, date of naturalization:

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement:

Occupation: Business Consultant Current Employer: Self. (Sole proprietor)

Current Business Address: 35 WoodHaven Dr.

Palm Coast FL 32164 (386) 503-4058

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
J+M of Palm Coast LLC	Tavern	owner	2017-2025
Harper Grace Foundation		Founder.	2018-2026.

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☒ No
If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

3. EDUCATION

High School: Half Hollow High School EAST Dix Hills NY Year Graduated: 1984.
Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☒ No

Date of Service: _____

Branch or Component: _____

Date and Type of Discharge:

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☒ Yes ☐ No

If yes, which Board or Committee? City of Bunnell PZA Board 2024-2025 Resigned Sold property.

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

EIKS Lodge of Palm Coast
Fraternal Order of Eagles Bunnell.

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have previously worked at an environmental services company and I also was on the City of Bunnell PZA Board for over a year. I was extremely proactive learning and researching all agendas presented to the board. If I didn't know something I learned it. I have exceptional communication skills. I look at everything as a whole and also outside the box.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☐ Yes ☒ No

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☒ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☒ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☐ No
If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date
BEV28 00029	3/18/2018-7/15/2025	Sold closed DBPR	-0-

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

I know how to acknowledge the evidence and follow regulations, ethical standards. I know how to be completely remove my personal feelings from any agenda that would be presented. and soley basis my opinion on rules, regulations, laws and evidence

What is your understanding of the relationship of this Board or Committee to the City Council?

Planning + Land Development Regulation Board relationship with the City Council of their findings. after the board has evaluated the environmental impacts, such as traffic, drainage and the residents views on the adgenda. that was presented.(

7. **REFERENCES – Please list three references (business and/or personal)**

Joseph Golan (386)283-0111
Name, Address & Telephone Number

Keith Lantaigne (386) 931-1228
Name, Address & Telephone Number

GLENN Ianillo (386) 627-3024.
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☑ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Janice P. Catoggio
Signature

6/29/2026
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**
EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

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VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☒	Planning & Land Development Regulation Board* ♠
☐	Code Enforcement Board*	☐	Volunteer Firefighters' Pension Fund Board*
☐	Leisure Services Advisory Committee		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		
☐	River to Sea Transportation Planning Organization Advisory Committees: ☐ Citizens Advisory Committee (CAC) ☐ Bicycle and Pedestrian Advisory Committee (BPAC)		

* Appointees must file a Financial Disclosure Form 1 with the City Clerk at time of appointment and **ANNUALLY** thereafter with the Flagler County Supervisor of Elections.

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☒ **No**

1. **PERSONAL**

Name: Andrew J. Dodzik E-mail address adodzik2@gmail.com

Residence Address: 8 Edward Drive District # 4

City: Palm Coast State: FL Zip: 32164

Mailing Address (If Different from Residence):

Home Phone 260-750-2660 Business Phone: —

Date of Birth: 11/21/1947 Place of Birth: New Jersey

How long have you been a permanent resident of Palm Coast? 12 years

What year did you become a continuous resident of the City of Palm Coast? 2014

List all places of residence for the last five years.

Address	City & State	From	To

Are you a registered voter in Flagler County? ☒ Yes ☐ No

Have you ever used or been known by any other legal name? ☐ Yes ☒ No

If yes, explain: _____

Are you a citizen of the United States? ☒ Yes ☐ No

If no, explain: _____

If you are a naturalized citizen of the United States, date of naturalization: _____

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: Public Works Dept. Mgr.

Occupation: Professional Engr. Current Employer: RETIRED

Current Business Address: _____

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☐ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

3. **EDUCATION**

High School: EAST PATERSON MEM. H.S. EAST PATERSON, N.J. Year Graduated: 1965

Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
INDIANA INST. of TECH	1965-71	BSCE

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☒ No

Date of Service: _____

Branch or Component: _____

Date and Type of Discharge:

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☒ Yes ☐ No

If yes, which Board or Committee? CURRENTLY ON CODE BOARD

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

FSCO - COP VOLUNTEER
PALM COAST LIONS CLUB
ADVENT HEALTH VOLUNTEER

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

RETIRED CONSULTING ENGR. WITH MANY YEARS OF EXPERIENCE WORKING WITH CITIES AND TOWNS IN INDIANA

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☒ Yes ☐ No

BS IN CIVIL ENGINEERING, PAST LICENSED PROFESSIONAL ENGR.

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☒ Yes ☐ No

CODE ENFORCEMENT BOARD

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☒ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

My previous work with City and Towns duties included planning & design. Yes I consider myself a decision maker.

What is your understanding of the relationship of this Board or Committee to the City Council?

To function as the City's local planning agency and planning & zoning commission to function as required by State law and the City land development code

7. **REFERENCES – Please list three references (business and/or personal)**

Michael Baker 32 Egret Trail 260-570-6368
Name, Address & Telephone Number

Maureen McAleavey 14 Evansmill Ln 260-417-0260
Name, Address & Telephone Number

Barbara Holland 29 Packard Ln 586-446-3088
Name, Address & Telephone Number

8. **ACKNOWLEDGMENT**

If required by law, will you file a financial disclosure statement? ☒ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Andrew J. Dobek
Signature

July 14, 2026
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk's Office.**

RETURN TO:
City Clerk's Office
City of Palm Coast
160 Lake Avenue
Palm Coast, Florida 32164

PHONE: **386-986-3713**
FAX: **386-986-3714**
EMAIL: **CityClerk@palmcoastgov.com**
WEBSITE: **www.palmcoastgov.com**

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Should you not be selected at this time, your application will be kept on file for consideration for six (6) months. Should you wish to be considered for another board, committee, or task force during that time, you must contact the City Clerk's Office and request reconsideration.

Andrew J Dodzik
8 Edward Drive
Palm Coast, Fl. 32164
Mobile: 260-750-2660
E-mail: adodzik2@gmail.com

EDUCATION
B.S. Civil Engineering
Indiana Institute of Technology
Fort Wayne, Indiana, 1971

REGISTRATIONS
Professional Engineer (Currently Inactive, Retired)
- Indiana, 1975, #16263
- Michigan, 1987, #33243
- Arizona, 1982, #14461

Land Surveyor: (Currently Inactive, Retired)
- Arizona, 1983, #16120

Board certified: Diplomat in American Academy of Environmental Engineers(Life Member)

AFFILIATIONS (Inactive Retired)
National Society of Professional Engineers (NSPE)
American Academy of Environmental Engineers (AAEE), Diplomat
American Society of Civil Engineers (ASCE)
American Water Works Association (AWWA)
Water Environment Federation (WEF)
Indiana Water Environment Association (IWEA)

ACCOMPLISHMENTS
Have spent entire career in the Public Works arena, from a junior engineer with the City of Fort Wayne while completing a degree in Civil Engineering to Owning my own engineering firm Dodzik Engineering, Inc. (DEI) for 18 years; to merging it with a firm of some 700 employees in Five (5) States. Projects have varied from simple sewer, street and water projects to complex drainage and water and wastewater treatment facilities. Has worked with many branches of Local, State and Federal government. Assisted Communities with locating and securing many types of funding sources, worked with rate consultants on revenue options and rate studies.
Provided Program Management service to City of Fort Wayne, in Transportation and currently working on their three (3) year Flood Control Project development and implementation program.

Retired in June of 2013, to Limited Part-time, fully retired November 2016.

WORK EXPERIENCE

2005-2013: Public Works Department Manager DLZ Indiana, LLC
Merged DEI with DLZ Indiana, LLC in January of 2005
Operate the Public Works Department of the DLZ, Fort Wayne Office.
Responsibilities include:
. Management of Clients and Client relations
. Program Manager for City of Fort Wayne's three (3) year Flood Control Program that includes joint projects with the Army Corps of Engineers.
. Manage the Public Works staff of the Fort Wayne office
. Provide on-going Town Engineering services to the Clients brought to DLZ form DEI

1986-2005: President Dodzik Engineering, Inc (DEI)
Founded DEI; to assist small communities in NE Indiana with planning, design and project management needs. Provided on-going Town Engineering serviced to 8-10 Communities.
Projects included all types of infrastructure and utility work, from conceptual planning, assisting with rate studies, through construction, and start-up. Assisted with Grant Writing and securing of Funding for construction.

1977-1986: Vice President of Environmental Engineering, Bonar Group
Was responsible for; operation of the Environmental Division and growth of company from 2 people to 45 in nine years.
Primary work areas; all types of Municipal infrastructure needs, from water and sewer lines to water and wastewater treatment facilities, storm drainage , water storage , streets sidewalks, etc.
Master planning, studies, and reports.

1969-77: Project Engineer for City of Fort Wayne, Indiana
Was responsible for overall planning and design of various sanitary and storm water drainage projects; also, a design engineer for City's Wastewater Treatment Plant Expansion in 1972.

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee *	☑	Planning & Land Development Regulation Board * ** ♠
☐	Code Enforcement Board *	☐	Volunteer Firefighters' Pension Fund Board *
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee *	☐	Charter Review Committee
☐	Parks & Recreation Advisory Board		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☑ **No**

1. PERSONAL

Name: Adolphus Evans E-mail address star8181@verizon.net

Residence Address: 55 Green Circle District # _____

City: Palm Coast State: FL Zip: 32164

Mailing Address (If Different from Residence): _____

Home Phone 732-754-6186 Business Phone: _____

Date of Birth: 10/09/1958 Place of Birth: Pittsburgh, PA

How long have you been a permanent resident of Palm Coast? 5 years, 8 months

What year did you become a continuous resident of the City of Palm Coast? 2020

List all places of residence for the last five years.

Address	City & State	From	To
55 Green Circle	Palm Coast, FL 32164	11/14/20	Present

Are you a registered voter in Flagler County? ☑ Yes ☐ No

Have you ever used or been known by any other legal name? ☐ Yes ☑ No

If yes, explain: _____

Are you a citizen of the United States? ☑ Yes ☐ No

If no, explain: _____

If you are a naturalized citizen of the United States, date of naturalization: _____

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: HUD Housing Manager

Occupation: _____ Current Employer: _____

Current Business Address: _____

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Retired			

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☑ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

3. EDUCATION

High School: Keystone Oaks High School, Pittsburgh, PA Year Graduated: 1976
Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
US Air Force Academy, Colorado Springs, CO	8/1/1976 - 5/28/1981	BS - Operations Research
Regis University Denver Co	6/1/83 - 6/1/85	MBA - Acct & Fin

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☑ Yes ☐ No

Date of Service: 8/1/1976 - 6/1/1986

Branch or Component: USAF

Date and Type of Discharge: 6/1/1986 Honorable Discharge

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☑ Yes ☐ No

If yes, which Board or Committee? Affordable Housing Advisory Committee Current Member

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

Flagler County Branch NAACP

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

30 years experience as a US Dept of HUD professional. Responsible for the implementation of Comprehensive Planning for 3 Counties and 16 Cities in NJ.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☑ Yes ☐ No

BS - Operations Research US Air Force Academy

MBA - Regis University Denver Co

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☑ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☑ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☑ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☑ No If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

I believe my experience managing HUD programs and working with government entities to provide affordable housing and life services to citizens equips me to be a cohesive and consistent factor for quality community planning and growth.

What is your understanding of the relationship of this Board or Committee to the City Council?
I understand the Planning Board to be a review entity of all proposed housing and land development which reports its findings and decisions to the Palm Coast City Council.

7. **REFERENCES – Please list three references (business and/or personal)**

Mr. Shelley Ragsdale, 5 New Leatherwood Dr, Palm Coast, FL 32137 (203) 515-0032
Name, Address & Telephone Number

Mr. Michael Herndon, 15 Cordoba Court, Palm Coast, FL 32137 (301) 343-3569
Name, Address & Telephone Number

Dr. Phyllis Pearson, President Flagler Co. NAACP, P.O. Box 352734, Palm Coast, FL 32135
Name, Address & Telephone Number
(386) 446-8733

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☑ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Signature

6/25/26
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**
EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

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SUNSHINE LAW: **The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.**

Adolphus "AJ" Evans

Retired U.S. Department of Housing and Urban Development Manager

Experience

2022-Present

1st Vice President,

NAACP Flagler County Branch 5147-B

2014 - 2020
Program Manager, US Dept. of HUD
Supervised 5 professional community development Representatives who administer and oversee HUD's entitlement and competitive grants. Responsible for administering, accountability and performance of multi-million grant assistance to 25 cities and counties. Interfaced and coordinated regularly with Federal, State, and local government officials.

2000-2014
Senior Community Planning Representative
US Dept. of HUD

Responsible for the oversight, management, and monitoring of 16 of the largest and most complex jurisdictions in New Jersey, receive, expend, and account for HUD entitlement funding. Also served as the computer program coordinator for several technical initiatives to enhance data flow between non-profit, local government

Education

1985

Regis University, Denver CO

MBA, Accounting and Finance

1981

US Air Force Academy, Colorado Springs, CO

BS, Operations Research

Contact

55 Green Circle
Palm Coast, FL 32164
(732) 754-6186
star8181@verizon.net

and Federal entities.

1986 – 2000
Vice President, McCloud and Associates, Inc.

Responsible for all operational, financial, and administrative functions of a medium-sized professional training firm. Ensured staff payroll and all accounting reports were timely and accurate. Primary procurement officer of the corporation. Reported directly to the Chief Executive Officer.

1981 – 1986
Scientific Analyst, Captain, USAF

Responsible for the test and evaluation of global satellite IR detection system. Evaluated satellite performance through computer simulation testing. Reported results and system competency to Dept of Defense operatives.

Jimmy M. Sugg
112 Wood Thrush Ln.
954-258-5108
ChiefSugg@gmail.com

June 26, 2026

Office of the City Clerk
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

RE: Application for the following two (2) positions
-1) Planning & Land Development Regulation Board (PLDRB)
-2) Code Enforcement Board

Dear City Clerk

Please accept this letter and the attached application as a formal expression of my enthusiastic interest in serving on the both the Palm Coast Planning & Land Development Regulation Board (PLDRB) and/ or the Code Enforcement Board.

As a dedicated resident and registered voter of Palm Coast, I am eager to contribute my extensive regulatory, technical, and board leadership experience to ensure our city's growth remains safe, sustainable, and well-planned.

I bring nearly **30 years** of experience within the Florida regulatory and construction environment, highlighted by my tenure as Chief Electrical Inspector for Broward County and the City of Pembroke Pines. As a Florida-licensed Master Electrician and municipal leader, I have spent three decades ensuring that complex physical developments align perfectly with strict structural and safety standards. My daily responsibilities as a Plans Reviewer have given me a sharp, analytical eye for technical blueprints, civil designs, and code compliance—skills that translate directly to evaluating master planned developments, zoning amendments, and land-use variances brought before the PLDRB.

Furthermore, I am deeply familiar with the responsibilities, ethics, and dynamics of public service and professional leadership. Having served as President of the International Association of Electrical Inspectors (IAEI) Broward Chapter, I possess firsthand experience leading professional organizations and navigating public meeting protocols, administrative processes, and collaborative decision-making. I understand how to balance the technical merits of a project with community standards, state statutes, and public feedback to reach fair, impactful conclusions.

Palm Coast is experiencing vital growth, and I want to ensure our infrastructure and planning processes match that momentum with the highest level of integrity. My practical background in code enforcement and municipal leadership allows me to hit the ground running without a learning curve.

Thank you for your time, consideration, and continued dedication to our community. I look forward to the possibility of discussing how my technical background can best serve the City of Palm Coast.

Sincerely,

Jimmy M. Sugg

Note about transcribed forms: this format exists to remove accessibility barriers, but some recipients prefer the original printed format. If you'd like help moving your entries into the original form, please use the live assistance options in the sidebar or contact the author.


City of Palm Coast, Florida seal logo with a palm tree and the words 'City of Palm Coast Florida' and 'Incorporated 1999'

Volunteer Board and Committee Application

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

- ☐ Beautification & Environmental Advisory Committee *
- ☑ Code Enforcement Board *
- ☐ Citizen's Advisory Committee
- ☐ Residential Drainage Citizen Advisory Committee *
- ☐ Parks & Recreation Advisory Board
- ☑ Planning & Land Development Regulation Board * ** ♠
- ☐ Volunteer Firefighters' Pension Fund Board *
- ☐ Bicycle and Pedestrian Advisory Committee
- ☐ Charter Review Committee

Flagler County Housing Task Force/Affordable Housing Advisory Council:

- ☐ ☐ Citizen from the City of Palm Coast representing essential services personnel
- ☐ Representative of residential home building industry

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

All city boards and committees are subject to the Sunshine Law and Public Records Law.

Re-appointment

☐ **Yes** ☑ **No**

1. Personal

Name:

JIMMY M SUGG

E-mail address

chiefsugg@gmail.com

Residence Address:

112 WOOD THRUSH LN

District #

4 (Four)

City:

PALM COAST

State:

Florida

Zip:

32164

Mailing Address (If Different from Residence):

112 WOOD THRUSH LN

Home Phone

954-258-5108

Business Phone:

Revised 1/27/26

Additional content from previous item (1. Personal):

Date of Birth:

08/07/1957

Place of Birth:

MIAMI, FLORIDA

How long have you been a permanent resident of Palm Coast?

5 YEARS

What year did you become a continuous resident of the City of Palm Coast?

2021

List all places of residence for the last five years.

Address	City & State	From	To
Address row 1: 112 WOOD THRUSH LN	City and State row 1: FL	From row 1: August 2021	To row 1: CURRENT
Address row 2	City and State row 2	From row 2	To row 2
Address row 3	City and State row 3	From row 3	To row 3
Address row 4	City and State row 4	From row 4	To row 4

Are you a registered voter in Flagler County?

(●) Yes ( ) No

Have you ever used or been known by any other legal name?

(●) Yes ( ) No

If yes, explain:

SOMETIMES, PEOPLE CALL ME JIM AND USE IT IN THEIR DOCUMENTS.

Are you a citizen of the United States?

(●) Yes ( ) No

If no, explain:

If you are a naturalized citizen of the United States, date of naturalization:

2. Employment History

(A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement:

RETIRED /STATE CERTIFIED ELECTRICAL INSPECTOR, PLANS EXAMINER, MASTER ELECTRICIAN, CITY/COUNTY ELECTRICAL CHIEF INSPECTOR/SUPERVISOR.

Occupation:

CHIEF ELECTRICAL INSPECTOR/ELECTRICAL INSPECTOR FOR CITY OF PEMBROKE PINES, BROWARD COUNTY AND MIAMI DADE COUNTY , MASTER ELECTRICIAN STATE LICENSED

Current Employer:

Current Business Address:

City

State

Zip

Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Employer and Address row 1	Type of Business row 1	Occupational Title row 1	Period of Employment row 1
CITY OF PEMBROKE PINES (2001-2013)			
Employer and Address row 2	Type of Business row 2	Occupational Title row 2	Period of Employment row 2
BROWARD COUNTY (2013-2014)			
Employer and Address row 3	Type of Business row 3	Occupational Title row 3	Period of Employment row 3
MIAMI DADE COUNTY (1992-2001)			

Have you ever been employed by any state, district, or local governmental agency in Florida?

(●) Yes ( ) No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment
Position row 1	Employee Agency row 1	Period of Employment row 1
CHIEF ELECTRICAL INSPECTOR	CAP GOVERNMENT	2015 -2021

Revised 1/27/26

Additional content from previous item (continued):

Continued response from previous page

LISTED ABOVE ARE WORK HISTORY PRIOR TO FIVE YEARS AS I AM RETIRED FOR FIVE YEARS.

3. Education

High School:

ARCHBISHOP CURLEY HIGH SCHOOL, MIAMI ,FLORIDA

Year Graduated:

1975

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
NE MISSOURI STATE UNIVERSITY	1975-1979	BS BIOLOGICAL SCIENCES
NKA TRUMAN UNIVERSITY		

4. Military Service

Are you or have you ever been a member of the Armed Forces?

○ Yes ◉ No

Date of Service:

Branch or Component:

Date and Type of Discharge:

5. Interest/Activities/Community and/or Civic Involvement

Are you currently or have you ever served on any City Volunteer Board or Committee?

○ Yes ◉ No

If yes, which Board or Committee?

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

6. Qualifications for Appointment

State your experiences and interests or elements of your personal history that qualify you for this appointment.

My personal interest in the community and professional career in enforcement of municipal/county/state building codes and supervision and advisor of Municipal/County Building/Planning/Zoning Electrical Departments for over 30 years. I am now retired for five years and looking to serve the public in a voluntary role. My Florida State Licenses support my skills, knowlege and abilities and ensure code adherence and reliable advice.

Revised 1/27/26

Additional content from previous item:

Additional content line 1 from previous item

Additional content line 2 from previous item

Additional content line 3 from previous item

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below:

☑ Yes ☐ No

If yes, list below

I am State of Florida certified and licensed Master Electrician #EC0002194, Plans Examiner Unlimited#PX2558, FEMA Certified Disaster Recovery, Standard Electrical Inspector (Unlimited) #BN1701

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below:

☐ Yes ☑ No

If yes, list below

Have you ever been elected or appointed to any public office? If yes, list below:

☐ Yes ☑ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment?

☐ Yes ☑ No

If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida?

☑ Yes ☐ No

If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date
EC0002194	Master electrician since 1984 approx	State of Florida	none
BN1701	Chief Electrical Inspector since 1989 approx	State of Florida	none
PX2558	Plans Examiner since 1990 approx	State of Florida	none

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

My 30 years as a Chief Electrical Inspector and Plans Examiner and Master Electrician perfectly match this scope, as I am already accustomed to evaluating technical plans against strict statutory criteria rather than personal preference. Furthermore, I am deeply familiar with the responsibilities, ethics, and dynamics of public service and professional leadership. Having served as President of the International Association of Electrical Inspectors (IAEI) , Broward County Florida Chapter. I possess firshand experience leading professional organizations and navigating public meeting protocols, administrative processes, and collaborative decision-making. I understand how to balance the technical merits of a project with community standards, state statutes, and public feedback to reach fair, impactful conclusions. My practical background in code enforcement and municipal leadership allows me to hit the ground running without a learning curve.

Additional content from previous item:

What is your understanding of the relationship of this Board or Committee to the City Council?

The role of a volunteer on the Enforcement Board and/or Planning & Land Development Board is to serve as an objective, code driven decision maker and advisor on the physical growth, zoning and long-range development of the City of Palm Coast. The Boards recommendations will aide the City Council in reaching informed, factual, unbiased decisions. In addition , with my professional background, and State certified licenses of 30 years, I would add an expertise to the Board's decision making process and aid in the plan review of the state/local codes and ordinance which would enhance the decision making process and results of the Boards overall responsibilities.

7. References – Please list three references (business and/or personal)

Name, Address & Telephone Number

Dave Tringo, Building Dept Director, 100 SE 12 St Fort Lauderdale, FL 33316 954-605-0127

Name, Address & Telephone Number

Jack Fisher, CAP Government, Building Official, 100 SE 12 St Fort Lauderdale, FL 33316 954-604-9033

Name, Address & Telephone Number

Ellison (Kay) McCrary, City of Pompano Beach Planning Dept Senior Plans Examiner III, 954-260-7217

8. Acknowledgment

If required by law, will you file a financial disclosure statement?

- (●) Yes
- ( ) No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Signature	**Date**
Jimmy M. Sugg	06/26/2026

Note: If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.

Return to:

City Clerk
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

Phone: 386-986-3713

Email: cityclerk@palmcoastgov.com

Website: www.palmcoastgov.com

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Revised 1/27/26

This document was transcribed by AI and may contain mistakes that seem believable. To overcome this limitation, we offer 30 minutes of free Aira visual interpreting. Open the Aira app on your phone, or call 1-800-835-1934 for support. When prompted for an access offer, say "DocAccess" and share this document locator code with your interpreter: E44B-52B2. Your interpreter can view the document on their end at docaccess.com/go. All users agree to the terms of use by using this product.

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee *	☐	Planning & Land Development Regulation Board * ** ♠
☐	Code Enforcement Board *	☐	Volunteer Firefighters' Pension Fund Board *
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee *	☐	Charter Review Committee
☐	Parks & Recreation Advisory Board		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☒ **No**

1. PERSONAL

Name: Tyler Warner E-mail address app@iwarner.com

Residence Address: 54 Berkshire ln District # 1

City: Palm Coast State: FL Zip: 32137

Mailing Address (If Different from Residence):

Home Phone 850-380-9795 Business Phone: 386-243-5888

Date of Birth: 10/02/1992 Place of Birth: Cocoa Beach, FL

How long have you been a permanent resident of Palm Coast? 10

What year did you become a continuous resident of the City of Palm Coast? 2016

List all places of residence for the last five years.

Address	City & State	From	To
54 Berkshire ln	Palm Coast, FL	11/2021	Present
2585 Christine dr.	Titusville, FL	07/2019	10/2021
14 Emerson dr	Palm Coast, FL	06/2016	06/2019

Are you a registered voter in Flagler County? [X] Yes [ ] No

Have you ever used or been known by any other legal name? [X] Yes [ ] No

If yes, explain: Adopted as Child as Tyler Lee C. Kovaly, reverted back to birth name since 2011.

Are you a citizen of the United States? [X] Yes [ ] No

If no, explain:

If you are a naturalized citizen of the United States, date of naturalization:

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: Retired/Voluntary Disemployment

Occupation: Financial Analyst Current Employer: Automatic, LLC

Current Business Address:

Lake Mary FL 32746 407-916-7777

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Frontier Airlines	Summer Work	Treasury Analyst	Summer, 2022
Darden Restaurants	Full-time	Programmer Analyst	05/2019 - 11/2021

Have you ever been employed by any state, district, or local governmental agency in Florida? [ ] Yes [X] No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

3. EDUCATION

High School: Lake Lehman High School, Lehman, PA (Name & Location) Year Graduated: 2011

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
Embry-Riddle Aeronautical University	01/2022-12/2023	M.S. Business Analytics
Embry-Riddle Aeronautical University	08/2015-05/2019	B.S. Computer Science

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☒ Yes ☐ No

Date of Service: 07/2011-07/2015

Branch or Component: Marine Corps

Date and Type of Discharge: Honorable, eligible for reenlistment

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☐ Yes ☒ No

If yes, which Board or Committee?

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

St. Alexis of Wilkes-Barre Orthodox Church – Bunnell, FL

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have a new business that aims to support municipalities with economic deep dive reports for public projects. With this in mind, I have an interest in this position as it relates to expanding my experience with regard to public regulations and customs. Also, as a long-term resident, I would like to see sustainable developments.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☐ Yes ☐ No

Yes, my Master degree in business analytics adequately prepares me to pay close attention to economic details, and to endure the details of project work as important to discuss.

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☒ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☒ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☒ No
If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

I can work well with others in discussing alternative actions as well as staying on tangible points toward a project. I can quickly make assessments with newly arrived data and can provide excellent presentation of the material being discussed. Overall, I excel at sharing my talent with other members so that we all collaborate toward the goal of investment.

What is your understanding of the relationship of this Board or Committee to the City Council?

As a planning agency for the city, it is the responsibility of this board to provide sound recommendations to the City Council, to provide well-prepared and detailed reports along with that recommendation, and to execute the Council's final votes on future projects and plans.

7. **REFERENCES – Please list three references (business and/or personal)**

Donna Giambra – 305 Sea Gull Court, Edgewater, FL 32141 – 386-451-1985 (business)
Name, Address & Telephone Number

Henry Cervantes – 11248 Meredith St., Adelant, CA – 760-885-5745 (business & personal)
Name, Address & Telephone Number

Chris Malfa – 170 Wood Stork ln, Palm Coast, FL – 386-276-6679 (personal)
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☒ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Tyler Warner
Signature

7/28/2026
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**

EMAIL: cityclerk@palmcoastgov.com
WEBSITE: www.palmcoastgov.com

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

SUNSHINE LAW: **The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.**

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** H.3

Department **Division**	COMMUNITY DEVELOPMENT CODE ENFORCEMENT	**Amount** **Org/Account #**	
Subject:	APPOINT MEMBERS TO THE CODE ENFORCEMENT BOARD		
Presenter:	**Community Development**		
Attachments:	1. Applications (7)		

Background:

The terms of four (4) regular board members and one (1) alternate member will expire on September 30, 2026. Additionally, there is currently a vacant alternate seat. This item is for City Council to appoint (4) regular board members and two (2) alternates to the Code Enforcement Board.

It is the intent of the Code Enforcement Board to promote, protect and improve the health, safety and welfare of the citizens of the City by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective and inexpensive method of enforcing any codes and ordinances in force in the City, where a pending, or repeated violation continues to exist.

Section 2-205 (a) of the Code of Ordinances states that the City Council shall appoint a Code Enforcement Board with seven regular members and two alternate members who shall vote only when a regular member is unable to attend a meeting or hear a particular case or does not sit during a particular time of a meeting, which alternate members may attend meetings and sit without participating or voting with regard to other hearings. Members of the Enforcement Board shall be residents of the City and appointments shall be made on the basis of experience or interest in the subject matter jurisdiction of the Code Enforcement Board in the sole discretion of the City Council. The composition of the Enforcement Board shall, whenever possible, include an architect, a business person, an engineer, a general contractor, a subcontractor and a realtor.

Under Florida Statute 162.05(3)(b)(3), Code Enforcement Board terms are for three years.

Currently, the board is comprised of the following members:

Members	District	Term Expires	Occupation
Gennaro Arcamone	3	2026	Retired Property Management
Robert Calabrese	3	2026	Retired Law Enforcement

Andrew Dodzik	4	2027	Retired Civil Engineer
Paulette Hatfield	2	2026	Retired Business Owner
Charles Dean Roberts	2	2026	Retired Sales Representative
Geraldine Wright	3	2027	Retired Office Chief CAFDOT
Merritt Zucca	1	2027	Realtor
Alternates			
Jonathan Andrejczyk	2	2026	Tax Analyst
Vacant			

Applications were received from the residents listed below:

Applicant	**District**	**Occupation**	**Reappointment**
Paulette Hatfield	2	Retired Business Owner	Yes
Jonathan Lehman	4	Self-Employed Biohazard Cleanup	No
Christy Lindquist	3	Director of Business Development	No
Joshua Parker	3	Construction Superintendent	No
Veronica Reinhardt	3	Retired Naval Officer	No
Charles Dean Roberts	2	Retired Sales Representative	Yes
Bill Romano	4	Retired Office Manager	No

Recommended Action:
APPOINT MEMBERS TO THE CODE ENFORCEMENT BOARD

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☐	Planning & Land Development Regulation Board* ** ♠
☒	Code Enforcement Board*	☐	Volunteer Firefighters' Pension Fund Board*
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee*	☐	Charter Review Committee
☐	Parks & Recreation Advisory Board		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☒ **Yes** ☐ **No**

1. **PERSONAL**

Name: Paulette B. Hatfield E-mail address hatfieldpaulette@aol.com

Residence Address: 18 Flametree Court District # 2

City: Palm Coast State: Florida Zip: 32137

Mailing Address (If Different from Residence): P.O. Box 321787

Home Phone 713-594-3583 Business Phone: –

Date of Birth: June 28, 1945 Place of Birth: Detroit, Michigan

How long have you been a permanent resident of Palm Coast? 2011 (moved in 2006 from Texas

What year did you become a continuous resident of the City of Palm Coast? 2011 (retired and stayed in

(Stayed with my Dad since 1985/1992 when we bought Palm Coast)

List all places of residence for the last five years. (4-houses)

Address	City & State	From	To
18 Flametree Court,	Palm Coast, Florida	2006	present

Are you a registered voter in Flagler County? ☒ Yes ☐ No

Have you ever used or been known by any other legal name? ☒ Yes ☐ No

If yes, explain: Paulette Bodenstedt (married in 1981)

Are you a citizen of the United States? ☑ Yes ☐ No

If no, explain:

If you are a naturalized citizen of the United States, date of naturalization:

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: travel Consultant

Occupation: travel agency Owner Current Employer: Retired

Current Business Address:

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Retired			

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☒ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment
—		

3. **EDUCATION**

High School: Bloomfield Hills High School (Name & Location) Year Graduated: 1963

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
Wayne State University	1963-'66	Detroit, Michegan
The Travel Institute	1972	GC-Certified Travel Counselor

4. **MILITARY SERVICE**

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☒ No

Date of Service: _____

Branch or Component: _____

Date and Type of Discharge:

5. **INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?**

Are you currently or have you ever served on any City Volunteer Board or Committee? ☒ Yes ☐ No

If yes, which Board or Committee? Code Enforcement Board March 2025-Sept 2026 term
Palm Coast Citizen's Academy Ambassador May 2024 to present

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

Palm Coast Citizen's Academy, Flagler County Citizen's Academy
Sheriff's Citizen's Academy all 2024 to present

6. **QUALIFICATIONS FOR APPOINTMENT**

State your experiences and interests or elements of your personal history that qualify you for this appointment.

I am honored to have been appointed to the Code Board unanimously. I have only missed one meeting to attend my husband's memorial. My term expires in September 2026 and I would be honored to be reappointed for a three year term. My knowledge of the City's codes and ordinances allows to the help educate the residents and be a team Board member.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☐ Yes ☒ No

—

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☒ No

—

Have you ever been elected or appointed to any public office? If yes, list below: ☒ Yes ☐ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government
Board Member of Code Enforcement Board	February 2025	March '25 - Sept '26	

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency
—		

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☒ No If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date
—			

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

—

Already being a Code Board Member for over a year + half has provided me with the insight and experience to move forward and continue to add wisdom to the Code Board. I love this city and wish to be the best advocate in the future.

What is your understanding of the relationship of this Board or Committee to the City Council?

As a Board member, we help the City of Palm Coast to educate the residents as to the City's ordinances and preserve the beauty of Palm Coast. The City Council sets the rules and the Board tries to educate the residents.

7. **REFERENCES – Please list three references (business and/or personal)**

ED Fuller 5 Cherokee Court, Palm Coast, Florida 859-285-0585
Name, Address & Telephone Number

Robin Moroni 92 Esperanto Dr, Palm Coast, Florida 609-605-0997
Name, Address & Telephone Number

Linette Gonzalez 20 Hametree Court, Florida 386-246-9954
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☒ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Paulette B. Hatfield
Signature

June 15, 2026
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**
EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

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From: PAULETTE HATFIELD hatfieldpaulette@aol.com
Subject: To the Palm Coast City Council
Date: Jun 22, 2026 at 7:58:57 AM
To: PAULETTE HATFIELD hatfieldpaulette@aol.com

I am very interested in being reappointed to the Code Enforcement Board but am unable to attend the July 20 Council meeting to speak on my behalf.

Please accept my application and know that I wish to continue volunteering for the Board to help my Community.

In gratitude, Paulette Hatfield



VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☐	Planning & Land Development Regulation Board* ** ♠
☑	Code Enforcement Board*	☐	Volunteer Firefighters' Pension Fund Board*
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee*	☐	Charter Review Committee
☐	Parks & Recreation Advisory Board		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ Yes ☑ No

1. PERSONAL

Name: Jonathon Lehman E-mail address jlehman084@gmail.com

Residence Address: 17 Whittlesey Lane District # _____

City: Palm Coast State: FL Zip: 32164

Mailing Address (If Different from Residence): _____

Home Phone _____ Business Phone: _____

Date of Birth: 08-24-1998 Place of Birth: Boca Raton, FL

How long have you been a permanent resident of Palm Coast? 10-2022

What year did you become a continuous resident of the City of Palm Coast? 2022

List all places of residence for the last five years.

Address	City & State	From	To
6700 Cypress Road	Plantation Florida	2020	2022
28 Navy Lane	Palm Coast, Florida	2022	2023
17 Whittlesey Lane	Palm Coast, Florida	2023	2026

Are you a registered voter in Flagler County? ☑ Yes ☐ No

Have you ever used or been known by any other legal name? ☐ Yes ☑ No

If yes, explain: _____

Are you a citizen of the United States? ☑ Yes ☐ No

If no, explain: _____

If you are a naturalized citizen of the United States, date of naturalization: _____

2. EMPLOYMENT HISTORY (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: Self Employed - Biohazard Cleanup

Occupation: Biohazard Cleanup Current Employer: 007 Alpha BioClean - Founder

Current Business Address: 17 Whittlesey Lane

Palm Coast (City) FL (State) 32164 (Zip) 954-667-5595 (Phone #)

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Self Employed	Marketing	Founder	2019 - 2025
Self Employed	Biohazard Cleanup	Founder	2025 - Present

Have you ever been employed by any state, district, or local governmental agency in Florida? ☑ Yes ☐ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment
Lifeguard	Fort Lauderdale	2014 - 2019

3. EDUCATION

High School: St. Thomas Aquinas High School (Name & Location) Year Graduated: 2016

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
University of North Florida	2016-2020	Bachelors of Finance + Financial Planning

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☑ No

Date of Service: _____

Branch or Component: _____

Date and Type of Discharge:

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☐ Yes ☑ No

If yes, which Board or Committee? _____

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

Victim Advocates of Florida

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

I understand the Bohazard + health threats to people that need to be enforced by code enforcement to make palm coast a healthier + safer place.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☑ Yes ☐ No

OSHA 10, Hazwoper, WRT, ASD, MRSR, PPE, Blood borne Pathogens.

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☑ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☑ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☑ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☐ No
If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

Yes, I believe with my experience in biohazards, I will be able to keep palm coast safe and healthy that other people including medical professionals can not provide.

What is your understanding of the relationship of this Board or Committee to the City Council?

Very familiar understanding.

7. **REFERENCES – Please list three references (business and/or personal)**

Sondra Hightower 1106 Rustic Oak Lane, Hensley, AR 72065 (Business) 501-912-6707
Name, Address & Telephone Number

Brandon Shepard 757 hunt club trl port orange FL 32127 (386) 682-8281 Business
Name, Address & Telephone Number

Fran Angivoli 21 Fayy Lane Palm Coast, FL (386) 503-8137 Personal
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☑ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Jonathan Lehman
Signature

7-29-2026
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**
EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

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Note about transcribed forms: this format exists to remove accessibility barriers, but some recipients prefer the original printed format. If you'd like help moving your entries into the original form, please use the live assistance options in the sidebar or contact the author.

 City of Palm Coast, Florida seal logo above the application title.

Volunteer Board and Committee Application

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee *	☐	Planning & Land Development Regulation Board * ** ♠
☑	Code Enforcement Board *	☐	Firefighters' Retirement System and Trust Board *
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Parks & Recreation Advisory Board	☐	Charter Review Committee
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.
** Appointees will also serve on the Citizens' Advisory Task Force
♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

All city boards and committees are subject to the Sunshine Law and Public Records Law.

Re-appointment

☐ Yes ☑ No

1. Personal

Name: Christy Lindquist	E-mail address mslindquist34@gmail.com	Residence Address: 10 Seville Orange Path
District #	City: Palm Coast	State: FL
Zip: 32164	Mailing Address (If Different from Residence):	Home Phone 270-218-3014
Business Phone:	Date of Birth: 07/22/1982	Place of Birth: Michigan

Revised 7/28/26

Note about this form: this form is shown as a record of what was originally submitted. The fields display the recorded entries and are not interactive.

How long have you been a permanent resident of Palm Coast?

What year did you become a continuous resident of the City of Palm Coast?

List all places of residence for the last five years.

Address	City & State	From	To

Voter registration

Are you a registered voter in Flagler County?

☐ Yes ☐ No

Other legal name

Have you ever used or been known by any other legal name?

☐ Yes ☐ No

If yes, explain:

Citizenship

Are you a citizen of the United States?

☐ Yes ☐ No

If no, explain:

If you are a naturalized citizen of the United States, date of naturalization:

2. Employment history

EMPLOYMENT HISTORY (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement:

Occupation:

Current Employer:

Current Business Address:

City

State

Zip

Phone #

Employment history during the last five years

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment

Government employment in Florida

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☐ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

Revised 7/28/26

3. Education

Education

High School: Lakeview High School

Year Graduated: 2000

Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
University of TX- Austin TX	2011	Continuing Education
Austin Community College	2009-2010	Business Administration

4. Military service

Military service

Are you or have you ever been a member of the Armed Forces?

☐ Yes ☑ No

Date of Service:

Branch or Component:

Date and Type of Discharge:

5. Interest/activities/community and/or civic involvement?

Interest/activities/community and/or civic involvement

Are you currently or have you ever served on any City Volunteer Board or Committee?

☑ Yes ☐ No

If yes, which Board or Committee?

New Business Owners- Chamber of Commerce

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years. Name of Organization(s)

First Baptist Church- Food Pantry organization

6. Qualifications for appointment

Qualifications for appointment

State your experiences and interests or elements of your personal history that qualify you for this appointment.

Director of business development 10+ years: Working with Universities, apartment communities, students, faculty, owners, residents, property management groups etc. I work with in house attorneys, review legalese, documents, agreements, and financial planning for accounts from thousands per year to millions in proceeds. I understand how to listen, advocate, and work together as a united front for the greater good. I am dedicated, hard working and trustworthy.

Revised 7/28/26

Additional content from previous item (6): Qualifications for appointment

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below.

☐ Yes ☐ No

If yes, list below.

Government office or position

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below:

☐ Yes ☐ No

Public office history

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☐ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Business dealings with city government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment?

☐ Yes ☐ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Occupational or professional licenses

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☐ No

If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing

authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

Statement of benefit to the Board or Committee

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

Revised 7/28/26

Additional content from previous item (6):

What is your understanding of the relationship of this Board or Committee to the City Council?

The board is to ensure the city, community, citizens and government find common ground to continue to maintain a healthy city. The board is there to establish that everyone can bring up concerns or new ideas in a healthy and engaging manner.

7. References

Please list three references (business and/or personal)

References

Name, Address & Telephone Number	Name, Address & Telephone Number	Name, Address & Telephone Number
Rene Gibson- business; 310-846-7527	Dan Moulton- business; 616-295-2790	Shelby Lindquist- personal; 270-218-5047

Revised 7/28/26

8. Acknowledgment

Acknowledgment

If required by law, will you file a financial disclosure statement?

☒ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Signature Christy Lindquist

Date 08/03/2026

NOTE: If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.

RETURN TO:

City Clerk
City of Palm Coast

160 Lake Ave.
Palm Coast, Florida 32164

PHONE: 386-986-3713

EMAIL: cityclerk@palmcoastgov.com
WEBSITE: www.palmcoastgov.com

All city boards and committees are subject to the Sunshine Law and Public Records Law.

SUNSHINE LAW: The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.

Revised 7/28/26

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CHRISTY LINDQUIST

☎ 270.218.3014 Mslindquist34@gmail.com

www.linkedin.com/in/christylindquist9

Professional Experience

National Director of Business Development 08/2017- Current WASH Multifamily Laundry Systems

Core duties- Support & lead multiple teams; improve customer retention; streamline & improve sales

- Grow university portfolio on national level
- Grow account sales teams on national level
- Improve customer loyalty and brand awareness
- Launched multiple new locations and parts distribution/remanufacturing center
- Build/support multiple new departments within sales
- Create companywide operating procedures for remanufacturing, sales, loyalty, and parts divisions
- Create SOP training reference manuals, guidelines, staffing needs, staffing budgets
- Lead multiple projects as part of the continuous improvement team
- Lease, sale, and rental end to end contract management
- Establish, support, and meet quarterly-annual budget for each team
- Manage, lead, and support multiples teams daily

Customer Service Manager 08/2015-04/2016 Ferrellgas

Core duties- Customer care group leadership, account manager support, customer retention support

- Remodel all 11 open offices in central and southern Michigan service unit
- Customer escalation, resolution, and retention
- Open 4 new locations: construction, staffing and marketing
- Slowed customer loss by 50% by increasing customer knowledge and improving employee morale
- Increased new customer growth by 62% by improved marketing and customer service coaching and standardization
- Create and maintain community involvement program for all service center locations

Customer Service & Operations Manager 07/2010-08/2015 Xycarb Ceramics

Core duties- Account management, Sales manager support, Executive level support

- Developed the current standard operating procedure for global customer service departments
- Reduced carbon footprint while lowering operating costs through six sigma project
- Standardized department roles, pay scales, and job specifications for customer service and inside sales department(s) globally
- Lead six sigma projects to improve on-time delivery: customer satisfaction with on time delivery; with continued current success at 95% for 2 years
- Produced standard training manual for new hires globally
- Improved inventory accuracy to 98% from 65% through Six Sigma project

Customer Service Manager 07/2008-09/2009 Isringhausen

Core duties- Inside sales, account management, government contract management

- Improved employee performance and effectiveness by implementing process improvement plans utilizing metric analysis

CHRISTY LINDQUIST

☎ 270.218.3014 Mslindquist34@gmail.com

www.linkedin.com/in/christylindquist9

- Reduced non-moving inventory by 25% implementation of forecasting
- Created standard training manual for new hires globally

Career highlights

- 15+ years' customer relations experience
- 15+ years' experience in training, coaching, hiring, recruiting
- 10+ years progressive management experience
- 10+ years HR generalist related daily functions
- 10+ years supporting sales team growth
- Built new 70,000 square foot distribution and production facility from location planning to grand opening
- Launched new 4500sqft business office in Texas Rangers, Globe Life stadium
- Stood up multiple new departments within the organization
- Recognized for increasing sales and supporting budgets
- Recognized for increasing customer satisfaction
- Recognized for exceeding company standards on employee satisfaction
- Six Sigma Champion on multiple green belt projects

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☐	Planning & Land Development Regulation Board* ♠
☒	Code Enforcement Board*	☐	Volunteer Firefighters' Pension Fund Board*
☐	Leisure Services Advisory Committee		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		
☐	River to Sea Transportation Planning Organization Advisory Committees: ☐ Citizens Advisory Committee (CAC) ☐ Bicycle and Pedestrian Advisory Committee (BPAC)		

* Appointees must file a Financial Disclosure Form 1 with the City Clerk at time of appointment and **ANNUALLY** thereafter with the Flagler County Supervisor of Elections.

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ Yes ☒ No

1. **PERSONAL**

Name: Joshua Parker E-mail address peak2pier@yahoo.com

Residence Address: 9 Slate Blue Place District # 3

City: Palm Coast State: FL Zip: 32164

Mailing Address (If Different from Residence): N/A

Home Phone (619) 980 5063 Business Phone:

Date of Birth: 05/21/1975 Place of Birth: Oklahoma City, Oklahoma

How long have you been a permanent resident of Palm Coast? 10 years

What year did you become a continuous resident of the City of Palm Coast? 2017

List all places of residence for the last five years.

Address	City & State	From	To
	See Resume		

Are you a registered voter in Flagler County? ☒ Yes ☐ No

Have you ever used or been known by any other legal name? ☐ Yes ☐ No

If yes, explain: N/A

Are you a citizen of the United States? ☒ Yes ☐ No

If no, explain: N/A

If you are a naturalized citizen of the United States, date of naturalization: _____

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: _____

Occupation: _____ Current Employer: _____

Current Business Address: _____

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
	SEE Resume		

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☒ No
If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment
	N/A	

3. **EDUCATION**

High School: _____ Year Graduated: _____
Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
	SEE Resume	

4. **MILITARY SERVICE**

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☒ No

Date of Service: _____

Branch or Component: N/A

Date and Type of Discharge:

5. **INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?**

Are you currently or have you ever served on any City Volunteer Board or Committee? ☐ Yes ☒ No

If yes, which Board or Committee? _____

N/A

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

Palm Coast Little League

6. **QUALIFICATIONS FOR APPOINTMENT**

State your experiences and interests or elements of your personal history that qualify you for this appointment.

Homeowner and previous construction manager in the City of Palm Coast, I have spoken with hundreds of residents and have come to learn and know what complaints need addressed.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☐ Yes ☐ No

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☒ No

N/A

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☒ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government
N/A			

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☒ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency
	N/A	

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

I am a decision maker. I have volunteered in the community. I have a deep understanding of the wants and needs of the community. I am experienced in residential builds and I am heavily involved in caring for my residence.

What is your understanding of the relationship of this Board or Committee to the City Council?

The board brings ideas & feed back to the City Council. The board makes suggestions as a representative of the community on a volunteer basis to the elected officials of the City Council.

7. **REFERENCES – Please list three references (business and/or personal)**

Name, Address & Telephone Number

Attached with Resume

Name, Address & Telephone Number

Name, Address & Telephone Number

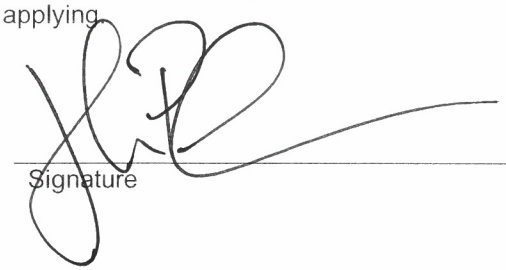
8. **ACKNOWLEDGMENT**

If required by law, will you file a financial disclosure statement? ☒ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.



Signature

6/24/2026

Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk's Office.**

RETURN TO:

City Clerk's Office
City of Palm Coast
160 Lake Avenue
Palm Coast, Florida 32164

PHONE: **386-986-3713**
FAX: **386-986-3714**
EMAIL: **CityClerk@palmcoastgov.com**
WEBSITE: **www.palmcoastgov.com**

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SUNSHINE LAW: **The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.**

Should you not be selected at this time, your application will be kept on file for consideration for six (6) months. Should you wish to be considered for another board, committee, or task force during that time, you must contact the City Clerk's Office and request reconsideration.

Joshua L. Parker | Executive Bio

Construction Superintendent & Project Manager Palm Coast, FL | (619) 980-5063 | PEAK2PIER@YAHOO.COM

Professional Overview

Joshua is a highly organized and reliable construction professional with over 8 years of dedicated experience in Superintendent and Construction Management roles. He possesses a proven track record of managing diverse project types, including high-density ground-up multifamily developments, luxury custom builds, and large-scale residential communities. Known for his proactive problem-solving and commitment to quality, Joshua excels at navigating complex logistical challenges—including pandemic-related supply chain disruptions—while maintaining high standards and transparent communication.

Core Expertise

- **Project Leadership:** Full lifecycle oversight from site stabilization to Certificate of Occupancy (CO).
- **Large-Scale Financial Oversight:** Direct management of capital projects valued at over **$43M**.
- **Operational Excellence:** Expert utilization of BuildPro and Mark Systems (ECI) for scheduling and vendor management.
- **Compliance & Safety:** Deep knowledge of Florida Building Codes and municipal inspections; **OSHA 30-Hour Construction Safety** certified.

Key Career Achievements

DLP Capital | On-Site Project Superintendent

- **$43M Multifamily Development:** Spearheaded the ground-up construction of a 97-unit duplex community.
- **Operational Efficiency:** Coordinated dozens of specialized subcontractors and vendors to maintain aggressive timelines.

SeaGate Homes | Construction Manager

- **Mass Portfolio Management:** Managed a diverse portfolio of 200+ residential units ranging from $200k to $800k+.
- **Community Leadership:** Acted as the multi-year lead for the Matanzas Lakes (107 homes) and Matanzas Coves (50 homes) subdivisions.
- **Quality Assurance:** Managed the "Vertical-to-Warranty" pipeline with a focus on zero-defect handovers and high customer satisfaction.

Adams Homes | Construction Superintendent

- **Logistical Coordination:** Simultaneously directed 20 concurrent builds across multiple geographic locations.

Community & Leadership

Joshua has been an integral part of the community as a **Volunteer Coach for Palm Coast Little League** since 2020. He is recognized by league leadership and peers for his integrity, fairness, and ability to serve as a positive role model while teaching teamwork and respect for the game.

Joshua L. Parker

Palm Coast, FL 32164 | (619) 980-5063 | peak2pier@yahoo.com

Professional Summary

Organized Construction and Management professional with over **8 years of experience** in superintendent roles. Expertise in managing single family residence to large-scale projects from inception to completion, including a **$43M+ multifamily development**. Skilled in subcontractor coordination, schedule optimization, and maintaining high-quality standards. Recognized for delivering projects on time and within budget while ensuring 100% compliance with building codes.

Core Competencies

- **Construction Types:** Ground-up, Multifamily (Duplex), Single-Family (Production, Spec, Semi-Custom, Custom, Luxury Residential). Ranging from mid $200k-$800k+
- **Project Leadership:** Operations Management, Project Management, Budget Management ($43M+), Schedule Optimization, Co-procurement, Warranty Oversight.
- **Technical & Safety:** OSHA 30-Hour Construction Safety, BuildPro, Mark Systems (ECI), Google Workspace, Google Project, Microsoft Office.
- **Operational Excellence:** Site Management, Office Management, Site Logistics, Subcontractor Management, Relationship Management, Quality Control.

Professional Experience

DLP Capital | On-Site Project Superintendent | 12/2024 – 01/2026

- Spearheaded ground-up construction of a **97-unit duplex apartment community** valued at **$43M**, managing all phases from site stabilization to vertical completion.
- Supervised build-outs, ensuring **100% compliance** with multifamily building codes and high-density specifications.
- Coordinated dozens of staff, specialized vendors and subcontractors to align efforts with aggressive timelines on large-scale capital project.
- Managed the change order process, including pricing, negotiation, and resource allocation to maintain budget integrity.

SeaGate Homes | Construction Manager / Superintendent | 10/2018 – 10/2024

- Managed a **200+ residential unit portfolio** in scattered lots up to 3,500 sq. ft..
- Served as lead for 2 years on **Matanzas Lakes (107 homes)** and directed a 6-month lifecycle for **Matanzas Coves (50 homes)**.

- Navigated project timelines through pandemic-related supply chain disruptions by maintaining continuous client communication.
- Managed the "Vertical-to-Warranty" pipeline, prioritizing **zero-defect handovers** to enhance customer satisfaction.

Adams Homes | **Construction Superintendent** | 10/2017 – 10/2018

- Directed **20 concurrent builds** across multiple locations, managing complex logistical trade scheduling for scattered-lot production.
- Delivered homes on strict timelines to meet rapid production delivery targets.
- Supervised subcontractors to maintain quality, safety, and workflow efficiency.

Lakeview Estates | **Maintenance Supervisor** | 02/2017 – 09/2017

- Supervised daily maintenance operations, staff schedules, and property ground maintenance for a large estate.
- Conducted regular safety inspections and managed inventory for tools and equipment.

Self-Employed / Business Owner | **Operations Manager** | 01/2009 – 01/2016

- Directed operations for multiple ventures (JPLandscapes, Peak2Pier Board Sports, Parker Clean Out Services, and The BobbleShop SD), focusing on operational efficiency and client relations.

Key Technical Expertise

- **Site Operations:** Planning, site mobilization, final punch-out, and certificate of occupancy (CO) procurement.
- **Safety & Compliance:** Implementation of Company Safety Programs, regular site safety audits, and tool-box talks.
- **Administrative Proficiency:** Authoring daily logs, job diaries, and bi-weekly subcontractor payment approvals.

Education & Community Leadership

- **High School Diploma** | Del City High School, Del City, OK
- **Coursework in Police Sciences** | Oklahoma State University, Oklahoma City, OK
- **Volunteer Coach** | Palm Coast Little League (2020–2025)

Josh Parker References

- **Aaron Daley**, SeaGate Homes, Vice President of Construction
  (386)931-5781 Adaley@SeaGateHomes.com
- **Bob Smith**, SeaGate Homes, Director of Construction
  (386)931-6171 Bsmith@SeaGateHomes.com
- **James Manford**, RBI Homes, Previous Coworker at SeaGate Homes
  (386)346-5405
- **Johanna Gutierrez**,Friend
  (305)989-8594
- **Lou Marino**, SeaGate Homes Construction Manager
  (386)931-6563 LMarino@SeaGateHomes.com
- **Mark Mac Farlane**, Friend, Assistant Coach (Palm Coast Little League)
  (386)264-2090
- **Nick Bower**, SeaGate Homes, Construction Manager, Friend
  (386)405-1160 NBower@SeaGateHomes.com
- **Paul King**, Friend, Assistant Coach & Head Coach (Palm Coast Little League
  (386)585-0377 Pking003@protonmail.com
- **Zach Johnson**, DLP Capital, Assistant Superintendent
  (910)585-0377 zach.johnson1994@outlook.com

December 2, 2024

To Whom This May Concern,

I trust this letter finds you well. I am writing to bring to your attention the commendable efforts of Josh Parker, who has been a volunteer coach for Palm Coast Little League since 2020.

Josh has been an integral part of our community, dedicating time and expertise to coaching baseball teams and actively engaging in our community.

Through his role as a coach, Josh has not only demonstrated a profound understanding of the sport but has also exhibited qualities of fairness, integrity, and leadership. These attributes have not only enriched the sporting experiences of our players but have also positively influenced our community.

I appreciate your time and consideration in reviewing this letter. If you require any additional information or references, please feel free to contact me at PalmCoastLittleLeague1@gmail.com.

Thank you for your attention to this matter, and we look forward to the continued support of individuals like Josh who make the time for our teams, but also teach them to respect and love the game of baseball.

Best regards,

Tiffany Schmidt
Palm Coast Little League President
(320) 247-3476

Zachary Johnson March 06, 2026

RE: Professional Reference for Joshua Parker

To Whom It May Concern,

I am pleased to write this letter of recommendation for Joshua Parker based on my experience working under his leadership at DLP Capital. During my time working with Joshua while he served as a Project Superintendent, I had the opportunity to see firsthand the level of professionalism, leadership, and dedication he brings to every project and every member of his team.

Joshua consistently demonstrated exceptional organizational skills and a deep understanding construction management. He maintained clear communication across crews, subcontractors, and management, ensuring that projects stayed on schedule and met high quality standards. His ability to coordinate multiple moving parts on a job site while maintaining safety and efficiency made him a respected leader among the entire team.

One of Joshua's strongest qualities is his leadership style. He leads by example, remaining calm under pressure and always willing to step in to solve problems when challenges arise. He treats every member of the team with respect and encourages collaboration, which creates a positive and productive work environment. As someone who reported to him, I always felt supported and motivated to perform at my best.

Joshua also has a strong eye for detail and a commitment to doing things the right way the first time. His knowledge of construction processes, scheduling, and jobsite management helped ensure that projects were completed efficiently and to a high standard. His dedication to accountability and quality control was evident in every project he managed.

I highly recommend Joshua Parker for any role requiring strong leadership, project management expertise, and commitment to excellence in construction. Any organization would benefit from his experience, integrity, and ability to lead teams successfully.

Please feel free to contact me if additional information is needed.

Sincerely,

Zachary Johnson

910-705-2073

zach.johnson1994@outlook.com

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☐	Planning & Land Development Regulation Board* ** ♠
☑	Code Enforcement Board*	☐	Firefighters' Retirement System and Trust Board*
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Parks & Recreation Advisory Board	☐	Charter Review Committee
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☐ **Yes** ☑ **No**

1. **PERSONAL**

Name: Veronica Reinhardt E-mail address Veronica.E.Reinhardt@gmail.com

Residence Address: 15 Eastlake Drive District #

City: Palm Coast State: Florida Zip: 32137

Mailing Address (If Different from Residence):

Home Phone 850-910-0001 Business Phone:

Date of Birth: 6 Sept. 1956 Place of Birth: Boston, Mass

How long have you been a permanent resident of Palm Coast? 5 1/2 years

What year did you become a continuous resident of the City of Palm Coast? 2021

List all places of residence for the last five years.

Address	City & State	From	To
15 Eastlake Drive, Palm Coast, Fl 32137		Feb 2021	present

Are you a registered voter in Flagler County? ☑ Yes ☐ No

Have you ever used or been known by any other legal name? ☑ Yes ☐ No

If yes, explain: Maiden Name: Veronica Wood
Prev marriage: Veronica Melillo

Are you a citizen of the United States? ☑ Yes ☐ No

If no, explain:

If you are a naturalized citizen of the United States, date of naturalization:

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: Naval Officer, U.S. Navy

Occupation: Current Employer:

Current Business Address:

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address	Type of Business	Occupational Title	Period of Employment
Retired			

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☑ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment. ✓

Position	Employee Agency	Period of Employment

3. **EDUCATION**

High School: Middletown H.S.; Middletown, R.I. (Name & Location) Year Graduated: 1974

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
Santa Rosa Jr College	1974-76	Assoc of Science, Biology
Univ of State of NY	1977-1981	BS Business /Economics
Webster Univ	1978 - 2002	MBA
Webster Univ	1978 - 2002	Masters in Resource Mgt

4. **MILITARY SERVICE**

Are you or have you ever been a member of the Armed Forces? ☑ Yes ☐ No

Date of Service: 1978 - 2002

Branch or Component: U.S Navy

Date and Type of Discharge: Jan 2002 Retired, Honorable Discharge

5. **INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?**

Are you currently or have you ever served on any City Volunteer Board or Committee? ☐ Yes ☑ No

If yes, which Board or Committee?

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

Univ of Florida/IFAS Master Gardener Volunteer Pgm; Grand Haven Master Architectural Review Committee; Disabled American Veterans (DAV); Audubon Society US Dressage

6. **QUALIFICATIONS FOR APPOINTMENT**

State your experiences and interests or elements of your personal history that qualify you for this appointment.

I served for 23 years as a Commisssioned Officer in the U.S. Navy, including assignments as a Legal Officer, Executive Officer, and Commanding Officer. These positions required me to interpret regulations, evaluate evidence, exercise sound judgement & make fair and reasonable decisions. I hold an MBA & a Master's Degree in Resource Mgt. I also served 4 years on the Grand Haven Architectural Review Committee, where I gained substantial familiarity with the Palm Coast Unified Land Development Code, community architectural standards & applicable Florida Laws. As a UF/IFAS Master Gardener Volunteer, I remain actively involved in community service, Environmental and Public Education. I would be honored to apply my leadership, analytical, regulatory and community-based experience on behalf of the City of Palm Coast.

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☑ Yes ☐ No

UF/IFAS Master Gardener Volunteer

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☐ Yes ☑ No

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☑ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☑ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☑ No
If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

My education, military leadership, legal-officer experience, and service on the Grand Haven Architectural Review Committee have prepared me to analyze evidence, interpret governing rules, listen carefully to all parties, and make fair, consistent and well-reasoned decisions. I understand that the primary purpose of Code Enforcement is to obtain voluntary compliance whenever possible, while protecting the community and respecting due process and individual property rights. I understand the Board's quasi-judicial role and am fully willing to serve as an impartial decision-maker , not an advocate, basing each decision solely on the evidence presented and the applicable law.

What is your understanding of the relationship of this Board or Committee to the City Council?

The City Council appoints the members of the Code Enforcement Board and adopts the ordinances and policies the Board is responsible for applying. The Board does not create City Policy or advocate for either party. It operates independently in a quasi-judicial capacity, hearing evidence & determining whether a violation exists and what action is authorized by law to achieve compliance. The Board must apply the City's duly adopted codes fairly, consistently, and impartially, while respecting due process and the limits of its statutory authority.

7. **REFERENCES – Please list three references (business and/or personal)**

Joanna Salkovitz - Former Chair, Grand Haven Architectural Review Committee,
11 Hidden Lake Way, Palm Coast, FL 386-986-5293
Name, Address & Telephone Number

Anthony Zara, - 104 Forest Point Lane, Longwood, FL 32779 407-252-4181
Name, Address & Telephone Number

Nancy Blank - 13075 Via Flavia, Placida, Fl 33946 941-320-2601
Name, Address & Telephone Number

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☑ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.



Signature

7 August 2026

Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**

EMAIL: cityclerk@palmcoastgov.com
WEBSITE: **www.palmcoastgov.com**

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

SUNSHINE LAW: **The primary purpose of Government in the Sunshine Law is to assure public access to the decision-making processes of public boards and commissions. The Sunshine Law extends to discussions and deliberations as well as to formal actions taken by boards and commissions.**

VOLUNTEER BOARD AND COMMITTEE APPLICATION

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

☐	Beautification & Environmental Advisory Committee*	☐	Planning & Land Development Regulation Board* ** ♠
☑	Code Enforcement Board*	☐	Volunteer Firefighters' Pension Fund Board*
☐	Citizen's Advisory Committee	☐	Bicycle and Pedestrian Advisory Committee
☐	Residential Drainage Citizen Advisory Committee*	☐	Charter Review Committee
☐	Parks & Recreation Advisory Board		
☐	Flagler County Housing Task Force/Affordable Housing Advisory Council: ☐ Citizen from the City of Palm Coast representing essential services personnel ☐ Representative of residential home building industry		

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

ALL CITY BOARDS AND COMMITTEES ARE SUBJECT TO THE SUNSHINE LAW AND PUBLIC RECORDS LAW.

RE-APPOINTMENT ☑ Yes ☐ No

1. **PERSONAL**

Name: CHARLES DEAN ROBERTS E-mail address deanrob369@YAHOO.COM

Residence Address: 18 COLECHESTER LANE District # _____

City: PALM COAST State: FLA. Zip: 32137

Mailing Address (If Different from Residence): _____

Home Phone 386-446-9428 Business Phone: _____

Date of Birth: 5/10/40 Place of Birth: PATERSON, N.J.

How long have you been a permanent resident of Palm Coast? 27 yrs

What year did you become a continuous resident of the City of Palm Coast? 1979

List all places of residence for the last five years.

Address	City & State	From	To
18 COLCHESTER LANE	PALM COAST	FLA	32137

Are you a registered voter in Flagler County? ☑ Yes ☐ No

Have you ever used or been known by any other legal name? ☐ Yes ☑ No

If yes, explain: _____

Are you a citizen of the United States? ☑ Yes ☐ No

If no, explain: _____

If you are a naturalized citizen of the United States, date of naturalization: _____

2. **EMPLOYMENT HISTORY** (A résumé may be attached at the option of the applicant) (If retired, please still list your previous occupation and employment history.)

If retired, please list your occupation before retirement: BLDG MAT'L SALES

Occupation: _____ Current Employer: _____

Current Business Address: _____

City State Zip Phone #

List all of your employment history during the last five years. Include employers' name, business address, type of business, occupation, or job title and period(s) of employment.

Employer & Address Type of Business Occupational Title Period of Employment

Have you ever been employed by any state, district, or local governmental agency in Florida? ☐ Yes ☐ No
If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position Employee Agency Period of Employment

3. EDUCATION

High School: FAIRLAWN H.S Year Graduated: 1958
Name & Location

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
FAIRLEIGH DICKINSON UNIVER	1960	BA & M. DEGREE-BUS ADMIN

4. MILITARY SERVICE

Are you or have you ever been a member of the Armed Forces? ☐ Yes ☑ No

Date of Service: _____

Branch or Component: _____

Date and Type of Discharge:

5. INTEREST/ACTIVITIES/COMMUNITY AND/OR CIVIC INVOLVEMENT?

Are you currently or have you ever served on any City Volunteer Board or Committee? ☑ Yes ☐ No

If yes, which Board or Committee? CODE ENFORCEMENT

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

6. QUALIFICATIONS FOR APPOINTMENT

State your experiences and interests or elements of your personal history that qualify you for this appointment.

CHAIRMAN CODE ENFORCEMENT

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below: ☐ Yes ☑ No

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below: ☑ Yes ☐ No

CODE ENFORCEMENT

Have you ever been elected or appointed to any public office? If yes, list below: ☐ Yes ☑ No

Office Title	Date of Election or Appointment	Term of Office	Level of Government

Have you or a business of which you have been an owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with City government, including the office or agency to which you have been appointed or are seeking appointment? ☐ Yes ☑ No If yes, explain below:

Name of Business	Relationship to the Business	Business Relationship to Agency

Have you held or do you hold any occupational or professional licenses(s) in the State of Florida? ☐ Yes ☑ No If yes, provide the information below. If any disciplinary action (fine, probation, suspension, revocation, disbarment, etc.) has been taken against you by the issuing authority, state the type and date of this action.

License/certificate Title & No.	Original Date of Issuance	Issuing Authority	Disciplinary Action/Date

How do you believe that your education, experience, talents and skills will benefit the work of the Board or Committee and are you willing to act as a decision maker and not as an advocate, if required by law?

What is your understanding of the relationship of this Board or Committee to the City Council?

CODE ENFORCEMENT IS A COMPLETE DEPT. ALONG WITH ANIMAL CONTROL

7. **REFERENCES – Please list three references (business and/or personal)**

BARBARA GROSSMAN, P.C. CODE ENFORCEMENT MGR
Name, Address & Telephone Number

DR MATT DORMAN, 9 PINECONE DR, P.C. 32137 PHONE 445-[illegible]9191
Name, Address & Telephone Number

VINNY & GLORIA PILKINGTON, 82 FOXHALL LANE, P.C. FLA 32137
Name, Address & Telephone Number

DR ROOT, TOMOKA EYE, 21 HOSPITAL DR., P.C. 386-586-3711

8. ACKNOWLEDGMENT

If required by law, will you file a financial disclosure statement? ☑ Yes ☐ No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Charles Dean Roberts
Signature

6/19/2026
Date

NOTE: **If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.**

RETURN TO: **City Clerk**
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

PHONE: **386-986-3713**

EMAIL: cityclerk@palmcoastgov.com
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Volunteer Board and Committee Application

Thank you for your interest in serving the City of Palm Coast.

Your completion of this application is necessary so that the members of the City Council can thoroughly review each application as part of their consideration of your appointment.

Please be advised that background screening of all applicants is required.

Résumés may be attached.

Please check the Board/Committee/Council for which you are applying:

- [ ] Beautification & Environmental Advisory Committee *
- [x] Code Enforcement Board *
- [ ] Citizen's Advisory Committee
- [ ] Residential Drainage Citizen Advisory Committee *
- [ ] Parks & Recreation Advisory Board
- [ ] Planning & Land Development Regulation Board * ** ♠
- [ ] Volunteer Firefighters' Pension Fund Board *
- [ ] Bicycle and Pedestrian Advisory Committee
- [ ] Charter Review Committee

Flagler County Housing Task Force/Affordable Housing Advisory Council:

- [ ] Citizen from the City of Palm Coast representing essential services personnel
- [ ] Representative of residential home building industry

* Appointees must file a Financial Disclosure Form 1 at time of appointment and **ANNUALLY** thereafter with the Florida State Commission on Ethics.

** Appointees will also serve on the Citizens' Advisory Task Force

♠ Requires at least one board member to be appointed from **EACH** City Council District, when possible.

All city boards and committees are subject to the Sunshine Law and Public Records Law.

Re-appointment

☐ Yes ☑ No

1. Personal

Name: bill romano

E-mail address

bromano814@gmail.com

Residence Address: 27 RICHARDSON DR

District #

City: Palm Coast

State:

FL

Zip:

32164

Mailing Address (If Different from Residence):

27 RICHARDSON DR

Home Phone 3153837146

Business Phone:

Additional content from previous item (1. Personal):

Date of Birth: 08/14/1948

Place of Birth: Jersey City, NJ

How long have you been a permanent resident of Palm Coast?

4 years

What year did you become a continuous resident of the City of Palm Coast?

2022

List all places of residence for the last five years.

Address	City & State	From	To
11 EDGEWOOD DR	Baldwinsville, NY	1978	2022

Are you a registered voter in Flagler County?

◉ Yes ○ No

If yes, identify the position(s), the name(s) of the employing agency and the period of employment.

Position	Employee Agency	Period of Employment

Additional content from previous item (continued):

3. Education

High School: WEST HIGH SCHOOL AUBURN NY Year Graduated: 1967

List postsecondary educational institutions or programs attended:

Name & Location	Dates Attended	Certificate/Degrees Received
SUNY	1971	Bachelor of Education
RIT	1975	Communications

4. Military Service

Are you or have you ever been a member of the Armed Forces?

○ Yes ◉ No

Date of Service:

Branch or Component:

Date and Type of Discharge:

5. Interest/Activities/Community and/or Civic Involvement

Are you currently or have you ever served on any City Volunteer Board or Committee?

○ Yes ◉ No

If yes, which Board or Committee?

List any business, professional, occupational, civic, or fraternal organizations or community groups of which you have been a member during the past five (5) years.

Name of Organization(s)

*. PUBLIC RELATIONS SOCIETY OF AMERICA
*. NATIONAL ASSOC OF EMTs
*. NATIONAL ASSOCIATION OF REALTORS
*. FLAGLER COUNTY SHERIFFS ALUMNI ASSOCIATION.
*. Volunteer with Advent Hospital

6. Qualifications for Appointment

State your experiences and interests or elements of your personal history that qualify you for this appointment.

I have come to appreciate this community so much and would be honored to help continue its monitored and controlled growth.

Additional content from previous item:

Have you received any degree(s), professional certification(s), or designation(s) related to the subject matter of this appointment? If yes, list below:

☐ Yes ☑ No

If yes, list below

Do you currently hold any office or position (appointive, civil service, or other) with any government entity? If yes, list below:

☐ Yes ☑ No

If yes, list below

Additional content from previous item:

What is your understanding of the relationship of this Board or Committee to the City Council?

7. References – Please list three references (business and/or personal)

Name, Address & Telephone Number	Linda Christopher. 12 Minnow Dr Ormond Beach 864-979-7294
Name, Address & Telephone Number	Janet Gordon. 18 Boxwood, Palm Coast 315-383-2204
Name, Address & Telephone Number	Steve Andrade, 2 Florida Park dr, 386-986-8938

8. Acknowledgment

If required by law, will you file a financial disclosure statement?

- (●) Yes
- ( ) No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

8. Acknowledgment

If required by law, will you file a financial disclosure statement?

- (●) Yes
- ( ) No

I understand the responsibilities associated with being a member of a City Board or Committee and that I may be subject to financial disclosure laws and ex parte communications rules and that I will be subject to the Code of Ethics for Public Officers and Employees and City rules of conduct.

I certify that I have adequate time to serve if appointed and that I will serve in accordance with the requirements of the Board or Committee to which I am appointed.

Further, by executing this application below, I am authorizing City staff to perform a personal background screening, which shall include a general criminal records check and other checks relative to the board or committee for which I am applying.

Signature

William "Bill" J. Romano

Date

July 28, 2026

Note: If you have questions concerning the duties and responsibilities of any of the above Boards or Committees please contact the City Clerk.

Return to:

City Clerk
City of Palm Coast
160 Lake Ave.
Palm Coast, Florida 32164

Phone: 386-986-3713

Email: cityclerk@palmcoastgov.com

Website: www.palmcoastgov.com

All city boards and committees are subject to the Sunshine Law and Public Records Law.

Sunshine Law: The primary purpose of Government in the Sunshine Law is to assure public

RESUME: Bill Romano

27 Richardson Dr
Palm Coast, FL 32164
bromano814@gmail.com
+1 315 383 7146

Retired Office Manager and Exam Proctor with extensive experience in health care, sales, senior living and customer service as retail sales associate, administrative assistant and project coordinator.

Work Experience- Retired

- Berkshire Hathaway Realtor® 2022 - present. Licensed Agent.

- TJ MAXX - Returns specialist and retail cashier; temporary 11/25 present.

- Pearson Vue Testing Centers - East Syracuse, NY May 2016 to July 2022
Part time Exam proctor and test administrator.

- Part time Independent driver for physicians to offsite clinics - Upstate Medical University; Syracuse, NY

Work Experience- Full Time

- SUNY Upstate Medical University - Syracuse, NY 2011 to 2022

Manager Administration Vascular Surgery department.

- WYNIT Distribution, LLC - Syracuse, NY January 2005 to 2011

Trade Show Manager for all U. S. Trade show design and implementation including travel, staff and all accommodations.

- Assisted Living Center Maple Downs - Fayetteville, NY January 2004 to January 2005

Recreational Director & Driver for Independent Senior Living facility.

- Niagara Mohawk Power Corp. Syracuse NY. 1994 to 2004.

Public Relations Director & Media spokesperson.

Education

Postgraduate Degree in Communications

- R. I. T. - Rochester, NY

May 1980 to June 1983

Skills

- MS Office
- Writing, Typing, data management
- Office systems organization
- Public communications
- Retail Sales

Previous Certifications:

- Accredited Public Relations,
- EMT volunteer and training director for North Seneca Ambulance.. CPR
- FCSO COPS volunteer
- Volunteer Greeter Advent Health- Parkway facility

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026

Agenda Item:
I.1

Department **Division**	COMMUNITY DEVELOPMENT PLANNING	**Amount** **Org/Account #**	
Subject:	ORDINANCE 2026-XX AMENDING THE UNIFIED LAND DEVELOPMENT CODE		
Presenter:	**Jose Papa, AICP, Senior Planner, Phong Nguyen, PTP, Planning Manager**		

Attachments:

1. Presentation-LDC Adoption,
2. Ordinance-LDC Adoption,
3. Exhibit A to Ordinance-All amendments strike thru and underline,
4. Summary of Amendments from Sept 8 CC Workshop
5. Clean Version of Updated Chapters

Background:

UPDATED BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:

City Council heard this item at the September 8, 2026, Workshop Meeting and requested changes that are attached to this item.

ORIGINAL BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:

In May 2025, the City completed and adopted the update of the Comprehensive Plan. In order to implement the goals, objectives, and policies of the 2050 Comprehensive Plan, the Land Development Code (LDC) needed to be updated.

Staff as part of the LDC update conducted a series of public workshops with the Beautification and Environmental Advisory Committee (BEAC), the Planning and Land Development Regulation Board (PLDRB), and City Council. The purpose of these meetings was to present a draft of the proposed LDC amendments and to receive comments on additional changes that may be considered as an amendment to the LDC. Additionally, each chapter of the LDC was posted on Social Pinpoint platform as a means to solicit comments from the general public and other stakeholders.

At this point in the process, staff has presented to City Council all proposed amendments to the Land Development Code. Any additional amendments from the City Council workshop scheduled for September 8 will be provided by staff at the public hearing.

The Planning and Land Development Regulation Board held a public hearing on August 19, 2026. After review and public comment, the PLDRB did not have any additional changes to the proposed amendments.

This is a legislative item.

Recommended Action:
THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD RECOMMENDS APPROVAL OF THE AMENDMENTS TO THE LAND DEVELOPMENT CODE.

Land Development Code Amendments

City Council Public Hearing

September 15, 2026

Land Development Code Amendments

Staff has presented to City Council all proposed amendments to the Land Development Code. Additional amendments from the September 8 City Council workshop has been summarized in Table attached to the Agenda Package.

The following items will be brought forward after the adoption of the LDC updates:

- An ordinance to address performance standards for Data Centers
- An ordinance to establish penalties and fines for unpermitted tree removal
- Research and Analysis to address “parcelization” of projects to avoid LDC review process

Land Development Code Amendments - Recommendation

The Planning and Land Development Regulation Board (PLDRB) recommends that City Council Approve the amendments to the Unified Land Development Code (ULDC)

Land Development Code Amendments

Next Steps

- **City Council 1st reading – September 15**
- City Council 2nd reading – October 6

ORDINANCE 2026-XX
AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE (LDC)

AN ORDINANCE AMENDING THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE CHAPTERS 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, AND 14; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Coast enacted Ordinance 2025-06, adopting the *City of Palm Coast 2050 Comprehensive Plan* which includes the City of Palm Coast Future Land Use Map (FLUM), which Plan and FLUM have been amended from time-to-time; and

WHEREAS, the Florida Statutes 163.3202 states that each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan and

WHEREAS, the City staff created a set of proposed amendments that were provided for public comment and discussion through workshops with the City of Palm Coast Beautification and Environmental Advisory Board, the Planning and Land Development Regulation Board, the social pinpoint platform to solicit public input from the general public and other stakeholders; and

WHEREAS, additionally, the City Council of the City of Palm Coast is acting in accordance with the provisions Article VIII, Section 2(b) of the Constitution and of Section 166.021(1), Florida Statutes, which provides for home rule authority; and

WHEREAS, the Planning and Land Development Regulation Board held a duly advertised public hearing on August 19, 2026 and recommends that the City Council Approve the proposed amendments to the Land Development Code; and

WHEREAS, the City of Palm Coast has complied with all requirements and procedures of Florida law in processing, noticing and advertising 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. AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE

The Proposed Amendments to the Land Development Code are provided in Exhibit "A" which includes Chapters 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, and 14 of the Land Development Code and is hereby adopted into the text of this Ordinance.

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

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 Unified Land Development Code 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. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED on first reading this 15th day of September 2026.

ADOPTED on second reading after due public notice and hearing thi**s** 6th day of October 2026.

ATTEST:

KALEY COOK, CITY CLERK

CITY OF PALM COAST

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY

EXHIBIT "A"

Chapters 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, and 14 of the Land Development Code

PART I. - REVIEW AUTHORITY AND ENFORCEMENT

Sec. 2.01. - Purpose and Intent.

The purpose of this Part is to establish the administrative structure for the implementation and enforcement of the Land Development Code.

Sec. 2.02. - Review Authorities.

The following review authorities are established to administer the provisions of this LDC under the authority prescribed by this LDC and Florida law.

2.02.01. *City Council.* In addition to any authority granted to the City Council by state law or the Code of Ordinances of the City of Palm Coast, the City Council shall have the following powers and duties with regard to this LDC:

A. To provide for the approval or denial of applications promoting orderly development consistent with the City's Comprehensive Plan and this LDC.

B. To provide for the approval or denial of subdivision plans and other development plans consistent with the Comprehensive Plan and this LDC.

C. To conduct public hearings as may be necessary in the discharge of its duties.

D. To amend this LDC, after review and recommendation of the Planning and Land Development Regulation Board.

E. To hear and decide appeals pertaining to decisions of the Planning and Land Development Regulation Board.

F. To set fees as necessary to implement the provisions of this LDC.

G. To assess enforcement penalties for failure to comply with this LDC.

H. To take such other action not delegated to decision-making and administrative bodies designated in this LDC, as the City Council may deem desirable and necessary to implement the provisions of this LDC and the Comprehensive Plan.

2.02.02. *Planning and land development regulation board.* Chapter 2, Article V, Division 5 of the City of Palm Coast Code of Ordinances establishes the Planning and Land Development Regulation Board. In addition to the membership and duties specified in the Code of Ordinances, the Planning and Land Development Regulation Board shall meet the following requirements:

A. *Membership.*

1. The members of the Planning and Land Development Regulation Board shall reside in the City.

2. At least one Planning and Land Development Regulation Board shall be appointed from each City Council district.

3. No Planning and Land Development Regulation Board member shall serve in office for more than two consecutive four-year terms. A member whose term expires may continue to serve until a replacement is appointed.

4. Membership shall be based on experience or interest in the field of planning and zoning and may include the following occupations, when feasible. In no event, however, shall the Planning and Land Development Regulation Board include more than two members from the same field:

a. An architect or a landscape architect;

b. An engineer;

c. A realtor or a developer;

d. An environmentalist; and

e. A lawyer.

B. *Removal from office.*

1. Planning and Land Development Regulation Board members shall serve at the pleasure of the City Council.

2. If a member of the Planning and Land Development Regulation Board is absent for three regularly scheduled meetings without being excused prior to said meeting by the chair or who misses a total of five meetings in any 12 consecutive months, said member shall forfeit his or her office and it shall be deemed vacant.

3. Any vacancy occurring during the unexpired term of office of any member shall be filled by the City Council for the remainder of the term.

C. *Powers and duties.* The Planning and Land Development Regulation Board shall have the following powers and duties:

1. Hear applications for Comprehensive Plan amendments, zoning map amendments, master planned developments, master plans, special exceptions, and variances.

2. The Planning and Land Development Regulation Board is hereby designated as the local planning agency as required by F.S. §~~§ 163.3161 and~~ 163.3174. The Planning and Land Development Regulation Board shall prepare, or cause to be prepared, the elements of the Comprehensive Plan as required in F.S. § 163.3177, and any other appropriate elements, and shall make recommendations regarding the Comprehensive Plan to the City Council. It shall have the general responsibility for the conduct of the Comprehensive Planning Program, monitoring and overseeing the effectiveness and status of the Comprehensive Plan, and recommending to the City Council such changes in the Comprehensive Plan as may, from time-to-time, be required. It shall perform any other duties assigned by the City Council and may prepare and recommend to the City Council any other proposals to implement the Comprehensive Plan.

3. The Planning and Land Development Regulation Board is hereby also designated as the land development regulation board in accordance with the provisions of F.S. §~~§ 163.3161 and~~ 163.3194. The Planning and Land Development Regulation Board shall develop and recommend to the City Council land development regulations that implement the Comprehensive Plan and amendments thereto for consistency with the Comprehensive Plan. Amendments to the Land Development Code that relate purely to technical matters shall be considered on the basis of the technical matters submitted only.

2.02.03. *Land Use Administrator.*

A. The Land Use Administrator shall review and act upon any and all applications for development orders and permits that are issued by any person or body other than the City Council or the Planning and Land Development Regulation Board in which cases the Land Use Administrator shall provide for reviews and recommendations as appropriate.

B. The Land Use Administrator is authorized to make necessary interpretations of this LDC and to interpret the permissible, prohibited, and special exception land uses listed in each zoning district upon a written request for an interpretation being submitted to the Land Use Administrator together with any prescribed fee. The request shall contain sufficient information to enable the Land Use Administrator to make the necessary interpretation.

C. The Land Use Administrator is authorized to interpret the zoning map and to act upon disputed questions of district boundary lines and similar questions upon an application for an interpretation being submitted to the Land Use Administrator together with any prescribed fee. The application shall contain sufficient information to enable the Land Use Administrator to make the necessary interpretation.

Table 2-1—Development Order Approvals

DEVELOPMENT LEVEL	DEVELOPMENT TYPE/INTENSITY	FINAL APPROVAL AUTHORITY
MINOR Tier 1: Nonresidential ~~projects~~ site plans up to 40,000 square feet of building and/or multi-family residential projects not to exceed 40 residential units	Administrative Deviation of Standards	Land Use Administrator [1]
	Nonstatutory Subdivisions	
	Preliminary and Final Plats (regardless of the number of units are Tier 1)	
	Technical Site Plans for Tier 1 developments; Tier 2 developments with an approved Master Site Plan; and Tier 3 developments with an approved Master Site Plan	
	Subdivision Master Plans for nonresidential and for residential up to 100 units	
	Developments pursuant to the Live Local Act regardless of size or number of units	
MODERATE Tier 2: Nonresidential ~~projects~~ site plans over 40,000 square feet of building up to 100,000 square feet of building and/or multi-family residential projects over 41 residential units not to exceed 100 units	Special Exceptions	Planning and Land Development Regulation Board
	Variances	
	Master Site Plans for Tier 2 Developments	
	Technical Site Plans for Tier 2 developments without a master plan	
	Nonresidential Controlling Master Site Plans for Tier 2 developments	
	Subdivision Master Plans for	

	residential greater than 100 units	
MAJOR Tier 3: Nonresidential ~~projects~~ site plans over 100,000 square feet of building and/or multi-family residential projects over 100 residential units	Vested Rights Determinations	City Council
	Zoning Map Amendments/Master Planned Developments	
	~~Final Plats~~	
	Development Agreements	
	Master Site Plans for Tier 3 developments	
	Technical Site Plans for Tier 3 developments without a master plan	
	Nonresidential Controlling Master Site Plans for Tier 3 developments	
	Developments of Regional Impact ~~(threshold - 750 residential dwelling units)~~ or amendments to Developments of Regional Impact	

[1] The Land Use Administrator shall, on a regular basis, submit a report to the Planning and Land Development Regulation Board listing all minor level developments that have been approved during a specified period.

PART II. - DEVELOPMENT ORDERS AND AGREEMENTS—APPLICATIONS AND PROCEDURES

Sec. 2.03. - Purpose and Intent.

The purpose of this Part is to set forth the basic procedures and criteria to implement this LDC with regard to receiving, reviewing, and rendering decisions on applications for development orders, agreements, and amendments to the Official Zoning Map. These procedures shall be applied and interpreted in a manner recognizing both the legislative and quasi-judicial aspects of the local government decision-making process. The Land Use Administrator shall accomplish the administration of this LDC, but may delegate authority as deemed appropriate. The City will not establish procedures and administer policies inconsistent with the Comprehensive Plan, Code of Ordinances, and policies established by City Council.

Sec. 2.04. - Applicability.

No person shall undertake the development or subdivision of land within the corporate limits of the City except pursuant to a valid development order issued in accordance with all legal requirements. All development shall be consistent with the Comprehensive Plan. All development shall meet City requirements prior to the approval and issuance of any development order, unless specifically exempted as a condition of the development order. The requirements contained in this section, in addition to the specific requirements noted for each type of application within this Part, shall apply to all development orders.

2.04.01. *Development order required.* Development orders require different levels of approval depending on the intensity and type of project. Table 2-1 shows the level of approval required for each type of development activity. Before submitting a development order application for review and to determine which level an application falls into, the developer shall provide the Land Use Administrator with sufficient information to make a determination.

2.04.02. *Exceptions.* No development order shall be required when:

A. The application for development involves minor remodeling or new construction of a detached single-family dwelling or duplex residential building and it meets all the applicable LDC requirements and regulations. Such development may directly make application for a building permit.

B. The development or redevelopment activity is included as part of a larger plan of development or a phased development for which a development order has been previously issued pursuant to this LDC.

C. Altering an existing building or structure so long as no increase is made to its nonresidential gross floor area, its use, its height, or the amount of impervious surface on the site.

D. Changing the use of a property/building provided that:

1. The new use is allowed in the applicable zoning district, and

2. The new use does not increase the density or the intensity of the development on the real property.

E. Erecting a sign or replacing protected trees on a previously developed site and independent of any other development activity on the site.

2.04.03. *Building permit required.* It shall be unlawful to change the use of an existing structure, modify an approved site plan, commence the clearing of land, excavations for, or the construction of any building or other structure, including accessory structures, or to store building materials, or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Land Use Administrator has issued a building permit authorizing such development. Review and approval of building permits shall be in accordance with Article 2, Chapter 15 of the City of Palm Coast Code of Ordinances.

(Ord. No. 2024-17, § 2, 11-12-24)

Sec. 2.05. - Development Orders and Agreements—General Requirements.

2.05.01. *General administrative principles.* The following principles apply to the development application process:

A. Copies of documents, reports, publications, administrative rules, and other similar matters that are referred to in the provisions of this LDC shall be filed and retained in the office of the City Clerk.

B. When state or federal codes are referenced in this LDC, the most recent enactment or amendment of that regulation shall apply.

C. When calculations are made in the course of the implementation of this LDC, numbers shall be rounded to the nearest whole number unless otherwise specifically stated in this LDC.

D. Fees called for in this LDC for the various applications and processes shall be established in a resolution adopted by the City Council; provided, however, that the Land Use Administrator may establish the appropriate fee for actions and activities not specifically set forth in a fee resolution after considering the range of fees set forth in the City Council's resolution and shall present proposed amended fee resolutions to the City Council, as needed, from time-to-time.

E. The Land Use Administrator is charged with promulgating the forms and procedures necessary to administratively implement this LDC.

F. Whenever a reference is made in this LDC to "the City" or "City staff" such reference

shall mean the Land Use Administrator unless the context clearly indicates to the contrary.

G. The City shall adhere to the controlling requirements of state law relative to the processing, hearing and rendering decisions with regard to legislative and quasi-judicial matters. The City shall approve development orders and deny development orders as appropriate and in recognition of the public's right and the rights of property owners to articulated decisions on land use matters.

H. Although a glossary of defined terms and various definitions of terms are set forth in Chapter 14, not all terms may be defined and, to that end, the City may refer to and rely upon definitions set forth in the Florida Statutes ~~and~~, the Florida Administrative Code, the Florida Building Code, or as found in the Merriam-Webster Dictionary in order to assist in the administration of this LDC.

I. The rendering of a decision shall mean the filing of a written development order or a written denial of a development order in the office of the City Clerk.

J. Upon a final decision made by the City Council after all internal appeals being timely filed and determined, applicants may seek timely appeals of actions in a court of competent jurisdiction.

K. A change of use shall require appropriate reviews and permitting if the proposed new use increases the density or intensity of the development on real property. A change of use occurs when an existing use or occupancy of land, or a building, is replaced by another use or occupancy.

2.05.02. *Neighborhood meeting requirements.*

A. *Meetings required.* Developers are required to hold a neighborhood meeting for the following application types:

1. Single-family and multifamily residential developments ~~of 40 units or more, unless waived by the Land Use Administrator~~. Developments pursuant to the Live Local Act shall not require a neighborhood meeting.
2. Development of regional impact.
3. Master planned development.
4. Zoning map amendments.
5. Other projects as deemed necessary by the Land Use Administrator on a case-by-case basis based upon potential impacts to the City or abutting or proximate property owners.

The meeting shall be held at least 14 days prior to an application being heard in the first step of the review/approval process. The Land Use Administrator may waive the requirement for a neighborhood meeting if the project is part of a multiphase project for which meetings have been held previously. A request to waive the requirement for a neighborhood meeting must be made in writing to the Land Use Administrator and contain the reason(s) for the request.

B. *Notification required.* Neighborhood meetings shall be noticed to property owners owning property located within 500 feet of the boundary lines of the property proposed for development. The notice shall state the date, time, and location of the neighborhood meeting. A location map of the project location shall be included with the notification along with other documentation as requested by City staff. The notice shall be sent/postmarked at least 14 days prior to the neighborhood meeting. A copy of the notice shall be provided to the City.

C. *Meeting criteria.* The neighborhood meeting shall be held in the evening ~~or on a~~

~~weekend~~ in a location of close proximity to the subject property that is capable of accommodating such meeting. The meeting shall not start earlier than 5:30 p.m. and shall not be scheduled on the same night as a PLDRB or City Council Regular meeting. The applicant shall conduct the meeting and provide necessary information and materials to attendees that address the proposed development. The applicant shall ensure that audio-visual equipment is adequate to assist in making sure that attendees may fully participate in the proceedings. The applicant shall provide a sign-in sheet and take notes of public comments. A copy of the sign-in sheet and comments shall be provided to the City prior to the next step in the approval process.

D. *Post-meeting.* The applicant shall provide the following materials within 10 days after the neighborhood meeting: ~~the submitted application:~~

1. A copy of the meeting notification.
2. A list of who was notified of the meeting.
3. A copy of all materials distributed at the meeting.
4. A list of names and addresses of attendees as provided on sign-up sheets from the meeting.
5. A summary of the issues raised by the attendees.
6. A description of how the proposal addresses the issues that were raised at the meeting.

E. *Additional meetings.* The Land Use Administrator may require that additional neighborhood meetings be held if the application is substantially modified from that which was presented at the previous neighborhood meeting.

2.05.03. *Public hearing notice requirements.*

A. All notices for vacating plats, variances, special exceptions, appeals (as applicable), and amendments to the Official Zoning Map or LDC, shall be published as required by state law and, where applicable, City regulations. If there is ever a conflict between the provisions of this LDC and state law relative to notices, the ~~provisions of state law shall prevail and apply~~more stringent regulation shall apply.

B. Prior to the hearings provided for under this chapter, the applicant shall send notices, prepared by City staff, to all applicable property owners as outlined in Table 2-2. The names and addresses of the property owners shall be obtained by the applicant from the Flagler County Property Appraiser's Office. The notice shall be sent via certified mail and shall provide information as to the nature of the requested application and the date, time, and location of the public hearing. No other documents shall be provided within the envelope. The Land Use Administrator shall promulgate rules relating to whether the applicant or the City will be responsible for mailing the notices to the required property owners by certified mail and the costs relating thereto.

C. Abutting property means any property that is immediately contiguous to property that may be subject to a hearing or that is immediately across any road or public right-of-way from the property subject to such hearings.

D. Signs, as required, shall be posted in a conspicuous place on the subject property no later than the timeframe specified in Table 2-2.

E. At least ten calendar days prior to the required hearing, if applicable, the applicant shall submit an affidavit to the City stating that the notification requirements have been met in accordance with this section.

Table 2-2: Notification Requirements for Public Hearings ***~~(State law prevails over any~~***

~~*provision in this Table)*~~

	Planning and Land Development Regulation Board (PLDRB)	City Council Ordinance 1st reading	City Council Ordinance 2nd reading	Judicial or DCA
Appeal Administrative Decision	N/A	N/A	N/A	N/A
Appeal PLDRB Decision	N/A	Applicant mails letters, if deemed applicable by the Land Use Administrator, at least 14 calendar days prior to hearing.	N/A	N/A
Vacating Plat	N/A	In accordance with Florida Statutes	N/A	N/A
Variance	Applicant mails certified letters to abutting property owners at least 14 calendar days prior to hearing.	N/A	N/A	N/A
Special Exception	Applicant mails certified letters to abutting property owners at least 14 calendar days prior to hearing.	N/A	N/A	N/A
LDC Amendment	Display ad published at least 14 calendar days prior to hearing.	Display ad published at least ~~7~~ 14 calendar days prior to hearing.	Display ad published at least ~~5~~ 14 calendar days prior to hearing/adoption	N/A
Zoning Map Amendment (owner initiated)	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least ~~10~~ 14 calendar	Petition shall be presented to the Circuit Court within 30 days of final action by City Council.

		days prior to hearing.	days prior to hearing/adoption.	
Zoning Map Amendment (City initiated, less than 10 acres)	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Signs posted at least 30 calendar days prior to hearing. Notification letters mailed at least 30 calendar days prior to hearing to each real property owner of parcels to be rezoned. Display ad published at least 14 calendar days prior to hearing.	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.~~N/A~~	Petition shall be presented to the Circuit Court within 30 days of final action by City Council.
Zoning Map Amendment (City initiated, 10 or more contiguous acres)	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Signs posted at least ~~7~~ 14 calendar days prior to hearing. Display ad published at least ~~7~~ 14 calendar days prior to hearing.	Signs posted at least 14 calendar days prior to hearing. Display ad published at least ~~5~~ 14 calendar days prior to hearing/adoption.	Petition shall be presented to the Circuit Court within 30 days of final action by City Council.
Development Agreement and Amendments[1]	N/A	In accordance with Florida Statutes	In accordance with Florida Statutes	In accordance with Florida Statutes
Comprehensive Plan Amendments	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.~~In accordance with Florida Statutes~~	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.~~In accordance with Florida Statutes~~	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.~~In accordance with Florida Statutes~~	In accordance with Florida Statutes
DRI Amendments	Display ad published at least	Display published ad at	Display ad published at least	In accordance with Florida

	14 calendar days prior to hearing. ~~In accordance with Florida Statutes~~	least 14 calendar days prior to hearing. ~~In accordance with Florida Statutes~~	14 calendar days prior to hearing. ~~In accordance with Florida Statutes~~	Statutes

[1] This is not applicable to development agreements related to the zoning of property.

2.05.04. *Review procedures.* This section establishes the review process for development orders. More specific requirements for certain development orders are included in those particular sections within this Part.

A. *Owner; owner representative.* If an application relates to a specific real property, it shall be heard only if it is presented by the person(s) owning 51 percent or more of that land, or an authorized representative of the owner(s), or upon an administrative application by the City Council.

B. *Right of entry for survey, examination, and inspection.* An application submittal shall grant any person acting under the direction of the Land Use Administrator in the performance of functions and duties pursuant to this LDC to enter upon such land and make inspections, examinations, and surveys as necessary in its administration and enforcement.

C. *Preapplication meeting.* Prior to filing an application for development, an applicant desiring to develop or plat property within the City may schedule a preapplication meeting with the Land Use Administrator. The applicant shall submit a preapplication package that meets City requirements. Following the preapplication meeting, the applicant shall hold neighborhood meetings as required in this chapter prior to ~~submitting an application for~~ the ~~next~~ first step in the review/approval process.

D. *Completeness review.* An application shall be submitted in accordance with City requirements. Minimum requirements for an application for a development order are posted on the City website. Compliance review will not commence until such time that the application is deemed complete by the Land Use Administrator (LUA).

1. Within 5 business days after receiving an application for approval of a development order, the Land Use Administrator (LUA) shall confirm receipt of the application using the contact information provided by the applicant.

2. The ~~Land Use Administrator~~ LUA will make a determination of completeness within ~~ten~~ 30 ~~business~~ days from receipt of the application. If the application is deemed incomplete, it shall be returned to the applicant The applicant will be issued a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. and the same process followed until it is determined to be complete. When the Land Use Administrator has determined that an application is complete, correspondence will be sent to the applicant and the date of that correspondence will serve as the first day of the compliance review period.

3. For applications that do not require final action through quasi-judicial hearing or public hearing the LUA must approve, approve with conditions, or deny the request within 120 days after the application has been deemed complete. For applications that require final action through quasi-judicial hearing or public hearing the LUA must approve, approve with conditions, or deny the request within 180 days after the application has been deemed complete. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance.

4. The timeframes contained in this subsection restart if an applicant makes a

substantive change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

~~1.~~5. If the stated timeframes are not met by the LUA, the applicant may be issued a refund of the application fee, or portion thereof, as outlined in Florida State Statute 166.033 (4).

E. *Revisions to development order applications.* If an application is modified after submittal, the following requirements shall apply:

1. *Major modification.* A major modification of plans initiated by the applicant during the compliance review process that is not in response to City comments may be determined to constitute a new application submittal by the Land Use Administrator.

2. *Application/document changes.* Ownership and/or mortgage holder changes shall require a new signed application cover sheet with updated signatures and a new title opinion as well as additional information that may be required. Changes to the application may require additional review by the Land Use Administrator.

F. *Applications withdrawn, abated, and abandoned.*

1. *Withdraw.* Any application may be withdrawn, prior to any action required, at the discretion of the applicant upon written notice to the City. The withdrawal of an application shall not result in a refund of the application fee.

2. *Abated applications.* An application shall be abated when no activity occurs for six consecutive months. The Land Use Administrator shall issue a notice of abated application to the applicant. Any submittal after the issuance of a notice of abated application shall require the payment of an abated application fee and must comply with any amendments to this LDC or other applicable state regulations after the last review of the application.

3. *Abandoned applications.* An application shall be abandoned when no activity occurs for 12 consecutive months. The Land Use Administrator shall issue a notice of abandoned application to the applicant. Any submittal after the issuance of a notice of abandoned application shall constitute a new application.

G. *Applications for minor development—Land use administrator approval.*

~~1.~~ Following a completeness determination as described in Sec. 2.05.04.D. ~~for a minor development,~~ the Land Use Administrator shall approve, approve with conditions, or deny the application for a development order within 120 days. ~~review the application in order to determine compliance with City requirements and, if applicable, state requirements.~~

~~2. If the application is not in compliance, a letter shall be sent to the applicant outlining all items that need to be addressed in order for the development to achieve compliance with this LDC.~~

~~3.~~1. ~~Upon verification of compliance with all applicable requirements, the Land Use Administrator shall issue a development order approving or denying the application.~~

H. *Application for moderate and major development—Planning and land development regulation board or city council approval.* The review process for a moderate or major development shall include:

1. Following a completeness determination as described in Sec. 2.05.04.D., an application requiring final action through a quasi-judicial hearing or public hearing

must be approved, approved with conditions, or denied within 180 days.~~for a moderate or major development,the Land Use Administrator shall review the submittal in order to determine compliance with City requirements and, if applicable, state requirements. Copies of the application shall be forwarded to all applicable City staff for review and comment. At the discretion of the Land Use Administrator, or at the request of the applicant, a meeting may be scheduled with City staff to discuss issues that may be substantive in nature. If City staff finds that additional information is needed for the proper review of the application, the Land Use Administrator shall notify the applicant in writing, specifying the information needed.~~

~~2.~~

~~3.~~2. ~~If the application is not in compliance, a letter shall be sent to the applicant outlining all items that need to be addressed in order for the development to achieve compliance with this LD~~After verification that the application for a moderate or major development has complied with all applicable requirements of this LDC, the application shall be placed upon the next practicable agenda of the Planning and Land Development Regulation Board in accordance with published schedules and deadlines. After 60 days of application submittal the applicant may request the application be on the next appropriate agenda.

~~4.~~3. The Land Use Administrator shall forward the application, along with its recommendations, to the Planning and Land Development Regulation Board for consideration. Based on the application, the requirements of this chapter, and the recommendations of City staff, the Planning and Land Development Regulation Board may approve, approve with conditions, or deny a development order, or prepare recommendations for the consideration of the City Council if it involves a major development, as defined in Table 2-1.

4. If applicable, following review by the Planning and Land Development Regulation Board, the application shall be placed upon the next practicable agenda of the City Council. Based on the application, the requirements of this chapter and the recommendations of the Planning and Land Development Regulation Board, the City Council shall approve, approve with conditions, or deny the application.

~~1.~~

I. *Conditions and safeguards.* In granting any development order, the approving authority may prescribe appropriate conditions and safeguards in conformity with this LDC. The approving authority shall render a decision to either:

1. Approve the request as submitted; or
2. Approve the request with conditions; or
3. Deny the request.

Violation of conditions and safeguards made a part of the approval shall be a violation of this LDC.

J. *Development order denial.* In the event an application for a development order is denied, the City shall issue a denial development order citing the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the request for a development order or permit. The Land Use Administrator may provide comments and recommendations relating to applications prior to taking action to deny a development order.

K. *Due process.* The timeframe for City review, process, and public hearings for all accepted application types ~~shall be determined by the Land Use Administrator. The Land Use Administrator shall provide information depicting all application target timelines for City review and processing which demonstrates its adherence to these~~

~~timeframes. Although these timeframes are targets and not requirements, all applications shall be duly processed. In no case shall the Land Use Administrator unduly or unreasonably deny comments, reports, decisions, or scheduling of public hearings for applications.~~shall follow Florida State Statute 166.033 as provided in LDC Section 2.05.04.D. After 60 days of application submittal the applicant may request the application to be on the next appropriate agenda, if applicable.

L. *Independent review of applications.* The City may engage necessary technical consultants for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant.

2.05.05. *Review findings.* 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;

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

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

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; and

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

2.05.06. *Effect of development orders.* The issuance of a development order does not authorize the disturbance of any part of the subject property involved. A development order only authorizes the filing of an application for another development order or a building permit.

A. *Other permits required.* In addition to obtaining a development order from the City, the developer must also obtain all other applicable permits or exemptions, as may be required by law, pursuant to Florida Statutes Chapter 166.033. ~~In the event approval from the City is prerequisite to obtaining other required permits, the City shall issue a letter of intent which states that the proposed development is in compliance with this LDC, and that such approval is conditioned upon the developer obtaining all other required permits. The developer must provide proof to the City that all permits or exemptions have been granted prior to receiving a site development permit and, if applicable, a final plat.~~

~~A.~~ B. *Valid period.* Development orders shall remain valid for a period of 12 months from the date of issuance. In the event the applicant provides documentation that federal and/or state permits are in the process of being obtained, the expiration date of the development order may be extended in accordance with Subsection 2.05.06.E. However, a final plat development order shall remain valid until the subdivision or any part thereof is abandoned in accordance with City and state law.

~~B.~~C. *Commencement of construction pursuant to a valid building permit.* If construction on a site has commenced during the valid period of a final site plan development order and pursuant to a valid building permit, construction may continue after the development order expires as long as the building permit remains valid.

~~C.~~D. *Commencement of construction during valid period of a preliminary plat.* If construction of the required improvements in a subdivision has commenced during the valid period of a preliminary plat development order, the improvements may be completed in accordance with the approved development order beyond its valid period provided the final plat development order has been issued and the subdivision has a valid certificate of concurrency. Construction of the required improvements in a subdivision shall be completed or shall be guaranteed for completion pursuant to City requirements.

~~D.~~E. *Extension of a development order.* Within three months before the expiration of any development order, the developer may request an extension not to exceed ~~12~~ 24 months provided the development has a valid certificate of concurrency. All requests shall be submitted to the Land Use Administrator in writing and shall state the reason(s) for the extension. ~~A maximum of three extensions may be granted provided the development has a valid certificate of concurrency~~.

~~E.~~F. *Recording.* All development orders, except denial development orders, and any extension, or minor modification thereto, shall be filed with the City Clerk and recorded at the expense of the applicant.

~~2.05.07.~~ 2.05.07 *Modifications to an approved development order.*

A. The Land Use Administrator may approve minor technical modifications to an approved development order. In determining whether a proposed modification is minor, all of the following shall apply:

~~1. The proposed modification shall not increase the floor area ratio or impervious surface ratio by more than 15 percent, provided it meets the requirements of this LDC~~.

~~2.~~1. The proposed modification shall not adversely affect traffic circulation on or off-site.

~~3.~~2. The proposed modification shall not increase the density, intensity, or height of the approved development.

~~4.~~3. The proposed modification shall comply with all codes, rules, and regulations of the City and any other federal or state agency, and shall not require a variance.

B. Requests for modifications that do not meet the requirements in this subsection shall be reviewed by the applicable approval authority.

(Ord. No. 2024-12, § 2, 5-7-24; Ord. No. 2024-17, § 3, 11-12-24)

Sec. 2.06. - Official Zoning Map Amendments.

2.06.01. *Purpose.* This section is established to provide for zoning map amendments, as may be necessary or desirable from time-to-time, through a review by the Planning and Land Development Regulation Board and the City Council.

2.06.02. *Applicability.* An application to amend the Official Zoning Map (rezoning) may be filed by the Land Use Administrator, the City Council, the Planning and Land Development Regulation Board, the property owner(s), or agent of the property owner(s) representing 51 percent or more of the property involved.

2.06.03. *Review findings.* 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.

B. Its impact upon the environment or natural resources.

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

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

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

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

G. Whether it accomplishes a legitimate public purpose.

2.06.04. *Frequency of application.* A property owner shall not initiate action for the same rezoning affecting the same parcel of land more often than once every ~~12~~ 24 months following denial or approval.

2.06.05. *Recording amendments to the official zoning map.* The Land Use Administrator shall update the Official Zoning Map as soon as possible after amendments are adopted. Amendments to the Official Zoning Map shall identify the official action by which such amendment was made, the date of such action, and the area involved.

Sec. 2.07. - Special Exception.

2.07.01. *Purpose.* The purpose of this section is to establish procedures for the review of uses that would not normally be appropriate within a zoning district, but if subject to appropriate limitations, conditions, and safeguards, would promote the public health, safety, welfare, convenience, and comfort.

2.07.02. *Applicability.* The special exception process shall be ~~can only be applied~~limited to those uses noted as special exception uses in Chapter 3 ~~and in~~or Chapter 4. Uses determined by the Land Use Administrator under Subsection 3.01.07 to require a special exception shall utilize the special exception process. Uses requiring a super majority vote of the City Council pursuant to Subsection 3.01.06 shall utilize the special exception process, with the Planning and Land Development Regulation Board providing a recommendation based on this section to the City Council for final approval by resolution.

2.07.03. *Review findings.* No application for a special exception use shall be approved unless the Planning and Land Development Regulation Board finds that the request meets the findings listed in Subsection 2.05.05 and the following:

A. Is consistent with the specific requirements for that particular use as set forth in this LDC;

~~B. Meets the concurrency requirements of this LDC; and~~

~~C.~~B. Is compatible with the surrounding neighborhoods and promotes the value of surrounding land, structures, or buildings. Compatibility shall be reviewed in light of the following components:

1. Architectural design;
2. Fencing and screening, landscaping;
3. Noise reduction, sign, and light control;
4. Storm drainage, sanitation collection;
5. Police and fire protection;
6. On and off-site traffic control;
7. Off-street parking and loading; and
8. Other matters relevant to assuring that the proposed development site fosters desirable conditions and compatibility with the existing environment.

2.07.04. *Effect of a special exception.*

A. *Effective date.* In accordance with Subsection 2.05.01.I, the rendering of a decision

shall mean the filing of a written development order or a written denial of a development order in the office of the City Clerk.

B. *Special exceptions run with the land.* Special exceptions are not personal in nature and shall run with the land. However, a special exception shall be approved only on the basis of the development plan submitted with the application, and shall be valid only for the location and area shown on the approved development plan which shall include a floor plan, if applicable.

C. *Activating a special exception.* Approval of the special exception shall give the applicant authority to submit an application for development permits and/or other appropriate approval. Where the special exception approval does not require development permits, the applicant shall provide written evidence to the City that the activity granted has been initiated within the time prescribed by the City, or that right or privilege shall expire.

D. *Expiration or Abandonment of Special Exception Uses.* If a special exception does not begin to serve the purpose for which it was granted within 12 months from the date of rendition it shall expire. Provided, however, that the Planning and Land Development Regulation Board may establish a shorter or longer period of time for a special exception to commence. In addition, the Land Use Administrator may extend the special exception for up to an additional 12-month period of time if the applicant can demonstrate good faith reliance. Good faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds in reliance on the approved special exception.

E. *Amendments.* Minor amendments not altering the intent and purpose of the approved special exception may be approved by the Land Use Administrator after such departmental comment as he or she deems appropriate. Amendments to an approved special exception, which the director deems to be major, shall require the submittal of an application and compliance with the review procedures as set forth in this section and as otherwise provided in this chapter.

Sec. 2.08. - Subdivision of Land.

2.08.01. *Purpose.* The purpose of this section is to determine when platting is required and to establish a review process consistent with F.S. ch. 177. It is not the intent of this LDC to prohibit the metes and bounds conveyance of real property, but it is the intent of this LDC to ensure compliance with the provisions of State Statutes.

2.08.02. *Applicability.*

A. *Platting required.* It shall be a violation of this LDC for anyone who is the owner or agent of the owner of any land to transfer, sell, or offer to transfer or sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without having a plat recorded in accordance with the requirements of this section and state requirements. Subdivisions are classified as:

1. *Statutory.* The division of a parcel of land, whether improved or unimproved, into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions, and ~~resubdivisions~~replats.
2. *Nonstatutory.* The following activities qualify as nonstatutory subdivisions:

   a. The combination or reconfiguration of previously platted lots or portions of such lots where the total number of lots is not increased and the resultant lots comply with City requirements.

   b. The public acquisition by purchase, acceptance of deed ~~of~~ or dedication, or

exercise of the right of eminent domain of strips of land for the widening or opening of streets, or acquisition of property for public purposes or public utilities.

c. The division of land into no more than three lots, parcels, tracts, tiers, blocks, units, or any other division of land, said resulting lots to be 20 acres or more in size, provided that:

(1) Said division of land does not create a new street.

(2) Each resulting lot, tract, or parcel shall have access to a public street and no public improvement may be dedicated including, but not limited to, any dedication of rights-of-way, easement, or physical improvement of any kind intended for public use.

(3) Each lot, tract, or parcel shall meet or exceed the minimum requirements of the zoning district in which it is located adjacent to the public street.

(4) The owner of the subject property shall not be allowed to further subdivide under this section.

d. The division of a platted lot, parcel, or tract in single ownership into not more than ~~two~~ three lots, where no street right-of-way dedication is involved and where the lots are equal to or exceed the standards of the LDC.

e. The original parcel to be considered must have been lawfully created.

B. *Single sites not requiring platting.* No platting shall be required for development within an individual lot, parcel, or tract, provided that such lot, parcel, or tract meets all of the following requirements:

1. Has a property identification number(s);

2. Was lawfully established by the governing authority at the time it was created; and

3. Complies with the minimum lot area requirements of this LDC, or is a legally existing nonconforming lot.

2.08.03. *Nonstatutory land subdivision review procedures.* The application shall be processed administratively in accordance with review procedures and requirements for development orders established in Section 2.05.

2.08.04. *Statutory land subdivision review procedures.* The subdivision of land that does not qualify as nonstatutory subdivision shall meet the requirements of this section after a Subdivision Master Plan approval has been granted as outlined in Section 2.10.

A. *Preliminary plat.*

1. *Review procedures.*

a. At an applicant's risk, a~~A~~n application for preliminary plat approval may be submitted ~~in conjunction with an application for~~after the ~~a~~ subdivision master plan ~~development order.~~ is in substantial compliance.

b. The application shall be processed in accordance with Section 2.05. Once the application is deemed compliant, a development order shall be issued by the approving authority.

B. *Final plat.*

1. *Review procedures.*

a. Following the issuance of a preliminary plat development order, the applicant may submit a complete application for a final plat approval on a form provided by the City.

b. The application shall undergo a completeness and compliance review as outlined in Section 2.05 and F.S. ch. 177.

~~b.~~c. The Final Plat application is reviewed administratively and approved by the Land Use Administrator (LUA).

2.08.05. *Effect of plat approval.*

A. *Effect of preliminary plat approval.* Upon issuance of the preliminary plat development order, the developer may elect to commence construction of the subdivision and apply for a final plat development order. If the developer elects to commence construction prior to or concurrently with final plat review, the developer shall attend a preconstruction meeting as outlined in Chapter 9, Part I, and provide the following documentation and materials:

1. All required permits from federal, state, county, and regional agencies.
2. Commitment letters from the providers for essential services (i.e. electric, telephone, cable, etc.) that adequate service will be available at the time of impact.
3. Performance guarantee (in the amount established by the City) for the installation of public improvements that have not been constructed. Such estimate shall include, but not be limited to, landfill costs. An itemization shall be provided showing improvements that have been installed and all outstanding required improvements.
4. A statement within the preliminary plat development order noting the developer's intent or a letter authorizing the commencement of construction pursuant to the approved construction plans.

B. *Effect of final plat approval.*

1. The execution of the plat by the ~~Mayor~~ Land Use Administrator shall be deemed to be the execution of a development order.
2. All recording fees, documents, and Mylar (original plat) shall be submitted to the Land Use Administrator. The Land Use Administrator shall then transmit the required fees and documents to the Clerk of the Circuit Court for recordation in accordance with F.S. ch. 177. Executed plats must also be filed with the City Clerk.

2.08.06. *Vacating plats.* The owners of any land subdivided into lots may petition the City Council under the provisions of F.S. ch. 177.101, to remove (vacate and abandon) the existing plat, or portion of a plat, from the official records of the City of Palm Coast. The application shall undergo a completeness and compliance review as outlined in this chapter. Once the application is deemed compliant as determined by the Land Use Administrator, it shall be scheduled before the City Council for consideration. The execution of a resolution by the Mayor shall be deemed to be the execution of a development order.

(Ord. No. 2009-26, §§ 2, 3, 12-15-09)

Sec. 2.09. - Master Planned Developments.

2.09.01. *Purpose.* The purpose of this section is to establish review requirements for approval of master planned developments, which typically include both a zoning map amendment and a development agreement. This section also addresses the procedures for approving major amendments to approved master planned developments.

2.09.02. *Applicability.* The requirements of this section apply to any proposed rezoning to the Master Planned Development District. Rezoning to the Master Planned Development District shall be a voluntary procedure to be pursued at the option of the applicant, pursuant to Section 2.10. The City may, at the request of the applicant, initiate such rezoning on privately owned property. The approval of the master planned development rezoning rests with the City Council pursuant to the requirements of Section 2.10.

2.09.03. *Review procedures.*

A. *Unified control.* No application for a master planned development shall be considered until the applicant furnishes all necessary documents and information, as may be required, to provide the City with sufficient evidence that the applicant is in complete, unified, and otherwise unencumbered control of the entire area of the proposed master planned development, whether the applicant be an individual, partnership, corporation, other entity, group, or agency. The applicant shall provide to the City all necessary documents and information that may be required to assure the City that the development project may be lawfully completed according to the plans sought to be approved.

B. *Master planned development site plan.* Review and approval of a master planned development site plan shall be the same as for a moderate or major development site plan, whichever is applicable, pursuant to Section 2.05.

C. *Master planned development agreement.* Review and approval of the Master Planned Development Agreement shall be the same as for a Development Agreement pursuant to Section 2.14.

D. *Bonds.* The City Council ~~may~~ shall include in the Master Planned Development Agreement requirements for bonds (or appropriate alternatives) for improvements conditioned upon the satisfactory and timely completion of facilities in the development plan, for the benefit of purchasers from the applicant, when the development time limits and phasing schedule do not preclude the sale of individual units prior to the completion of such facilities.

2.09.04. *Review findings.* 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, and the development standards listed in Subsection 3.03.04 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.

B. Consistency with the general intent of the LDC.

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

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

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.

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

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

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.

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

J. Impact upon the environment or natural resources.

K. Impact on the economy of any affected area.

2.09.05. *Effect of master planned development approval.* Approval of a Master Planned Development Plan and Master Plan Development Agreement gives the applicant the authority to proceed with a site development plan and plat applications for review.

A. *Duration and extension of development agreement.* For the duration and extension requirements of a development agreement, refer to Section 2.14.

B. *Amendment to a master planned development agreement.*

1. A request for an amendment to an approved master planned development master plan and/or agreement shall be supported by a written statement demonstrating the reasons the revisions are necessary or desirable. The Land Use Administrator may require additional documentation as part of the amendment application.

2. Amendments to ~~the~~ an approved Master Planned Development site plan or agreement for the developed portions of the property may only be initiated by:

a. The property owner, for an amendment to the master planned development applicable to only a single lot or building site; or

b. Petition by the owners of more than 50 percent of the property in the Master Planned Development District for an amendment to a master planned development that involves multiple owners; or

c. City Council, where necessary to preserve the health, safety, and welfare of the property owners in the master planned development.

3. Minor (de minimis) changes, no more than five percent increase in density or intensity, which do not affect the intent or character of the development, may be approved by the Land Use Administrator.

2.09.06. *Variances in master planned development districts.* Because the specific development standards of the Master Planned Development District are contained in the approved Master Planned Development Agreement for each planned development, and because the development plan normally takes into account those matters which might otherwise be the subject of variance review, modifications to approved development plans by variance shall be prohibited unless otherwise specifically provided for in the Master Planned Development Agreement.

2.09.07. *Status of previously approved PUD, PRD, VGC-1, VGC-2 and GCC plans.*

A. Any active or completed Planned Unit Development (PUD), Planned Rural Development (PRD), Village Center (VGC-1, VGC-2), or Golf Course Community (GCC) project approved prior to the adoption of this Code shall continue to be governed by the approved development plan and any development agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved PUD, PRD, VGC-1, VGC-2, or GCC plan may be subject shall also continue to apply. Minor (de minimis) changes of no more than five percent increase in density or intensity, which do not affect the intent or character of the development, may be approved by the Land Use Administrator.

B. Whenever any application is made to substantially modify an approved PUD, PRD, VGC-1, VGC-2, or GCC plan, as determined by the Land Use Administrator, or to

undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the Master Planned Development zoning district and shall comply with the provisions of this section. Substantial modifications to an approved development plan or agreement include, but are not limited to change that affects the intent and character of the development, intensity, density, land use pattern, the location, or dimensions of major streets, or similar substantial changes.

Sec. 2.10. - Master Plans.

2.10.01. *Purpose.* The master plan review process is intended to provide a review of the basic development concepts without significant engineering design, prior to proceeding with final plat and technical site plan approval.

2.10.02. *Applicability.*

A. *Master site plan.* A master site plan review is optional for all moderate and major site plans that include residential, nonresidential, and mixed use development occurring on various contiguous sites or outparcels to ensure that development takes place in a coordinated and efficient manner.

B. *Subdivision master plan.* A subdivision master plan is required prior to a preliminary plat application, unless waived by the Land Use Administrator.

C. *Nonresidential controlling master site plan.* A nonresidential controlling master site plan is optional for all site plans meeting the criteria set forth in Section 4.15.

2.10.03. *Review procedures.* A master plan review shall be processed in accordance with Section 2.05 and Table 2-1.

2.10.04. *Review criteria.* Master site plans shall be reviewed to ensure conformance with this Code. However, the following criteria shall be considered when reviewing master plans:

A. Logic of design.

B. Internal consistency.

C. Impact on neighboring sites.

D. Internal vehicular and pedestrian connectivity.

E. Consolidation of utilities and facilities, including stormwater, parking, signage, etc.

F. Public benefit derived from the project.

2.10.05. *Effect of master plan approval.*

A. Approval of a master plan development order authorizes an applicant to continue with the preliminary plat or technical site plan review process.

B. The approved Nonresidential Controlling Master Site Plan Development Order shall act as the controlling document for the development specifying, but not limited to, location of primary buildings and outparcels, landscape buffers, master stormwater, drainage, access drives, parking, and pedestrian facilities. However, site plans and preliminary plats can allow up to a 25 percent accumulative design change from the master plan. No deviation from LDC requirements may be approved during the City staff review process.

Sec. 2.11. - Technical Site Plan.

2.11.01. *Purpose.* The site plan review process set forth in this section is intended to ensure that site development, including mixed use development on a single site, takes place in an orderly and efficient manner through a process that provides adequate review based on the size and complexity

of the proposed development.

2.11.02. *Applicability.* The purpose of final site plan review is to ensure compliance with all development regulations. Therefore, the level of detail shall be that of construction plans and technical specifications. The review is based not only on conformance to Code, but also conformance with an approved master plan, if applicable.

2.11.03. *Review procedures.* Site plan review shall be processed in accordance with Section 2.05.

2.11.04. *Effect of site plan approval.* Approval of the construction plans and technical specifications represents the final development order. Therefore, approval of a Site Plan Development Order authorizes an applicant to apply for a building permit.

Sec. 2.12. - Variance.

2.12.01. *Purpose.* This section is established to provide standards and procedures for the granting of variances from the provisions of this LDC through review by the Planning and Land Development Regulation Board when it finds that there are conditions peculiar to the property that creates undue construction or development hardships in complying with this LDC.

2.12.02. *Applicability.*

A. *Authorized variances.* The variance procedures contained in this section shall apply to the development standards set forth in the following portions of this Code:
   1. Chapter 1, Section 1.10—Nonconformities.
   2. Chapter 3—Zoning, Uses, and Dimensional Standards.
   3. Chapter 4—Conditions for Limited Specific Uses and Activities.
   4. Chapter 5—Transportation, Connectivity, Access, and Parking.
   5. Chapter 10—Environmental and Cultural Resource Protection.
   6. Chapter 11—Tree Protection, Landscaping, Buffers, and Irrigation.
   7. Chapter 12—Signs and Advertising.
   8. Chapter 13—Architectural Design Regulations.

B. *Prohibited variances.* A variance shall not be granted under any of the following circumstances:
   1. A variance that would permit an inconsistency with the Comprehensive Plan.
   2. A variance to permit a use, expressly or by implication, prohibited in the zoning district.
   3. A variance to permit a development density or intensity not generally allowable in the zoning district.
   4. A variance in connection with any use or activity that has been approved as a special exception, if within the area covered by the special exception approval.
   5. A variance ~~based on the permitted or~~that would permit a new nonconforming use of neighboring lands, structures, or buildings.
   6. A variance that would violate requirements or regulations of other departments or agencies.
   7. A variance that would violate specific prohibitions (for example, hours of operation), or procedural requirements.

8. A variance based on purely economic considerations.

2.12.03. *Review findings.* In addition to the findings listed in Subsection 2.05.05 for all development orders, variance applications shall be reviewed based on the following:

A. *All variances.* No application for a variance shall be approved unless the Planning and Land Development Regulation Board finds that the following standards are met, recognizing that the applicant bears the burden of proof.

1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district; and

2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and

3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant; and

4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building; and

5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

B. *Alternative criteria for specific variances.* There are alternative variance criteria for specific uses within this LDC that shall be adhered to. Such uses are as follows:

1. Marinas—Refer to Chapter 4.

2. Flood Damage Protection—Refer to Chapter 10.

3. Wellhead Protection—Refer to Chapter 10.

2.12.04. *Effect of variance approval.*

A. Approval of a variance application shall give the applicant authority to submit an application for development plan review and/or other appropriate approval. The Planning and Land Development Regulation Board may, within the action for which the variance is required, prescribe a reasonable time limit for which the approved request shall begin, be completed, or both. Unless prescribed as a condition of approval, there is no time limit for a variance.

B. A variance shall be approved only on the basis of the development plan submitted with the application and shall be valid only for the area of variance shown on the approved development plan. No approved variance shall be construed to be a general modification of the requirements of this LDC in any area outside the area of variance shown on the approved development plan.

Sec. 2.13. - Administrative Deviation of Development Standards.

2.13.01 *Purpose.* This section is established to provide a process for granting administrative deviation with the application of certain standards of this LDC. The process is specifically intended to promote high standards of site design, and to provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.

2.13.02. *Applicability.*

A. The Land Use Administrator may approve an administrative deviation of standards to grant relief from any of the following requirements of this Code, up to a maximum reduction of five percent of the standard:

1. Distance between structures.
2. Parcel dimensions (not area).
3. Setbacks.

B. The Land Use Administrator may grant a deviation in order to protect a specimen or historic tree, in which case one parking space or two percent of the total parking requirements, whichever is greater, may be eliminated.

C. The Land Use Administrator may also grant an administrative deviation of standards to the site planning or development standards of this LDC in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act.

2.13.03. *Review procedures.* Administrative deviations of development standards are classified as minor development orders and shall be reviewed as specified in Section 2.05. However, the Land Use Administrator may choose to refer the application to the Planning and Land Development Regulation Board for hearing and decision in the same manner as provided for Variances in Section 2.12.

2.13.04. *Review findings.* The Land Use Administrator may approve an administrative deviation of standards only after first making all of the following findings, in addition to those listed in Subsection 2.05.05:

A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Code deprives the property of privileges enjoyed by other properties in the vicinity and within the same zoning district;

B. The approval of the administrative deviation of standards includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

C. The administrative deviation is consistent with any applicable specific plans in place for the subject property.

Sec. 2.14. - Development Agreements.

2.14.01. *Purpose.* This section is established to outline provisions relating to development agreements, which require approval by the City Council.

A. A development agreement may be entered into by an applicant and the City Council to provide for matters that relate to the unique conditions of the real property to be developed, the relationship between the public and private aspects of the development, or other terms and conditions that are not typical of a routine development order. Development authorized by a development agreement may be phased. The development agreement may provide that the entire development or any phase thereof shall be commenced or completed within a specific period of time.

B. Statutory development agreements may be entered into under the authority of the Development Agreement Act as codified in F.S. ch. 163 and processed in accordance with the requirements of state law.

C. Nonstatutory development agreements may be entered into under the authority of the home rule powers of the City of Palm Coast under Article VIII, Section 2 of the

Constitution of the State of Florida and F.S. ch. 166.

D. A development agreement shall be required for the development of property designated a Master Planned Development Zoning District on the Official Zoning Map, but the agreements shall not be statutory.

E. A development agreement is transferable if the land and structure(s) continues to be used for the purposes for which it was issued. No person (including successors and assigns of the person who obtained the development agreement) may make use of the land except in accordance with the conditions and requirements of the development agreement. The provisions of the development agreement run with and burden the real property to which it relates until released or amended in accordance with formal action of the City of Palm Coast. All development agreements shall require mortgagees to subordinate any mortgages on the property.

F. Duration and extension. The negotiated Master Plan Development Agreement which results from a master planned development application process shall have a maximum duration of five years or be phased to ensure that development under a Master Plan Development Agreement proceeds in good faith and the development of the master planned development is not abandoned and is not suspended in a manner which is adverse to the public interest. Upon the five-year term being completed or a phase of the master planned development not being developed in accordance with the phasing schedule set forth in the Master Plan Development Agreement, the City Council may, after obtaining a recommendation from the Planning and Land Development Regulation Board, extend the term of the Master Plan Development Agreement or the master planned development phase. In the interim, no development may be continued or permitted relative to the master planned development. ~~and absent an extension approval by means of a development order within three months of the date of expiration, the property shall revert to the zoning district which was assigned to the master planned development property prior to the Master Planned Development District rezoning.~~ A property owner may initiate a request for an extension prior to expiration.

Sec. 2.15. - Vested Rights Determination.

2.15.01. *Purpose.* This section is established to provide standards and procedures for the issuance of vested rights determinations by the City Council. No applicant claiming that the LDC as applied to a particular property constitutes or would constitute a permanent taking of private property or an abrogation of vested rights, may pursue such claim in court or before a quasi-judicial body unless the applicant has first exhausted the administrative remedies herein. The application shall set forth the facts upon which the claim is based and shall be accompanied by all contracts, letters, appraisals, reports, or other documents upon which the applicant's claim is based.

2.15.02. *Applicability.* The owner, or owners of real property, may request a determination of vested rights by filing a complete application with the Land Use Administrator on a form provided by the City.

A. The application shall provide a sworn statement to be executed by all owners of the real property or an authorized agent that all information set forth on the application is true and correct.

B. The Land Use Administrator shall screen each application for a vested rights determination to determine whether the application is technically complete. If not technically complete, the application shall be promptly returned to the applicant. A technically incomplete application shall be returned to the applicant with written notification of the deficient items. If a response is not submitted to the City within a time specified by the City, the application shall be deemed abandoned.

2.15.03. *Review procedures.* Vested rights determinations are classified as major development orders and shall be reviewed as specified in Section 2.05. In addition, the following procedural

requirements apply.

A. The City Council shall hold a public hearing and determine whether or not it has been clearly and convincingly demonstrated that the real property subject to the application has vested status. The City Council may refer the matter to the Planning and Land Development Regulation Board for an advisory opinion and review, or to a special master or hearing officer for findings of fact relative to the matter, or may make both such referrals.

B. At the hearing or hearings to which the matter has been referred, the applicant shall present all of the evidence in support of the application. The technical rules of evidence in judicial proceedings shall not be applicable, but all testimony given shall be under oath. The applicant shall have the burden of proof.

C. After making a final determination of vested rights status, the City Council shall provide the applicant with a written order setting forth the determination of vested rights status. If the City Council determines that vested rights exist and that development may proceed, the applicant shall have the right to rely upon such written notification that the real property is vested, and the determination that the real property is vested shall be final and not subject to appeal, revocation, or modification. Thereupon, permits may be granted consistent with that decision.

D. The City Council's decision to deny vested rights status shall be final, subject to appeal in accordance with state law.

(Ord. No. 2009-26, §§ 4, 5, 12-15-09)

Sec. 2.16. - Appeals.

2.16.01. *Appeal of administrative decision of the land use administrator.* Any person aggrieved by an administrative decision rendered by the Land Use Administrator regarding the provisions of this LDC may appeal such decision to the Planning and Land Development Regulation Board. The appeal shall be initiated within 15 calendar days of the rendering of the administrative decision by filing an appeal with the Land Use Administrator. Failure to file an appeal within the timeframe specified and exhaust all administrative remedies provided for in this LDC shall constitute a waiver of all rights to appeal the determination by the Land Use Administrator.

A. *Submittal.* A request for a hearing before the Planning and Land Development Regulation Board for an appeal of any determination made by the Land Use Administrator with regard to the administration of the uses and development regulations of this LDC shall be made as follows:

1. A completed appeal form and related fee shall be filed with the Land Use Administrator. Such application shall state the grounds for review of the decision. Any additional grounds may not be stated at the appeal hearing.

2. The appeal form shall be accompanied by such other materials and drawings as needed by the Planning and Land Development Regulation Board to clearly understand the substance of the appeal.

B. *Review procedures.* The application shall be submitted to the Planning and Land Development Regulation Board, which shall review the application and either grant or deny the request in accordance with the following:

1. In exercising the powers granted, the Planning and Land Development Regulation Board may, in conformity with the provisions of this LDC, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determinations of the Land Use Administrator.

2. Any petition for a hearing before the Planning and Land Development Regulation Board may be withdrawn prior to action thereon by the Planning and Land Development Regulation Board at the discretion of the applicant upon written

notice to the City. The withdrawal of an application shall not result in a refund of the application fee.

3. When considering an appeal all of the following factors, at a minimum, shall be evaluated:
    a. Whether the action requested in the appeal is consistent with the Comprehensive Plan; and
    b. Whether the action requested in the appeal complies with all relevant and appropriate portions of this LDC; and
    c. Whether there was an error of fact or law in the decision of the Land Use Administrator.
4. At the conclusion of the appeal hearing, the Planning and Land Development Regulation Board shall issue a final decision on the appeal.

2.16.02. *Appeal of planning and land development regulation board decision.*

A. *Public notice requirements.* Notification shall be in accordance with Section 2.05, if applicable.

B. *Submittal.* Within 30 calendar days of the rendering of a decision by the Planning and Land Development Regulation Board, an appeal may be filed with the City Clerk by the owner, an abutting property owner, or the Land Use Administrator. An application together with a fee as established by resolution shall be required.

C. *Review procedures.* The application shall be forwarded to the City Council and, if applicable, after due public notice, for a public hearing to consider the application. The public hearing shall be a de novo hearing and shall be conducted in accordance with the following:

1. Hearing steps.
    a. Preliminary matters.
        (1) The Mayor shall read the case title.
        (2) Disclosure by City Council members of ex parte communications, if any.
        (3) Swearing in of appellant, City staff, and all witnesses collectively. The swearing in of witnesses may be left to the discretion of the Mayor with the concurrence of the appellant.
    b. City staff's presentation.
        (1) City staff's opening statement.
        (2) Calling of witnesses and presentation of evidence by City staff.
        (3) Cross-examination after each witness, if so elected.
    c. Appellant's opening statement.
        (1) Calling of witnesses and presentation of evidence by appellant.
        (2) Cross-examination after each witness, if so elected.
    d. Public input. Testimony and presentation of evidence by the public with alternating speakers in support of and in opposition to the appeal and cross-examination after each witness, if so elected.
    e. Closing argument by appellant.

f. Closing argument by City staff.

g. Rebuttal argument by appellant, if so elected.

h. Discussion by City Council of the evidence presented as it applies to the requirements of the City of Palm Coast Code of Ordinances and applicable law.

i. After deliberation, a motion should be made which would presumably either:

AFFIRM THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I

move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to affirm the Planning and Land Development Regulation Board's action: (list factors)"; or

REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I

move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to reverse the Planning and Land Development Regulation Board's action: (list factors)."

2. In the event the applicant is the appellant, the applicant, or City staff as determined by the Land Use Administrator, shall send a letter to the property owners abutting subject property advising them of the date and time of the meeting.

3. In the event that an abutting property owner is the appellant, this person will act as spokesperson or appoint a representative. In this case, a special letter will be sent to the applicant stating that an appeal has been filed and that they or their representative will be called upon to act as an opposition spokesperson.

4. In accordance with Subsection 2.05.01.I, the rendering of a decision shall mean the filing of a written development order or a written denial of a development order in the office of the City Clerk.

5. Unless the order specifically states it is an order without prejudice, it is rendered with prejudice.

D. *Rehearing.*

1. If it is alleged that the Planning and Land Development Regulation Board or City Council, as the case may be, has overlooked or misapprehended some facts or points of law, a rehearing of any decision of the Planning and Land Development Regulation Board or City Council may be granted by the Planning and Land Development Regulation Board or City Council either on the motion of any member voting on the prevailing side, or on the motion of any person aggrieved by its decision. That motion shall be in writing, shall be filed with the Land Use Administrator within ten working days after rendition of the decision, and shall state its grounds.

2. If the Planning and Land Development Regulation Board or City Council decide to grant a rehearing, the movant shall notify by certified mail or hand delivery upon the City Clerk and all abutting property owners previously notified of the hearing, together with a notice stating the date, time, and place it will be orally presented to the Planning and Land Development Regulation Board or City Council.

3. The Planning and Land Development Regulation Board or City Council shall not rehear applications based upon the same facts or issues, but rather on new

evidence not heard before or new law.

(Ord. No. 2009-26, §§ 6—9, 12-15-09)

Sec. 2.17. - Lot Binding, Unbinding, and Vacation of Easements.

2.17.01. *Short title/legislative findings and intent.* This section shall be known and may be cited as the "Palm Coast Lot Binding and Unbinding and Vacation of Easements Ordinance."

2.17.02. *Binding of lots.* A common owner of two or more adjoining subdivided lots or portions of subdivided lots may make application to the City for approval of the lots being bound for development purposes. No more than four lots may be bound together by the process set forth in this section. Lot binding, as set forth in this section, may be permitted solely ~~be~~ for purposes of compliance with the land development regulations of the City as set forth in the City's Land Development Code.

2.17.03. *Application process.*

A. The owner of adjoining lots shall present a proposed lot binding agreement or an agreement that provides for the unbinding of lots which contains a full and complete legal description of all subdivision lots proposed to be bound together or unbound from one another to the City Manager or designee.

B. Each lot binding agreement shall provide, at a minimum, the following:

1. That the real property described shall be retained in and shall remain as a single, integral parcel, and shall not be sold or otherwise disposed of, or encumbered, in lesser constituent parcels.

2. That the agreement shall be binding upon all successors, heirs, executors, administrators or assigns of the owner and shall be a covenant running with the land.

C. Agreements unbinding lots shall be in a form approved by the City Manager after consultation with the City Attorney. Applications to unbind lots shall not create a nonconformity in accordance with Section 1.10.

2.17.04. *Approval authority.* The City Manager or designee, upon submittal of all appropriate information in accordance with the provisions of this section and upon making a finding that there are no easements that require vacation may approve the binding and unbinding of lots in accordance with this section; or if the City Manager or designee may determine that City easements required to be released, abandoned or vacated can be released abandoned or vacated in accordance with the provisions of Subsection 2.17.05. City Council shall approve the binding or unbinding of three or more lots.

2.17.05. *Effect of existence of easements.*

A. If private or public easements require release, vacation or abandonment at the time that the proposed binding lot agreement is approved, the owner shall present all documents needed to accomplish the release, vacation and abandonment. Documentation that any private easements have been released or relocated shall be provided to the City Manager or designee.

B. The City Manager or designee is hereby delegated the authority to release, vacate and abandon any public easements along any common lot line if it is determined that the City no longer needs the public easement and that any then current users of the public easement have no objection to the action or if a conditional action can facilitate the use of any required public easement. Said public easements may only be released, in accordance with this section if it is found that the lot owner has made an application for a building permit to construct a structure upon the easement.

C. The City Manager or designee may require the granting of easements or the imposition

of other conditions as may be necessary prior to the approval of the binding or unbinding of lots.

2.17.06. *Fees.* The City Council may establish application fees from time-to-time relating to the provisions of this section by adoption of a resolution that may be part of a general City fee resolution relating to diverse actions and activities of the City.

2.17.07. *Recording of agreements.*

A. Each approved lot binding or unbinding agreement together with the action releasing, vacating, abandoning, or granting any easement(s) shall be recorded in the Official Records of Flagler County (land records) at the expense of the owner.

B. After recordation, copies of the recorded lot binding or unbinding agreement and action relative to the easement(s) shall be provided by the owner to the City Manager or designee at the cost of the owner for recordation in the City's records. No such action shall take effect until recorded in the City's records.

(Ord. No. 2004-10, §§ 1—7, 5-4-04)

Editor's note— Inasmuch as Ord. No. 2004-10 was inadvertently omitted during the original codification of the Land Development Code, and at the discretion of the editor, the provisions of said ordinance have been designated as Section 2.17.

Chapter 3 - ZONING, USES, AND DIMENSIONAL STANDARDS

Sec. 3.01. - In General.

3.01.01. *Establishment of zoning districts.* The City of Palm Coast, Florida is hereby divided into the following zoning districts. Each zoning district allows a set of uses that are consistent with its purpose and also a set of land development regulations designed to achieve the purpose of the district.

A. AGR—Agriculture District

B. EST-1; EST-2—Rural and Suburban Estate Districts

C. SFR-1; SFR-2; SFR-3; SFR-4; SFR-5—Single-Family Residential Districts

D. DPX—Duplex Residential District

E. MFR-1; MFR-2—Multifamily Residential Districts

F. MHD—Mobile Home District

G. MPD—Master Planned Development District

H. COM-1; COM-2; COM-3—Commercial Districts

I. OFC-1; OFC-2—Office Districts

J. IND-1; IND-2—Industrial Districts

K. PSP—Public/Semipublic District

L. P&G—Parks and Greenways District

M. PRS—Preservation District

3.01.02. *Official zoning map.*

A. *Zoning district boundaries.* The boundaries of the zoning districts are hereby established and shall be delineated on the Official Zoning Map for the City. The Map shall be kept on file in the offices of the City Clerk and shall be the official record of the zoning designation of properties within the City.

B. *Establishment of the Master Planned Development (MPD) zoning district.* This chapter establishes the Master Planned Development (MPD) zoning district to replace the following mixed use zoning districts: Village Center (VGC-1 and VGC-2), Golf Course Community (GCC), Planned Unit Development (PUD) and Planned Rural Development (PRD). These former mixed use zoning districts are now referenced in this Code as "former VGC-1," "former VGC-2," "former GCC," "former PUD," and "former PRD," and will remain on the Official Zoning Map; however, these districts are depicted by a hatch pattern that identifies them as "former" zoning districts. The map legend shall state that these hatched pattern zoning districts were designated prior to the adoption of the current Official Zoning Map, in effect as of November 16, 2008, and that after this date no parcels of land may be rezoned to any of the zoning districts designated as "former."

3.01.03. *Adoption, identification, and amendments.* The following shall apply to adoption and amendments to the Official Zoning Map:

A. The City of Palm Coast Official Zoning Map shall be adopted by ordinance of the City Council after considering the recommendations of the Planning and Land Development Regulation Board.

B. If, in accordance with the provisions of this LDC and F.S. ch. 163 , changes are made in district boundaries or other matter portrayed on the City of Palm Coast Official Zoning Map, such changes shall be entered on the Official Zoning Map after enactment of the amending ordinance.

C. Change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this LDC or in F.S. ch. 163 . Any unauthorized change shall be null and void and have no force or effect.

D. Regardless of the existence of purported copies of the Official Zoning Map that may from time-to-time be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

E. Unless a prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment, in the office of the City Clerk.

3.01.04. *Future land use map—Zoning district compatibility.* All development in the City shall be consistent with the Comprehensive Plan and the Future Land Use Map (FLUM). Each future land use category contains a set of zoning districts that may be permitted within its boundaries. No property shall be rezoned unless it is to a district that is compatible with the future land use designation of the site. The following table correlates individual zoning districts with the compatible future land use categories.

Table 3-1: Future Land Use Map/Zoning District Compatibility

FLUM Land Use Category	Zoning Districts Permitted
Low-Density Residential	SFR-2, SFR-3, SFR-4, SFR-5, EST-1, EST-2, DPX, and MPD
Residential	SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, EST-1, EST-2, DPX, MFR-1, MFR-2, MHD, PSP, P&G, PRS, and MPD
Institutional	OFC-1, MPD, PSP, P&G, and PRS
Mixed Use	SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, EST-1, EST-2, DPX, MFR-1, MFR-2, MHD, COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, PSP, P&G, PRS, and MPD
Industrial	OFC-1, COM-2, COM-3, IND-1, IND-2, MPD, PSP, P&G, and PRS
Greenbelt	EST-1, EST-2, AGR, P&G, PSP, PRS, and MPD
Conservation	PRS
Development of Regional Impact	As approved by the Development of Regional Impact.
Master Planned Mixed Use	MPD

3.01.05. *Rules for interpretation of district boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the City of Palm Coast Official Zoning Map, the following rules shall apply and shall be implemented by the Land Use Administrator:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines or parcel lines shall be construed as following such lot lines or parcel lines.

C. Boundaries indicated as approximately following City Limits shall be construed as following the City Limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.

E. Boundaries indicated as following shorelines shall be construed to follow the mean high water line, and in the event of change in the shoreline shall be construed as moving with the line.

F. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

G. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.

H. Where physical features such as streets, railroad lines, rivers, streams and such, existing on the ground are at variance with those shown on the City of Palm Coast Official Zoning Map, or in other circumstances not covered above, the Land Use Administrator shall make a written interpretation of the district boundaries.

I. The Land Use Administrator may require that a professional survey be submitted prior to making a boundary determination.

3.01.06. *Uses not permitted in the city.* The following uses may be permitted by a super majority vote of the City Council subsequent to an affirmative or negative recommendation by the Planning and Land Development Regulation Board. This is due to their potential incompatibility with current development trends in the City, their potential deleterious effects upon the public health, safety, and welfare, and the potential likelihood that they will create nuisances and significant adverse impacts upon adjacent land uses. The list is not all-inclusive and other uses found by the Land Use Administrator to be similar in nature and character to the listed uses shall also require approval by the City Council in the aforementioned manner.

Asphalt Manufacturing Plants

Animal Feed Lots and Livestock Operations

Bottle Clubs

Bulk Fuel Depot or Oil Refineries

Data Centers

Deep Well Injection of Waste Products

Dog Farms

Hog and Poultry Farms

Incinerator Plants

Junkyards, Salvage Yards

Motor Vehicle Race Tracks

Paper and Pulp Mills

3.01.07. *Uses not listed in this chapter.* The listing of permitted principal uses, special exception uses, accessory uses and limited uses in a zoning district is not meant to be all-inclusive, nor is the list of uses that are not permitted intended to be all inclusive. Uses not specifically listed shall be reviewed by the Land Use Administrator to determine if the proposed use is similar in nature and character to others listed in the zoning district. The North American Industry Classification System manual, as amended, shall serve as a general guideline in making this determination. Based on the determination, the proposed use shall be classified in the same manner as those similar uses listed in terms of it being permitted as a principal, special exception, accessory, or limited use. The Land Use Administrator may also determine that other uses are not permitted on the basis that they are not similar in nature or character to the other uses listed in the zoning district. Determinations may be appealed in accordance with the appeal procedures established in Chapter 2.

(Ord. No. 2016-4 , § 2, 3-15-16)

Sec. 3.02. - Residential Zoning Districts.

3.02.01. *Purpose of districts.*

A. *Agriculture Zoning District (AGR).* The purpose of the Agriculture District is to provide areas for limited agricultural, farming, and silviculture uses. The development of detached single-family dwellings and accessory uses, including home occupations common to rural areas, is also permissible.

B. *Suburban and Rural Estate Zoning Districts (EST-1 and EST-2).* The purpose of the Estate Districts is to provide areas for detached single-family dwellings and accessory uses on estate-sized lots to create very low-density neighborhoods in suburban and rural areas.

C. *Single-Family Residential Zoning Districts (SFR-1, SFR-2, SFR-3, SFR-4, and SFR-5).* The purpose of the Single-Family Residential Districts is to provide areas for detached single-family dwellings and accessory uses in low to medium density residential neighborhoods.

D. *Duplex (DPX).* The purpose of the Duplex District is to provide areas for two-family residential structures, combined with single-family and attached homes, in medium-density residential neighborhoods.

E. *Multifamily Residential Zoning Districts (MFR-1 and MFR-2).* The purpose of the Multifamily Residential Districts is to provide areas for attached housing, and medium to high-density apartments or condominiums. These districts also provide opportunities for assisted living or nursing homes and townhouse development.

F. *Mobile Home Zoning District (MHD).* The purpose of the Mobile Home District is to provide areas for detached mobile or manufactured home dwellings in low to medium density manufactured/mobile home parks or master planned residential subdivisions.

3.02.02. *Residential Districts—Allowable Uses.* The following table contains a list of uses allowed in each district, and specifies if they are permitted by right (P) or if they require special exception approval (S) in accordance with Chapter 2. Uses permitted only as accessory to a principal use are noted with an (A). All uses marked with an (L) have additional limitations specific to that use listed in Chapter 4.

Table 3-2. Residential Zoning Districts—Use Table

USES	SFR-1	SFR-2	SFR-3	SFR 4 & 5	EST-1	EST-2	AGR	DPX	MFR 1 & 2	MHD	MPD [1]
RESIDENTIAL											
Adult Family Care Home	P	P	P	P	P	P	P	-	-	-	P
Assisted Living Facilities	-	-	-	-	-	-	-	-	P	-	P
Boarding and Rooming Houses	-	-	-	-	-	-	-	-	S	-	P
Cluster Development **(L)**	P	P	P	P	P	P	-	P	-	-	P
*Community Residential Homes (1-6 persons) **(L)** [2]	P	P	P	P	P	P	P	P	P	P	P
*Community Residential Homes (7-14 persons) **(L)** [2]	-	-	-	-	-	-	-	-	P	-	P
Duplex **(L)**	-	-	-	-	-	-	-	P	-	-	P
Family Child Day Care Home, Small	P	P	P	P	P	P	P	-	-	-	P
Family Child Day Care Home, Large	-	-	-	-	S	S	P	-	S	-	P
Farm Worker/Labor Housing	-	-	-	-	-	S	P	-	-	-	-
Mobile Home Parks **(L)**	-	-	-	-	-	-	-	-	-	P	-
Mobile / Manufactured Home Subdivision **(L)**	-	-	-	-	-	-	-	-	-	P	-
Multifamily Dwellings **(L)**	-	-	-	-	-	-	-	-	P	-	P
Neotraditional Development **(L)**	P	P	P	P	-	-	-	-	P	-	P

Nursing Homes	-	-	-	-	-	-	-	-	P	-	P
Recovery Residence (1-10 persons) (L)	P	P	P	P	P	P	P	P	P	P	P
Recovery Residence (11-20 persons) (L)	-	-	-	-	-	-	-	-	S	-	P
Single-Family Detached Dwelling Units	P	P	P	P	P	P	P	P	-	-	P
Townhouses **(L)**	-	-	-	-	-	-	-	P	P	-	P
NONRESIDENTIAL											
Adult Day Care Centers	-	-	-	-	-	-	-	-	S	-	P
Agriculture, Silviculture, and Other **(L)**											
Agricultural Uses, bona fide uses (except feedlots)	-	-	-	-	-	S	P	-	-	-	-
Animal Husbandry	-	-	-	-	-	S	S	-	-	-	-
Aviaries	-	-	-	-	-	A	A	-	-	-	-
Crop Production	-	-	-	-	-	P	P	-	-	-	-
Equestrian Activities and Uses	-	-	-	-	-	P	P	-	-	-	P
Farm Animals (other than horses)	-	-	-	-	-	S	P	-	-	-	-
Forestry (Logging/Timber Tract Operations, plant nurseries)	-	-	-	-	-	-	P	-	-	-	-
Horses	-	-	-	-	P	P	P	-	-	-	P

Silviculture	-	-	-	-	-	-	P		P	P	P
Sod Farms	-	-	-	-	-	-	P	-	-	-	-
Bed and Breakfast Inns	-	-	-	-	~~-~~S	~~-~~S	~~-~~S	-	S	-	~~S~~ P
Cemeteries **(L)**	-	-	-	-	-	S	P	-	-	-	P
Child Day Care Centers	-	-	-	-	-	-	-	-	S	-	P
~~Home Occupations Class 1~~Home Based Businesses **(L)**	A	A	A	A	A	A	A	A	A	A	A
~~Home Occupations Class 2 **(L)**~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~	~~A~~
~~Home Occupations Class 3 **(L)**~~	~~-~~	~~-~~	~~-~~	~~-~~	~~SA~~	~~SA~~	~~A~~	~~-~~	~~-~~	~~-~~	~~A~~
Kennels and Pet Boarding[3]	-	-	-	-	-	-	P	-	-	-	P
Marina (Noncommercial) **(L)**	A	A	A	A	A	A	A	A	A	A	A
Marina (Commercial) **(L)**	S	S	S	S	S	S	S	S	S	S	P
Mining and Soil Extraction **(L)**	-	-	-	-	-	-	S	-	-	-	-
Public Parks and Recreational Facilities	P	P	P	P	P	P	P	P	P	P	P
Pump Stations and Well Sites	P	P	P	P	P	P	P	P	P	P	P
RV Parks and Camps **(L)**	-	-	-	-	-	-	S	-	-	-	~~-~~P
Schools, Elementary and Secondary (public and private, including charter schools) **(L)**	P	P	P	P	P	P	~~-~~P	P	P	P	P
Short-term Vacation Rental[34]	P	P	P	P	P	P	P	P	P	P	P
Veterinary Clinics and Services	-	-	-	-	-	S	P	-	-	-	P

Wholesale/Retail Fertilizer Sales	-	-	-	-	-	-	P	-	-	-	-
Wireless Communication Facilities **(L)**	L	L	L	L	L	L	L	L	L	L	L

~~*This number is per the Florida Building Code, which may be amended from time to time for compliance with the Florida Building Code.~~

Footnotes for Table 3-2:

[1] Only if use is specifically mentioned within the MPD Development Agreement. Uses must be consistent with the criteria established for Master Planned Developments in Chapter 2.09.04.

[2] Community Residential Homes are regulated by Florida Statute 419.001. Large Community Residential Homes having a number of residents between 7-14 are also subject to proximity regulations within the statute. Community Residential Homes due to the occupancy number of beds may have additional requirements under Florida Building Code comparatively to Single-Family Residential homes.

[3] Only on residential lots of 2.5 acres or greater.

~~[3]~~[4] Short-term Vacation Rentals are subject to the requirements of Chapter 17, Article V of the Code of Ordinances.

3.02.03. *Residential Districts—Dimensional Standards.* Section 3.03 and Section 3.04 establishes additional standards for selected residential districts. The following table contains the dimensional standards for the various uses allowed in each residential district:

Table 3-3: Residential Zoning Districts—Dimensional Standards

Standard	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	EST-1	EST-2	AGR	MHD	DPX	MFR-1	MFR-2
Minimum Lot Size	6,000 sq. ft.	7,500 sq. ft.	10,000 sq. ft.	12,000 sq. ft.	20,000 sq. ft.	1.0 acre [1]	2.5 acres [1]	5 acres [2]	4,000 sq. ft	9,000 sq. ft. [3]	2,500 sq. ft. [3]	2,500 sq. ft. [3]
Minimum Development Site Size	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 acre	N/A	3 acres [4]	4 acres [4]
Minimum Lot Width [5]	50'	60'	80'	80'	100'	100'	150'	200'	40'	30'/80 [6]	25'/100' [6]	25'/100' [6]
Maximum Density (units per acre) [7]	7.0	5.0	4.0	3.0	2.0	1.0	0.4	0.2	8.0	8.0	8.0	12.0
Minimum Living Area (square feet)	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	600	800 [12]	650	650
Minimum Front Setback [8]	20'	20'	25'	25'	25'	25'	25'	50'	10'	25'	25'	25'

Minimum Rear Setback [8]	10'	6.5'	10'	15'	20'	25'	25'	50'	10'	10'	20'	20'
Minimum Rear Street Setback [8]	15'	15'	15'	15'	15'	20'	25'	25'	10'	15'	25'	25'
Minimum Interior Side Setback [8]	5' [9]	7.5'	7.5'	7.5'	10'	10'	15'	25'	5'	7.5' [9]	10' [9]	10' [9]
Minimum Street Side Setback [8]	15'	15'	20'	20'	20'	20'	25'	25'	10'	20'	20'	20'
Maximum Impervious Surface Ratio (ISR) [10]	0.75	0.75	0.70	0.70	0.50	0.50	0.50	0.25	0.70	0.70	0.70	0.70
Maximum Building Height [11]	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	50'	60'

Table 3-3 Footnotes:

[1] Residential lots in the EST-1 and EST-2 Districts shall have a contiguous upland area of at least 12,000 square feet. Residential lots utilizing well or septic systems shall have a contiguous upland area of at least one acre.

[2] Residential lots in the AGR District shall have a contiguous upland area of at least 20,000 square feet. Residential lots utilizing well or septic systems shall have a contiguous upland area of at least one acre.

[3] Minimum lot size 4,000 sq. ft. per lot for a legally divided duplex lot. Minimum lot size is shown for a townhouse lot in the MFR Districts.

[4] Minimum size for a manufactured/mobile home park in the MHD District and for multifamily development sites in the MFR-1 and MFR-2 Districts.

[5] Fifteen percent wider width required for corner lots. See Chapter 9 for subdivision design standards. In no event shall lot frontage on a street or access easement be less than 20 feet.

[6] Twenty-five-foot minimum lot width for townhouse lots; 100-foot minimum lot width for multifamily development sites. Thirty-foot minimum lot width per lot for a legally divided duplex lot. Eighty-foot minimum lot width for a detached single-family dwelling on a lot in the DPX District.

[7] See Section 3.05 regarding density calculation methodology.

[8] See Section 3.05 for setback determinations and setback requirements for multistory developments adjacent to residential zoning districts and wireless communication facilities and equipment compounds.

[9] The minimum interior side yard setback for townhouses shall be zero feet. Detached single-family dwellings in the existing subdivisions that were zoned for detached single-family dwellings in the former TWN District shall be zero feet on one side and a minimum distance of 15 feet between each dwelling unit.

[10] See Section 3.05 for ISR calculation methodology.

[11] See Subsection 3.04.04 for height restrictions within the Palm Coast Parkway Overlay Zone.

[12] The minimum living area requirement noted is per unit for a duplex. A single-family dwelling on a duplex lot must meet a minimum requirement of 1,200 square feet for living area.

(Ord. No. 2009-26, § 10, 12-15-09; Ord. No. 2015-9 , § 3, 8-4-15; Ord. No. 2018-02 , § 3, 2-6-18)

Sec. 3.03. - Nonresidential and Mixed Use Zoning Districts.

3.03.01. *Purpose of districts.*

A. *Neighborhood, General, and High Intensity Commercial Zoning Districts (COM-1, COM-2, and COM-3)*

1. The purpose of the COM-1 (Neighborhood Commercial) District is to provide areas for limited commercial and office uses developed at a neighborhood scale to meet the day-to-day retail and service needs of nearby residents.
2. The purpose of the COM-2 (General Commercial) District is to provide areas for general commercial and office uses to meet the community-wide demand for retail, services, business, and employment opportunities.
3. The purpose of the COM-3 (High Intensity Commercial) District is to provide areas for the most intensive commercial uses including, but not limited to, those that focus on automobile sales and service, outdoor storage, and heavy traffic.

B. *Limited and General Office Zoning Districts (OFC-1 and OFC-2).*

1. The purpose of the OFC-1 (Limited Office) District is to provide areas for limited office development. This district is primarily intended to provide office support to larger institutional uses, such as medical offices surrounding hospitals. This district also allows for limited service and retail uses to meet the needs of office workers.
2. The purpose of the OFC-2 (General Office) District is to provide areas for various types of office uses, such as office parks, corporations, and other business and employment centers. This district also permits limited service and retail uses to meet the needs of office workers.

C. *Master Planned Development Zoning District (MPD).* The purpose of the Master Planned Development District is to provide areas where a variety of uses are mixed together in master planned developments and communities. This district utilizes cohesive architectural themes and emphasizes accessibility for pedestrians and bicyclists. Regulations for this district are intended to promote flexibility and creative land use planning and design concepts. The Master Planned Development District replaces the Village Center (VGC-1 and VGC-2), Golf Course Community (GCC), Planned Unit Development (PUD), and Planned Rural Development (PRD) zoning districts. Projects developed or approved within these former districts are bound to their respective Development Agreements and the uses that were formerly allowed in those districts; however, substantial revisions to a Development Agreement, as described in Subsection 2.09.07, will require an application under the terms and procedures of the Master Planned Development District and/or a rezoning. Subsection 3.03.04 establishes the development standards for the Master Planned Development District.

D. *Light and Heavy Industrial Zoning Districts (IND-1 and IND-2).*

1. The purpose of the IND-1 (Light and Warehousing Industrial) District is to provide areas for restricted industrial and warehouse uses of low to moderate intensities with minimal potential

for off-site impacts. This district utilizes performance standards to ensure that impacts are controlled.

2. The purpose of the IND-2 (Heavy Industrial) District is to permit a wide range of intensive industrial uses, which include, but are not limited to, those that are major users of water, produce greater amounts of hazardous and regulated waste, storage of significant amounts of chemicals, produce air emissions, or substantially impact the landscape through mining and soil extraction. This district utilizes performance standards to ensure that impacts are controlled to protect the public health, safety, and welfare.

E. *Public/Semipublic Zoning District (PSP).* The purpose of the Public/Semipublic District is to provide areas for government owned facilities, religious institutions, civic buildings, community club facilities, educational/vocational facilities, nonprofit organization facilities, and essential public services including, but not limited to, transit facilities, water and sewer utility plants and related facilities, and electrical power substations.

F. *Parks and Greenways Zoning District (P&G).* The purpose of the Parks and Greenways District is to provide areas for various parks including active recreational facilities as well as passive open spaces that provide for recreational opportunities. This district also includes areas for historical sites, outdoor museums, golf courses, driving ranges, and associated facilities.

G. *Preservation (PRS).* The purpose of the Preservation District is to provide for the protection of valuable and unique natural resource areas. This district allows minimal development for the purpose of providing public accessibility and basic facilities only.

3.03.02. *Nonresidential and Mixed Use Districts—Allowable Uses.* The following table contains a list of uses allowed in each district, and specifies if they are permitted by right (P) or if they require special exception approval (S) in accordance with Chapter 2. Uses permitted only as accessory to a principal use are noted with an (A). All uses marked with an (L) have additional limitations specific to that use listed in Chapter 4.

Table 3-4. Nonresidential and Mixed Use Zoning Districts—Use Table

Specific Use Type	**COM-1**	**COM-2**	**COM-3**	**OFC-1**	**OFC-2**	**IND-1**	**IND-2**	**PSP**	**P & G**	**PRS**	**MPD**[1]
Civic, Nonprofit and Institutional											
Civic Uses: town hall, libraries, museums	P	P	P	P	P	S	-	P	-	-	P
Civic Uses: police, fire, postal service	P	P	P	P	P	P	S	P	-	-	P
Civic Clubs and Fraternal Organizations (L)	P	P	P	P	P	-	-	P	-	-	P
Hospice Services	S	P	P	S	P	-	-	P	-	-	P

Hospitals	-	P	P	-	P	-	-	P	-	-	P
Houses of Worship/Religious Institutions (L)	P	P	P	P	P	-	-	P	-	-	P
Nonprofit Organizations, (e.g., Humane Societies) (L)	P	P	P	P	P	-	-	P	-	-	P
Eating, Drinking and Entertainment											
Adult-Oriented Businesses (L)	-	-	-	-	-	-	P	-	-	-	-
Drinking Establishments (without outdoor entertainment) (L)	-	P	P	-	-	-	-	-	-	-	P
Drinking Establishments (with outdoor entertainment) (L)	-	S	P	-	-	-	-	-	-	-	P
Beer, Wine, and Liquor Stores (L)	P	P	P	P	P	-	-	-	-	-	P
Cafeterias, Coffee and Donut Shops, Snack Bars, Sandwich Shops, Delicatessens, Bakeries	P	P	P	P	P	S	-	P	-	-	P
Microbreweries, Micro Distilleries (L)	-	S	P	-	-	P	-	-	-	-	P
Mobile Food Dispensing Vehicle or Temporary Commercial Kitchens (L)	A	PA	PA	-	-	PA	-	A	A	-	PA
Performing Arts Facilities (e.g. dinner theaters)	S	P	P	-	-	-	-	P	-	-	P
Pizza Delivery Establishments and Takeout Places	P	P	P	P	P	S	-	-	-	-	P

Restaurants, Fast Food (L)	-	P	P	-	-	-	-	-	-	-	P
Restaurants, Sit-Down	P	P	P	P	P	-	-	-	-	-	P
Educational Facilities											
Elementary/Secondary Schools (public and private) (L)	P	P	P	P	P	-	-	P	-	-	P
Colleges/Universities	S	S	P	S	P	-	-	P	-	-	P
Industrial Uses (L)											
Manufacturing, Heavy (L)	-	-	-	-	-	S	P	-	-	-	–P
Manufacturing, Light (L)	-	-	-	-	-	P	P	-	-	-	P
Material Recovery Facilities (e.g. recycling centers)	-	-	-	-	-	P	P	-	-	-	–P
Mining and Soil Extraction (L)	-	-	-	-	-	-	S	-	-	-	-
Laboratories											
Medical and Diagnostic Laboratories	S	P	P	P	P	P	-	-	-	-	P
Dental Labs	P	P	P	P	P	-	-	-	-	-	P
Multiuse Building (L)	P	P	S	P	P	-	-	-	-	-	P
Office, Medical and Professional											
Banks and Credit Unions	P	P	P	P	P	-	-	-	-	-	P
Building Contractors	-	S	P	S	P	P	-	-	-	-	P
Mail Order Facilities	P	P	P	P	P	P	-	-	-	-	P

Medical and Professional Offices	P	P	P	P	P	-	-	-	-	-	P
Outpatient Care Facilities	P	P	P	P	P	-	-	-	-	-	P
Pharmacies [2]	-	P	P	P	P	-	-	-	-	-	P
Scientific and Technical (e.g. architects, engineers, design, programming, and consulting)	P	P	P	P	P	S	-	-	-	-	P
Temporary Employment Agencies and Management Services	P	P	P	P	P	-	-	-	-	-	P
Veterinarians (without kennels/post-operative care only)	P	P	P	P	P	-	-	-	-	-	P
Recreation and Tourism											
Bed and Breakfast Inns	P	P	P	-	-	-	-	-	-	-	P
Electronic Game Promotion Establishments	-	S	P	-	-	-	-	-	-	-	P
Golf Courses, Driving Ranges, and Country Clubs	-	-	-	-	-	-	-	-	P	-	P
Hotels	-	P	P	P	P	-	-	-	-	-	P
Marinas (Commercial) (L)	P	P	P	P	P	P	P	P	S	-	P
Motels	-	P	P	-	-	-	-	-	-	-	P
Public Parks and Recreation Facilities	P	S	S	S	S	S	S	P	-	P	P
Recreation, Indoor	P	P	P	-	-	-	-	-	-	-	P
Recreation, Outdoor	-	S	P	-	-	-	-	P	P	S	P

RV Parks and Camps (L)	-	-	-	-	-	-	-	-	P	-	~~-~~P
Shooting and Target Ranges (indoor)	-	-	S	-	-	P	-	-	-	-	~~-~~P
Stadiums and Athletic/Sports Arenas	-	-	P	-	-	-	-	P	-	-	P
Residential											
Assisted Living Facilities, Nursing Homes	P	P	P	P	P	-	-	P	-	-	P
Caretaker's Dwellings	-	S	S	-	S	S	S	S	S	S	P
Community Residential Homes (7 to 14 residents)	-	-	-	-	-	-	-	-	-	-	P
On-site dwelling units for agents or employees of principal use.	-	-	-	-	S	-	-	S	S	S	P
Dormitories	S	S	S	-	-	-	-	S	-	-	P
Live Local Mixed-Use Residential ~~Developments~~[4]Developments[3]	P	P	P	P	P	P	P	P	-	-	P
Retail Sales and Services											
Art Dealers	-	P	P	P	P	-	-	-	-	-	P
Automotive Parts (e.g. accessories and tires)	-	S	P	-	-	P	-	-	-	-	P
Building Material Stores (paint, hardware)	P	P	P	-	-	P	-	-	-	-	P
Clothing and Accessory Stores (e.g. shoes and luggage)	P	P	P	S	P	-	-	-	-	-	P

Retail (L)	P	P	P	-	-	-	-	-	-	-	P
Florists	P	P	P	P	P	-	-	-	-	-	P
Food and Beverage Stores (supermarkets and specialty foods)	P	P	P	P	P	-	-	-	-	-	P
Furniture and Home Furnishings Stores	P	P	P	-	P	P	-	-	-	-	P
Home Improvement Centers	-	P	P	-	-	P	-	-	-	-	P
Large-Scale Retail Centers (L)	-	P	P	-	-	-	-	-	-	-	P
Lawn and Garden Equipment and Supplies Stores	P	P	P	-	-	P	-	-	-	-	P
Model Home Centers (L)	P	P	P	P	P	-	-	-	-	-	P
Pet (domestic) Stores	P	P	P	-	-	-	-	-	-	-	P
Plant Nurseries	P	P	P	-	-	-	-	-	-	-	P
Photo Finishing	P	P	P	P	P	-	-	-	-	-	P
Small Box Discount Stores ~~3~~ 4	-	P	P	-	-	-	-	-	-	-	P
Sporting Goods, Hobby, Book and Music Stores	P	P	P	P	P	-	-	-	-	-	P
Used Merchandise Stores	S	P	P	-	-	-	-	-	-	-	P
Service, Business											
Printing and Publishing	S	P	P	S	P	P	S	-	-	-	P
All other business services	P	P	P	P	P	P	P	-	-	-	P
Service, Personal											

Adult Day Care Centers	P	P	P	P	P	-	-	-	-	-	P
Bail Bonding	-	S	P	-	-	-	-	-	-	-	P
Child Day Care Centers	P	P	P	P	P	-	-	-	-	-	P
Funeral Homes	S	P	P	S	P	-	-	-	-	-	P
Tarot Card, Psychic, and Palm Readings	-	S	P	-	-	-	-	-	-	-	P
Tattooing, Body Piercing, and other Body Art	-	~~S~~ P	P	-	-	-	-	-	-	-	P
All other personal service uses	P	P	P	P	P	P	-	-	-	-	P
Service, Major											
Data Centers[5]	-	-	-	-	-	-	-	-	-	-	-
Heavy Construction and Land Excavation Contractors	-	-	-	-	-	P	P	-	-	-	~~-~~P
Kennels and Animal Boarding[6]	-	S	P	-	-	P	-	-	-	-	P
Landscaping Services	P	P	P	-	-	P	S	-	-	-	~~-~~P
Machine Shops and Tool and Die	-	-	-	-	-	P	P	-	-	-	~~-~~P
Repair Services for Commercial and Industrial Machinery and Equipment	-	S	P	-	-	P	P	-	-	-	~~-~~P
Truck Stops	-	-	S	-	-	P	P	-	-	-	~~-~~P
Training Facilities											
Automobile Driver Schools	P	P	P	P	P	-	-	P	-	-	~~-~~P

Technical/Trade Schools	P	P	P	P	P	P	S	P	-	-	P
Trucks and Heavy Equipment Driving Schools	-	-	P	-	-	P	P	P	-	-	~~-~~P
Utilities and Public Works											
Dredge Spoil Disposal	-	-	-	-	-	-	-	S	-	-	-
Landfills (for nonhazardous, organic debris or construction debris only)	-	-	-	-	-	-	-	S	-	-	-
L~~-~~P Gas Dealer and Bulk Storage	-	S	P	-	-	P	S	-	-	-	~~-~~P
Municipal Pump Stations and Well Sites	P	P	P	P	P	P	P	P	P	S	P
Park and Ride Facilities	-	-	-	-	-	-	-	~~S~~ P	-	-	P
Power Generation and Distribution (electric and gas) Facilities	-	S	S	S	S	P	P	P	-	-	~~-~~P
Public Works Facilities	-	-	-	-	-	P	P	P	-	-	~~-~~P
Passenger Transit or Rail Stations	P	P	P	P	P	~~S~~ P	P	P	-	-	P
Vertiports for VTOL and eVTOL aircraft[57]	-	P	P	-	P	P	P	P	-	-	P
Solid Waste Transfer Stations	-	-	-	-	-	-	S	S	-	-	~~-~~P
Wastewater Treatment Facilities	-	-	-	-	-	-	-	S	-	-	~~-~~P
Water Supply Plants	-	-	-	-	-	-	-	S	-	-	P
Wireless Communication Facilities (L)	L	L	L	L	L	L	L	L	L	L	L

Vehicle Sales, Rental, Service, and Repair											
Automotive, Recreational Vehicle, and Boat Dealers	-	S	P	-	-	P	-	-	-	-	P
Car Washes	-	S	P	-	-	-	-	-	-	-	P
Commercial & Industrial Machinery & Equipment Rental and Leasing	-	S	P	-	-	P	P	-	-	-	P
Convenience Stores with Fueling Facilities (L)	P [3]	P	P	-	-	-	-	-	-	-	P
Motor Vehicle Towing Services	-	-	S	-	-	P	P	-	-	-	P
Motorcycle Dealers	-	P	P	-	-	P	-	-	-	-	P
Quick Lubrication or Tire Replacement Shop	-	P	P	-	-	P	-	-	-	-	P
Service Stations	P	P	P	-	-	P	-	-	-	-	P
Taxi and Limousine Services	P	P	P	-	-	-	-	-	-	-	P
Vehicle Rental/Leasing	-	S	P	-	-	P	-	-	-	-	P
Vehicle Repair	-	S	P	-	-	P	-	-	-	-	P
Warehousing											
Miniwarehouses, Office Warehouses and Self-Storage	-	S	P	-	-	P	-	-	-	-	P
Warehouse/Distribution Facilities (~~>~~≥50,000 sq ft)	-	-	S	-	-	~~S~~ P	P	-	-	-	P
Warehouse/Distribution Facilities (<50,000 sq ft)	-	S	P	-	-	P	~~S~~ P	-	-	-	P

Footnotes for Table 3-4:

[1] Only if use is specifically mentioned within the MPD Development Agreement. Uses must be consistent with the criteria established for Master Planned Developments in Chapter 2.09.04.

[2] A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. F.S. § 381.986 .

[4~~-~~3] New developments pursuant to the Live Local Act shall be authorized in accordance with Section ~~34~~.~~06~~23, until the sunset of the Live Local Act on October 1, 2033, or as amended. Live Local Act developments shall be considered conforming after the sunset of the Act, as long as they maintain their affordability compliance as outlined in Section ~~34~~.~~06~~23.

[34] If subject property is within 500 feet of any residential property, a special exception for the use is required in accordance with Section 2.07 Special Exceptions.

[65] Data Centers require a super-majority vote of the City Council pursuant to Section 3.01.06. In the event that the City Council approves a Data Center, it shall require a closed-loop cooling system, be limited to a zoning district of IND-1 or IND-2, and subject to meeting the Industrial Use Performance Standards of Section 4.14.02.

[6] In Mixed Use MPDs permitted in residential lots only if lot/parcel is 2.5 acres.

[7] Vertical Takeoff and Landing (VTOL) and Electronic Vertical Takeoff and Landing (eVTOL) aircraft takeoff and landing sites are known as vertiports. The locational siting and design of vertiports are subject to meeting requirements established by FDOT and the FAA, as amended. The operations for said aircraft shall meet any adopted FDOT or FAA regulations, as amended.

3.03.03. *Nonresidential and Mixed Use Districts—Dimensional Standards.* The following table contains the dimensional standards for the various uses allowed in each nonresidential and mixed use district. The following subsections contain additional standards for the various nonresidential mixed use districts.

Table 3-5. Nonresidential and Mixed Use Zoning Districts—Dimensional Standards

Zoning District Standard	COM-1	COM-2	COM-3	OFC-1	OFC-2	PSP	IND-1	IND-2	P&G	PRS	MPD
Minimum Lot Size	20,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	1 acre	N/A	N/A	N/A
Minimum Lot Width [1]	100'	100'	100'	100'	100'	100'	100'	150'	N/A	N/A	N/A
Maximum Impervious Surface Ratio (ISR)	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.65	0.20	0.05	N/A [2]
Maximum Floor Area Ratio (FAR)	0.30 [3]	0.40	0.50	0.40	0.40	0.30	0.35	0.~~45~~ 35	0.10	N/A	~~NA~~ 0.55
Maximum Building Height [4]	50'	100'	75'	75'	100'	100'	65'	65'	35'	35'	100'

Interior Side and Rear Setbacks [5]	10'	10' [6]	10' [6]	10'	10'	10'	10'	15'	5'	5'	N/A
Minimum Building Setbacks from Streets:											
Arterial/Collector Road [7]	25'	25'	25'	25'	25'	25'	25'	35'	35'	35'	N/A
Local Road	20'	20'	20'	20'	20'	20'	25'	35'	10'	10'	N/A

Footnotes for Table 3-5:

[1] In no event shall the lot frontage on a street or access easement be less than 20 feet.

[2] See Subsection 3.03.04 for open space requirements.

[3] The gross floor area of a neighborhood shopping center shall not exceed 50,000 square feet.

[4] See Subsection 3.04.04 for height restrictions within the Palm Coast Parkway Overlay Zone. Additional height is permitted for appurtenances in the IND-2 District, as required by federal and state regulatory agencies. See Chapter 13 for additional restrictions on building height that may be applicable.

[5] See Section 3.05 for setback determinations and setback requirements for multistory developments adjacent to residential zoning districts and wireless communication facilities and equipment compounds. Fifteen percent wider width required for corner lots. See Chapter 9 for subdivision design standards. In no event shall lot frontage on a street or access easement be less than 20 feet. Minimum setback requirement is 25 feet when abutting the SFR, DPX, EST, AGR, PRS, and P&G Districts.

[6] A zero-foot interior side setback is permitted for a large-scale retail center with an approved master plan.

[7] Building abutting any specific arterial or collector road listed in Table 11-5 of Chapter 11 require a 35-foot setback to accommodate the landscape buffer.

3.03.04. *Master Planned Development (MPD) Zoning District Development Standards.* Requesting a rezoning to the Master Planned Development District is a voluntary process commenced by an applicant proposing a master plan for a unique, individually planned development which would not otherwise be permitted in any of the zoning districts established by this chapter. An application for rezoning to a Master Planned Development District shall show that the planned development will produce a functional, enduring, and desirable environment, with no significant adverse impacts to adjacent properties.

A. *Purpose.* The purpose of the Master Planned Development District is to provide opportunities for innovative planning and design. Although greater flexibility is given within this district, procedures are established in this subsection to ensure that master planned developments are consistent with sound and generally accepted land development practices and that added benefit is accrued to the community. Approval of a Master Planned Development Agreement will be based on the finding that the submittal results in one or more of the following:

1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the master planned development zoning approval; and/or

2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the master planned development zoning approval.

B. *Intent.* The intent of the Master Planned Development District is to:

1. Encourage efficient land development through the use of innovative land use planning.
2. Encourage a more compatible and harmonious development of contiguous lands.
3. Permit the combining and coordinating of architectural styles, building forms, and building relationships within a development.
4. Provide for the planning, review, and approval of one or a combination of residential, commercial, industrial, recreational, and public land uses and structures that results in an organized development.
5. Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site circulation, ingress, and egress than is permitted under conventional zoning and subdivision regulations.
6. Preserve to the greatest extent feasible environmental assets and natural amenities such as scenic and functional open space areas.
7. Establish specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary for the protection of the public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.

C. *General requirements.*

1. *Comprehensive plan consistency.* The master planned development shall be consistent with the Comprehensive Plan. A Master Planned Development District is allowed within all Comprehensive Plan Future Land Use Map categories.
2. *Other ordinances.* All building and housing codes of the City are applicable to the Master Planned Development District; however, requirements for dimensional standards, parking, open space, and other land use regulations established in the master planned development plan may differ from those specific to the zoning district in which the development is located to achieve a higher level of quality. Special exceptions and variances are, therefore, not applicable to master planned development plans.

D. *Permitted uses, densities, and intensities.* All principal and accessory uses permitted within the Master Planned Development District, as provided for in Tables 3-2 and 3-4, noting that these uses are not meant to be exclusive, uses not listed in this chapter pursuant to Section 3.01.07 may be requested. All uses requested within a Master Planned Development District are subject to approval by the City Council based on consistency with the Comprehensive Plan and compatibility with the surrounding areas. The maximum gross residential density or nonresidential intensity permitted within any proposed master planned development shall not exceed the density or intensity permitted within the Comprehensive Plan Future Land Use Map category where the particular master planned development is proposed.

E. *Development standards.* All development standards including, but not limited to, lot sizes, setbacks, lot coverage, building height, lighting, architecture, landscaping, recreation, and open space shall be specified in the Master Planned Development agreement.

F. *Compatibility standards.* In order to ensure compatibility of the master planned development the following shall apply whenever the proposed development abuts a single-family detached residentially zoned development:

1. Residential lot arrangement at the master planned development property line(s), including width, depth, and area shall be consistent with the average width, depth, and area of the abutting existing neighborhood with a variation of no more than 25 percent less than the average;
2. Residential and nonresidential building height adjacent to residential zoning districts shall comply with the requirements of Chapter 13.
3. Nonresidential delivery and loading areas, dumpsters, and mechanical equipment shall be located away from property lines abutting residential areas.
4. Development shall be generally consistent with the Architectural Design Regulations contained in Chapter 13.

G. *Perimeter buffer requirement.* Whenever a master planned development abuts existing developments with lower density or intensity land uses, the City Council may impose perimeter buffer requirements in excess of the minimum requirements established in Chapter 11 in order to protect the privacy of existing adjoining uses including, but not limited to:

1. Structures, buildings, and streets located at the perimeter of the development shall be permanently screened in a manner that sufficiently protects the privacy and amenities of the adjacent existing uses.
2. Increased setbacks from the perimeter line may be imposed to protect privacy of adjacent existing uses.

H. *Vehicular and pedestrian access and parking.* The master planned development shall be designed in a way that integrates pedestrian, bicycle, and vehicular traffic circulation systems into the surrounding community. The development shall provide for safe and convenient access to public uses, common areas, and other community services, facilities, and activities located both within the proposed development and beyond its boundaries.

1. All uses within the master planned development shall have access to a public street either directly or indirectly via a private approach road, pedestrian way, court, or other area dedicated by a common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road. The City shall be allowed access on privately owned roadways, easements, and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct City services and services of exclusive franchises, and to generally ensure the health and safety of the residents of the master planned development.
2. Vehicular access from individual lots or dwelling units onto arterial or collector streets within or adjacent to the development is discouraged.
3. Adequate parking and loading shall be provided in general conformance with regulations established in Chapter 5. However, the minimum number of parking spaces required may be modified, based on evidence that other standards would be more reasonable. A decision to reduce the number of parking spaces shall be based on technical information provided by a qualified consultant that verifies the reduction will not impair the functioning of the development or adjacent developments.

I. *Open space requirement.* A master planned development shall give priority to preservation and interconnection of wildlife corridors and wildlife preservation areas, including below grade crossings, if necessary. Open space should, to the maximum extent possible, preserve the most important environmental features on the site in their natural state or restrict these areas for passive outdoor recreational purposes only.

Master planned developments within a Development of Regional Impact are exempt from the open space requirements of this section, provided that the master planned development must comply and be consistent with the development of regional impact development order.

1. *Minimum required open space.* A master planned development shall be required to provide open space totaling 40 percent of its gross area. For a development with residential uses, at least 25 percent of the total required open space shall be common areas accessible to the public. Additional open space shall be, where possible, located and designed to achieve the following:
   a. Provide areas for informal recreation and pathways;
   b. Connect to adjacent open space, parks, bike paths, or pedestrian paths;
   c. Provide natural greenbelts along roadways; and
   d. Buffer adjacent land uses where appropriate.
2. *Open space requirement flexibility.* As an alternative to meeting the open space percentage noted above, an applicant may propose alternative solutions such as, but not limited to, green building principles, land donation, or other mechanisms that would justify the lower percentage.
3. *Permitted uses of open space.* For the purpose of this section, open space does not equate to pervious areas. Therefore, the following uses as permitted within the required open space area:
   a. Pervious areas including, but not limited to, conservation of natural, archeological, and historical resources; and woodlands, wetlands, ponds, lakes, wildlife corridors, landscape, and similar environmental or conservation-oriented areas.
   b. Walking or bicycling trails or paths paved with pervious or semipervious materials.
   c. Passive recreation areas such as playgrounds which meet the following standards:
      (1) Such areas do not exceed ten percent of the required open space; and
      (2) Such areas are located outside any conservation areas that include wetlands that qualify as moderate and optimal in Chapter 10.
   d. Easements for drainage and underground utility lines.
   e. Stormwater retention and detention ponds.
   f. Golf courses, disc golf, or similar open field based recreational areas.
4. *Prohibited uses of open space.*
   a. Roads and parking lots.
   b. Buildings, structures, and other impervious surfaces, except as necessary for residential walkways connecting to public sidewalks.
5. *Common open space and improvements.* All common open space, as well as public and recreation facilities shall be specifically included in the development plan and Master Planned Development Agreement.
   a. Common improvements associated with residential uses, including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of completed residential units in the master planned development. Therefore, recreational facilities must be permitted and under construction prior to the issuance of the 25th permit ~~no more than 40 percent~~ of the units for which the improvements are intended. ~~shall receive building permits until the improvements are completed.~~

b. Public improvements must be backed by performance bonds issued to the City in a form and quantity acceptable to the Land Use Administrator. The Land Use Administrator must approve the bond prior to the issuance of the first residential permit.

c. Improvements may be completed in phases as long as the capacity of the improvement is capable of serving the associated phase of development.

6. *Conveyance and preservation of open space.* Open space shall be preserved in perpetuity based upon the type of space and the user, as follows:

a. Common open space, proposed for use of the master planned development owners and residents, shall be conveyed to a homeowners association or to a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of the lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The conveyance shall be recommended to the City Council by the Planning and Land Development Regulation Board and shall be in a form approved by the City Attorney.

b. Open space associated with natural features including, but not limited to, wetlands and other environmentally sensitive areas shall be preserved in perpetuity via a conservation easement on a form approved by the City that shall be recorded with the Flagler County Clerk.

7. *Maintenance of common areas, stormwater conveyance system, and open space.* Homeowners or Property Owners Association Bylaws shall be required for a master planned development project and shall identify the party(ies) or person(s) responsible for maintaining the common areas, stormwater conveyance system, and open space, including multiuse trails open to the public.

J. *Existing golf course communities.* Existing golf courses communities located within the former Golf Course Community (GCC) District seeking to add residential units must comply with the standards established for the Master Planned Development District. In addition, the development shall utilize the following guidelines in order to minimize adverse impacts on any abutting single-family residentially zoned areas.

1. Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e. side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.

2. Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.

3. Multifamily uses shall be surrounded by fairways, clubhouse, and/or other golf course facilities to buffer single-family areas within the same development. The multifamily uses shall not be located within 150 feet from any existing, platted lots located within a residentially zoned area.

K. *Master planned development review and approval process.* The application for a master planned development and the rezoning, along with the required Master Planned Development Agreement, shall be submitted and approved in conformance with Chapter 2.

(Ord. No. 2009-26, §§ 11, 12, 12-15-09; Ord. No. 2012-3, § 2(Exh. 1), 5-1-12; Ord. No. 2015-08 , § 2, 7-21-15; Ord. No. 2015-9 , §§ 2, 4, 8-4-15; Ord. No. 2017-19 , § 3, 10-17-17; Ord. No. 2018-02 , § 4, 2-6-18; Ord. No. 2020-09 , § 2, 8-18-20)

Sec. 3.04. - Overlay Zones.

3.04.01. *Purpose and intent.* The intent of this section is to establish certain overlay zones within which special development restrictions are imposed. The land uses permitted within the underlying zoning districts remain undisturbed by the creation of the overlay zone.

3.04.02. *Wetland ~~overlay~~ Probability zone.*

A. *Purpose.* The purpose of the wetland ~~overlay~~ probability zone is to designate areas within the City containing significant wetland areas. The wetland probability zone is synonymous with the previous name wetland overlay zone.

B. *Delineation of wetland ~~overlay~~ probability zone boundaries.* The wetland ~~overlay~~ probability zone boundaries delineate areas in which aerial maps, the Future Land Use Map, or other sources of conceptual wetland mapping information indicate that the subject parcel or lot appears to meet at least one of the following conditions:

1. More than 50 percent of the land area within the parcel or lot contains wetlands as defined and protected under Chapter 10.
2. The parcel or lot contains wetlands that are part of a protected environmental or resource corridor or an integrated, non-isolated wetland system.
3. The location of the wetlands on the parcel or lot is situated in such a manner that the property's future development may be substantially restricted.

C. *Restrictions to future development within a wetland ~~overlay~~ probability zone.* Although the wetland ~~overlay~~ probability zone designation is an indication that a property's future development may be restricted due to the presence of wetlands, the designation itself does not entail any specific development regulations. Upon determination of the jurisdictional wetlands boundary by the St. Johns River Water Management District or other government designated entities and the application of Chapter 10, the parcel or lot is permitted to develop in accordance with the prescribed standards of its zoning district.

D. *Preserved wetland areas.* Preserved wetland areas may be used on a parcel or lot to meet setback requirements, to provide credit toward meeting landscape requirements, and to provide pervious area. Twenty-five percent of preserved wetland areas may count in the gross acreage used to calculate residential density in accordance with Section 3.05.

E. *Wetlands impacts.* The wetland ~~overlay~~ probability zone designation neither precludes impacts to wetlands nor does it provide justification for wetland impacts. Chapter 10 contains the City's regulations regarding wetland impacts.

3.04.03. *Gateway Overlay Zone.*

A. *Purpose.* The purpose of the gateway overlay zone is to establish provisions that enable development of a unique hub located within the City's State Road 100 Community Redevelopment Area. This shall be accomplished by implementation of land development criteria promoting redevelopment that provides consistent landscape and architectural standards compatible with the approved Town Center Development of Regional Impact. At the same time, the City recognizes that there are existing uses, both nonresidential and residential, within the gateway overlay zone that need to remain as viable properties during the interim period before redevelopment can occur. The gateway overlay zone is intended to:

1. Ensure the roadways develop into a cohesive, scenic gateway;
2. Provide uniform design standards to establish high quality development;
3. Prevent disjointed, disorganized development caused by unplanned and uncoordinated uses, buildings, and structures; and

4. Maintain and enhance property values.

B. *Description of district.* The boundary of the gateway overlay zone is delineated on the Official Zoning Map and is generally described as being bounded on the west by Bulldog Drive, on the north by the northerly property lines of the Midway Park First Addition Subdivision and southeasterly to the northern lot lines of Whispering Pines Subdivision; on the east by the east lot lines of Whispering Pines Subdivision; and on the south by the northerly right-of-way line of State Road 100.

C. *Site planning guidelines.* Site design shall specifically address the creation of an attractive, safe, and functional urban environment. The requirements contained in Chapter 13 relating to general architectural design shall apply to lands within this overlay zone as well as the following guidelines, which are unique to this zone.

1. *Building design, layout, and orientation.*

a. Buildings shall be organized to create or strengthen view corridors to significant natural or man-made features.

b. Building siting and orientation shall create a healthier pedestrian environment designed within the existing urban framework and linked to outdoor spaces including parks, plazas, and walkways.

c. When two or more buildings are proposed on a single lot of record, the primary building shall be oriented to face the public right-of-way.

d. Buildings shall be oriented to maximize pedestrian access and views of significant natural or man-made features, even if there is a primary façade on the public right-of-way.

e. Building orientation and massing should relate to nearby buildings and to the urban context, with off-street parking areas located to the sides and rear of the site.

f. In order to provide a unified design with the main structure and enhance the visual impact of outparcels on a site, all exterior façades of the outparcel buildings shall be considered primary façades and shall employ architectural and landscape design treatments similar to or compatible with the primary building and anchor tenant.

g. Secondary building entrances shall be considered when parking is located to the rear of the building to provide direct service and customer access to the store from parking areas as well as improve circulation between the parking lots and the street. Architectural embellishments, awnings, landscaping, and directional signage shall be used to mark the secondary entrance, and the design and building materials of the rear of the building shall be consistent with the front facade.

h. Corporate building design that is typically read as signage or branding is discouraged.

2. *Vehicular and pedestrian access and parking.*

a. Vehicular connection between the buildings, including the main structures and outparcels, is required to provide for safe and convenient vehicular movement within the site.

b. Interconnection of pedestrian walkways with the main structure and adjacent outparcels is required. Pedestrian walkways that are incorporated into parking areas or roadways shall be distinguished as such through the use of different materials.

c. The site plan shall be integrated with adjacent parcels to provide a logical, safe, and harmonious system of roadways and interconnecting bike paths and sidewalks.

d. Parking areas shall be designed to avoid the appearance of a large expanse of pavement, and shall be conducive to safe pedestrian access and circulation.

e. Joint or shared parking and cross-access are encouraged to create physical and visual linkages and to create more developable areas for commercial, institutional, and amenity uses.

3. *Maintenance and service areas.*

a. All maintenance and service areas shall be located in the rear of the buildings or, if a rear location is not possible, such areas shall be screened from public view.

b. Efficient access shall be provided to service drops and maintenance or trash collection areas.

D. *Building design.*

1. Building height shall not exceed 45 feet.

2. Buildings shall have architectural features and patterns that provide visual interest from the perspective of pedestrians and motorists. Buildings shall include substantial variation in mass, such as articulation of vertical and horizontal planes, particularly in primary building facades.

3. Building facades shall be designed to avoid visual monotony. Landscaping may be employed to enhance the architectural features, but shall not be used in lieu of the following:

a. Facades shall not exceed 30 horizontal feet and ten vertical feet without incorporation of two of the following elements:

(1) A change in plane, such as an offset, reveal, or projecting rib. Such plane projections or recesses may include, but are not limited to, columns, planters, arches, and voids and shall be a minimum of 12 inches in depth, applied to at least 20 percent of the building length;

(2) Control and expansion joints constitute a blank wall, unless used in a decorative pattern with varied materials or textures and spaced a maximum of ten feet on center. Relief and reveal depth shall be a minimum of three-quarters of an inch;

(3) Architectural details, such as raised bands and cornices;

(4) Awnings; or

(5) Change in color and/or texture (banding alone does not constitute a change in color or texture).

b. Facades that extend for more than 100 feet in length shall incorporate, in addition to two of the above requirements, at least one of the following elements:

(1) A change in plane, such as an offset, reveal, or projection rib a minimum of 12 inches in depth, with a maximum spacing of 100 feet between features;

(2) Prominent public entrance defined by substantive architectural features; or

(3) Change in building material, such as split face block.

4. Facade treatments for primary and secondary facades shall include the following:

a. Primary facades shall have at least two of the following elements for at least 60 percent of the width of the facade:

(1) Public entrances;

(2) Arcades or other roof treatment such as shutters or secondary roofs to provide pedestrian shade and facade interest;

(3) Windows;

(4) Awnings, associated with windows or doors; or

(5) Foundation plantings adjacent to the building with a minimum width of five feet.

b. Secondary facades shall incorporate two of the following design elements for primary facades:

(1) The first floor of all buildings, including structured parking, shall be designed to encourage pedestrian-scale activity;

(2) Overhangs/awnings shall be no less than five feet deep to protect pedestrians from inclement weather;

(3) The highest point of a first floor awning on a multistory building shall not be higher than the midpoint between the top of the first story window and the second story windowsill;

(4) Accessory structures including, but not limited to, carwash buildings and gas station/convenience store canopies, shall have the same architectural detail, design elements, and roof design as the primary structure; or

(5) All additions, alterations, and accessory buildings shall be compatible with the principal structure in design and materials.

5. Fenestration details such as windows, awnings, covered arcades, sills, shutters, relieves, trims, pilasters, accent tiles, quoins, reveals, cornices, arches, and decorative vents shall be provided along a minimum of 60 percent of the façade length of the front elevation. If a side or rear elevation is contiguous to a public street or residential use, 40 percent of the elevation must have fenestration details.

6. Entrances.

a. Primary customer entrances shall face a public street. Buildings larger than 30,000 square feet located on corner lots shall provide customer entrances on both streets, or a corner entrance. Additional entrances are encouraged facing parking lots, plazas, lake fronts, and adjacent buildings. When a property is adjacent to multiple public streets, the street that carries the greatest volume of traffic is the preferred orientation for the main entrance.

b. A primary and a secondary entry feature design element listed below shall be provided at each customer entrance:

(1) *Primary.*

• Canopies, porte-cochere, or porticos.

• Wall recess or projection a minimum of 12 inches in depth.

• Covered arcades, a minimum of eight feet clear in width.

• Peaked roof forms.

• Arches, columns, or pilasters.

• Landscape planters a minimum width of five feet.

(2) *Secondary.*

• Overhangs, cornices, and eaves.

• Decorative moldings or trims around windows and doors.

• Covered public outdoor patio or plaza incorporated with entry area which is not part of a tenant space.

• Special pavers, bricks, decorative concrete, or similar marked pavement treatment.

• Architectural details, such as tile work or moldings.

• Landscape planters a minimum width of five feet.

7. *Roofs.*

a. Buildings shall have a recognizable top consisting of but not limited to: cornice treatments, roof overhangs with brackets, steeped parapets, and richly textured materials. Color bands, typically used for advertising, are prohibited.

b. A primary roof is the portion of the roof that covers the main area of the building. A secondary roof is the portion of the roof covering smaller extensions of the structure. A primary and a secondary roof design element, selected from those listed below, shall be incorporated into the design:

(1) *Primary.*

• Articulated parapet—The highest point of the parapet shall not at any point exceed 15 percent of the height of the supporting wall.

• Pitched roof with minimum 12 inches overhanging eaves.

• Three or more roof plane breaks or slopes per facade elevation.

• Any combination of the above.

(2) *Secondary.*

• Decorative roof details, such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams.

• Three-dimensional cornices with decorative moldings.

• Pediments, porticos, architectural features at entryways, or decorative towers.

E. *Pedestrian amenities.*

1. Where development abuts a collector or arterial road, walkways a minimum of five feet in width shall be provided from each adjacent perimeter public sidewalk to all customer entrances. Where development abuts a local road, walkways a minimum of four feet in width shall be provided from each adjacent perimeter public sidewalk to all customer entrances. All such walkways shall include the following:

a. One native canopy tree for each 30 linear feet with a maximum spacing of 50 feet between trees; trees may be massed to enhance views, create public spaces or otherwise improve the overall appearance of the project; and

b. A bench every 200 feet between the public right-of-way and the front customer entrance.

2. Walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment consistent with the Town Center Development of Regional Impact theme.

3. Bicycle parking/storage shall be provided in accordance with Chapter 5.

F. *Service, utility, display, and storage areas.* In addition to the service, utility, display, and storage requirements of Chapter 13, developments within this district shall also meet the following requirements:

1. All utilities shall be located underground;
2. Outdoor storage of materials is prohibited;
3. Outdoor display of merchandise is permissible if the merchandise is related to the business occurring on the property, does not affect pedestrian and vehicular circulation, and can be stored either inside the building or in an area screened from public view when the business is not open; and
4. Vending machines located outside of buildings or structures are prohibited.

G. *Site lighting.*

1. Site lighting shall be provided along all streets, sidewalks, parking lots, steps/ramps, plazas, and other areas of high pedestrian use.
2. Light fixtures shall be spaced in a manner to provide soft and uniform illumination for a given area or corridor.
3. Light fixtures shall be consistent with Town Center Development of Regional Impact theme, style, materials, scale, proportion, color, and location.
4. Building lighting shall consist of light fixtures mounted on or near the building.
5. Areas to be lit shall have a system of hierarchy or priority to establish which elements or areas will have the most emphasis in regard to lighting intensity and color. High design areas such as building facades, entries, and walkways shall receive the highest priority.
6. Landscape lighting shall be of low-level illumination with tones and colors that enhance the look of the plant material. Fixtures and light source shall be concealed.
7. Light pole maximum heights: parking lots and access drives—30 feet; pedestrian walkways, terraces, plazas—20 feet.
8. Illumination shall be limited to the site and shall not cause glare or visual disturbance to adjacent properties.
9. Flood lighting, beacon, or search lights, except as limited by state of Florida or federal law, or drop lens fixtures are prohibited.
10. Animated lighting is prohibited.
11. See Chapter 9 for further site lighting criteria.

H. *Landscape standards.* The requirements contained in Chapter 11 shall apply to lands within the gateway overlay zone. Quercus virginiana (live oak) shall be used as the street tree where properties abut State Road 100.

I. *Signage.* The provisions of Chapter 12 shall regulate all signs in the gateway overlay zone; however, off-site signs are prohibited.

3.04.04. *Palm Coast Parkway Overlay Zone.*

A. *Purpose.* The purpose of the Palm Coast Parkway overlay zone is to impose additional standards for new construction of nonresidential and multifamily development within its boundaries. The Palm Coast Parkway overlay zone is intended to:

1. Provide for additional access management controls to ensure that Palm Coast Parkway develops into an attractive functional roadway corridor meeting the needs of vehicles and pedestrians; and

2. Prevent disjointed, disorganized development caused by unplanned and uncoordinated building layout and design.

B. *Description of district.* The boundary of the Palm Coast Parkway Overlay Zone is delineated on the Official Zoning Map and is generally described as the corridor along Palm Coast Parkway between U.S. Highway 1 east to the Hammock Dunes Toll Bridge.

C. *Site plan submittal requirements.* Development within the overlay zone shall be subject to review and approval as outlined in Chapter 2.

D. *Site planning guidelines.* Site design shall specifically address the creation of an attractive, safe, and functional urban corridor. The requirements contained in Chapter 13 relating to general architectural design shall apply to lands within this overlay zone.

1. Building design, layout, and orientation.

2. Vehicular and pedestrian access and parking.

3. Mechanical equipment, utilities, and storage areas.

E. *Building height.* The maximum height permitted within the Palm Coast Parkway overlay zone is 50 feet, inclusive of all appurtenances, except for wireless telecommunication facilities.

F. *Landscape standards.* The requirements contained in Chapter 11 shall apply to lands within this overlay zone. Quercus virginiana (live oak) shall be used as the street tree.

G. *Signage.* The provisions of Chapter 12 shall regulate all signs in the Palm Coast Parkway overlay zone; however, off-site signs are prohibited.

3.04.05. *Airport Area Economic Development Incentive.*

A. *Purpose.* The Palm Coast/Flagler County Airport Area Master Plan proposes specific areas for targeted economic development called Economic Development Areas (EDA). The Airport Area Economic Development Incentive specifies allowable uses and development standards for each EDA. These uses and standards are intended to encourage the development of targeted businesses and other industries at specific locations. The Airport Area Economic Development Incentive can be applied to three distinct areas, which are expected to develop with different intensities and development patterns: EDA-1, EDA-2, and EDA-3 (see Exhibit A to Ord. No. 2009-17).

In order to encourage the desired development to occur within the EDAs specific location-based incentives have been developed. Property-owners (agents) that seek development approval through the Master Planned Development (MPD) rezone process may apply for the location-based development incentives. In addition to the location-based incentives, MPD projects located within the EDAs may also apply for performance-based bonuses. This section (1) introduces the EDA areas and the associated location-based incentives, (2) outlines the processes to access the location-based incentives and (3) introduces performance-based development bonuses that may be available to qualifying development.

Portions of EDA Areas 1, 2, 3 are currently outside City boundaries. Airport Opportunity Areas A and C are currently outside the City boundaries.

B. *Economic development areas.*

EDA #1 is located adjacent to the southeast side of the airport between the airport's boundary and Seminole Woods Boulevard. EDA #1 is intended to provide for industrial and office development that is compatible with the continuing operation and expansion of the Flagler County Airport.

EDA #2 is located on the north side of Seminole Woods Boulevard. EDA #2 is intended to provide for compact mixed-use development. This area shall be developed as a neighborhood

center characterized by employment and retail opportunities. Development shall emphasize pedestrian connectivity to the surrounding residential areas and established neighborhoods.

EDA #3 is located between I-95 and Old Kings Highway. EDA #3 is intended to attract larger corporate office development and foster the development of a campus-like corporate park or an industrial park. Potential users include corporate offices, hotels, higher-density residential, and support uses that benefit from the close proximity to, and with high visibility from, Interstate 95.

C. *Opportunity Areas A and C.*

Opportunity Area A is located on SR 100 north of the airport and across from Palm Coast's State Road 100 Community Redevelopment Area and the Gateway Overlay Zone. This area is located within Flagler County, is approximately 30 acres, and has commercial zoning. This site was identified as Opportunity Area A in the 2009 Palm Coast/Flagler County Airport Master.

Opportunity Area C is located on SR 100 north of the airport and across from Palm Coast's State Road 100 Community Redevelopment Area and the Gateway Overlay Zone. This area is approximately 81 acres, located within Flagler County and has PUD zoning. This site was identified as Opportunity Area C in the 2009 Palm Coast/Flagler County Airport Master Plan.

D. *Applicability.* The development incentives and development standards contained in this section shall apply to all new development and redevelopment of sites within the EDAs and Opportunity Areas A and C. The incentives and standards are intended to encourage targeted industry development within the EDAs to promote superior site and building design, and improve the functional arrangement of buildings and site components, such as parking, utilities, loading, and service areas and promote a shared vision and compatible built environment as it relates to the SR 100 corridor, which includes the City of Palm Coast's Community Revitalization Area (CRA), Gateway Overlay Zone and Towncenter Master Planned Development (MPD) related-development on the northern side of SR 100.

E. *Approval process.* Owners of property within the EDAs have the option of developing under two scenarios as follows:

1. *Current zoning based (entitlement) development.* Applicants have the option of developing their properties subject to the zoning classification of the property. Properties developed based on their current zoning are not eligible for any incentives.
2. *Rezone to Master Planned Development (MPD).* Rezone the property to MPD which will qualify the property for incentives as follows:
    a. Location-based incentives detailed in Subsection E.
    b. Performance-based incentives that are outlined in Subsection F.

F. *Location-based development incentives.* In order to encourage economic development and job creation at the Economic Development Areas and implement the economic development objectives of the Palm Coast/Flagler County Airport Area Master Plan, the following location-based incentives may be utilized by development reviewed through the MPD process. Note that incentives may restrict building height and/or open space in certain areas. The existing zoning development thresholds are shown to illustrate the Overlay areas' incentives.

Economic Development Area 1

Regulations	Current Zoning Thresholds	Incentives*

	City of Palm Coast			Flagler County	
	PSP	COM-2	IND-1	IND-PUD	
Open Space	30%	30%	30%	(1)	30%
Height	100' [2]	100' [2]	65' [2]	(1) [2]	100' [2]
FAR	.30	.40	.35	(1)	.50

(1) To be determined during the development agreement approval process.

(2) Must comply with the Airport Approach Hazard Overlay and FAR 77 requirements.

* Location-based incentives available only through development participating in MPD process.

Economic Development Area 2

	Flagler County Current Zoning Thresholds			Incentives*	
Regulations	**AC**	**NRC PUD**	**PUD**	**Mixed Use and Non-Residential**	**Residential**
Open Space	75%	(1)	(1)	40% area wide	40% area wide
Height	No Max. [2]	(1) [2]	(1) [2]	75' [2]	45' [2]
Res. Density	1 unit/20 acres	1 unit/acre	1 unit/acre	12 units/acre	10 units/acre
FAR	N/A	(1)	(1)	.50	N/A
ISR	.25	(1)	(1)	.60	N/A

(1) To be determined during the development agreement approval process.

(2) Must comply with the Airport Approach Hazard Overlay and FAR 77 requirements.

* Location based incentives available only through development participating in MPD process.

Economic Development Area 3

Regulations	Flagler County Current Zoning Thresholds AC	Incentives*
Open Space	75%	40% per site
Height	No Max.	100' [1]
Res. Density	1 unit/20 acres	Min. 8 to Max. 12 units/acre
FAR	N/A	.55
ISR	.25	.60

(1) To be determined during the development agreement approval process.

* Location based incentives available only through development participating in MPD process.

G. *Performance based development bonuses.* Performance-based development bonuses may be available for projects that are located within one of the EDAs and that are also utilizing the MPD approval process. These additional bonuses are meant to complement any financial or other incentives that may have been offered by the City to attract targeted developments to the economic development areas and do not exclude the use of additional incentives. These additional incentives shall be based on specific project design and/or satisfaction of other performance criteria as stipulated by the City through the use of a development agreement. Approval of the bonus, including terms and conditions shall be negotiated by the applicant with the City, on a case-by-case basis. Any potential incentives, developed during the negotiations with City, shall be detailed in an associated development agreement. Final approval of the development agreement and the potential use of incentives that may be utilized by the applicant will be at the discretion of the City Council.

1. *Non-residential intensity (floor area ratio-FAR) bonus.*

   a. Developments that incorporate the use of green building practices (as identified by the United States Green Building Council and/or the Florida Green Building Coalition

including but not limited to, green roofs, energy efficient windows, solar energy, reused or recycled materials, renewable materials, use of grey water, etc.) in the design and materials of a building, and can demonstrate a significant energy and water consumption reduction may receive a maximum increase of 0.25 FAR.

b. The use of shared parking helps reduce the amount of paved surface in the case of surface parking, or building mass in the case of structure parking. Therefore, mixed-use projects within the EDA overlay using the shared parking standards would be eligible for an increase of 0.25 FAR.

2. *Open space requirement reduction bonus.*

a. Stormwater management facilities are considered "open space" for the purpose of meeting the open space requirement. Combining such facilities with neighboring properties may decrease the need for buffers around ponds. Therefore, the use of shared or off-site stormwater management facilities for multiple developments may allow for a reduction in the open space requirement of the master plan development by up to five percent.

b. Developments within the EDA overlay may reduce the open space requirement by a maximum of five percent if the development incorporates the use of a permeable or semi-permeable surface for parking spaces. The amount of permeable/semi-permeable surface shall be no less than the proposed reduction in open space. In no case shall stormwater requirements be reduced. Stormwater management facilities shall meet all applicable City and St. Johns River Water Management District rules and regulations.

3. *Parking space requirement reduction bonus.* The City encourages development design and use concepts that provide transportation alternatives that may reduce the dependence on and the use of automobiles. The use of Transportation Demand Management (TDM) practices in the design and construction of development projects may qualify a project for a reduction in minimum parking space requirements by a maximum of ten percent. TDM practices and facilities include but are not limited to:

- Inclusion of employee drop-off and pick-up areas in the development;
- Inclusion of cab (taxi) stand areas in the development;
- Inclusion of on-site, employee service facilities such as, daycare facilities, cafeterias, etc., in the development;
- Inclusion in project design and development of improved connections to planned or existing bike or pedestrian paths to the facility;
- Provision of bicycle storage facilities (racks/lockers) and changing facilities for employees (locker rooms and showers); and
- Inclusion in project design and development of facilities to accommodate planned or existing mass transit (buses). This may include, but is not limited to, bus turnouts, bus shelters, bus lanes, and park and ride lots.

4. *Setback requirement reduction bonus.* The minimum required setbacks may be reduced by a maximum of five feet for the front setback and two feet for the rear and side setbacks if additional landscaping (must exceed 20 percent of the required plant material and provide a variety of species) is provided within the required buffer yards. Setback reductions are not

available for parcels local on the following roadways: Seminole Woods Boulevard, Belle Terre Boulevard, and Old King's Road.

5. *Green development LEED certification (fee refund).* The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council (USGBC), provides a suite of standards for environmentally sustainable construction. The Florida Green Building Coalition (FGBC) also offers Green Building certification. If a completed project receives a LEED certification from the USGBC, the developer may request a refund up to 60 percent of the associated Rezoning Application Fee and Technical Site Plan Application Review Fee. The applicant shall provide the City acceptable documentation of the project receiving LEED certification from the USGBC. If a completed project receives a Green Building certification from the FGBC, or an equivalent certification (such as the National Association of Home Builders National Green Building Standards), the developer may request a refund up to 40 percent of the associated Rezoning Fees and Site Development Review Fees. The applicant shall provide the City acceptable documentation of the project receiving LEED certification and Green Building certification from the USGBC and the FGBC respectively, or documentation of an equivalent certification. The development agreement associated with the MPD project seeking this refund must contain language stating that the developer will be seeking said refunds upon completion of the project and after issuance of the certificate of occupancy.

   Specifically for Opportunity Areas A and C, state and federal wetland permitting standards shall be considered as acceptable documentation to verify compliance with the City's ULDC and Comprehensive Plan.

(Ord. No. 2009-17, § 3(Exh. A), 7-21-09; Ord. No. 2015-9 , § 2, 8-4-15; Ord. No. 2018-14 , § 3(Exh. A), 5-15-18)

Sec. 3.05. - Interpretations.

3.05.01. *Lot width and frontage.* Lot frontage shall be measured along the front property line, while lot width shall be measured along the front setback line.

3.05.02. *Building setbacks.* Building setbacks shall be measured from the property line or, if applicable, from the edge of a private street or the boundary line of an access easement located on the subject property to the wall of the building. The required building setbacks determine the building envelope. In no event shall a structure encroach within an easement, inclusive of eaves, unless specifically approved by the Land Use Administrator.

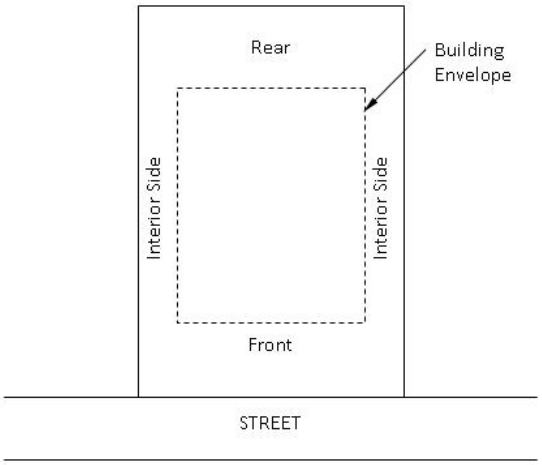
A. *Determining building setbacks.* Front, side, and rear yard setbacks shall be determined based on the following. In cases of uncertainty, the Land Use Administrator shall determine the setbacks based on the following guidelines:

   1. The front yard setback shall be considered that portion, typically along the lot's narrowest part, which abuts the street or roadway where access is provided. Consideration shall be given to a structure's orientation in making a front yard setback determination (i.e. the front of a building faces the front of the lot).

   2. The rear yard setback typically runs parallel to the front yard setback and does not connect to the front yard setback.

   3. The side yard setbacks connect the front and rear setbacks and are perpendicular to them on square or rectangular lots.

   4. Front setback on flag lots shall be measured at lot width and the lot frontage shall be determined on a case-by-case basis with consideration to surrounding property and dwelling unit orientation.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Interior Side
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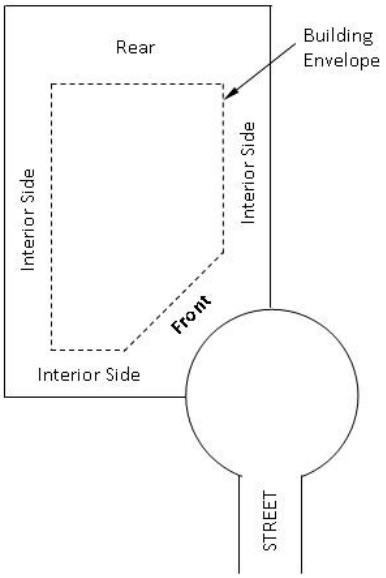
STREET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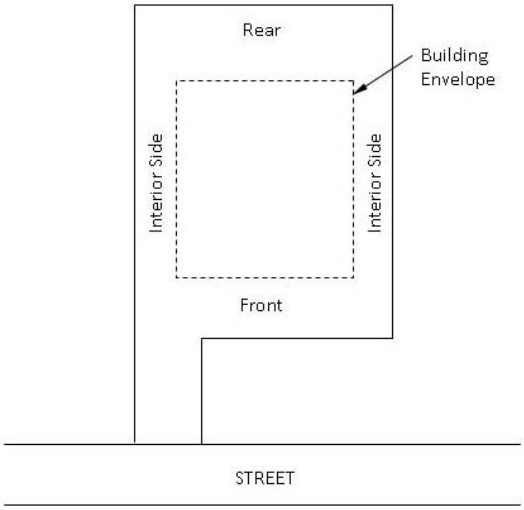
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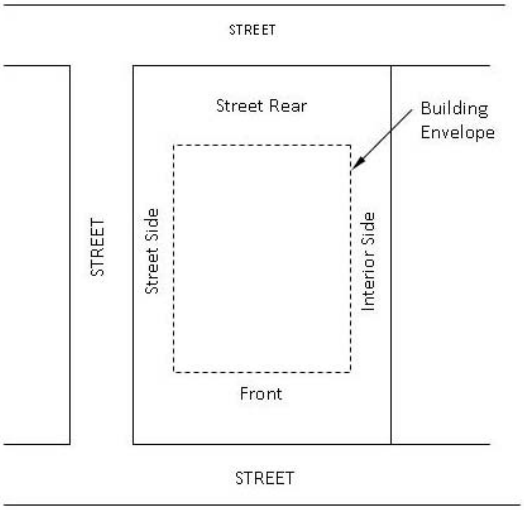
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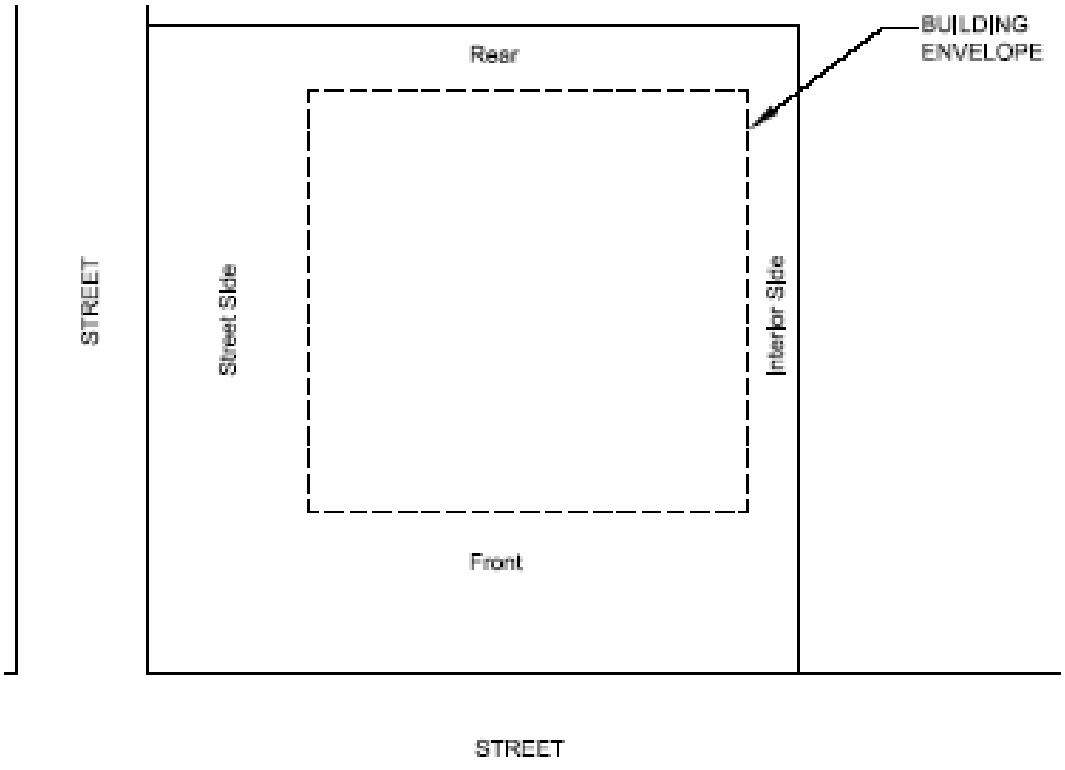

B. *Permitted improvements within the required building setbacks.* The following improvements are permitted within the required setbacks (outside of the building envelope):

1. Man-made landscape features not exceeding three feet in height, including related minor structures described in Section 11.03 of Chapter 11.
2. Parking areas and associated driveways~~, provided they are not located within side yard setback areas for attached and detached single-family residential units, except when it~~ that provide~~s~~ access to a garage, provided such parking area or driveway shall not encroach into a drainage easement or required landscape buffer.
3. Private sidewalks and walkways provided they do not exceed six feet in width for detached single-family residential units and duplex units.
4. Concrete pads ~~50~~ 100 square feet or less.
5. Signs.
6. Minor utility installations including, but not limited to, fire hydrants, electrical and telephone boxes, and backflow prevention mechanisms. Some of these features may require screening in accordance with Chapter 11.
7. Aboveground mechanical equipment such as, but not limited to air conditioning units, permanently installed generators, and pool pumps and shall be screened in accordance with the requirements of Chapter 11; provided, ~~however,~~ that ~~this~~ equipment ~~shall be prohibited~~installed in a front setback area shall be done so only in the event that it is infeasible to install on the sides or rear of the property and shall be as close to the principal structure as allowed by Florida Building Code~~, and shall be screened in accordance with the requirements of Chapter 11~~.

8. Cantilevered patios, porches, and decks as well as sills, cornices, chimneys, flues, eaves, or other roof overhangs may extend a maximum of 30 inches into a setback area, but are prohibited within easements.

9. Sheds per Section 4.01 in Chapter 4.

C. *Additional setbacks for multistory buildings.* Additional setbacks for multistory buildings adjacent to a single-family residential zoning district shall be required for compatibility purposes. Any multistory building adjacent to a single-family zoning district shall provide an additional setback minimum of ten feet for each story above the first story.

D. *Waterline setbacks.* Stormwater retention facilities, canals, or other water features may be located on the lot or parcel. In these circumstances, the Land Use Administrator may determine that it is applicable to measure the setback from the bulkhead, water line, or mean high water line rather than the lot or parcel line.

E. *Reduction for public purpose.* When an existing setback on a developed lot or parcel is reduced due to the conveyance of land to a federal, state, or local government for a public purpose, the minimum setback requirement of the zoning district shall be reduced by the amount conveyed, up to a maximum of 50 percent of the setback requirement.

F. *Wireless communication facilities and equipment compounds.* Wireless communication facilities and equipment compounds shall have the same setback requirements as the zoning district in which they are located but no less than ten feet; shall have a minimum distance of 150 feet from all off-site residential zoned property, residential dwelling unit and the rights-of-way of Palm Coast Parkway, Belle Terre Parkway, Belle Terre Boulevard, and Old Kings Road.

3.05.03. *Calculating densities and intensities.*

A. *Residential densities.*

1. The determination of the maximum number of residential dwelling units or lots permitted on a residentially zoned parcel shall be calculated based upon the gross upland acreage in the predevelopment condition (i.e. prior to the property being subdivided into lots).

2. Twenty-five percent of wetland and/or imperiled upland habitat areas preserved from the predevelopment condition may be counted as "net upland acreage" in determining the maximum number of units as discussed in Paragraph A above. To be counted as preserved area, a wetland and/or imperiled upland habitat must be placed in a conservation easement, a separate conservation tract, or otherwise perpetually protected in the post development condition.

3. Application of the density/intensity calculations provides only a theoretical maximum dwelling unit or lot yield. It does not guarantee that the development will be approved to attain the maximum lot yield. Application of other development standards may substantially decrease the lot yield.

B. *Nonresidential intensities; impervious surface ratios; floor area ratio.*

1. In calculating impervious surface ratios or floor area ratios an applicant may get credit for an off-site drainage facility site. The amount to be credited shall be proportional to the size of the site in relation to all the sites served by the same facility.

2. Lots served by a master stormwater management system, where drainage facilities under common ownership are located off-site, may count a portion of the off-site drainage lot, tract, or parcel in calculating impervious surface ratios or floor area ratios. The portion of the off-site drainage property that is counted shall be in direct proportion to the size of the subject lot as compared to all of the lots being served.

C. *Densities and intensities in mixed use districts.* In zoning districts that allow mixed uses, the same land area shall not be counted for the purpose of both residential density and nonresidential intensity. The calculation methodology used shall be as defined by administrative rule.

3.05.04. *Recreation level of service.* All residential projects of 25 units or more shall provide recreational land to meet the level of service standard adopted in the Recreation and Open Space Element of the City's Comprehensive Plan, except for nursing homes and assisted living facilities or other residential care facilities. Recreational facilities must be permitted and under construction prior to the issuance of the permit for the 25th unit for residential projects.

(Ord. No. 2009-26, § 13, 12-15-09; Ord. No. 2015-9 , § 5, 8-4-15)

Sec. ~~3.06~~4.23. - Affordable Housing Mixed-Use Residential Development Standards.

~~3.06~~4.23.01. Zoning applicability. Applications for the development of property pursuant to the Live Local Act shall require the site to be zoned for commercial, industrial, mixed use, or portions of Master Planned Developments that allow for commercial, industrial, or mixed uses pursuant to Florida Statutes Section 166.04151(7) as amended. Additional properties eligible for live local developments regardless of the underlying zoning district shall include properties that are owned by either the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development. For properties not owned by the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development shall require the site to be zoned as permitted under Table 3-4 found under Section 3.03.02~~: COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, or IND-2. The land area of these zoning districts shall be used to calculate the percentage of commercial and industrial properties within the City.~~ Properties developed as a house of worship seeking to apply for a live local development shall be at least three (3) acres in size. If the City designates less than 20 percent of the land area within its jurisdiction as commercial or industrial, it must authorize a proposed development pursuant to the Live Local Act only if the proposed development is a live local mixed-used residential development (see glossary).

~~3.06~~4.23.02. *Use of property.* Live local developments shall maintain the project as a live local mixed-use residential development and shall rent and hold available for rent no fewer than 40 percent of the dwelling units as affordable as defined in § 420.0004, Florida Statutes for rent exclusively to eligible households for the affordability period. The project shall have at least 65 percent, but no more than 70 percent of the buildable area of the property must be for residential purposes and at least ~~35~~ 10 percent of the buildable area of the property must be for commercial or industrial use reflective of the underlying zoning district's permitted uses. In the event that the project is for a vertically mixed-use development, then the non-residential component of the project may be 33 percent of the buildable area to facilitate vertically stacking non-residential and residential uses.

~~3.06~~4.23.03. *Development standards.* Live local mixed-use residential developments shall be subject to the requirements of the Land Development Code unless otherwise modified below:

A. Developments may utilize up to the maximum density allowed by any zoning district within the city.

B. Developments may utilize up to 150 percent of the maximum allowed floor area ratio of any zoning district within the city.

C. Developments may utilize the city's maximum allowed building height within one mile of the development. The additional setbacks for multistory buildings requirement found under Section 3.05.02(C) does not apply to developments made pursuant to the Live Local Act.

1. If the development is adjacent to a single-family residential development on two or more sides with at least 25 contiguous single-family homes, the maximum height for the development is restricted to 150 percent of the highest adjacent building, the zoning district's defined maximum height, or three stories, whichever is higher, not to exceed 10 stories.

D. Developments shall submit the residential and non-residential portions of the project concurrently within the same application to ensure the mixed-use nature of the project. If the development is phased, the non-residential portion of the project shall be constructed prior to the residential portion.

E. Developments may use ~~Vertical~~ vertical or horizontal mixed-used developments; however, vertically mixed-used developments are not permitted in IND-1 or IND-2 zoning districts due to potential life-safety issues that may be present when having permitted industrial uses and residential uses in the same building. ~~shall be permitted in the COM-1, COM-2, COM-3, OFC-1, OFC-2 zoning districts. Horizontal mixed-use developments shall be permitted in the COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, or IND-2 zoning districts.~~

F. The development shall provide a perimeter landscape buffer as required in Section 11.03 based on its zoning district. Horizontally mixed-use developments shall provide a minimum of an internal D, E, or F landscape buffer in-between residential and nonresidential uses.

G. The non-residential component of a development shall be a principal use of the underlying zoning district and shall be designed so that it could be developed without a live local residential portion. The nonresidential component shall not be an accessory use to the residential use (such as a leasing office, but not limited to other accessory uses related to the management of a multifamily residential development).

H. A mixed-use development that includes an adult-oriented business or miniwarehouses, office warehouses and/or a self-storage facility as its non-residential component shall be prohibited.

I. The non-residential portion of a mixed-use development shall be integrated with the residential component of the project through use of sidewalks and internal roads. The non-residential and residential components of the project shall share the same access as for the project, provided the project may require more than one point of access in accordance with Section 5.02.04.

J. Loading and unloading and refuse collection areas servicing the non-residential uses of a mixed-use development shall be located to provide the least impact to any adjacent residential community.

K. Developments that are within a one-quarter mile of a transit stop or within 600 feet of an area with available surplus parking consisting of on-street, parking lots, or parking garages that can be utilized to meet the needs of the development the minimum parking requirements are eligible for a 20 percent reduction to its parking requirements. Provided that any available surplus parking utilized is memorialized by a shared parking agreement.

L. Proposed developments on property owned by the City, County, or school district must be party to the application. If the City, County, or school district do not authorize the application then the proposed development shall not be processed.

M. Proposed developments on property that is owned by a religious institution shall be required that the religious institution is party to the application and that the house of worship on site has existed for a minimum of 10 years. Any house of worship must continue to operate on the property after the proposed development is constructed.

~~3.06.~~4.23.04. *Exemption ~~for airport~~s.*

A. The Live Local Act does not apply to properties within one-quarter mile of a runway or its extension for 10,000 feet.

B. Areas subject to land development regulations, which existed prior to July 1, 2026, that are intended to retain the open character of land, including, but not limited to, areas required for a development to meet open space or recreational level of service requirements, or park land.

C. Any portion of a property encumbered by a recorded conservation easement.

~~3.06.~~4.23.05. *Affordability period.* The affordable residential portion of the development shall be subject to a minimum affordability period of 30 years from the date of its issuance of a certificate of occupancy.

~~3.06.~~4.23.06. *Land use restriction.* Prior to the issuance of a building permit for a live local project, the property owner shall execute and deliver to the City, a land use restriction agreement (LURA) provided by the City that details the affordable housing conditions, restrictions and compliance for the development including the City' s monitoring requirements. Furthermore, as a prerequisite to the issuance of a certificate of occupancy, the LURA shall confirm the affordability period, any conditions, and restrictions of the development, and shall be recorded in the public records of Flagler County, Florida at the sole expense of the property owner.

4.23.~~3.06.~~07. *Owner responsible for income verification.* For each affordable unit, the property owner shall be responsible for accepting rental applications and determining and verifying the adjusted gross income of prospective tenants to ensure such tenants qualify as an eligible household. Adjusted gross income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received by the household during the 12 months following the effective date of determination. The property owner shall submit an annual report to the City as provided in the LURA.

4.23.~~3.06.~~08. *Affordable units must be comparable in quality to the market-rate units.* The affordable units shall be intermixed with, and not segregated from any market rate units within the live local project. At all times, the affordable units must be at least reasonably comparable in terms of size, features, and number of bedrooms to the market rate units. Eligible households shall not be excluded from using common area amenities within the project.

4.23.~~3.06.~~09. *Required recordkeeping.* The property owner of a live local development shall maintain complete and accurate income records pertaining to each eligible household occupying an affordable unit. These records must be updated annually and shall be maintained for at least ten years following the date of each such record. At a minimum, property owner shall maintain the following records for each occupied affordable unit:

A. An eligible household's complete application for tenancy and related information including the name of each household member, proof of identity, and employment, income, and asset information for each household member;

B. A copy of the lease agreement listing the term of tenancy, the rent, and identifying each tenant residing in the affordable unit;

C. Verification that the household is an eligible household as defined herein; and

D. Verification that the eligible household's rent is affordable as defined herein.

4.23.~~3.06.~~10. *Annual reporting requirements.* The property owner of a live local development shall provide an annual report to the City by September 30 of each year. The annual report shall provide the following information regarding each affordable unit:

A. Unit address;

B. Number of persons residing in each affordable unit;

C. The adjusted gross income of the persons residing in the affordable unit;

D. The monthly rent charged;

E. Any other information reasonably required to ensure compliance with the Live Local Act and requested by the City.

4.23.~~3.06.~~11. *Monitoring and inspection.* The property owner of a live local development shall permit the City to inspect all records, including but not limited to financial statements and rental records, pertaining to the affordable units within the development upon reasonable notice and shall submit to the City such documentation as required by the City to document compliance with the Live Local Act. The City may, from

time to time, make or cause to be made inspections of the affordable units and development rental records to determine compliance with the Live Local Act. The City shall notify the owner prior to scheduled inspections, and the owner shall make any and all necessary arrangements to facilitate the City's inspection.

(Ord. No. 2024-17, § 5, 11-12-24)

Sec. 4.01. - Accessory Structures.

This section provides additional specific development standards for ~~swimming pools, fences, walls, sheds, residential garages, generators, clotheslines, seawalls, and docks~~accessory structures within the City.

4.01.01. *General provisions for accessory structures.*

A. *Location.* Accessory structures, other than fences or as otherwise specified in this Code, shall not be located in public drainage or utility easements or within the required building setbacks. In addition, all accessory structures, other than fences, walls, arbors, trellises, ~~pergolas, and~~ detached garages, and aboveground mechanical equipment pursuant to Section 3.05.02, or as otherwise specified in this Code, shall be located behind the front and side street building facades of the principal structure. However, on corner lots, swimming pools and their enclosures, may be located in front of the side street building facade but shall meet the front yard setback requirements in lieu of the side street setback. Screening accessory structures with a fence or foundation plants (may be required in Chapter 11) when facing a right-of-way, golf course, canal, or other similar highly visible area.

B. *Construction and occupancy.* Permits for accessory structures shall not be issued until a permit has been issued for the principal structure. Seawalls are not considered accessory structures and building permits for these facilities may be issued in advance of the principal structure in accordance with City regulations.

C. *Architecture.* Refer to Chapter 13 for design standards.

D. *Accessory Structure Maximum Size.* Unless otherwise stated within this Section, the maximum size of a residential accessory structure shall not exceed 50 percent of the living area of the principal dwelling unit; provided that this requirement shall not apply to agricultural buildings constructed on an EST1, EST2 or AGR zoned property.

E. *Accessory Structures not listed in this Chapter.* The accessory structures listed in this section are not meant to be all-inclusive. Structures not specifically listed shall be reviewed by the Land Use Administrator to determine if the proposed use is similar in nature and character to others listed in the section. Based on the determination, the proposed structure shall be classified in the same manner as those similar structures listed in terms of it being permitted as an accessory structure. The Land Use Administrator may also determine that other structures are not permitted on the basis that they are not similar in nature or character to the other structures listed in the zoning district. Determinations may be appealed in accordance with the appeal procedures established in Chapter 2.

4.01.02. *Fences and walls.*

A. *General requirements.*

1. *Setbacks, orientation, and placement.*

a. Fences shall be installed with the finished side facing the exterior of the property.

b. No fence or wall shall interfere with drainage on a site.

c. Fences and walls may be located within an easement as long as they do not interfere with utilities; provided, however, such structures are subject to removal and replacement at the property owner's expense by the requesting utility agency.

d. Fences and walls in front of the front building facade of residential dwellings shall only be permitted in the AGR, EST-1, and EST-2 Districts.

e. Refer to Chapter 11 for applicable buffer and screening requirements for fences and walls.

f. Decorative walls and solid fences are permissible surrounding the perimeter of a development that is at least five acres in size.

g. Gates are considered parts of fences and walls and are regulated accordingly. Gates shall not open or swing onto neighboring properties.

2. *Height.*

a. The maximum height shall be measured from finished grade to the top of the fence or wall. The finished grade shall not be altered to increase fence height and where a berm is constructed, the height of the berm over the finished grade shall be included in determining fence height. Decorative wall columns and occasional architectural embellishments to fences may extend up to 12 inches above the maximum height permitted.

b. The maximum height of any fence or wall located in interior side or rear yards behind the nearest front building facade shall be six feet~~, unless otherwise specified in this Code or as approved by the Land Use Administrator for health, safety, or environmental protection purposes~~.

c. A fence or wall on a residential lot located to the rear of the principal structure and within 20 feet of a saltwater waterway is limited to a height of four feet, except in the following situations:

(1) An open fence is allowed to a height of six feet.

(2) A fence or wall enclosing a pool deck that is setback at least 7.5 feet from the side property lines and at least 15 feet from the saltwater waterway is allowed to a height of six feet.

d. Within the EST Districts, the maximum height of any fence or wall in front of the front building facade or located in a street side yard shall be a maximum of four feet.

e. Fences immediately surrounding civic ~~or~~, public, or private recreational sports playing fields located on lots over one acre in size may be constructed to a maximum height of 12 feet and hooded backstops for diamond sports may be increased to a maximum height of 28 feet, with approval of the Land Use Administrator.

3. *Design and Materials.*

a. Fences shall be constructed utilizing rot-resistant material for any part of the fence coming in contact with the ground. All fences shall be constructed of customary fencing materials and finishes. Wood and vinyl fences shall meet the color standards of Section 13.02.06.B.1. or be finished in a wood stain or simulated wood finish in a non-prohibited color as outlined in Section 13.02.06.B.3. Fences constructed of treated lumber may remain unfinished.

b. Chainlink, aluminum (except for decorative aluminum fences), or similar fences shall be prohibited in yards fronting along arterial and collector roadways.

c. Chainlink, aluminum, or similar metal fences shall be black or bronze in color, except that aluminum fences may also be white in color. Chainlink fences shall not have slats, fabric or similar types of screening materials attached to them.

d. Walls shall be made of the following materials:

(1) Brick, Norwegian brick, jumbo brick or stone.

(2) Split-faced block or finished masonry walls where block seams are not visible. Finished masonry walls shall also include a tile, brick, or decorative trim at or near the top of the wall.

(3) Wrought iron or aluminum fence in combination with brick, jumbo brick, or finished masonry columns.

(4) Pre-cast concrete having a simulated wood stone or brick pattern.

(5) Other materials as approved by the Land Use Administrator.

e. Walls shall have columns spaced as follows:

(1) Twenty-foot maximum spacing on walls 100 linear feet, or less.

(2) Thirty-foot maximum spacing on walls 101—200 linear feet.

(3) Forty-foot maximum spacing on walls over 200 linear feet

f. No barbed wire, razor wire, or electrically charged fence shall be erected, unless otherwise specified in this section. Broken glass, steel spikes, or other sharp objects intended to restrict access along the top edge of a fence or wall are prohibited.

g. Chicken wire, field fences, and other similar fence types are prohibited, except in the utilization of bona-fide agricultural purposes in the AGR and EST-2 Districts.

B. *Nonresidential districts.*

1. Setbacks may be required between fences or walls to property lines in order to provide landscape buffers in accordance with the requirements of Chapter 11 or in the event that a proposed fence is located within sight triangles or in a manner that obstructs visibility to vehicular traffic. In either case the Land Use Administrator shall determine the appropriate distance to setback the proposed fencing or walling.

2. Within the IND, COM, ~~and~~ PSP Districts and nonresidential portions of Master Planned Developments, the following shall apply:

a. Fences and walls may exceed maximum permitted height by up to two feet if they are part of an approved or required landscape buffer meeting the requirements of Chapter 11.

b. Fences or walls needed to provide extra security or safety may exceed maximum permitted height by up to two feet, with an additional 18 inches of barbed wire or other material upon approval by the Land Use Administrator.

C. *Special provisions for subdivision entrance features.*

1. Fences and walls used as decorative features at subdivision entrances may exceed maximum permitted heights by up to four feet upon approval by the Land Use Administrator. This measurement shall exclude decorative wall columns, which may extend a maximum of 12 inches beyond the top of the wall or 18 inches above the height of a wall framing an identification sign. Light fixtures may extend up to 42 inches above the height of the wall.

2. Entrance walls and landscaping shall be located within a designated easement, tract, or common area.

3. Wall jogs and spanned footer intervals shall be used, where possible, to avoid existing trees. Buffer width requirements may be waived to the extent necessary to protect the specimen trees.

4. The main entrance wall shall be landscaped in accordance with Chapter 11.

5. Only perimeter fences and walls may exceed maximum permitted height by up to two feet if they are part of an approved or required landscape buffer meeting the requirements of Chapter 11, or to address significant differences in grading between the subdivision or adjacent property.

D. *Special provisions for fences and walls in the AGR Districts.* Fences used to contain farm animals or to separate crops relative to bona fide agricultural uses are exempt from this section.

4.01.03. *Garages, attached and detached.*

A. *General requirements.*

1. Enclosed garages shall be constructed in association with the construction of all detached single-family residential units, duplexes, and townhouses.

2. Garages shall not be converted into any other use, unless another garage is constructed in compliance with this Code.

3. Garage units for multifamily projects shall be provided for a minimum of one-third of the proposed multifamily units.

4. Garages shall not exceed ~~the~~ 20 feet in height ~~of the first story of the principal dwelling unit~~.

5. Carports shall be prohibited in all residential districts except for developments in the MHD District.

B. *Attached garages.*

~~1. Shall have a maximum depth of 30 feet.~~

~~2~~1. Shall not exceed 50 percent of the total living area of the principal dwelling unit.

C. *Detached garages.*

1. Detached garages are permitted in all zoning districts; however, in the MHD District special exception approval is required.

2. Shall not exceed 50 percent of the total living area of the principal dwelling unit.~~Detached garages shall have a maximum building footprint of 500 square feet.~~

D. *Garages in neotraditional developments.* For garage requirements in a neotraditional development, refer to Section 4.08.

4.01.04. *Generators, permanently installed.* The following standards shall apply to all permanently installed generators:

A. Generators ~~are prohibited~~ within the required front and street side yard ~~and prohibited in front of the front building line of the principal structures~~shall be screened by either a fence or a vegetative screening.

B. Generators may be operated for testing purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. and 6:00 p.m.

C. A maximum of one generator is allowed per single-family, duplex, or townhouse residential dwelling unit and one generator is allowed per multiple family building.

D. Generators shall be set back a minimum of ten feet from the rear property line in all zoning districts.

E. Generators shall be set back a minimum of three feet from the side interior property line(s) in all zoning districts, but shall not be located within an easement.

4.01.05. *Residential docking facilities along saltwater and freshwater canals (and intracoastal waterway, as applicable).*

A. *Prohibitions.*

1. Under no circumstances shall a vessel docked or moored off a residential docking facility be used as a live aboard watercraft.

2. Accessory structures and concrete decks are prohibited along a seawall or in the rear easements and setbacks of property along waterbodies.

B. *General standards.*

1. *Drainage rights-of-way.*

a. Any groundcovers disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to prevent erosion.

b. Drainage rights-of-way shall not be filled in such a way as to reduce the cross-sectional area used for flow of stormwater.

2. *Dredging and spoil management in saltwater canals.* Dredging activities shall be conducted by a qualified contractor and consistent with the applicable best management practices concerning dredging operations and performed only after approval by the Land Use Administrator. Dredging activities shall be accomplished in conformance with existing permits.

3. *Safety.*

a. All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.

b. To eliminate potential waterbody contamination, all structures shall be constructed with materials that do not result in contamination.

c. The City shall require removal of derelict vessels and lifts consistent with City standards.

4. *Roofs.*

a. Roofs over docks and lifts shall be a maximum height of 13 feet above seawall cap for saltwater canals and above the deck for freshwater canals.

b. Roofs shall be constructed with the same material and ~~of the same~~ color as the principal structure adjacent to the waterbody, with the exception that tile or metal roofing is not required on a residential docking facility; however, the color shall still match the color of the principal structure.

c. All roofs shall be "Hip" style roofs.

d. All roofs shall be constructed with a minimum 4½:12 pitch.

e. For roofed structures on freshwater canals, the size of a roof shall not be greater than 12 feet by 14 feet and the roof overhang shall not exceed two feet.

f. The maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be 26 feet of dock roof for the first 60 feet of property frontage, plus four feet of roof length for every five feet of property frontage thereafter, not to exceed 46 feet. Roof length for property with a frontage less than

60 feet shall be determined by the Land Use Administrator on a case-by-case basis based on generally accepted planning practices.

C. *Saltwater canal single-family residential docking facilities.*

1. *Placement of docking facilities.* The location of docks, lifts, and boathouses within the navigable waters of the City shall be determined on an individual basis, with visual impact, navigational use, and aesthetic quality of prime concern.

2. *Single pilings.* Single pilings or "dolphins" are prohibited, except for installation alongside a seawall or bulkhead.

3. *Setbacks and size.*

a. The minimum setbacks from a projection of the side property line to the structure shall be a minimum of ten feet. Other setbacks may be considered by the Land Use Administrator based upon lot size, location, easements, existing structures, and navigation.

b. The length of all docks, inclusive of all components, shall not exceed 65 percent of the property frontage along the canal. The size of the vessel and location of adjacent docks shall be considered to ensure that the vessel does not interfere in any manner with the navigation of ingress and egress. Setbacks may be increased or decreased for lots less than 60 feet in width or lots that have a storm drainage easement.

c. Vessels shall be docked/moored parallel to the property line/seawall. Docks/moorings perpendicular to the property line/seawall are prohibited.

d. Other than cantilevered safety walks, all dock walkways shall be no less than three feet or greater than six feet. The maximum width for docks, including boatlifts, shall be determined based on the width of the waterbody as described in Table 4-2. Dock width shall be measured at right angles from the boundary of the waterbody at the proposed structure location.

Table 4-2. Maximum Dock Widths for Saltwater Canals

Waterbody Width	Maximum Dock Width
Less than 100 feet	12 feet
100 feet or greater	16 feet

4. *Floating docks.*

a. Floating docks shall not exceed a length of 20 feet as measured parallel to the canal frontage.

b. Floating docks may be used in conjunction with permanent docking structures but must meet the criteria established herein.

5. *Boatlifts within canal areas.*

a. All boatlifts, inclusive of all components, shall be mounted or installed within the 12 feet or 16 feet dimension allowed for structures in the waterbody.

b. Boatlifts on waterfront lots with dimensions less than 60 feet of water frontage or lots with unusual conditions are not allowed unless granted an administrative waiver by the Land Use Administrator. The location of easements, culvert pipes, and navigability are unusual conditions that may be considered.

6. *Cantilever safety walk extensions.* Cantilever safety walk extensions may be approved by the Land Use Administrator based upon the following criteria:

a. The length of a cantilever safety walk extension shall be the minimum necessary to access the watercraft.

b. Cantilever safety walk extensions shall not extend more then 12 inches beyond a 12-foot boat slip or lift and pilings.

D. *Freshwater canal residential docking facilities.*

1. Docks and decks over the waterbody shall meet the Florida Department of Environmental Protection minimum clearance requirements.

2. Structures shall not project into the waterbody more than eight feet from the shoreline at normal water level.

3. No permanent source of electrical power, water, telephone, gas, or other items requiring piping or cable shall be extended onto the drainage rights-of-way.

4. Floating docks are not permitted.

5. Roofed structures shall not contain enclosed sides including, but not limited to, solid material, screening, or clear plastic.

4.01.06. *Seawalls and revetments.*

A. *Permit required.* A building permit shall be obtained prior to commencement of new construction and reconstruction or repair of seawalls and revetments. Seawalls and revetments shall be constructed in accordance with the following requirements.

B. *Prevent soil erosion, runoff and debris.*

1. Prior to construction of a seawall or revetment on undeveloped property, the following actions shall be taken to prevent soil erosion and protect the waterbody from runoff and debris:

a. Only the minimum area necessary for access and construction of the seawall or revetment and backfill shall be cleared.

b. A minimum 15-foot wide buffer of natural vegetation shall be preserved along each side lot line starting at a point ten feet from the waterfront.

c. Access to the waterfront shall be limited to an area no wider than 15 feet located in the interior of the lot.

d. A 30-foot wide buffer shall be preserved along all property lines abutting a street right-of-way except for the area cleared for the access point. Tree protecting barricades shall be erected around the perimeter of the buffer areas that are to remain.

2. Prior to construction, reconstruction, or repair of a seawall or revetment, a floating turbidity barrier shall be installed to prevent siltration into the canal until the slopes are stabilized. The ends of returns and the backside of the seawall or revetment shall be sodded or stabilized with other appropriate vegetation a minimum of five feet from the edge of the structure, or stabilized with erosion control devices, to prevent siltration on adjacent properties or into the canal.

3. Prior to the reconstruction or repair of existing seawalls and revetments, backfill shall be deposited behind the seawall in order to establish a swale not less than five feet from the seawall to collect any eroded material before it reaches the canal.

   a. Construction and vegetative debris on the site shall be continually removed throughout the construction activities and when construction is complete.

   b. When construction is complete, all cleared areas shall be sodded with native or water-conserving turf grasses. It shall be the responsibility of the lot owner to insure sodded areas are watered until established.

C. *Violations.* It is prohibited and unlawful:

1. To allow material to be deposited or to erode into any waterbody and fail to remove it.

2. For a contractor to fail to backfill bulkheads within 30 days after construction or repair of the bulkhead.

D. *Exceptions to violations.* The following are exceptions to the violations listed above:

1. Temporary waterbodies created to hold runoff water during construction.

2. Special exceptions granted by the City on applications where sufficient reason and safeguards are shown to protect the public interest.

E. *Vertical seawalls.* The following establishes criteria for construction, repair, and replacement of vertical seawalls in all saltwater canals in the City.

1. Vertical seawalls shall have reinforced concrete cap, with top of cap to be set at elevation two and one-half feet, North American Vertical Datum (NAVD 1988), above mean sea level (1929 NAVD) or match abutting existing caps. Cap height exposed face shall be 12 inches.

2. Vertical seawalls shall be located at and along the property line common with the waterbody or approved otherwise by other agencies.

3. The materials for all vertical seawalls shall be reinforced concrete or vinyl.

4. Vertical seawalls shall be grey in color. No painted surfaces are permitted.

F. *Landscape.* Any groundcover disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to stabilize the soil and prevent erosion.

G. *Safety.* All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.

4.01.07. *Sheds, gazebos, and pergolas.*

A. *Permitted locations and size.*

1. Only one shed, not to exceed 200 square feet, shall be allowed per lot.

2. The shed, gazebo, or pergola shall not be located in front of the building line of the principal structure.

3. A shed, gazebo, or pergola 100 square feet and less may be located up to five (5) feet from an abutting interior side or rear property line. A shed, gazebo, or pergola exceeding 100 square feet ~~Sheds~~ shall ~~be set back at least ten feet from~~meet the rear property ~~line~~ setback and shall meet the interior side setback requirements of the district. ~~However, sheds that do not exceed 100 square feet in size may be located up to five feet from the abutting interior side or rear property line.~~Any shed, gazebo, or pergola shall meet the street side setback, if applicable.

4. In no event shall a shed, gazebo, or pergola, or any part thereof, be permitted within an easement or buffer.

B. *Height.* The maximum building height for any shed, gazebo, or pergola shall be 12 feet.

4.01.08. *Swimming pools.*

A. *General.*

1. Lights used to illuminate any swimming pool shall be arranged and shaded to reflect light away from adjoining properties.

2. All swimming pools, hot tubs, and spas shall be enclosed by a permanent full screen enclosure or with a permanent wall or fence of a least four feet in height. Any solid roof covering for a swimming pool, hot tub, or spa shall adhere to the setbacks of the principal structure.

B. *Setback requirements.*

1. Setbacks for pools with decks shall be measured from the outer edge of the pool deck.

2. Setbacks for pools without decks, including above-ground pools, shall be measured from the outer walls of the pool.

4.01.09. *Clotheslines.*

A. All clotheslines must be located behind the dwelling and shielded as much as practical from view of any street.

B. Outdoor revolving umbrella style or 'T' posts are acceptable.

C. Attaching clotheslines to trees is prohibited.

4.01.10 *Playsets and Playhouses.*

A. *General.*

1. Playsets, playhouses, and similar uses shall be permissible as an accessory use in residential zoning districts and shall be located rearward of the rearmost façade of the principal structure.

2. Playsets, playhouses, and similar uses shall not include electrical or plumbing installations.

B. *Setbacks and Height.*

1. Playsets, playhouses, and similar uses 100 square feet or less may be located up to five (5) feet from an abutting interior side or rear property line. Playsets, playhouses, and similar uses exceeding 100 square feet in size shall meet the applicable setback requirements of the district. In all cases playsets, playhouses, and similar uses shall meet the street side setback, if applicable.

2. Playsets, playhouses, and similar uses shall not exceed 12 feet in height from finished grade.

3. In no event shall a playset or playhouse, or any part thereof, be permitted within an easement or buffer.

(Ord. No. 2009-26, §§ 14—25, 12-15-09; Ord. No. 2015-08 , § 3, 7-21-15; Ord. No. 2015-16 , § 2, 12-1-15)

Sec. 4.02. - Adult Entertainment and Sexually-Oriented Businesses.

4.02.01. *Applicability.* This section applies to businesses that provide entertainment or offer sexually-oriented material or activities as their primary or dominant theme and whose intended market is persons 18 years of age or older. Businesses that market sexually-oriented material include, but are not limited to, the following:

A. Adult book and video stores.

B. Adult motels.

C. Adult performance establishments.

D. Adult theaters.

4.02.02. *Compliance with City and State Law.* Adult entertainment and sexually-oriented businesses shall comply with Chapter 16, Article III in the City of Palm Coast Code of Ordinances and F.S. ch. 847 .

4.02.03. *Adult entertainment and sexually-oriented facility design standards.* Each adult entertainment establishment and sexually-oriented business licensed to operate in the City shall comply with the following standards in addition to the architectural standards set forth in Chapter 13 and all other applicable provisions of the Land Development Code:

A. *Building design.*

1. The building shall not exceed 3,000 square feet of gross floor area.

2. The maximum building height shall be 35 feet.

3. There shall be separate entrances for employees and customers, which shall be labeled as such. Both entries shall occur at the rear or back of the building rather than in front whenever practicable, as determined by the Land Use Administrator, based upon generally accepted land use principles and the configuration of the particular parcel.

4. Off street parking shall comply with requirements in Chapter 5.

B. *Signage.* Signs shall be subject to the requirements of Chapter 12.

C. *Existing buildings.* Each adult entertainment establishment and sexually-oriented business desiring to locate in an existing building shall comply with all design standards requirements as set forth in this section.

Sec. 4.03. - Agricultural Uses.

4.03.01. *Bona fide agricultural uses.*

A. *License required.* All bona fide agricultural uses shall obtain a license from the Department of Agriculture if required by law.

B. *Odor; dust.* All agricultural uses shall be operated so no odor or dust producing substance or use, except in connection with cultivation of permitted uses, is conducted within 100 feet of the property line adjacent to a parcel or lot located within the SFR or MFR Districts.

4.03.02. *Equestrian uses.*

A. *Number of horses.* A maximum of one mature animal and offspring less than one year of age shall be permitted per acre of property.

B. *Riding facilities.*

1. No structure housing the animals shall be located any closer than 50 feet of the property line adjacent to any residentially zoned parcel. This perimeter setback shall be increased to 100 feet for riding arena facilities with outdoor lighting and seating.

2. Riding trails may be permitted within any required buffer.

4.03.03. *Mining and soil extraction.*

A. *General requirements.*

1. Appropriate measures must be utilized to prevent fugitive dust from the excavation and haul truck traffic. All roads shall be maintained and free of sand and other related construction debris.

2. If applicable, St. Johns River Water Management District permits are required for dewatering or surface water discharge activities.

3. Perimeter buffering shall be utilized to limit visibility and noise of operation from adjacent land uses as appropriate, which may include fencing, earthen berms, existing vegetation, installed vegetation, or a combination thereof.

4. The City may set hours of operation to minimize adverse impacts to adjacent land uses so as not to produce a public nuisance. Excavation and haul traffic may only occur during daylight hours.

5. Appropriate fencing or security measures shall be provided to safeguard the site from unauthorized entry.

6. Reclamation of excavation sites shall resemble a natural system to the greatest extent feasible in accordance with federal and state requirements.

B. *Soil extraction.* For purposes of this section, soil extraction shall mean public or private commercial activities specifically undertaken for the primary purpose of excavating clean fill (i.e. clay, sand) from upland sites to be removed for the purpose of being utilized for an offsite project. This excludes installation of utilities, stormwater facilities, wetlands, and excavating, grading, filling, and moving of earth in conjunction with the installation of infrastructure to serve a subdivision or activities undertaken in conjunction with improvements approved as part of a development order. Soil extraction facilities shall demonstrate compliance with the following minimum setbacks measured from the edge of the excavation pit or area:

1. One hundred feet from the project perimeter and increased to 200 feet abutting any property zoned SFR, MFR, or MHD.

2. Minimum excavation setback of 25 feet, with an average setback width of 50 feet, from optimal wetlands; an average setback width of 25 feet, but no less than 15 feet from moderate and minimal wetlands; and a setback of 75 feet from a named wetland system, creek, river, saltwater canal, freshwater canal, or other open drainage feature or other surface water of the City.

C. *Mining.* For purposes of this section, mining operations shall include facilities that require a permit from the Florida Department of Environmental Protection, Bureau of Mining and Reclamation. Mining operations shall demonstrate compliance with the following requirements:

1. *Setback requirements.* Mining facilities shall include the following minimum setbacks measured from the edge of the excavation area:

a. Two hundred fifty feet from the project perimeter and increased to 500 feet abutting any property zoned SFR, MFR, or MHD.

b. Minimum excavation setback of 25 feet, with an average setback width of 50 feet, from optimal wetlands; an average setback width of 25 feet, but no less than 15 feet from moderate and minimal wetlands; and a setback of 75 feet from a named wetland system, creek, river, saltwater canal, freshwater canal, or other open drainage feature or other surface water of the City.

2. *Blasting.* No blasting shall be conducted within the City unless it can be demonstrated that said activity is being undertaken in a manner that in no way adversely affects the health, safety, and welfare of the residents and businesses within the City.

4.03.04. *Aviaries.* An aviary shall comply with all applicable state regulations. The following general requirements apply:

A. Minimum setback from any residentially zoned property shall be 100 feet from the property line. Otherwise, the structure shall be located no closer than 50 feet from any property line.

B. Reasonable precautions shall be taken to prevent an environment suitable for pathogens that cause public health hazards such as psittacosis, cryptococcosis, and histoplasmosis. Occurrence of any of the aforementioned illnesses to the property owner or an occupant of the property shall be reported by the property owner to the Flagler County Health Department.

Sec. 4.04. - Alcoholic Beverage Sales.

Refer to Chapter 7, Article I and Article II in the City of Palm Coast Code of Ordinances.

Sec. 4.05. - Cemeteries.

Within the zoning districts permitting cemeteries, the following regulations shall apply:

A. No graves or burial lots/sites shall be located closer than 40 feet from all rights-of-way and no closer than ten feet from all other boundary lines of the subject property.

B. Adequate means of ingress and egress for vehicles shall be provided within the site in order to provide an easy flow of traffic while funeral processions are entering or leaving the site.

Sec. 4.06. - Community Residential Homes and Recovery Residences.

4.06.01. Community residential homes shall meet the requirements of F.S. ch. 419.

4.06.02. Recovery Residences. Additional limitations specific to uses listed. No building or structure or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than as a conditional use with approvals subject to the provisions of this ordinance:

Recovery residence.

A. Recovery residence in single-family zoning district, except as required by Chapter 419, Florida Statutes, only with the following characteristics:

1. In accordance with FS.Ch.419, the community residential home that is located less than 1000 linear feet from the closest existing community residential home or recovery residence. Distance is measured from the nearest lot line of the entire parcel of the proposed Recovery Residence to the nearest lot line of the entire parcel of the closest existing recovery residence; and/or

2. Would be occupied by no more than ten residents; and

3. Duplex Properties can only occupy one side of the residence; and

4. The operator or applicant has been granted all available licensing or certification by the State of Florida known as Florida Association of Recovery Residences (FARR) to operate the proposed recovery residence, and

5. A recovery residence that has been denied an license or certification by the State of Florida or had a license or certification suspended, or is denied recertification or renewal of its license is not allowed in the City of Palm Coast and must cease operation and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or its recertification was denied.

B. Recovery residence in multi-family zoning district. Except as required by Chapter 419 Florida Statutes only with the following characteristics:

1. In accordance with FS.Ch.419, the community residential home that is located less than 1200 linear feet from the closest existing community residential home or recovery residence. Distance is measured from the nearest lot line of the entire parcel of the proposed Recovery Residence to the nearest lot line of the entire parcel of the closest existing recovery residence; and

2. Would be occupied by up to 20 residents occupying a maximum of 3 contiguous dwelling units within the same multifamily complex; and

3. The operator or applicant has been granted all available licensing or certification by the State of Florida known as Florida Association of Recovery Residences (FARR) to operate the proposed recovery residence, and

4. The operator or applicant has been granted all available licensing or certifications by the State of Florida to operate the proposed Recovery Residence,

5. A recovery residence that has been denied a license or certification by the State of Florida or had a license or certification suspended, or is denied recertification or renewal of its license is not allowed in the City of Palm Coast and must cease operation and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or its recertification was denied.

C. Recovery Residence Procedure

The purpose of a reasonable accommodation request is to modify a specific City of Palm Coast requirement to ensure an individual with a disability and/or handicap have equal opportunity to use and enjoy a dwelling, building or structure, or to provide accessibility in another manner. This policy implements the procedure of the City of Palm Coast, Florida (“City”) for processing reasonable accommodation requests to its Code of Ordinances, Unified Land Development Regulations, rules, policies, and procedures for persons with disabilities and/or handicaps as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. Section 12131 et seq.) ("ADA"). For purposes of this procedure, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled or a provider of services to the disabled qualifying for a reasonable accommodation may request a reasonable accommodation with respect to the City's Code of Ordinances, its land use or zoning laws, and/or rules, policies, practices and/or procedures, as provided by the FHA and the ADA pursuant to the procedures set forth herein.

1. Provide a Reasonable Accommodation application (see exhibit “A”) including the following:

   a. Certification from FARR showing the level of care approved.

   b. Occupancy Permit including following:

      i. A Dimensioned Life Safety Plan prepared in accordance with the Florida Fire Prevention Code and Life Safety Code.

      ii. Proof of Insurance

      iii. As per Section 397.487(6), Florida Statutes, a copy of the level 2 background screenings for all owners

2. Procedures for issuance. No Recovery Residence license shall be issued or granted unless:

   a. An application is filed with the City of Palm Coast an Occupancy Care Home forms provided for that purpose, and

b. There has been a site inspection by the City of the applicant's premises, and

c. The planning and zoning division has reviewed and approved the zoning use classification, and

d. The City has verified compliance with all applicable laws and regulations, and

e. Payment of the recovery residence occupancy license fee, to be established by resolution of the City Council, shall be required prior to the issuance of the license, and

f. Obtain a City of Palm Coast Business Tax Receipt.

g. Obtain a certificate of occupancy and/or change of use prior to issuance of community residence or recovery community license. Any community residence or recovery community that is required to obtain a certificate of occupancy and/or change of use pursuant to the Code of Ordinances must do so prior to the issuance of a license.

h. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, the address of recovery residence. The recovery residence license shall be posted in a conspicuous place at or near the entrance inside the recovery residence so that it may be easily read at any time by an inspector.

3. Grounds for denial. The Director of the Department of Community Development or designee, as appropriate, shall have the authority to deny an application for a community residence or recovery community license on the following grounds:

a. That the applicant has failed to disclose or has misrepresented a material fact, or any information required in the application.

b. That the applicant is desiring to operate a recovery residence which does not comply with the City's Land Development Code.

c. That the applicant has failed to obtain a certificate of occupancy and/or change

of use, if required.

d. That the certificate of occupancy or change of use for the proposed location has been denied, suspended, or revoked for any reason.

e. Applicant's noncompliance with specific provisions of federal, state, city or county ordinances, with respect to the specific use, and the applicant.

f. Fails to obtain said approvals prior to issuance of a license; or

g. Has violated such specific provisions.

h. The applicant has violated any provision of the Code of Ordinances or Land Development Code and has failed or refused to cease or correct the violation within (30) days after notification thereof.

i. The applicant failed to permit inspection by the City; or

j. Or as otherwise provided in the Code of Ordinances.

k. The operator or applicant has not been granted all available licensing or certification by the State of Florida.

4. Any person whose application has been denied as provided herein shall have the right to appeal to the City Manager explaining in detail the nature of the appeal and the grounds on which it is based. This written appeal must be received by the City Manager no later than three business days after the Director Community Development designee, determination.

5. Any person whose application has been denied as provided herein shall have the right to appeal to the City Council explaining in detail the nature of the appeal and the grounds on which it is based. This written appeal must be received by the City Clerk no later than three business days after the City Managers written response.
6. Any recovery residence shall permit officers or agents of the City of Palm Coast to inspect, from time to time on an occasional basis, the recovery residence for the purpose of ensuring compliance with all applicable regulations pertaining to recovery residences. A licensee's knowing or intentional refusal to permit such an inspection shall constitute a violation of this section for purposes of license denial, suspension, and/or revocation. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this article, but not to authorize a harassing or excessive pattern of inspections.
7. Each license shall remain valid for a period of one (1) calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application or renewal.
8. A licensee shall not transfer license to another, nor shall a licensee operate a recovery residence under the authority of a license at any place other than the address designated in the recovery residence license application.

D. Revocation.

1. The city shall revoke a recovery residence license if it determines that:
    a. The license holder has failed to disclose or has misrepresented a material fact or information required by this article in the application;
    b. The license holder does not operate in the manner described in the application or has changed the operation without authorization through approval of a new license;
    c. The certificate of occupancy for the location has been denied, suspended or revoked for any reason;
    d. In the event of a conviction of any owner, operator, manager, supervisor, or any employee acting at the direction or with the knowledge of the owner, operator, manager, or supervisor, by a court of competent jurisdiction, for the violation of any criminal statute committed in conjunction with the facility operation;
    e. The license holder has violated any provision of or failed to maintain compliances with the City Code and has failed or refused to cease or correct the violation after notification thereof;
    f. The holder of the license, or the holder's designated manager, operator, or supervisor, refuses to permit an authorized City inspector to inspect the premises during normal business hours for a regular inspection or for the purpose of investigating a complaint which has been filed against the operation.
    g. The licensee has knowingly engaged in or allowed possession, use, or sale of controlled substances on the premises.
    h. The operator or facility has been denied license or certification by the State of Florida, or license or certification is suspended, or is denied recertification or renewal of its license is not allowed in the City of Palm Coast and must cease operation and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or its recertification was denied.
2. Suspension and Revocation procedure. The procedure for suspension and revocation of a license shall be as follows:

a. If at any time the City of Palm Coast determines that the recovery residence is operating in any manner in violation of federal, state, county or city law or harmful to the public health, safety or welfare the city may file a notice of violation, through the special master process in the manner provided for by F.S. Ch. 162, and Chapter 17 of the Code of Ordinances.

b. If a license is revoked the applicant(s) may not apply for another license until one (1) year from the date of the effective date of the revocation, unless the basis for the revocation has been corrected or abated.

c. If a license is suspended for a specific period of time, the license shall remain suspended until the basis for the suspension has been corrected and the suspension period has expired.

E. Non-conforming Use and Structures.

Any nonconforming use of a building or land may be continued subject to the following conditions and requirements:

Requirements for nonconforming recovery residences. A recovery residences located in the City of Palm Coast as of the date of adoption of this Ordinance that does not currently have all available licenses, certifications or recertification designated from the State of Florida within 9 months after the adoption of this Ordinance shall no longer constitute a legal nonconforming use and must cease operation by the date that is exactly 9 months after the adoption of this Ordinance or within 60 days of the date on which all available certification, recertification, or the required license is denied, whichever date comes first. Such a recovery residences must either return residents to their families or relocate them to safe, secure housing within 60 days of the date on which all available certification, recertification, charter, or license is denied or by the date that is exactly 9 months after the adoption of this Ordinance, whichever date comes first. The number of occupants of a Recovery residence may not exceed the maximum number allowed under this Code of Ordinance or the number authorized under the Recovery residence's state certification or license, whichever is less.

Sec. 4.07. - Convenience Stores with Fueling Stations.

4.07.01. *Special exception required.* In the COM-1 District, a special exception for the use is required in accordance with the procedure as outlined in Chapter 2 if subject property is within 500 feet of any residential property.

4.07.02. *Fueling positions limitations.*

A. Within the COM-1 District, fueling stations are limited to a maximum of eight fueling positions.

B. Within the COM-2 District, fueling stations are limited to a maximum of 24 fueling positions.

4.07.03. *Design and installation requirements.*

A. All pump islands and canopies shall be set back a minimum distance of 20 feet from all perimeter property lines, but increased to 50 feet from property lines abutting areas zoned SFR, EST, MFR, and MHD.

B. On-site circulation shall be designed to:

1. Minimize conflicts between pedestrians and vehicles and between parked and moving vehicles;

2. Facilitate movement by tanker trucks and the safe unloading of fuels; and

3. When stacking lanes are required for car washes or drive-through facilities, stacking lanes shall be separated from parking areas and drives by using painted lines, pervious islands, landscaped islands, and/or decorative pavement.

C. All fuel dispensers shall be set back a minimum of 24 feet from any other fuel dispenser located on parallel pump islands, as well as located a minimum of 20 feet from any other fuel dispensers located along the same line of vehicular flow. Such distance shall be measured from center of fuel dispenser to center of fuel dispenser.

D. At least one-half of the required parking spaces shall be directly adjacent to the principal building.

E. All gasoline tanks shall be installed underground. Upon the discontinuance of any gasoline pump island, the fuel storage tanks shall be removed.

F. The maximum canopy clearance shall be 15 feet.

G. The Land Use Administrator may allow a maximum of 50 percent of the fueling position spaces to count toward the number of required parking spaces.

H. Lighting standards.

1. Exterior lighting shall be the minimum necessary to provide security and safety as determined by the Land Use Administrator. No more than 2.0 foot-candles of light are permitted at any property line.

2. Direct lighting sources shall be shielded or recessed. Light fixtures under a canopy shall be flush mounted. Lights shall not be mounted on the top or sides of the canopy. Drop type fixtures are prohibited.

3. The sides of the canopies shall not be illuminated, unless the illumination is part of a permitted sign.

4.07.04. *Accessory restaurant.*

A. A restaurant accessory to a convenience store shall be allowed as long as it does not exceed 30 percent of the gross floor area of the convenience store.

B. Parking for the restaurant shall be subject to the shared parking facilities requirements contained in Chapter 5.

C. An accessory restaurant with drive-through shall be subject to the drive-through facilities requirements contained in Section ~~4.09~~5.04.11.

Sec. 4.08. - Development Options.

4.08.01. *Cluster residential developments.*

A. *Purpose and intent.* The purpose of clustering or grouping residential buildings and associated permitted accessory structures is to encourage the most efficient and cost effective use of land and public facilities. In order for the cluster development option to be approved, the site plan must be shown to:

1. Provide a significant amount of the site for protected open space;

2. Protect environmentally sensitive areas of a development site and permanently preserve open space, historical, cultural, or other significant buildings, and/or land and natural features;

3. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;

4. Decrease or minimize nonpoint pollution impacts by reducing the amount of impervious surfaces in site development;

5. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be

extended or by reducing the width or length of streets, and by utilizing the site's natural drainage patterns; and

6. Provide opportunities for social interaction and walking and bicycling in contiguous open space areas.

B. *Applicability and general provisions.*

1. A residential cluster development is optional and shall be permitted as of right in any residential zoning district, except in the Agriculture, Multifamily, and Mobile Home Districts.

2. All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in a cluster development.

C. *Specific provisions.* The following provisions shall apply to any residential cluster development, regardless of the general requirements of the applicable residential zoning district:

1. *Dimensional requirements.*

a. *Minimum size.* Minimum gross size of a cluster development shall be five acres.

b. *Width.* The minimum lot width shall conform to the requirements for the SFR-1 District.

c. *Setbacks.* The minimum setbacks shall conform to the requirements of the SFR-1 District.

d. *Height.* The height of buildings shall be a maximum 35 feet.

e. *Impervious surface ratio.* The maximum impervious surface ratio is 0.75.

2. *Perimeter buffer.* A minimum 20-foot buffer shall be located between the cluster development and any existing residential zoning district with the exception of an adjacent residential zoning district having the same density and height.

3. *Open space.*

a. At a minimum, 40 percent of gross acreage of the site shall be conveyed as common open space. However, when calculating the open space, the land area devoted to public or private vehicular streets shall not be included.

b. Open space areas shall be designated as "cluster open space" and shall indicate whether public or private on the plat.

c. The appropriateness of accessory structures will be reviewed by the Land Use Administrator and considered in terms of their enhancement of the cluster open space.

d. Accessibility to open space. The usability of cluster open space intended for recreation or public use shall be determined by whether it is contiguous and by the size, shape, topographic, and location requirements of the particular purpose proposed for the open space. Cluster open space shall be easily accessible to trail users including, but not limited to, elderly and handicapped persons, be integrated to form unbroken trail linkages between uses within the subdivision, and take advantage of opportunities to establish off-site linkages to nearby land uses, sidewalks, bikeways, and greenways.

e. Preservation of open space. Open space shall be preserved in perpetuity by use of conservation easements, deed restriction, or other means acceptable to the City.

4.08.02. *Duplex residential developments.* Duplex dwelling units under single ownership may be converted so that each unit can be owned separately utilizing one of the following processes:

A. Duplex structures may be converted to the condominium form of ownership upon approval by the Land Use Administrator. Condominium association documents shall be provided that include ownership and maintenance of common areas and utility facilities.

B. Duplex sites may be subdivided into two separate lots in accordance with Chapter 2 review procedures as long as the individual lots meet the dimensional standards of the district.

4.08.03. *Manufactured/mobile home parks.*

A. *General requirements.*

1. *Minimum size of park; permitted location.* A manufactured home park shall have a minimum of two and one-half acres. Manufactured home parks will only be permitted in the MHD District.

2. *Plans and specifications required.* Complete plans and specifications of all manufactured/mobile home parks shall be submitted to the Land Use Administrator.

B. *Development criteria.*

1. *Setbacks.* No manufactured/mobile home or attached structure shall be located closer than 25 feet to the property lines of the manufactured home park or a public right-of-way. Requirements for each manufactured/mobile home space are as follows:

a. Front yard required—Minimum of 20 feet.

b. Side yard required—Minimum of five feet.

c. Rear yard required—Minimum of 15 feet.

2. *Private streets.* No manufactured/mobile home in a park shall be allowed direct access to a public street. All lots in a manufactured home park must have access from a private street that shall comply with regulations established in Chapter 5.

3. *Buffering.* A manufactured/mobile home park shall comply with Type "A" Buffer Design Standards established in Chapter 11.

4. *Recreational area required.* Manufactured home parks with ten or more units shall retain an area of not less than five percent of the gross site area devoted to recreational facilities provided in an area accessible to all property owners.

5. *Utilities.* Each manufactured home shall be independently served by separate electric, gas, and other utility services.

6. *Off-street parking.* A minimum of one off-street parking space shall be required for each manufactured home.

7. *Fences.* If the manufactured/mobile home park management allows fences for individual lots, these fences shall comply with regulations established in Section 4.01.

8. *Storage of recreational vehicles.* Storage of recreational vehicles, boats, and boat trailers shall be allowed only on sites reserved for such storage within the manufactured/mobile home park.

9. Residential Manufactured buildings meeting the requirements of Chapter 553 of Florida Statutes shall be permitted within a manufactured/mobile home park or subdivision.

4.08.04. *Multifamily residential buildings.* The following standards apply to multifamily buildings:

A. Multifamily buildings shall be setback a minimum distance of five feet from vehicular use area.

B. There shall be a minimum distance of ten feet between buildings.

4.08.05. *Multiuse buildings.* Multiuse buildings allow residential living quarters within the same buildings as offices or retail establishments, are permitted in the OFC-1, OFC-2, COM-1, COM-2, and MPD Districts, and require special exception approval in the COM-3 District. The following standards apply to multiuse buildings:

A. Nonresidential uses shall be located on the first floor of the building and residential units shall be located above the nonresidential use.

B. The mixture of nonresidential and residential uses within the multiuse building shall be designed to minimize, to the greatest extent practicable, the potential detrimental influence of nonresidential uses on the residential uses including, but not limited to, the location of entranceways and the use of soundproofing materials to minimize noise intervention between uses.

4.08.06. *Neotraditional development.*

A. *Purpose and intent.* The purpose of a neotraditional development is to provide areas for detached single-family dwellings, duplexes, townhouses, and accessory uses in medium density neighborhoods featuring traditional design concepts and architectural themes. Features may include front porches, reduced setbacks, detached garages, alleyway access, narrower rights-of-ways, and shared parks and open spaces readily accessible to pedestrians and bicyclists. In order for the neotraditional development option to be approved, the site plan must be shown to:

1. Encourage walking and bicycling to reduce the need for local automobile trips by providing trails, bike paths, and other forms of walkable interconnectivity within and to adjacent uses.

2. Establish a specific neighborhood identity that shall consist of an overall architectural theme. Architectural themes may consist of, but not be limited to, the following:

   a. Florida vernacular.

   b. Cape cod.

   c. Mediterranean.

3. Preserve natural features and scenic areas and provide a range of residential and open space land uses within close proximity to one another within the neighborhood.

4. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets.

B. *Applicability and general provisions.* A neotraditional development is optional and shall be permitted as a right in any residential zoning district, except in the Estate, Agriculture, and Mobile Home Districts. All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in a neotraditional development.

C. *Specific provisions.*

1. *Dimensional requirements.*

   a. *Minimum size.* Minimum gross size of a neotraditional development shall be five acres.

   b. *Width and depth.* No minimum width or depth of a lot shall apply except where abutting a development with lower density, in which case the widths/depths shall conform as closely as possible to the abutting development.

   c. *Setbacks.* No minimum setbacks shall apply; however, each lot shall conform as closely as possible to the setbacks established for the underlying zoning district and allow for parking and accessory structure requirements.

   d. *Height.* The height of buildings shall be in accordance with that of the underlying zoning district.

   e. *Impervious surface ratio.* A higher ISR shall be allowed, if determined appropriate by the Land Use Administrator; however, each lot shall conform as closely as possible to the ISR established for the underlying zoning district.

   f. *Backyard area.* Each residential dwelling unit shall have a backyard, or courtyard area.

2. *Single-family residential unit requirements.*

   a. Single-family residential units, inclusive of required porches, shall be constructed along the front setback line.

   b. Single-family units shall have an attached front porch oriented with a minimum width of 12 feet and a minimum depth of six feet.

3. *Garages.*

   a. Garages shall be separated from the main dwelling unit by a minimum distance of 12 feet, with the exception of a connecting breezeway, with a maximum width of four feet. Other than the breezeway, the garage and main dwelling unit shall be detached structures.

   b. Garages shall have a maximum building footprint of 500 square feet and a maximum height of 24 feet.

   c. Garage doors shall be oriented for access from a rear alley or a side street may provide an alternative access for corner lots.

4. *Vehicular and pedestrian access.*

   a. Sidewalks or pedestrian paths, bicycle paths, or bicycle lanes and vehicular streets shall connect all uses.

   b. A minimum of 80 percent of all streets shall connect at both ends to other streets at an intersection.

   c. All paths or trails including, but not limited to, bicycle paths or lanes, shall interconnect to form a continuous network throughout the site and to paths or trails linked to adjacent neighborhoods.

   d. Vehicular gates are prohibited on all streets, except alleys serving residential uses.

5. *Neighborhood parks.*

   a. Neighborhood parks shall be located and distributed so that 100 percent of all dwelling units are located within 1,320 linear feet from a park or other recreation area.

   b. The minimum pervious area of a park shall be 50 percent.

   c. For pedestrian access, a minimum of 25 percent of an activity-based neighborhood park perimeter shall abut a street, excluding alley.

6. *On-street parking.*

   a. On-street parallel parking shall be required on the local residential streets.

   b. Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of ten feet.

   c. Each parking space shall be clearly delineated by pavement striping per City standards.

   d. Between every five parallel parking spaces, a vehicular use area island shall be required per City standards.

   e. Parallel parking spaces shall be located no closer than 28 feet from the last stall to the intersection.

4.08.07. *Townhouse residential developments.* The following standards apply to townhouse buildings:

A. A minimum of three attached units and a maximum of eight attached units per building are permissible.

B. If rear alleyway access is provided, it is permissible to construct attached garages and detached garages that meet the standards of the neotraditional development option (refer to Section 4.08). In these cases, the rear setback may be decreased to five feet.

Sec. 4.09 - Reserved.

Editor's note— Ord. No. 2018-21 , § 2, adopted Oct. 2, 2018, repealed § 4.09 which pertained to drive-through facilities, and derived from Ord. No. 2009-26, § 26, adopted Dec. 15, 2009. See § 5.04.11 for similar provisions.

Sec. 4.10. - Educational Facilities, Private.

A. *Setbacks.* The front, rear, and side yard setbacks shall be the same as those required for the specific district, except that when adjacent to a residential land use or zoning district there shall be a 20-foot minimum building setback.

B. *Off-street parking and loading—School bus and vehicular drop-off facilities*. Facilities must be provided for off-street bus and private vehicle loading and unloading of students. Use of the street right-of-way may be allowed if a license agreement is executed with the City.

Sec. 4.11. - Garage and Yard Sales.

Refer to Chapter 16, Article V in the City of Palm Coast Code of Ordinances.

Sec. 4.12. - Home ~~Occupations~~ based Businesses.

4.12.01. *Purpose and intent.* ~~The purpose and intent of the home occupation regulations is to reasonably allow for a home to be used as a "doing business address" for low impact business activities from the home while ensuring that they are limited and controlled so they do not negatively impact the residential areas where they are located. Home occupations are limited by performance standards, requirements, and prohibitions. Procedures related to applications, evaluations, approvals, inspections, and revocations provide controls to ensure the home occupations do not adversely impact surrounding properties.~~ The purpose and intent of this section is to provide regulations for home-based businesses that are consistent with all provisions of F.S. § 559.955, as may be amended. The provisions of F.S. § 559.955 are incorporated into this section as if fully laid out herein, may be enforced pursuant to the City's Code of Ordinances: Chapter 2 - Article V and shall prevail in the event of a conflict with this section.

4.12.02. ~~*Classifications.* Home occupations are categorized into three classes as follows:~~ *Home-based Business Criteria.* A home-based business must operate, in whole or in part, from a residential property and must meet the below criteria:

A. *Employees.* The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling. ~~*Class 1.* Class 1 Home Occupations are limited, in-home business offices that are indistinguishable from activities associated with any typical office employee bringing home work outside of regular business hours. Class 1 Home Occupations utilize a single room in the residence where information-oriented business activities are limited to paperwork, computer, mail, telephone, and filing. Although home storage of a single vehicle used for business purposes is acceptable, Class 1 Home Occupations do not allow for on-site storage of any inventory, trailers, or mechanical equipment used for home occupation activities.~~

B. *Parking and storage.* ~~*Class 2.* Class 2 Home Occupations are in-home business offices that have the potential to create some impacts beyond Class 1 activities due to limited on-site~~

~~storage of material, inventory, chemicals, work vehicles, trailers, equipment, limited product assembly, or business-related traffic from customers or deliveries. Businesses among those typically classified as Class 2 Home Occupations include offices for subcontractors or lawn services where work vehicles, equipment, and/or trailers are stored at the home. Pool cleaning services are also included if chemicals are stored at the home. Other examples include arts and crafts businesses, such as stained glass or candle making, and other businesses that involve light assembly.~~

1. Parking and/or storage shall comply with all the residential property requirements of the Land Development Code based on the underlying zoning district; and

2. The need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. No more than two dedicated parking spaces for the home-based business are permitted; and

3. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence; and

4. Not create noise, vibration, glare, fumes, odors, dust, or smoke that is detectable to the normal senses at the lot line or beyond the exterior of any common walls; and

5. No heavy equipment, as defined in F.S. 559.955(3)(b) shall be visibly stored on the property as viewed from either the street or a neighboring property.

C. *Use of Premises. ~~Class 3.~~* ~~Class 3 Home Occupations are in-home business offices that have the potential to create some impacts beyond Class 2 activities due to increases of on-site storage of material, inventory, work vehicles, trailers, equipment, or business-related traffic from customers or deliveries. Class 3 Home Occupations are permitted on large, estate-sized residential properties, including farmland, where ample buffering prevents impacts to surrounding properties. Examples of Class 3 Home Occupations are small family businesses, such as horse boarding and riding stable operations. Other examples include plant nurseries or vegetable growing operations with limited sales to the public.~~

1. As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property; and

2. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood; and

3. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property; and

4. The activities of the home-based business are secondary to the property's use as a residential dwelling.

D. *Compliance with other laws, rules, and regulations.*

1. The business activities shall comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted; and

2. All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other

hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted; and

3. Use of the residential property for a home-based business must comply with all other applicable regulations for the zoning district.

E. *Exceptions.* This section does not supersede, amend or modify the following:

1. Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720; and

2. Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.

~~4.12.03. *Performance standards, requirements, and prohibitions.*~~

~~A. *Home occupation requirements.* All home occupations (Class 1, 2, and 3) shall:~~

~~1. Be completely subordinate to the residential nature of the home; and~~

~~2. Not change the structural form of the home; and~~

~~3. Not create noise, vibration, glare, fumes, odors, dust, or smoke that is detectable to the normal senses at the lot line or beyond the exterior of any common walls; and~~

~~4. Not use equipment which creates off-site line voltage fluctuations or visual or audible interference with off-site radio or television receivers; and~~

~~5. Not adversely affect public safety through the storage or generation of explosive, flammable, or hazardous materials in quantities which could constitute a neighborhood danger based on the required submittal of MSDS sheets or the determination of the City Fire Marshal; and~~

~~6. The applicant shall be the primary resident of the home.~~

~~B. *Prohibited home occupations.* The following uses are prohibited home occupations; however, this list is not all-inclusive and other home occupations may be prohibited by the Land Use Administrator based upon the character and similarity of use, with the determination being subject to appeal as set forth in Chapter 2:~~

~~1. Food preparation.~~

~~2. Kennels and veterinary clinics.~~

~~3. Funeral homes.~~

~~4. Dance or exercise studios.~~

~~5. Beauty or barbershops.~~

~~6. Vehicle repair or sales.~~

~~7. Animal raising.~~

~~8. Medical/dental offices or clinics.~~

~~C. *Performance Standards.* Class 1, 2, and 3 Home Occupations are limited in accordance with the following performance standards. These limitations apply to business activities at the home related to the home occupation and are not intended to regulate business activities that occur outside of the home. Table 4-4 describes the performance standard limitations.~~

Table 4-4: Performance Standard Limitations for Home Occupations

Category	Home Component	Class 1	Class 2	Class 3
Traffic Generation	Customers	None permitted.	Maximum of one per week.	Maximum of ten per week.
	Deliveries	Maximum of one per week.	Maximum of two per week.	Maximum of ten per week.
	Employees—Either working out of the home or convening at the home at any time.	Limited to residents of the home. No outside employees are permitted to visit the home for business related purposes.	Limited to residents of the home. No outside employees are permitted to visit the home for business related purposes.	Limited to residents of the home plus a maximum of two outside employees who are not residents of the home.
	Other business trips	Maximum of two round trips per day.	Maximum of six round trips per day.	Maximum of the ten round trips per day.
Business Area and Storage	Office space	Maximum of one room.	Maximum of one room in primary residence; or business may be located in separate ancillary on-site building.	Up to 35 percent of gross floor area of primary residence; or business may be located in separate, ancillary on-site building.
	Storage of inventory/equipment	None permitted.	All inventory and equipment must be stored inside. A maximum of one single car stall of a garage area may be utilized. An on-site storage shed or the office may be used instead of the garage stall.	All inventory and equipment must be stored inside. Full garage area or ancillary on-site building may be utilized.
	Storage of chemicals	Limited to common household items, such as bleach or ammonia based cleaning products, stored in a single closet. MSDS sheets not warranted.	All chemicals must be stored inside. A maximum of one single car stall of a garage area may be utilized. An on-site storage shed may be used instead of the garage stall. MSDS sheets required. Fire extinguisher required.	All chemicals must be stored inside. Full garage area or ancillary on-site building may be utilized. MSDS sheets required. A fire extinguisher is required.
Vehicles and Trailers	Vehicle number and type	Maximum of one sedan, SUV, or	Maximum of one sedan, SUV, or pickup truck for business	Maximum of two vehicles for business.

		pickup truck for business		
	Vehicle dimensions	Maximum height—seven ft. Maximum length—20 ft.	Maximum height—seven and one-half ft. Maximum length—22 ft.	Maximum height—eight ft. Maximum length—22 ft.
	Exterior ladders and pipe racks	None permitted.	None permitted if vehicle stored outside of garage.	Permitted.
	Gross vehicle weight	Maximum 8,500 lbs.	Maximum 10,500 lbs.	Maximum 20,000 lbs.
	Trailers	None permitted.	Maximum of one stored in garage.	Maximum of two. May be stored outside if fully screened from public right-of-way and neighboring properties.
Solid Waste Generation	Quantity	Maximum of one 32-gallon residential waste container per week.	Maximum of two 32-gallon residential waste containers per week.	Maximum of four 32-gallon residential waste containers per week.
	Hazardous	None may be disposed of at home.	None may be disposed of at home.	None may be disposed of at home.
Repair and Manufacturing	Repair and manufacturing	None permitted.	Limited minor repair or manufacturing activities are permitted as well as arts and crafts, hobbies, and high tech custom/precision assembly only.	Limited repair or manufacturing activities permitted. Machinery may be operated only in short bursts (defined as no longer than ten minutes per hour with cumulative maximum not to exceed one hour per day).
Signage	On-site	None permitted.	None permitted, although licensee may display license if required by the state.	Maximum of one sign not illuminated, limited to six square feet in size.
	On vehicle(s)	Any vehicle with signage not removable signage must be parked in the garage at all times.	Any vehicle with signage not removable must be parked in the garage at all times.	Permitted.

Advertising	Advertising (includes, but not limited to, telephone directories, newspapers, print media, logos, stationery, and business cards)	Post office box number only and not a street address (unless otherwise required by state law).	Post office box number only and not a street address (unless otherwise required by state law).	May use home address.
Visibility	Visibility from right-of-way and neighboring properties	The home occupation shall not be visible to neighbors. No products display or any aspect of the operation shall be visible outside the dwelling unit.	The home occupation shall not be visible to neighbors. No products display or any aspect of the operation shall be visible outside the dwelling unit.	Except for the sign permitted above, the home occupation shall not be visible to neighbors. Other outdoor activities or operations shall be fully screened from neighboring properties.

4.12.0403. *Home-based Business occupation application, evaluation, and approval procedures.*

A. *Application.* Applications for home-based businesses shall follow the same procedures for acquiring a business tax receipt as outlined in the City's Code of Ordinances: Chapter 16 – Article II – Local Business Tax Receipts and occupation approvals shall be filed on a form provided by the City. The Land Use Administrator may request additional information to ensure that all application materials are sufficient to review the request.

B. *Evaluation procedures to classify a home occupation.*

1. The Land Use Administrator shall determine the classification of the home occupation upon reviewing the application, and determine whether a special exception is required.

2. Depending upon specific impacts and the nature of the operation, the same type of business may be classified differently. For example, a landscape business where all materials, equipment, and trailer are stored offsite may qualify as a Class 1 Home Occupation. A landscape business, where the materials, equipment, and trailer are stored in the home's garage may qualify as a Class 2 Home Occupation. If the landscape business also includes a small plant nursery, it may qualify as a Class 3 Home Occupation.

C. *Approval procedures.*

1. *Permitted home occupations (not a special exceptions)*

a. A development order for a home occupation shall be granted by the Land Use Administrator for permitted home occupations that meet the requirements of this section and do not require a special exception.

b. The Land Use Administrator may add special conditions to the development order for a home occupation related to the operation of the business to ensure compliance with this Code.

c. With regard to Class 2 and Class 3 home occupation development orders, the City shall notify the owners (as listed with the Flagler County Property Appraiser) of the lots immediately abutting the lot and immediately across a road right-of-way from the licensed lot.

~~2. *Home occupation special exceptions*~~

~~a. Home occupation special exceptions shall be noticed and advertised in accordance with Chapter 2 and reviewed by the Planning and Land Development Regulation Board at a public hearing. The Planning and Land Development Regulation Board decision shall be based on the proposed home occupation's adherence to the following standards and criteria:~~

~~(1) A proposed special exception for a Class 3 Home Occupation shall comply with the majority of the Class 2 Home Occupation performance standards. A proposed special exception for a Class 2 Home Occupation shall comply with the majority of the Class 1 Home Occupation performance standards. Further, the application shall be evaluated on the applicant's ability to moderate, lessen, or mitigate for those areas where they cannot meet the Class 1 or Class 2 Home Occupation performance standards to ensure that neighboring properties will not be adversely impacted.~~

~~(2) Additional special exception criteria found in Chapter 2 may be used to evaluate a proposed home occupation, if applicable.~~

~~b. The Planning and Land Development Regulation Board may add conditions related to the unique operational characteristics of the home occupation to ensure compliance with the regulations contained in this Code. The Land Use Administrator shall incorporate these conditions into the development order for the home occupation.~~

~~3. *Development order.* A development order for the home occupation is required for the home-based business. The issuance of a business tax receipt does not imply approval of the home-based business.~~

4.12.~~05~~04. *Inspection and revocation.*

A. *Inspections.* A home ~~occupation -~~based business inspection may be conducted by the City following the issuance of a development order for a home ~~occupation -~~based business~~for any home occupation~~.

B. *Violations and revocation.*

1. The Code Enforcement Board shall determine violations, fines, or penalties for violations of this Code relating to home ~~occupations-~~based businesses. Such violations shall be treated as an unpermitted use within the zoning classification. The Code Enforcement Board shall have the authority to revoke development orders for home ~~occupations-~~based businesses.

~~2. The Planning and Land Development Regulation Board shall have the authority to revoke a special exception for a home occupation.~~

Sec. 4.13. - Houses of Worship/Religious Institutions, Civic Clubs/Fraternal Organizations, and Nonprofit Organizations.

Houses of worship/religious institutions civic clubs/fraternal organizations, and nonprofit organizations shall be allowed as specified in Table 3-4. The following conditions shall apply to these uses:

4.13.01. *Master plan for long range development.* When submitting an application to expand an existing or construct a new house of worship/religious institution, a master plan for long-range development shall be submitted, including future plans for accessory uses such as educational facilities, gymnasiums, or similar facilities.

4.13.02. *Size limitations in the COM-1 District.* Within the COM-1 District, new or expanded houses of worship/religious institutions, civic clubs/fraternal organizations, and nonprofit organizations shall not exceed 30,000 square feet of gross floor area.

Sec. 4.14. - Industrial Uses.

4.14.01. *Industrial use classifications.*

A. *Heavy Industrial (IND-2) uses.* Heavy industrial uses shall include any facility that meets at least one of the following criteria:

1. Emits 500 pounds or more per year of lead or lead compounds; or
2. Emits 100 tons per year or more of any one regulated pollutant (PM10; nitrogen oxides; sulfur dioxide; carbon monoxide; volatile organic compounds; and lead) subject to regulation under F.S. ch. 403 ; or
3. Emits ten tons or more per year of any one hazardous air pollutant (HAP) as defined by Chapter 62-210, Florida Administrative Code; or
4. Emits 25 tons or more per year of any combination of hazardous air pollutants as defined by Chapter 62-210, Florida Administrative Code; or
5. The facility would require a major source Title V air permit as required by the requirements under F.S. ch. 403 ; or
6. Bulk storage of hazardous or regulated chemicals in ~~access~~ excess of 25,000 gallons (excluding diesel and unleaded gasoline fueling facilities exclusively utilized for fueling of vehicles, public water/wastewater treatment and emergency generators); or
7. Large quantity generators of hazardous waste as regulated under Chapter 62-730, Florida Administrative Code; or
8. The following industrial uses are presumed to be considered heavy industrial based upon the above criteria: air curtain incinerators; asphalt plants; concrete batch plants; fabrication facilities (involving open air grit blasting or open air painting); phosphate/nitrate fertilizer manufacturing facilities; fiberglass products manufacturing facilities; explosive storage and or manufacturing facilities; biohazardous waste incinerator, pesticide formulation facilities; scrap yard/shredding facilities; soil remediation facilities; bulk solvent chemical storage and or processing facilities; paint/ink manufacturing facilities; secondary metals recovery or manufacturing facilities; chrome plating facilities; asbestos products fabricators; manufacturer, livestock importing/exporting facilities; and those uses listed in the IND-2 District outlined in Chapter 3, Table 3-4.

This list is not all-inclusive and other uses may be considered heavy industrial based upon the above criteria as determined by the Land Use Administrator.

B. *Light Industrial (IND-1) uses.* All other manufacturing, processing, and assembly activities not meeting one of the heavy industrial criteria listed in this Code shall be presumed to be light industrial, including those uses listed in the IND-1 District outlined in Chapter 3, Table 3-4.

C. *Approvals; permitting.* Approvals, permits, or other forms of written assurances from appropriate federal, state, or local agencies that the use is likely to meet or exceed the specified standards for dust emissions, water consumption, air quality, hazardous, and regulated waste management set forth in Chapter 10 shall be considered competent and substantial presumptive evidence that the use complies with these zoning performance standards for permitting.

4.14.02. *Industrial use performance standards.* Manufacturing, processing, and assembly operations shall meet the following performance standards. Proof of compliance shall be provided stating that all required permits for particular discharges can and will be met. All necessary environmental permits shall

be obtained. Table 4-5 depicts the required performance standards for heavy industrial and light industrial and warehousing uses:

Table 4-5: Performance Standards for Industrial Uses

	Light Industrial & Warehousing (IND 1)	**Heavy Industrial (IND 2)**	**Application Requirements**
Lighting	Lighting shall be in accordance with Chapter 9 of the LDC	Lighting shall be in accordance with Chapter 9 of the LDC	Detail lighting plan
Sound Measured from property line	Residential: 60 dBA (7AM—10PM)	Residential: 60 dBA (7AM—10PM)	Statement of compliance
	Residential: 60 dBA (10PM—7AM)	Residential: 60 dBA (10PM—7AM)	
	Commercial: 65 dBA (7AM—10PM)	Commercial: 65 dBA (7AM—10PM)	
	Commercial: 60 dBA (10PM—7AM)	Commercial: 60 dBA (10PM—7AM)	
	Industrial: 75 dBA (7AM—10PM)	Industrial: 75 dBA (7AM—10PM)	
	Industrial: 75 dBA (10PM—7AM)	Industrial: 75 dBA (10PM—7AM)	
Water Consumption	Consumptive Use Permit specifically approved by SJRWMD	Consumptive Use Permit specifically approved by SJRWMD	SJRWMP CUP permit submittal
Hazardous/Regulated Waste Management	New Large Quantity Generators of hazardous waste as regulated under Chapter 62-730, F.A.C., as amended are prohibited	All hazardous waste generators shall comply with State and Federal regulations	List of potential waste generated and anticipated amounts.
	New chemical containment areas to provide appropriate secondary containment	New chemical containment areas to provide appropriate secondary containment	Statement of compliance
	BMPs developed to prevent potential discharges of regulated substances	BMPs developed to prevent potential discharges of regulated substances	Submittal of BMP plan.

Electrical/Electromagnetic Interference	Use shall not cause, create or contribute Electrical/Electromagnetic Interference to adjacent properties	Use shall not cause, create or contribute Electrical/Electromagnetic Interference to adjacent properties	Statement of compliance
Air Quality	General Title V or non-Title V	Major Source Title V Permit under F.S. ch. 403 as amended	FDEP permit submittal
	Emits < 500 pounds per year of lead or lead compounds	Emits > 500 pounds per year of lead or lead compounds	FDEP Annual Operating Reports/Permits
	Emits < 100 tons per year of any regulated pollutant	Emits > 100 tons per year of any regulated pollutant	FDEP Annual Operating Reports/Permits
	Emits < 10 tons per year of any one HAP	Emits > 10 tons per year of any one HAP	FDEP Annual Operating Reports/Permits
	Emits < 25 tons of any combination of HAPs	Emits > 25 tons of any combination of HAPs	FDEP Annual Operating Reports/Permits
	BMPs to control dust	BMPs to control dust	
	Airborne discharges shall be minimized so as not to cause or contribute to an objectionable odor to adjacent residential areas	Airborne discharges shall be minimized so as not to cause or contribute to an objectionable odor to adjacent residential districts	Statement of compliance
	Regulated Pollutants shall meet federal and State air quality standards	Regulated Pollutants shall meet federal and State air quality standards	FDEP Annual Operating Reports/Permits/Monitoring
Storage of Hazardous or Regulated Chemicals	< 25,000 gallons permissible	Storage of Hazardous or Regulated Chemicals permissible	FDEP Registration/Inventory; Submittal of SPCC Plan
Fire Prevention Standards	Fire suppression devices shall be installed in accordance with City requirements	Fire suppression devices shall be installed in accordance with City requirements	Site plan and description of fire prevention measures with Fire Marshal/City approval
New Septic Systems	Not permissible	Not permissible	NA

Radioactive Materials	Fixed nuclear density gauges with sources exceeding 50 mCi prohibited	Fixed nuclear density gauges permissible	BRC radioactive material license and protection plan submittal
	Source material other than medical applications uses prohibited	Source material with BRC approval	BRC approval and documentation of RSO and authorized user

Note:

Regulated pollutants = shall consist of PM10, nitrogen oxides, sulfur dioxide, carbon monoxide, volatile organic compounds, lead.

HAP (Hazardous air pollutant) = As defined by Chapter 62-210 F.A.C. as amended.

BRC = Bureau of Radiation Control

RSO = Radiation Safety Officer

Sound = The standards set forth shall not apply to emergency warning devices, lawn care equipment, or construction operations.

Storage of Hazardous or Regulated Chemicals = Aboveground and underground storage tanks regulated by FDEP and utilized for vehicular purposes are permitted in IND-1 and IND-2.

Sec. 4.15. - Nonresidential Controlling Master Site Developments.

4.15.01. *Purpose and intent.* The purpose and intent of this section is to provide standards for a nonresidential controlling master site development. The standards will ensure internal consistency and compatibility with the character of the surrounding neighborhood. Elements of compatibility include the fundamental development pattern of the surrounding neighborhood, predominant building type, and features of site design, scale, and dimensions.

4.15.02. *Applicability.* Nonresidential controlling master site developments and large-scale commercial centers shall comply with the requirements of this section. Such developments shall be planned as a unit and at a minimum, include the following:

A. Shared parking and driveways.

B. Master stormwater facilities.

C. Master drainage system.

D. Pedestrian and vehicular connectivity between sites, structures, and uses.

E. Owners association.

F. Applicable to moderate and major development.

4.15.03. *Development standards.* In addition to the development requirements set forth in this Code, the following requirements apply to nonresidential controlling master site developments:

A. *Building setbacks.*

1. Buildings and ancillary structures within a nonresidential controlling master site development are encouraged to be constructed up to the interior lot line provided a plat has been recorded.

2. Reserved.

3. Setbacks shall be measured from project exterior boundary.

B. *Parking lot orientation.* No more than 60 percent of the off-street parking area for the entire property shall be located between the principal building(s) and the street unless the principal building(s) and/or parking lots are screened from view by abutting development (within outparcels) and additional tree plantings and/or berms.

C. *Pedestrian access.*

1. Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, taxi stands, street crossings, building, and store entry points and shall feature adjoining landscaped areas that include trees, shrubs, benches, flowerbeds, groundcovers, or other such materials for no less than 50 percent of their length.

2. Sidewalks, no less than five feet in width, shall be provided along the full length of each building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of each building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

3. Internal pedestrian walkways shall provide weather protection features such as awnings or porticos within ten feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.

4. All internal pedestrian walkways shall be distinguished from driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

D. *Public amenities.* A nonresidential controlling master site development shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

1. Patio or seating area.

2. Pedestrian plaza with benches.

3. Transportation center.

4. Window shopping walkways.

5. Outdoor play area.

6. Kiosk area.

7. Water feature.

8. Clock tower.

9. Steeple.

10. Other such focal features or amenities that, in the judgment of the Land Use Administrator based on generally accepted planning principles adequately enhance such community and public spaces.

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

E. *Outdoor storage, trash collection, and loading areas.*

1. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.

2. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public or street, public sidewalk, or internal pedestrian way.

3. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping. This is to ensure that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

4. Areas not enclosed for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors, and designs of screening walls or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

5. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all requirements as outlined in this Code.

F. *Architecture.* All nonresidential controlling master site developments shall comply with architectural standards established in Chapter 13. In addition, the applicant shall provide, upon request, alternative designs or prototypes in addition to any typical corporate prototype. Alternative designs shall be provided to reflect the local character of the surrounding areas. Design templates may include, but not be limited to, Art Deco, Mediterranean, Main Street, and Green Design.

4.15.04. *Wall signage.* Signs shall be consistent and complementary in style, color, and materials to the style, color, and materials of the principal structure. Refer to Chapter 12 for sign requirements.

4.15.05. *Maintenance of property; abandonment.* During any period of vacancy following relocation of the business and prior to reuse, the vacant building shall meet the following standards:

A. All exterior surfaces shall be maintained and in good repair.

B. The exterior walls shall be maintained free from holes, rotting materials, and graffiti.

C. Roofs and buildings shall be maintained in structurally sound, safe, and weather tight conditions.

D. Window glass shall be in place and maintained in a safe and weather tight condition.

E. The grounds shall be maintained and free of trash, stored materials, inoperative or unlicensed vehicles, and equipment.

F. Accessory structures, such as fences, walls, signs, accessory buildings, or other physical improvements, shall be maintained in a safe condition and free of graffiti.

G. Outdoor sales may be permitted on a case-by-case basis in accordance with this chapter.

H. Outdoor security lighting shall be maintained and operated.

I. Landscaping shall be watered, pruned, and weeded as necessary.

(Ord. No. 2009-26, §§ 27—30, 12-15-09)

Editor's note— Ord. No. 2009-26, § 27, adopted December 15, 2009, changed the title of Section 4.15 from "Large-scale commercial center" to "Nonresidential controlling master site developments."

Sec. 4.16. - Marinas.

4.16.01. *General.* Except as expressly set forth in this section, no application shall be approved by the Land Use Administrator and a permit issued unless the application conforms to the requirements of this Code, and the application fees have been paid.

4.16.02. *Applicability.* When permitted as an accessory use, the marina shall be accessory to a developed use on any waterway within the district. Marinas shall be allowed as specified in Table 3-2 and Table 3-4 and subject to the following standards:

A. *Compliance with federal and state laws.* All marina facilities shall comply with all applicable federal and state laws, rules, and regulations including, but not limited to, the requirements and permits of the Florida Department of Environmental Protection, St. Johns River Water Management District, and the Army Corps of Engineers. Verification that all necessary permits and/or required studies have been obtained shall be submitted to the City prior to commencing construction activities.

B. *Live aboard watercraft prohibited.* Under no circumstances shall a vessel docked or moored off the pier at a noncommercial marina be used as a live aboard watercraft.

4.16.03. *Permit required.* Any person or entity must be issued a marina facility permit before operating a marina facility within the City.

A. Marina facility permit applications shall be considered and acted upon by the Land Use Administrator and, if applicable, the Planning and Land Development Regulation Board, subject to the terms and conditions of this Code. Marina facility permits, when approved, shall be approved in the form of a development order which may be subject to such terms and conditions as the Planning and Land Development Regulation Board or Land Use Administrator may deem appropriate consistent with the provisions of this Code. Except as provided in this section, no person may cause, suffer, or allow construction of a marina facility without first obtaining a permit from the City. Except as provided in this Code, and after issuance of a permit or permit amendment to the marina facility, no person may cause, suffer, or allow the operation of a marina facility without first obtaining from City staff a final inspection and authorization to begin operation of the marina facility as described in this Code.

B. Except as otherwise expressly stated in this Code, any person who is required by this Code to obtain a marina facility permit or permit amendment shall demonstrate compliance with the performance standards set out in this Code.

C. A person who already has a permit for a marina facility may commence emergency reconstruction of damaged marina facilities without first obtaining a permit amendment from the City, provided that written notice of the commencement of reconstruction activities is provided to the City within 72 hours of commencement of reconstruction. Within 30 working days of commencement of reconstruction, the marina facility owner shall submit an application for a marina facility permit amendment.

4.16.04. *Review authority.*

A. *Application submittal.* An application for a marina facility permit may be submitted on a form provided by the City and shall include such information as the Land Use Administrator may determine necessary.

B. *Land use administrator.* The Land Use Administrator shall perform the technical review for all marina facilities and shall have the authority to approve issuance of development orders for all noncommercial marina facilities.

C. *Planning and land development regulation board.* The Planning and Land Development Regulation Board shall receive recommendations from the Land Use Administrator for commercial marina facilities. The Planning and Land Development Regulation Board shall have the authority to approve issuance of development orders for all commercial marinas.

4.16.05. *Location and configuration.*

A. *General location standards.*

1. No marina facility shall be permitted to be located or configured to extend into navigable waters of the City to such a distance that it would constitute a navigation hazard or a flood control hindrance or would unreasonably infringe upon public legal use of and access to the water surface.

2. Marina facilities shall not be so located or configured in such a way as to potentially displace boating traffic into shallow areas.

3. In accordance with the City's wetland protection regulations and through avoidance and minimization strategies, proposed marina facilities shall demonstrate that impacts to wetlands have been avoided and/or minimized to the maximum extent practicable.

4. A marina facility site may be approved only when the applicant has demonstrated that the location has adequate depths to accommodate the proposed watercraft use. All marina facilities access shall be through existing channels or through areas greater than three feet in water depth at mean low water. If existing channel or through areas contain less than three feet of low mean water depth and dredging is required, the applicant must demonstrate that the initial dredging operations are necessary and measures were taken to avoid and minimize, to the extent practical, negative impacts to environmental resources of the City including, but not limited to, water quality, threatened and endangered species, fish, and wildlife habitat. The issuance of permits to the applicant from the Army Corps of Engineers and the St. Johns River Water Management District or Department of Environmental Protection shall satisfy the requirements of this provision.

B. *Setback requirements.* Marina facilities shall include the following minimum setbacks for structures located over or on the water surface and related facilities:

1. *Adjoining properties.* A 50-foot setback shall be established from the riparian property line of adjoining waterfront properties for marina facilities located on the Intracoastal Waterway. A 25-foot setback shall be established for other navigable waters of the City.

2. *Public water supply wells.* No commercial marina facility or marine service station shall be located within 500 feet of an existing public water supply well that is licensed and operated in accordance with all applicable law.

3. *Designated swim areas.* No marina facility structure shall be located on or over the water surface within 100 feet from any existing City designated swim area.

4. *Residentially designated property.* No commercial marina building or structures, or marine service station, shall be located within 100 feet of a residential property line, unless otherwise specified within this section of the Code.

C. *Property ownership.*

1. Marinas shall be located on and over the navigable waters of the City that are owned, leased, or otherwise controlled by the applicant, or marina owner, or operator and shall not materially and significantly interfere with established legal rights and privileges of an adjoining property

owner including, but not limited to, those conveyed through covenants, deed restrictions, easements, court judgments, or other legally binding documents.

2. The applicant or marina facility owner or operator shall provide the name and address of the owner of the lot or parcel including, but not limited to, that portion of the lot or parcel under the water surface. The applicant shall provide, at a minimum, the following documentation:

   a. An affidavit, in a form prescribed by the City, stating that the applicant owns, leases, or otherwise controls the lot or parcel over which the marina will be located.

   b. If the applicant, or marina facility owner or operator, and the property owner are different individuals or entities, documentation, such as a lease, easement, or other deed-recorded instrument, supporting applicant's claim that the applicant has the authority from the property owner to locate the marina on or over the lot or parcel.

   c. Other documentation, if required by the City, to demonstrate ownership or control, which may include a title opinion from an attorney or a title insurance commitment, if such ownership or control is questioned. Any such title opinion shall state that the attorney has reviewed the chain of title or other appropriate documents and finds that, in the attorney's professional opinion, the applicant is the owner or has the legal right to construct a marina facility on or over the lot or parcel in question.

3. Dock or slips associated with a noncommercial marina facility shall only be sold, leased, used, or otherwise conveyed to residents of the residential development associated with the noncommercial marina. Deed restrictions acceptable to the Land Use Administrator, shall be required to ensure that residents will be subject to restrictions prohibiting residents from improperly using any dock slips or the marina facility and further obligating the residents observance of all rules and policies established by this Code. Deed restrictions shall require that the marina facility be private and that ownership of the marina facility slips, at a minimum, be restricted to residents. Applicable deed restrictions shall require language that prohibits any rental of dock slips by the residents to the public at large. Unit owners may lease their slip(s) to tenants or other unit owners.

4. Docks or slips as an accessory use in the SFR, DPX, EST, AGR, and MPD zoning districts shall not be sold, leased, used, or otherwise conveyed to anyone other than the owner of the lot, parcel, or tract. If the dwelling unit is leased or rented, the dwelling unit is required to be registered with the City in which the dock or slip is automatically included as part of the registered dwelling unit as the dock or slip is an accessory use to the dwelling. Owners of the dwelling unit shall be held responsible for any vessel moored, docked, and/or stored at the dock or slip.

4.16.06. *Protection of water quality.*

A. *Water exchange and flushing action.* The following requirements apply to all marina facilities:

1. Site and design the marina facility such that wind and currents will aid in flushing of the site or renew its water regularly.

2. Site and design the marina facility such that the bottom of the marina facility and the entrance channel are not deeper than adjacent navigable water unless it can be demonstrated that it will not negatively impact flushing and water quality standards.

3. Design marina facilities with as few segments as possible to promote circulation within the basin.

4. Design and locate entrance channels to promote flushing.

5. Establish two openings, where appropriate, at opposite ends of the marina facility to promote flow through currents; provided, however, that when the establishment of two openings is not practical, as determined by the Land Use Administrator, and adequate flushing action is

demonstrated to the Land Use Administrator for the proposed number of slips, two openings shall not be required.

6. Consider other design alternatives in poorly flushed waterbodies (e.g. open marina basin over semi-enclosed design) to enhance flushing.

7. Land surface drainage patterns shall be designed with swales, contours, shallow depressions, or other acceptable water retention and treatment standards, to minimize direct runoff in surface waters.

8. The dredging of new channels to provide marine facility access to a site may be permitted if an applicant can demonstrate to the Land Use Administrator that such activities will improve or maintain surface water quality and flushing and will not cause a safety hindrance to navigation.

B. *Dredging and spoil management.*

1. An applicant must provide a description of the measures taken to avoid and minimize impacts to submerged aquatic vegetation. Submerged aquatic vegetation means shoal grass, paddle grass, star grass, Johnson's seagrass, sago pondweed, clasping-leaved pondweed, widgeon grass, manatee grass, and turtle grass. Appropriate location and complementary design of the dock facility may be necessary to protect shoreline and aquatic vegetation. Mitigation shall be consistent with federal and state regulations.

2. Dredging activities shall be conducted by a qualified contractor familiar with the applicable best management practices concerning dredging operations. All dredging activities shall obtain all necessary permits from the Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Army Corps of Engineers or any other agency with applicable jurisdiction.

3. As part of the application for marina facilities, a dredging maintenance plan shall be submitted to the City. The plan shall describe best management practices, projected amount of dredge materials, and spoil disposal. The plan shall describe anticipated maintenance dredging activities and anticipated maintenance dredging intervals.

4. Dredging shall be prohibited in those special and Outstanding Florida Waters as provided for by the state unless specifically authorized by the Florida Department of Environmental Protection, the St. Johns River Water Management District, or the Army Corps of Engineers.

5. Dredge spoil shall be disposed of in upland areas as approved by applicable federal, state, and local agencies.

6. Designed engineering controls shall be utilized for marina facilities parallel to the Intracoastal Waterway to minimize maintenance dredging unless it can be clearly demonstrated to the Land Use Administrator that the proposed marina facility will not require excessive maintenance dredging. For the purposes of this Code, excessive maintenance dredging means maintaining adequate water depth at the marina facility by the use of maintenance dredging more than one time in a one-year period. In lieu of requiring engineering controls, the owner or applicant may require the utilization of shallow drafting boats. For the purposes of this Code, shallow drafting boats are designed and approved to draft less than two feet of water.

C. *Erosion, shoaling, and shoreline stabilization.*

1. Applicants proposing a marina facility must address existing and future erosion or shoaling in the proposed design. Each development order will have a general condition, which requires the applicant or owner to utilize appropriate erosion control practices and to correct any current or future adverse erosion or shoaling problems.

2. To help prevent shoreline erosion, facilities adjacent to the Intracoastal Waterway shall stabilize the shoreline through the construction of a coquina rock revetment or other suitable material running the length of the shoreline. The revetment work shall occur above the mean high waterline. If necessary, submerged bulkheads shall be installed parallel to the Intracoastal Waterway to alleviate shoreline erosion and prevent excessive shoaling.

4.16.07. *Design of marina facilities.*

A. *Dimensional standards.*

1. The width of a marina facility, inclusive of all structures, shall not exceed 75 percent of the width of the owner's waterfront property line. Newly created shoreline associated with internal basins may be fully developed with marina facilities provided additional marina facilities are not developed in areas along the Intracoastal Waterway abutting a newly created internal basin. Existing vegetative and environmental features of the area immediately abutting the Intracoastal Waterway shall be preserved to the greatest extent feasible in accordance with the City's tree preservation regulations.

2. Total dock surface area shall not exceed ten square feet per linear foot of the applicant's waterfront property line. Calculations for dock surface area shall include gazebos, access walkways, platforms, catwalks, and other associated water-dependant structures. This standard may be increased to 12.5 square feet per linear foot of the owner's waterfront property line if it can be demonstrated to the Land Use Administrator that the additional coverage results in an improved structural or safety design without adverse environmental impacts.

3. Marina facility structures shall not extend further waterward from the edge of the Federal channel of the Intracoastal Waterway than as permitted by the Army Corps of Engineers or other relevant regulatory authority.

4. Walkways shall be constructed above the water level at all times and shall be structurally sound. Main walkway widths shall be a minimum of four feet wide. If significant pedestrian traffic is likely, the width shall be a minimum of six feet. Finger walkways shall be a minimum of three feet wide. Specific areas shall be designated and constructed to ensure handicap accessibility. Where practicable, dock and decking design and construction shall ensure penetration of light sufficient to support existing shallow water habitats.

5. No marina facility structure shall, at any time, extend to a height of more than 20 feet above the mean high water line. Boathouses within a marina facility shall not exceed 13 feet above the top of adjacent bulkhead or revetment and shall not exceed 18 feet above mean sea level (1929 NGVD).

6. Proposed marina facilities and associated structures shall be constructed in a visually pleasing manner as determined by the Land Use Administrator based upon generally accepted planning principles with the existing terrain and vegetation. Structures shall obstruct as little as reasonably practical scenic views from the shoreline or other navigable waters of the City. Long unbroken extensions of line shall be avoided by alleviating long monotonous structures through architectural design and by separating watercraft slips. A 15-foot no slip buffer shall be required for every 20 watercraft slips.

7. Architectural design shall consider pedestrian access to the shoreline area of the Intracoastal Waterway. Design standards shall include, but are not limited to, step-ways as well as the incorporation of raised spans in the dock design.

8. Boathouses within a marina facility shall utilize "hip" roofs and shall not be enclosed or contain walls. All marina facilities that include slips shall be consistent by either having all slips that contain boathouses or no slips that contain boathouses. Roofs for boathouses shall be of the same material and color. Roofs for any purpose other than for a boathouse or slip,

excluding gazebo type structures, may be permitted by the Land Use Administrator using the same criteria as applicable for variances.

9. Fairways shall accommodate a minimum fairway width of one time the length of the longest boat slip.

10. Channel entrances and the channel leading to a marina facility shall provide safety and ease of passage and to promote flushing. Exclusive of any docks or berths, channels and channel entrances shall be at least 40 feet wide or four times the beam of the widest watercraft berthed in the marina facility unless an adequate channel traffic control program is provided.

B. *Vehicular watercraft launching ramps.*

1. Vehicular launching ramps shall be properly placed and designed to ensure minimal impact on aquatic and terrestrial resources.

2. Vehicular launching ramp slopes shall be designed and constructed between 12 and 16 percent above the waterline and 15 to 20 percent below the waterline at mean high water.

3. If practical, launching ramps shall be paved to approximately five feet below the extreme low tide and contain a gravel shelf at the end of the ramp.

4. For safety purposes, a pier or similar structure shall be provided adjacent to the ramp for boarding and holding a boat while launching. If feasible, piers or similar structure should be provided on both sides of the ramp.

5. To provide adequate traction for vehicles, the surface of the ramp shall be scored or patterned. Deep grooves in concrete should be perpendicular to the slope of the ramp to provide adequate traction for vehicular traction.

6. Ramps shall be adequately maintained and kept free of algae growth and siltration.

7. Adequate safety lighting and appropriate warning signs are required.

C. *Safety design standards and certification.*

1. All marina facilities shall be designed and maintained in such a manner as to ensure public safety.

2. Fire suppression devices and other associated firefighting facilities shall be installed. Accommodations shall be made and approved by the Land Use Administrator to provide appropriate accessibility for firefighting response teams. Marina facilities shall be constructed in such a manner that would not increase the risk of fire to nearby residential dwellings or that would reasonably be deemed to cause an increase in fire insurance premiums of nearby structures.

3. All permit and permit amendment applications for construction or modification or expansion of a marina facility must contain a signed certification from a professional engineer or architect authorized to do business in the state of Florida. The certification must state that the civil, structural, electrical, mechanical, plumbing, and other associated systems of the marina facility are designed to ensure public safety and comply with the most recent editions of the following codes: Florida Building Code, National Electrical Code, Fire Prevention Code, and National Fire Protection Association.

4. Upon completion of construction, expansion, or modification of a marina facility, the applicant shall submit follow-up certifications (as-builts) signed by the engineer, architect, and/or master electrician stating that the construction, expansion, or modification was completed in accordance with above-referenced publications and plans submitted to and approved by the City.

5. With respect to the electrical requirements only, in lieu of an engineer's certification, a master electrician may design and certify the electrical installations and systems of a marina facility as complying with the most recent editions of the National Electrical Code.

4.16.08. *Performance standards.* All marina facilities shall be designed, constructed, and operated to protect the natural resources of the City and prevent wastewater and other pollutants from entering water. Except as otherwise expressly stated in this Code, any person who is required to obtain a marina facility permit or permit amendment shall demonstrate compliance with the performance standards set out in this section.

A. *Natural resource analysis statement.*

1. *All marina facilities.* An applicant for a marina facility permit shall prepare and submit as part of the application a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize potential environmental impacts. The applicant shall use the results of the natural resource analysis statement to design and operate the marina facility with the least amount of environmental impact reasonably achievable. The applicant is encouraged to consider for inclusion those best management practices listed below after each specific impact, but may include alternative best management practices that are comparable to those listed.

   a. Solid waste collection and disposal.

   b. Litter and debris collection and disposal.

   c. Watercraft cleaning.

   d. Source pollution control.

2. *Noncommercial marinas.* An applicant for a noncommercial marina permit shall prepare and submit as part of the application, a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize such impacts:

   a. Watercraft sewage management.

   b. Hazardous material storage.

3. *Commercial marinas.* An applicant for a commercial marina permit shall prepare and submit as part of the application, a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize such impacts. Upon two years following application approval and construction, a commercial marina shall pursue a "Clean Marina" designation from the Department of Environmental Protection, Clean Marina Program.

   a. Watercraft sewage management.

   b. Hazardous material storage and pollution prevention.

B. *Threatened and endangered species.* All marina facilities shall comply with all applicable laws, rules, regulations, and Ordinances that relate to the protection of endangered or threatened species or species of special concern or which otherwise protect fish and wildlife.

C. *Dockmaster.* All commercial marina facilities shall provide for a dockmaster. All noncommercial marina facilities that include greater than 40 slips shall provide for a dockmaster. The purpose of the dockmaster is to oversee the proper usage of the facility and to ensure compliance with the applicable provisions and requirements of this section.

D. *Marine service station.* Marine service stations shall be permissible in commercial marinas in compliance with the following provisions:

1. All construction, components, and operational maintenance standards of marine service station fuel systems shall comply with all federal, state, and local regulations and be constructed in a manner to avoid spills. If a spill occurs, it shall be promptly reported in accordance with all federal, state, and local requirements.
2. Provide fueling stations with spill containment equipment, adequate supply of absorbent materials, and other necessary equipment to clean up any minor spills that may occur.
3. Promote the use of oil-absorbing materials in the bilge areas of all watercraft with inboard engines. Encourage the examination of these materials at least once a year and replace as necessary. Provide receptacles to recycle materials, if possible, or dispose of them in accordance with all applicable disposal laws, rules, and ordinances.

E. *Risk management for marina facilities.*

1. *Fire hazards.* No activity shall be conducted, and no materials will be stored of such a nature, or in such a manner, so as to constitute a fire hazard. When an activity is being conducted which could constitute a fire hazard, it shall be the responsibility of the party involved to have proper fire protection on the site as determined by the City Fire Marshal.
2. *Hurricane contingency plan.* Marina facilities shall prepare and make available a hurricane contingency plan, which shall include those methods to be taken to secure property and facilities at a marina facility. Commercial marinas shall provide educational materials that include procedures for securing of watercraft for those who own or rent space at the commercial marina.
3. *Lighting.* Marina facilities shall be continuously lighted from sunset to sunrise and during periods of restricted visibility.
    a. The minimum safety lighting shall adequately define the presence of all structures located on or over the water surface.
    b. When possible, lighting shall be so located and configured or shielded so as not to present a hazard to navigation and to minimize ambient light pollution.
    c. Marina facility lighting shall be wired with a photo-electric cell-operated switch so that the lights will automatically operate.
    d. All watercraft proceeding within the marina confines shall be at "idle speed - no wake", meaning a very slow speed whereby the wake or wash created by the watercraft would be minimal, and shall adhere to any limits related to manatee protection areas.
    e. Personal throwable flotation devices shall be readily available on the marina facility at intervals of every 100 feet at the marina facility. Ladders shall be installed in appropriate locations and intervals to provide emergency access to the surface water within a marina facility.

F. *Prohibited acts.*

1. It is prohibited and unlawful for a watercraft to transmit stray electrical current. Compliance with this requirement will be deemed satisfied when the electrical resistance is more than 1,000 ohms as measured between the water adjacent to the watercraft and all of the three alternating current conductors at the dock end of the shore power cord. This cord, at the time of measurement, must be connected to the watercraft's alternating current terminals. The watercraft's alternating current circuit shall be switched to the "on" position and connected as for normal dockside operation.
2. If a watercraft is found by a certified electrical contractor or a certified marina electrical contractor to be producing stray current, notice shall be given to the owner and a reasonable amount of time provided to correct the problem. Notwithstanding the foregoing, the marina

owner or operator or the dockmaster shall have the authority to disconnect the watercraft from shore power immediately if the level of stray current being produced poses a real and immediate threat to personal safety or the rapid corrosion of the watercraft and/or its neighboring watercraft/structures. If the watercraft is unplugged upon discovery of the stray current, every effort will be made to promptly notify the watercraft's owner as to the action taken. The dockmaster, however, shall assume no liability whatsoever for any losses or damage suffered from the denial of shore power to a watercraft producing stray current. If the problem is not corrected in a reasonable amount of time, the dockmaster will have the right to disconnect the watercraft from shore power until corrective action is taken. If the licensee reconnects the watercraft without being fixed, for any other purpose than stray-current testing, the dockmaster may deny use of shore power. Continued reconnection to shore power, if the watercraft's ground fault has not been corrected, may result in the cancellation of the berth license agreement. Shore power cords shall be of the three wire type including a functioning ground wire with insulation types SO, ST or STO and with a wire thickness in accordance with all applicable building and safety codes. Cords that are found to be a significant hazard to personal safety shall be unplugged immediately.

3. It is prohibited and unlawful to carry, store, or transfer either gasoline or diesel onto any dock of any marina facility, except for less than 25 gallons of premixed outboard motor fuel. All other fueling shall be accomplished at a marina service station or other appropriate location.

4. It is prohibited and unlawful for an owner, operator, or person in command of any watercraft to operate or allow such watercraft to be operated within a marina facility at a speed in excess of posted limits, or in any reckless or negligent manner. Watercraft operators and owners shall be responsible for any damage or injury produced by their creation of an excessive wake within a marina facility.

5. It is prohibited and unlawful to tie up, moor, or operate a watercraft in a marina facility area in such a manner as will prevent or obstruct the passage of other watercrafts or voluntarily or carelessly sink any watercraft in any channel, or float loose timbers, logs, or piles in any channel in such a manner as to obstruct, impede, or create a menace to navigation.

6. It is prohibited and unlawful to swim, dive, water-ski, or skin dive within a marina area; provided, however, that a person may dive or skin dive for the purpose of bona fide scientific research, inspection of the marina or a watercraft, maintenance of a watercraft, or making of emergency repairs on any watercraft.

7. Live-aboard watercraft is prohibited and unlawful in a noncommercial marina facility.

8. It is prohibited and unlawful to discharge any human waste whatsoever, or any substance or material deleterious to fish, plant, or bird life from a watercraft except in a lawful manner. Waste of any nature may only be disposed of in accordance with law and it is prohibited and unlawful to dispose of waste in any manner contrary to law or in a manner that could reasonably result in adverse impact to natural resources or the public health, safety, or welfare.

9. It is prohibited and unlawful to allow a person to perform any work on, or provide any service to any licensee or watercraft within a marina for which such person receives a fee, compensation, or any other thing of value, unless such person has first paid the City's local business tax.

10. It is prohibited and unlawful to conduct any activity that endangers any endangered or threatened species or species of special concern or to threaten, harass, or endanger wildlife in a manner inconsistent with the provisions of federal and state law, regulations, or ordinances.

G. *Abandoned, derelict, and hazardous structures.*

1. No abandoned, derelict, or hazardous marina structures shall be allowed upon navigable waters of the City or shores of the City. Marina facility structures that are likely to damage private or public property or become a hazard to navigation shall not be permissible.
2. The owner, homeowners association, or other legal authority responsible for the marina facility shall be responsible for providing maintenance and repairs of the marina facility and associated structures. Structures that are found to be hazardous to the public health safety, and welfare or damaging to environmental resources, are subject to being removed following written notification by the City.
3. Refer to Palm Coast Code section entitled "Abandoned or Derelict Vessels."

4.16.09. *Inspections.*

A. *Right of entry.* Authorized agents, firefighting personnel, law enforcement officers, or employees of the City shall have the right to enter at all reasonable times in or upon any property, whether public or private, for the purpose of inspecting and investigating conditions relating to construction, modification, or operation of a marina facility or existing marina facility. The City shall not enter private property having management in residence without first notifying the management, or the person in charge at the time of the inspection, of their presence and exhibiting proper credentials. Authorized City employees shall observe the rules of the establishment being inspected concerning safety and fire protection. Nothing in this section, however, shall preclude a law enforcement officer from entering the property without notice to investigate suspected criminal activity as might otherwise be allowed under the laws of the State of Florida.

B. *Final inspection.* When a development order for a marina facility is issued in accordance with the requirements of this Code and upon completion of construction activities, the City will complete a final inspection of a marina facility to ensure that it is in compliance with all applicable regulations and construction standards, and is consistent with approved construction plans prior to operation. The following items shall be provided to the City prior to initiating a final inspection:

1. Four copies of as-builts;
2. Auto Cad format as-builts provided on a compact disc;
3. All original testing reports;
4. All federal, state, and other applicable permits or clearance letters; and
5. Certificate of completion from the engineer stating that the marina facility has been constructed per his/her signed and sealed construction plans.

4.16.10. *Exemptions.* The following are exempt from the provisions of Section 4.16:

A. Docks as an accessory use to a single-family home abutting a single-family lot.

B. Marina facilities existing, or which have not been constructed, but have received local governmental approval prior to August 19, 2008 shall be exempt from the provisions of this Code, but shall be subject to all other applicable permit requirements of any and all agencies with jurisdiction. Any modification to marina facilities to increase the existing number of slips will be subject to the provisions of this Code.

4.16.11. *Deviations and variances.*

A. *Deviations.* The Land Use Administrator may issue a deviation of up to five percent of any development standard contained herein if it is determined that the effect of the deviation is minimal or insignificant and meets the variance conditions in Subsection 4.16.11.B below. Any deviation request shall be submitted in writing and approval shall be issued in writing.

B. *Variance.* The Planning and Land Development Regulation Board shall have the power to grant a variance to the provisions of this Code where strict adherence to one or more of the standards would either: 1) result in an undue hardship demonstrated on the basis of an irregular or unusual shoreline configuration; or 2) result in marina facility design or placement which, for unintended or unanticipated reasons, does not meet the general purposes and intent of this Code. Variance requests shall be in accordance with requirements established in Chapter 2 and shall also be evaluated based upon their effects or impacts on:

1. State surface water quality standards;
2. Endangered and threatened species;
3. Navigability within the marina facility or the abutting waterbodies;
4. Abutting properties including, but not limited to, waterfront usability, views, or riparian rights;
5. The public health, safety, and welfare including, but not limited to, boater safety, the provision of fire safety mechanisms, and provision of adequate sanitary sewer facilities; and
6. The variance, if granted, shall not impair the overall purposes and intent of this Code.

(Ord. No. 2009-26, §§ 31—33, 12-15-09)

Sec. 4.17. - Outdoor Oriented Uses and Activities.

4.17.01. *Outdoor storage in SFR, EST, DPX, MHD, and MFR Districts.* Refer to Chapter 44, Article II in the City of Palm Coast Code of Ordinances.

Refer to Section 4.19 for temporary uses, i.e. special events, and seasonal promotions and sales.

4.17.02. *Outdoor storage in COM, OFC, PSP, IND, P&G, and PRS Districts.* Where outdoor storage is a principal permitted use or a regularly recurring accessory use (not including outdoor displays of merchandise) in nonresidential zoning districts the following requirements shall apply:

A. *Screening.*

1. Screening shall be attained through one of the following options:
   a. Landscape material in conjunction with a black vinyl chain link fence at least six feet in height, or more than six feet when used to screen shipping containers.
   b. Opaque fence or wall meeting the requirements outlined in Section 4.01.
   c. Architectural features consistent with all approved structures on site.
   d. An administrative waiver may be granted by the Land Use Administrator upon a finding that a natural buffer or wetland area adequately screens the area.
2. No merchandise, equipment, machinery, materials, motor vehicles, or other items (including shipping container storage areas) shall be stored above the height of the screening.

B. *Shipping container storage.* Temporary storage of shipping containers is allowed if storage is limited to a 90 calendar day period, with containers not to be replaced within 90 calendar days. Temporary areas used for shipping container storage shall be depicted on site plans. Containers shall be located a minimum of 20 feet from all building openings on a durable all weather surface and shall not be located where visible from any surrounding rights-of-way, in any driveways, fire lanes, pedestrian ways, or parking spaces required to meet the minimum standards for the site.

4.17.03. *Outdoor display of merchandise.*

A. *Outside displays.* Outside retail displays (not including seasonal promotions and sales—refer to Subsection 4.19.04) shall be permitted during normal business hours when located on the same lot as an existing retail business that is operating from an approved building provided that:

1. Outside displays are subordinate and accessory to the existing business;
2. Outside displays are conducted only by the owner or tenant leasing a unit on the site;
3. Outside displays are limited to the goods and services normally offered by the owner or tenant leasing a unit;
4. Outside displays are consistent with the zoning of that parcel;
5. Outside displays do not hinder required access to the site or create safety hazards;
6. Outside displays are located adjacent to the building and not located within any portion of the vehicular use area; and
7. The outside display area was depicted on a site plan.

B. *Vending machines.* A maximum of two vending machines per 100 feet of linear building frontage shall be permitted outside of commercial buildings provided they are located under roof, placed flush against a building wall, and do not obstruct pedestrian accessibility.

Sec. 4.18. - Recreational Vehicle Parks.

4.18.01. *Intent.* It is the intent of the City to provide for areas to be developed for the parking of recreational vehicles, travel trailers, motor homes, camping tents, and trailers occupied as a temporary living quarters in an environment that provides for recreational amenities and on-site conveniences. It is further intended that the individual spaces not be marketed or sold for individual ownership, but that the site be retained in a form of single or common ownership.

4.18.02. *Applicability.* The regulations in this section apply to all developments providing for the accommodation of transient recreational vehicles, camping tents, and trailers in zoning districts that allow such uses as permitted, limited, or special exception.

4.18.03. *Limitations.* Recreational parks are intended for temporary accommodations and shall not be developed for permanent residential use or for homesteading purposes. An occupant shall not remain in the same recreational park for a period exceeding six months in any 12-month period. Spaces shall be rented by the day, week, or month only.

4.18.04. *Permitted uses, facilities, and structures.*

A. Parking of recreational vehicles, travel trailers, motor homes, camping tents, cabins, ~~and~~ trailers, and residential manufactured buildings pursuant to Florida Statute 553.382.

B. Recreational facilities including, but not limited to, community room or center, fields and courts, playgrounds, docks, swimming pools, boat-launching areas, picnic areas, beaches, amphitheaters, outdoor pavilions, and similar facilities.

C. Shower, restroom, laundry, and maintenance facilities.

D. A central clubhouse, which may include an office, restaurant, fitness center, general store, meeting/event space, and similar uses. These types of uses shall be available to guests but may be opened to the public.~~Sale of groceries, sundries, (liquefied petroleum gas, bait, tackle, and supplies).~~

E. Management office and manager or caretaker residence.

F. The only permitted enclosed storage structure and garage facilities are those associated with the park manager or caretaker residence.

G. Free standing screen rooms and/or cabanas may be permitted if such structures are totally independent from the recreational vehicle and shall be constructed in such a manner as not to impede the immediate removal of any recreational vehicle from its designated site.

H. Concrete slabs, decks, and patios may be permitted provided such facilities are detached and structurally independent from the accompanying recreational vehicles and in no way impede the immediate removal of recreational vehicles from the site.

I. An accessory storage area for registered recreational vehicles, boats on trailers, and utility trailers belonging exclusively to park guests, provided this area does not exceed 10 percent of the overall property area. Any such area is subject to screening from public rights-of-way as required by Section 5.04.10.

J. Pet-friendly amenities, including, but not limited to, dog parks, pet wash stations, and pet-friendly designated accommodation areas.

4.18.05. *Development standards.*

A. *Size.*

1. The minimum area for a recreational park shall be three acres.

2. The minimum recreational vehicle space size shall be 30 feet by 60 feet.

3. The minimum tent or camping site size shall be 500 square feet.

4. The minimum cabin or residential manufactured building site size shall be 1,500 square feet.

B. *Setbacks.*

1. All structures shall comply with the minimum building setback requirements of the zoning district upon which the subject property is located, except that no RV, cabin, residential manufactured building, or tent space site shall be located within 30 feet of the project's perimeter.

2. All commercial structures that are accessory to the principal use shall be oriented to the interior of the recreational park.

3. When a recreational vehicle park is adjacent to an existing platted single-family residential subdivision, a minimum perimeter buffer of fifty (50) feet shall be provided between the recreational vehicle park and the adjacent residential subdivision.

C. *Building height.* The maximum building height shall be 35 feet.

D. *Utilities.*

1. Central water and sewer facilities and electricity shall be provided except for primitive campgrounds designed for tents only.

2. Dumpsters for trash and recyclables shall be located no farther than three 300 ~~[~~feet~~]~~ from any individual site.

3. Unless every recreational vehicle site has a sanitary waste outlet, a central pump-out station shall be provided.

E. *Landscaping and buffers.* Landscaping and buffers shall be required as outlined in Chapter 11.

F. *Recreation areas.* There shall be at least one active recreational area comprising at least five percent of the total land area of the project. The recreation area shall be easily accessible to all occupants of the project. Such areas shall be easily accessible to all guests and shall

not include RVs, cabins, residential manufactured buildings, tent sites, street rights-of-way, buffer strips, or storage areas.

G. *Parking.*

1. Parking for individual sites is not required to be paved. However, sufficient space shall be provided at each site to accommodate at least one vehicle.

2. Off-street parking spaces meeting the parking requirements outlined in Chapter 5 shall be provided for all other uses within the recreational vehicle park.

H. *Access.*

1. The recreational vehicle park shall be located ~~near~~ on an arterial or collector road. No entrance or exit to a recreational vehicle park shall be allowed through a residential district. Recreational vehicle parks with a combination of 100 or more recreational vehicle spaces, cabin spaces, or residential manufactured buildings shall provide a secondary access.

2. All accessory structures shall only be accessible from a street within the recreational park.

Sec. 4.19. - Temporary Uses.

The temporary uses included in this section are not meant to be all-inclusive or to address every type of use or special event that may occur from time-to-time. Uses and events not specifically included in this section shall be reviewed by the Land Use Administrator to determine if the proposed use or event is temporary and how it should be regulated. Determinations and requirements established by the Land Use Administrator may be appealed to the Planning and Land Development Regulation Board and the City Council in accordance with the appeal procedures established in Chapter 2.

4.19.01. *Construction trailers.* Construction trailers are permitted to provide contractors with a temporary shelter for office use, project management, and on-site storage of equipment in conformity with the following standards:

A. Only one temporary construction trailer per contractor for office use within the construction site is permitted. Additional trailers may be approved on a case-by-case basis as determined by the Land Use Administrator based upon clear evidence of necessity.

B. The placement of the trailer(s) on the site is subject to review and approval by the Land Use Administrator.

C. The trailer(s) shall be removed within three working days following the Land Use Administrator's acceptance of the construction completion.

D. Approved water and wastewater facilities shall be provided.

E. Pedestrian access shall be provided from the parking area to the office.

F. A fence or similar barrier shall be provided to prevent visitors and customers from entering the construction area.

G. Only one identification sign per trailer is permitted. The sign area shall not exceed six square feet.

4.19.02. *Model homes.*

A. *Intent and applicability.* This section is intended to ensure that impacts associated with model homes in residential zoning districts are temporary in nature and reasonably controlled. This section is applicable to model homes located in residential zoning districts and does not apply to model home centers located in commercially zoned areas.

B. *General.* The following are required prior to the issuance of a certificate of occupancy for a residential dwelling to be used as a model home:

1. City water and wastewater facilities shall be operating and accessible to the public.
2. Adequate fire protection shall be in place.
3. A stabilized access road shall be in place.

C. *Duration of use.* A residential dwelling unit may be used as a model for a maximum period of five years from the date the certificate of occupancy is issued. Any residential dwelling unit legally permitted as a model as of the effective date of this ordinance shall be permitted to remain as a model home until January 1, 2016.

Permitted and prohibited activities.

1. A model home may be used for activities typical to an "open house" for sale, including tours by a real estate agent and negotiation or execution of sales contracts for the sale of that builder's homes or products.
2. A model home shall not:
   a. Be used as a primary or secondary office for a homebuilder or real estate agent with regard to conducting business activities outside of those permitted above.
   b. Be used for storage of building materials.
3. The garage of the model home may be used as an office for sales staff if separate off-street parking is provided.
4. The garage must be equipped with a standard garage door, unless dedicated off-site parking is provided, excluding rights-of-ways.
5. If the space for the required garage has been converted to space for purposes other than a garage, the space must be converted back to a residential garage and equipped with a standard garage door prior to the sale and use as a dwelling unit.

D. *Hours of operation.* A model home may be open to the public during the following time periods:

1. *Monday through Saturday:* Between the hours of 9:00 a.m. and 6:00 p.m.
2. *Sunday:* Between the hours of 12:00 noon and 5:00 p.m.
3. *Holidays:* Between the hours of 10:00 a.m. and 5:00 p.m.

E. *Signage.* Refer to Chapter 12 in this Code.

F. *Lighting.* Lighting at the sites of model homes shall be limited to interior and exterior lighting normally associated with single-family residences. Exterior flood lights may not be used.

4.19.03. *Sales trailers and leasing offices.* Temporary sales and leasing offices for residential development are allowed in any residential zoning district. In addition to applicable zoning district regulations, a temporary sales and leasing offices must comply with the following standards:

A. The development plan for the residential development shall indicate the location of the temporary sales and leasing offices.

B. Only one sales trailer shall be allowed for every 200 lots or units.

C. Temporary sales and leasing offices proposing to operate for a period of six months or less shall be skirted and landscaped. In addition, temporary sales and leasing offices remaining for a period greater than six months shall be located on a concrete slab or stem wall and shall be skirted and landscaped. Temporary sales and leasing offices may be used for a

maximum period of two years from the date the certificate of occupancy is issued. The Land Use Administrator may grant a one-year extension.

D. Pedestrian access shall be provided from the parking area to the office.

E. Parking shall be provided on a paved surface and shall be designed to prevent the need to back onto a street right-of-way or pedestrian-way.

F. A fence or similar barrier shall be provided to prevent visitors and customers from entering the construction area.

G. Only one identification sign per office is permitted. The sign area shall not exceed six square feet.

H. Water and wastewater facilities shall be provided.

4.19.04. *Seasonal promotions and sales.*

A. *General requirements.* Seasonal and holiday related promotions and sales including, but not limited to, Christmas tree sales, pumpkin sales, fireworks, etc., may be permitted subject to the following:

1. The use is consistent with the zoning, development, and dimensional standards of that parcel;

2. If a tent, electric, or water is used, a building permit is required;

3. All local business license taxes shall be paid;

4. The use may be permitted for a maximum period of 45 consecutive days;

5. Written, notarized permission from all owners of record of the property, or authorized agent of the owner (must provide proof of being an authorized agent), shall be submitted to the City.

6. A plan shall be submitted illustrating the location of the space for the seasonal sale and depicting, at a minimum, the following:

a. Adequate and safe ingress and egress;

b. On-site parking availability; and

c. Sanitary facilities.

7. The use does not result in the reduction of any existing parking spaces to less than the minimum number of spaces required for the primary use.

B. *Determination of additional seasonal events.* The Land Use Administrator shall determine the types of event, other than those listed herein, that constitute a seasonal holiday related promotion or sale.

4.19.05. *Special events.* Refer to the City of Palm Coast Code of Ordinances.

(Ord. No. 2009-26, § 34, 12-15-09; Ord. No. 2010-13, § 2, 10-5-10)

Sec. 4.20. - Wireless Telecommunications.

4.20.01. *Legislative purposes.*

A. The legislative purposes of this section are to:

1. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communication facilities.

2. Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and land use compatibility.

3. Establish standards for preferred siting, design and screening by requiring consistency with the City's Wireless Master Plan, consistent with the Telecommunications Act of 1996, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act").

4. Encourage the use of public lands, buildings, and structures as locations for wireless telecommunications infrastructure thereby establishing more ability to manage selected sites identified in the City's Wireless Master Plan.

5. Encourage coordination and collocation of antennas on existing structures to meet coverage needs and promote the efficient use of existing infrastructure.

6. Accommodate the growing need and demand for wireless communications services in a manner that ensures the placement, construction or modification of wireless communication facilities complies with all applicable state and federal laws.

7. Ensure there is sufficient wireless infrastructure to support public safety communication services throughout the City, including times of evacuation and disaster response.

8. Encourage providers of wireless communication facilities to locate wireless communication facilities in areas where the need is demonstrated and planned for and adverse impacts on the community is minimal.

9. Respond to the rational policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.

10. Ensure that land use decisions are made in consideration of, and in compatibility with, the goals, objectives and policies of the City of Palm Coast Comprehensive Plan and its land development regulations as set forth in the Land Development Code (LDC).

B. It is the intent of this section that all actions of the City be consistent with controlling federal and state law.

C. The City Council of the City of Palm Coast hereby finds and determines that this section is consistent with the goals, objectives and policies of the City of Palm Coast Comprehensive Plan and other controlling law.

4.20.02. *Definitions.*

Ancillary structure means, for the purposes of this section, any form of development associated with a WCF including, but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; provided, however, specifically excluding equipment cabinets.

Antenna means any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionerized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

Antenna array means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna element means any antenna or antenna array.

Anti-climbing device means a piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include, but are not limited to, fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

Attached WCF means an antenna or antenna array that is secured to an existing base station with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached WCF is considered to be an accessory use to the existing principal use on a site.

Base Station means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein, or any equipment associated with a tower. "Base station" includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the City under this subsection, supports or houses equipment described in subsections (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this subsection, does not support or house equipment described in subsections (1) and (2) of this definition.

Breakpoint technology means the engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Collocation means to install, mount, maintain, modify, operate, or replace one or more wireless communication facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way. (F.S. § 337.401 (7)(b)7).

Combined antenna means an antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Concealed means a tower, base station, ancillary structure, or equipment compound that is not readily identifiable as a wireless communication facility, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area. There are two types of concealed facilities:

1. Concealed base stations may include painted antenna and feed lines to match the color of a building or structure, faux parapets, windows, dormers, or other architectural features that blend with an existing or proposed [building] or structure.

2. Concealed freestanding towers which look like something else that is common in the region such as a church steeple, bell tower, clock tower, light standard, flagpole with a flag that is proportional in size to the height and girth of the tower, or tree that grows naturally or is commonly found in the area.

Development area means the area occupied by a WCF including, but not limited to, areas inside or under the following: an antenna-support structure's framework, equipment cabinets, ancillary structures and accessways.

Eligible Facilities Request means any request for modification of an existing tower or base station that, in accordance with the definitions contained in FCC regulations codified at 47 C.F.R. § 1.40001, does not substantially change the physical dimensions of the existing support structure and is requesting:

1. Collocation of new transmission equipment;
2. Removal of existing transmission equipment; or
3. Replacement of existing transmission equipment.

Eligible support structure means any tower or base station that is existing at the time the relevant application is filed with the City under this subsection.

Environmentally Sensitive Lands are as provided in Chapter 10 of the Unified Land Development Code - Environmental and Cultural Resource Protection.

Equipment cabinet means any structure above the base flood elevation including, but not limited to, cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Equipment compound means the fenced area surrounding the ground-based wireless communication facility including, but not limited to, the areas inside or under the following: the tower's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

Equipment facility means a room, cabinet, shelter, pedestal, build-out of an existing structure, building, or similar structure used to house ancillary equipment for a communication tower or antenna. Each such cabinet, shelter, or building shall be considered a separate equipment facility.

Existing means a constructed tower or base station existing for purposes of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this subsection.

Expedited collocation application means collocation applications, or portions thereof, on towers or base stations, excluding collocations on a historic building, structure, site, object, or district, that meet the criteria set forth in F.S. § 365.172 (13)(a), as amended.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Feed lines means cables used as the interconnecting media between the transmission/receiving base station and the antenna.

Flush-mounted means any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be

measured from the outside edge of the support structure or building to the inside edge of the antenna.

Freestanding WCF or *collocations* means those where the antenna or antenna array is located on towers, concealed or nonconcealed, together with the ancillary structures, feed lines, equipment shelters, and other necessary facilities, which may be located either on or in the tower.

Geographic search ring means an area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Guyed structure (see tower). Guyed structures for new WCFs are prohibited within the City.

Handoff candidate means a wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Lattice structure (see Tower). Lattice structures for new WCFs are prohibited within the City.

Least visually obtrusive profile means the design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

Level I refers to a wireless communication facility permit subject to administrative review and approval by the Land Use Administrator or designee, with no public hearing requirement.

Level II refers to wireless communication facility permit subject to the special exception approval process set forth in Section 2.07 of the Land Development Code, except that the application review and approval timeframes set forth in Section 4.20.10 shall apply. New towers proposed in non-Wireless Master Plan Sites shall require Level II permits. All other installations only require Level I permits.

Micro Wireless Facility (see Section 42-103).

Modification means a modification of an existing tower or base station to increase the height, or to improve its integrity, by replacing or removing one or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this section or improve aesthetics or functionality of the overall wireless network.

Monopole structure (see Tower).

Non-concealed WCF means a wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

Personal wireless service means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Public safety communications equipment means all communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the City and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Public View means a non-amplified visual range of site from rights-of-way, sidewalks, adjacent properties, or other publically accessible vantage points.

Radio frequency (RF) emissions means any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Radio frequency (RF) propagation means wireless telecommunications signal service area as shown on maps.

Satellite Earth Station means a single or group of parabolic (or dish) antennas are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include, but is not limited to, the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Site means for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower, and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Small wireless facility (See Section 42-103).

Substantial Change means a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in subsections (1) through (4) of this definition.

Tower means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. A tower may be concealed or non-concealed. Non-concealed towers include:

1. *Guyed structure* means a style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building. Guyed structures for new WCFs are prohibited within the City.
2. *Lattice structure* means a self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas. Lattice structures for new WCFs are prohibited within the City.
3. *Monopole structure* means a style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Transmission Equipment means equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

WCF (see Wireless Communication Facility).

Wireless communication facility (WCF) means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other personal wireless communications, as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or antenna array, transmission cables, feed lines, equipment cabinets, towers, cabling, antenna brackets, and other such equipment. The following shall be deemed a wireless communication facility: new, replacement, or existing towers, government-owned towers, modified towers, collocation on existing towers or base stations, attached concealed and non-concealed antenna, dual purpose facilities, DAS, small cell, concealed towers, and non-concealed towers, so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Wireless communications means any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing devices described in Part 15 of the FCC's regulations (e.g., wireless internet services and paging).

Wireless Master Plan means the Wireless Telecommunications Master Plan developed and adopted by the City, as amended from time to time, to enforce applicable development standards, land development regulations, state law and federal law related to the deployment of wireless telecommunications infrastructure.

4.20.03. *Applicability.*

A. Except as provided in Section 4.20.04, the following shall apply to the development activities including, but not limited to, installation, construction or modification of the following wireless communications facilities:
   1. Existing towers.
   2. Proposed towers.
   3. Public towers.
   4. Replacement of existing towers.
   5. Collocation on towers and base stations.

6. Attached WCF.

7. Concealed WCF.

B. These regulations are subject to state and federal law limitations.

4.20.04. *Exempt installations.* The following uses are exempt from the provisions of this section notwithstanding any other provision of the City's land development regulations, but are subject to all applicable building code compliance and building permit reviews:

1. Non-commercial, amateur radio antennas as provided for in F.S. § 125.561 .

2. Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than 20 feet above grade in residential districts and 35 feet above grade in all other zoning districts.

3. A government-owned WCF, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City; except that such WCF must comply with all federal and state requirements. This exemption shall terminate upon the state of emergency ending.

4. A government-owned WCF erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

5. A temporary, commercial WCF, upon the declaration of a state of emergency by federal, state or local government, or determination of public necessity by the City, and approval by the City; except that such WCF must comply with all federal and state requirements. The exemption may be permitted by the City to continue to three months after the duration of the state of emergency.

6. A temporary, commercial WCF for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approved by the City, except that such WCF must comply with all federal and state requirements. Said WCF may be exempt for a period of up to one week after the duration of the special event.

7. Antenna support structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC shall be regulated in accordance with federal, state and other applicable regulations.

4.20.05. *Wireless Master Plan.*

A. The City has adopted a Wireless Master Plan by Resolution of the City Council. The Wireless Master Plan identifies existing or proposed City or publicly owned sites for wireless communication infrastructure and service.

B. Design standards for proposed towers in the Wireless Master Plan shall be consistent with this Ordinance and the Wireless Master Plan but may be further detailed and addressed through the required lease terms for use of any public property.

C. The Wireless Master Plan was adopted by the City Council by Resolution No. [2018-], as may be amended by City Council resolution hereafter. And, by this reference, the Wireless Master Plan is incorporated herein.

D. The Land Use Administrator or designee may waive application requirements in Section 4.20.09 for sites within the Wireless Master Plan. The applicable requirements are listed in Section 4.20.09.

E. If an applicant receives a permit to develop a site on City-owned property, the permit shall not become effective until the applicant and the City have executed a written agreement or lease setting forth the applicable terms and provisions.

F. No permit granted under this section shall convey an exclusive right, privilege, permit, or franchise to occupy or use the publicly owned sites of the jurisdiction for delivery of wireless communications services or any other purpose.

G. No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the agreement between the lessor and lessee.

H. Sites located within the Wireless Master Plan may utilize a standard landscape plan, approved by the Land Use Administrator or designee.

I. Sites within the Wireless Master Plan may utilize alternative compliance standards to access a WCF site, if approved by the Land Use Administrator or designee.

4.20.06. *Preferred siting locations.*

A. All new WCFs and any supporting structures, except for those proposed within the public rights-of-way, shall generally adhere to the following siting preferences, in order of preference:

1. City-owned property identified in the Wireless Master Plan;
2. Other public property identified in the Wireless Master Plan;
3. Other City-owned or public property not identified in the Wireless Master Plan;
4. Privately owned property not identified in the Wireless Master Plan.

B. If the proposed location for the new WCF is not consistent with the preferred hierarchy and the Wireless Master Plan, the applicant must file relevant information as indicated in Section 4.20.09 with the siting application including, at minimum, the following:

1. An affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the geographic preferences established in the wireless master plan, wireless master plan options are not technically ~~in~~feasible, practical or justified given the location of the proposed WCF;
2. An affidavit demonstrating that the proposed site will not adversely affect existing or future single-family uses or environmentally sensitive areas and is not contrary to the City's Comprehensive Plan and Unified Land Development Code; and
3. The existing land uses of the subject and surrounding properties within 300 feet of the proposed site.

C. This section shall not be interpreted to require applicants to locate on publicly-owned sites when lease negotiation processes are prohibitively lengthy or expensive relative to those of the private sector as determined by the Land Use Administrator or designee, based upon competent substantial evidence. The applicant is considered justified in selecting a lower-ranked privately-owned property option if the government entity fails to approve a memorandum of agreement or letter of intent to lease a specified publicly-owned site within 90 days of the application date or if it is demonstrated that the proposed lease rate for the specified public-owned site significantly exceeds the market rate for comparable privately-owned sites.

4.20.07. *Permitted uses.*

A. The placement, maintenance or modification of WCFs shall be permitted only in accordance with the wireless communication permit, and the land development requirements of this Code. The placement or maintenance of wireless communication facilities in the public rights-of-way shall comply with the regulations of Chapter 42 of the Code of Ordinances:

B. Applicable permits. All applications shall meet the review timeframes as shown in Section 4.20.10.

1. Level I wireless communication facility permit. All applicable non-exempt applications to place, maintain, modify, or collocate wireless communications facilities, not subject to special exception use approval, shall be subject to administrative review and approval by the Land Use Administrator or designee, with no public hearing requirement.

2. Level II wireless communication facility permit. All applicable non-exempt applications to place, maintain, or substantially change wireless communications facilities that do not qualify for an administrative permit shall be subject to the special exception approval process set forth in Section 2.07 of the Land Development Code, except that the application review and approval timeframes set forth in Section 4.20.10 shall apply. New towers proposed in non-master planned sites shall require Level II permits. All other installations only require Level I permits.

3. Communications Rights-of-Way Permit. All non-exempt applications to place, maintain, modify, or collocate wireless communications facilities within the public rights-of-way shall be subject to the review and approval requirements set forth in Chapter 42, Code of Ordinances, and the applicable land development regulations set forth herein. Wireless communication facilities, other than small wireless facilities and micro wireless facilities, are prohibited within the public rights-of-way.

4. Eligible facilities requests. Any request for modification of an existing tower or base station involving collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not substantially change the physical dimensions of such tower or base station shall be reviewed and processed in accordance with the provisions set forth in Section 4.20.12.

C. Expedited collocation applications.

1. Expedited collocation applications for antenna on towers. In accordance with F.S. § 365.172 , collocation of antenna on towers, including nonconforming towers, are subject only to building-permit review, which may include a review for compliance with this section, if the applicants meet the following requirements:

a. The collocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower; and

b. The collocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment facilities and ancillary facilities, except as allowed under this section; and

c. The collocation consists of antennas, equipment facilities, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennas placed on the tower and to its accompanying equipment facilities and ancillary facilities and, if applicable, applied to the tower supporting the antennas. Such regulations may include the design and aesthetic requirements but not procedural requirements, other than those authorized by this subsection, of the applicable land development code in effect at the time the initial antenna's placement was approved.

Such collocations shall not be subject to the design or placement requirements of the land development code in effect at the time of the collocation that are more restrictive than those in effect at the time of the initial antenna placement approval, to any other portion of the land development code, or to public hearing review. Such collocation applications shall be decided by the Land Use Administrator or designee.

2. Expedited collocation applications for antenna on base stations. In accordance with F.S. § 365.172 , except for an historic building, structure, site, object, or district, the following collocation applications on all other existing base stations shall be subject to no more than administrative review for compliance with this section and building permit standards if they meet the following requirements:

   a. The collocation does not increase the height;

   b. The collocation does not increase the existing ground space area, otherwise known as the compound, if any, approved in the site plan for the equipment facility and ancillary facilities.

   c. The collocation consists of antennas, equipment facility and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure in effect at the time of approval of the structure, but not prohibitions or restrictions on the placement of additional collocations on the existing structure or procedural requirements, other than those authorized by this subsection at the time of the collocation application; and

   d. The collocation consists of antennas, equipment facility and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with subsection (c), and were applied to the initial antennas placed on the structure and to its accompanying equipment facility and ancillary facilities and, if applicable, applied to the structure supporting the antennas.

3. If only a portion of the collocation does not meet the requirements of any of the above subsections, such as an increase in the height or a proposal to expand the ground space approved in the site plan for the equipment facility by more than 400 square feet or 50 percent, where all other portions of the collocation meet the requirements of this subsection, that portion of the collocation only may be reviewed as set forth in subsection (6) below. A collocation proposal under this subsection that increases the ground space area approved in the original site plan, for equipment facilities and ancillary facilities, by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall require no more than administrative review for compliance with the City's regulations; including, but not limited to, land development code and building permit review; provided, however, that any collocation proposal that increases the original compound size more than such greater cumulative amount shall be reviewed as if it were a new communications facility.

4. Any existing tower, including a nonconforming tower, may be structurally modified to permit collocation, or may be replaced through no more than administrative review and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if the replacement tower is a monopole tower, or if the pre-existing tower is a stealth tower, the replacement tower is a similar stealth tower.

5. The owner of the existing tower on which the proposed antennas are to be collocated shall remain responsible for compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development code to which the pre-existing tower must comply, including any aesthetic requirements, provided the condition or requirement is consistent with this subsection.

6. Collocations or portions of collocations that are not exempt from this section and do not fall under the provisions of subsections 4.20.07.C(1) through (4), shall be reviewed through a full permitted use review. Those located on historic structures or in historic districts, shall be reviewed through the review processes for historic structures or districts indicated in the LDC.

4.20.08. *Development standards.*

A. *General:*

1. All development standards and land development code regulations relating to the property upon which the WCF is located shall apply. Additionally, where permitted as provided in Section 4.20.07, the following development standards apply to all attached collocations and all new, modified, or combined WCF installations. Where any environmentally sensitive lands, historic or scenic overlay districts or corridor plans also apply, the most restrictive standards shall govern.

2. Cabinets shall be provided within the principal building, behind a screen on a rooftop or on the ground within the fenced-in and screened equipment compound. This is not required if out of the public view.

3. All equipment compounds shall be enclosed with a wood/brick/masonry fence or otherwise secured and screened with opaque landscaping. Fencing shall be subject to the requirements as outlined in the LDC.

4. WCF equipment compounds shall be landscaped as required in Chapter 11 of the LDC. Wireless Master Plan sites may utilize a standard alternative landscape plan approved by the Land Use Administrator or designee.

5. Attaching commercial messages for off-site and on-site advertising to a WCF is prohibited and unlawful. The placement of a religious symbol as part of the concealment of a WCF shall not be considered prohibited commercial messages or signage. The only signage that is permitted upon a tower, equipment cabinet, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). On permitted signs which are not located on a tower, cabinet or fence, a WCF may be concealed inside such signage, provided that all applicable standards for both the signage and the concealed WCF are met.

6. Lighting on WCFs, if required by the FAA, shall not exceed the FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA to minimize the potential attraction to migratory birds. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Any security lighting for on-ground facilities and equipment shall be in compliance with the LDC.

7. Each WCF and its equipment compounds shall be constructed and maintained in conformance with all applicable building code requirements.

8. Equipment compounds shall not be used for the storage of any excess equipment or hazardous waste (e.g., discarded batteries). It is prohibited and unlawful to allow an outdoor storage yard in a WCF equipment compound or to use the equipment compound as habitable space.

9. The WCF shall comply with all applicable federal, state and local regulations.

10. The WCF applicant shall comply with all applicable American National Standards Institute (ANSI) standards as adopted by the FCC.

11. Each WCF shall be designed to ensure that no sound emissions from machinery, alarms, bells, buzzers, or similar noise making devised are audible beyond the perimeter of the equipment compound and shall comply with the City of Palm Coast

Code of Ordinances. Emergency backup power generators are allowed to operate in short term maintenance durations, and during power outages.

12. Building permits. A building permit shall be required for the construction, modification, and collocation of all WCFs, including any accessory structures or equipment, as provided in Section 4.20.07 above. A compliance letter from the State Historic Preservation Office of Cultural and Historic Programs of the Florida Department of State is a condition of receiving a building permit.

13. The WCF and its equipment compound shall be subject to the setbacks of the underlying zoning district. Antennas may extend a maximum of 30 inches into the setback. However, no antenna or portion of any structure shall extend into any easement.

B. *Attached WCFs:*

1. Attached WCFs may be permitted in all zoning districts. The top of the attached WCF shall not be more than 20 feet above the existing or proposed building or structure.

2. Feed lines and antennas shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed in order to blend with the existing structural design, color, and texture and in order to provide the least visually obtrusive profile.

C. *Freestanding WCFs:*

1. All new freestanding WCFs shall meet minimum lot size standards of the underlying zoning district and are subject to the LDC.

2. New freestanding towers shall be configured and located in a manner that shall minimize adverse effects including, but not limited to, visual impacts on the landscape and adjacent properties. New freestanding WCFs shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural design, height, scale, color and texture, and shall have the least visually obtrusive profile.

3. Grading shall be minimized and limited only to the area necessary for the new WCF as approved by the Land Use Administrator or designee.

4. All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) Document 222-F, Structural Standards For Steel Antenna Towers and Supporting Structures, as amended, by a Florida professional engineer.

5. Freestanding towers may only be permitted as monopole towers. Guyed and lattice structures are prohibited, unless the applicant demonstrates to the City by clear and convincing evidence that monopole towers are not feasible to accommodate the intended uses. Freestanding monopoles are prohibited from single-family or multi-family residential districts unless the applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its service to the residential zone from outside of the district. The City shall cooperate to determine an appropriate location for the freestanding tower of an appropriate design within the residential district. The applicant shall reimburse the City for all reasonable costs incurred by the City for this cooperative determination.

6. The height of a new monopole tower shall not exceed the heights provided in the table below:

Freestanding Non-Wireless Master Plan Sites

Zone	Maximum Height WCF
Single family Residential	Not permitted unless applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its service to the residential zone from outside of the district.
Multifamily Residential	Not permitted unless applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its service to the residential zone from outside of the district.
MPD	As determined by the MPD ordinance, unless within a Wireless Master Plan
All other districts	Up to 150 feet.
Wireless Master Plan Sites	
All districts	Up to 150 feet.

7. In calculating the height limit, above ground foundation shall be included, but lightning rods or lights required by the FAA that do not provide any support for antennas shall be excluded. If the freestanding WCF is located within the Wireless Master Plan, the maximum height may be up to 150 feet.
8. A freestanding monopole and its equipment compound shall be subject to the land development code regulations applicable to the underlying zoning district. The minimum setback distance for a freestanding tower shall be 150 feet from any residentially zoned or platted property. Freestanding monopoles are not allowed in residentially zoned or platted property. In the event of any conflict between this section and the Land Development Code, this section shall control.
9. New towers shall maintain a galvanized gray finish or other approved contextual or compatible color and provide the least visually obtrusive profile, except as required by Federal regulations. The level of required concealment for antenna placement shall be determined based upon the visibility and location of the proposed tower and the network objectives of the desired coverage area.
10. All new or modified freestanding WCFs shall be engineered to maximize collocation.

D. *Attached Collocation or Combined WCFs:*

1. An attached collocation or combined WCF shall not increase the height of an existing tower or base station by more than 20 feet, unless required by Federal law. The maximum total height shall be 150 feet.

2. The City may require new antenna to be flush-mounted or concealed on a case by case basis, if it is determined that a practical visual and aesthetic benefit can be achieved if in the public view. If the applicant demonstrates through RF propagation analysis that flush-mounted or concealed antennas will not meet the network objectives of the desired coverage area, this requirement shall not apply. This provision does not apply to Wireless Master Plan Sites.

4.20.09. *Submittal requirements for Level I and Level II permits.*

A. *Application form.* Requests for Level I and Level II wireless communication permits shall be made only on application forms approved by the City. Applications shall contain all information required by this land development code and other City regulations, and shall be reviewed for completeness.

B. *Application materials.* In addition to the application materials specified in this code for the appropriate type of review, all applications shall provide sufficient materials (plans, graphics, narratives, or expert statements) to demonstrate compliance with all applicable requirements of this section.

1. Level I and Level II applications shall contain the following:

a. Application.

b. A site plan addressing the development standards of the LDC. If applicable, an application meeting the special exception requirements of Section 2.07 of the LDC shall be submitted.

c. An affidavit by a RF engineer demonstrating compliance with Section 4.20.05. If a non-master plan site is proposed, the affidavit must address why master plan sites are not technically feasible, practical or justified given the location of the proposed WCF communications facility.

d. FCC documentation including a copy of FCC license submittal or registration, and FCC license or registration.

e. Proposed maximum height of the WCF including, but not limited to, individual measurement of the base, the tower or base station, and lightning rod.

f. Photo-simulated post-construction renderings of the completed proposed tower, base station, equipment cabinets, and ancillary structures from locations to be determined during a mandatory pre-application conference. The renderings shall include proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples. The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from a maximum of four vantage points chosen by the City with consultation with the applicant.

g. If the proposed WCF is subject to FAA regulation, then, prior to issuance of a building permit, evidence of compliance with applicable FAA requirements under 14 C.F.R. § 77 et seq., as amended, together with any FAA "no hazard" determinations concerning the WCF (if applicable) shall be timely provided by the applicant to the City.

h. In order to facilitate the regulation, placement, and construction of WCFs and to ensure that all parties comply with the rules, regulations and applicable guidelines of the FCC, each owner of a WCF or applicant for a WCF shall provide an affirmative statement that it will comply with all applicable federal, state and local statutory and regulatory requirements.

i. For applications for new towers or other freestanding WCFs, as necessary to determine that there is no other existing structure that could reasonably be used for the placement of the proposed antennas, or for applications for new WCFs or attached collocations that increase the height of an existing structure, as needed to determine if the proposed height is necessary to provide the carrier's designed service, materials detailing the locations of existing WCFs to which the proposed antenna will be candidate for placement, including, but not limited to, latitude and longitude of the proposed and existing antenna. This material is not required for Wireless Master Plan sites.

j. For applications for new towers or other freestanding WCFs, as necessary to determine that there is no other existing structure that could reasonably be used for the placement of the proposed antennas, a map showing the designated search ring. This map is not required for Wireless Master Plan sites.

k. With regard to attached collocations, attached and combined WCFs, the applicant shall also submit:

   i. Certification furnished by a Florida registered professional engineer that the WCF has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

l. With regard to freestanding concealed or non-concealed WCFs, and modification of WCFs, for non-Wireless Master Plan sites only, the applicant shall also submit:

   i. A report and supporting technical data demonstrating that all antenna attachments and collocations, including all potentially useable utility distribution poles or transmission towers and other elevated structures within the proposed geographic search ring, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons that existing facilities such as utility distribution poles and transmission towers and other elevated structures are not acceptable alternatives to a new freestanding WCF. The report regarding the adequacy of alternative existing WCFs or the mitigation of existing WCFs to meet the applicant's need or the needs of service providers indicating that no existing WCF could accommodate the applicant's proposed WCF shall demonstrate any of the following:

      a. No existing WCFs located within the geographic search ring meet the applicant's engineering requirements, and why.

      b. Existing WCFs are not of sufficient height to reasonably meet the applicant's engineering requirements, and cannot be increased in height.

      c. Existing WCFs do not have sufficient structural integrity to support the applicant's proposed WCFs and related equipment, and the existing WCF cannot be sufficiently improved.

      d. Other limiting factors that render existing WCFs unsuitable.

   ii. The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from four vantage points chosen by the City with consultation with the applicant, including the facility types the applicant has considered and the impact on adjacent properties including, but not limited to:

      a. Overall height.

      b. Configuration.

c. Physical location.

d. Mass and scale.

e. Materials and color.

f. Illumination.

g. Architectural design.

This does not apply to Wireless Master Plan sites.

iii. If applicable, the applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed WCF on all adjacent properties assigned a residential land use designation or zoning district. This does not apply to Wireless Master Plan sites.

iv. A certification by a Florida professional engineer that the WCF has sufficient structural integrity to accommodate the required and a proposed number of collocations.

v. A certification by a Florida professional engineer specifying the design structural failure modes of the proposed WCF, if applicable.

vi. Identification of the proposed intended service providers of the WCF.

m. With regard to antenna element replacements.

i. Any repair or replacement of an existing antenna or antenna array with another of equal number that does not increase the number and/or size of transmission lines, and that is not readily discernibly different in size, type and appearance when viewed from ground level from surrounding properties, as reasonably determined by the City, and which will not alter the structural integrity of the support structure, is exempt from further review, provided that a notarized certification is submitted by a qualified technician stating that the replacement will not alter the structural integrity of the support structure and that any changes will not affect electrical specifications.

ii. For any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical, structural or electrical specifications of the WCF, but does not increase the number and/or size of feed lines and does not increase the number and/or size of antenna elements to the existing WCF, the applicant must, prior to making such modifications, apply for a new building permit review for such requested changes, and, for structural changes to freestanding WCFs, shall provide, in addition to any other documentation necessary for building permit review, a stamped or sealed structural analysis of the existing freestanding WCF prepared by a Florida professional engineer indicating that the existing tower or base station as well as all existing and proposed appurtenances meets the City and Florida Building Code requirements (including, but not limited to, wind loading) for the tower or base station.

n. With regard to the replacement of or modification to an existing WCF, except a tower. The replacement of or modification to a WCF, except a tower, that results in a WCF facility not readily discernibly different in size, type and appearance, when viewed from ground level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the Land Use Administrator, are subject only to building permit review.

2. Level II applications.

a. A completed special exception approval application, and all items required pursuant to Section 2.07, including compliance with all applicable special exception requirements.

C. *Disclosure of ownership.* A notarized affidavit from all owners having a legal, equitable, or beneficial ownership interest in the tower or base station, or privately owned real property upon which a facility is or will be located or collocated, granting permission to the applicant to locate upon such real property, or attach to the tower or base station being collocated upon or attached to.

D. *Submission of fee.* All applications must be accompanied by the permit fee as established by resolution of the City Council.

4.20.10. *Application Review Process.*

A. *A pre-application conference is required.* To minimize issues related to permit application, prior to submitting materials for a permit application, an applicant must request a pre-submittal meeting with the Land Use Administrator or designee. The City shall undertake efforts to accommodate an applicant's request for a pre-application conference within ten business days of a request.

B. *Expert review.* The City may require that all wireless communications permit applications be reviewed by a third-party consultant or expert at the expense of the applicant for compliance with the requirements set forth herein. No permit shall be issued to any applicant that has not fully reimbursed the City for the third-party review fees, which shall be limited to the specifically identified reasonable expenses incurred in the review.

C. *Application Review Timeframes: "shot clock".* The City's action on proposals to place, maintain, modify, or collocate wireless communications facilities shall be subject to the applicable standards and timeframes set out in F.S. § 365.172 , 47 U.S.C. § 1455 (a) and Orders issued by the FCC, as same may be amended from time to time. All Federal and State "shot clock" timeframe guidelines that apply to any particular permit are hereby recognized by the City, and the City will make all reasonable efforts to comply. Except for eligible facilities request applications reviewed in accordance with Section 4.20.12, the following procedures apply to installation of a new WCF or modification:

1. Notification of completeness. The Land Use Administrator or designee shall notify the applicant within 20 business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted in accordance with the requirements set forth above. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, could make the application properly completed.

2. Expedited collocation applications. The City shall grant or deny each properly completed expedited collocation application for collocation based on the application's compliance with this section, applicable provisions of the City Code and any other applicable regulations, and within the normal timeframe for a similar building permit review, but in no case later than 45 business days after the date the application is determined to be properly completed. This timeframe shall not apply to lease negotiations for collocation on City-owned property.

3. All other applications. The City shall grant or deny each properly completed application for any other non-exempt WCF, including special exception approvals and collocations that do not qualify for an expedited collocation, based on the application's compliance with this section and any other applicable law, including but not limited to the City Code, and within the normal timeframe for a similar type of review, but in no case later than

90 business days after the date the City determines the application is completed. This timeframe shall not apply to lease negotiations for wireless communications facilities on City-owned property. Collocations located on historic base stations, or within a historic district, shall be reviewed through the review processes for historic structures or districts indicated in the LDC.

4. An application is deemed submitted or resubmitted on the date the application is received by the City. If the City does not notify the applicant in writing that the application is not completed in compliance with the City's regulations within 20 business days after the date the application is initially submitted or additional information resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted. However, the determination shall not be deemed as an approval of the application. If the application is not completed in compliance with the City's regulations, the City shall so notify the applicant in writing indicating with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, would make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the City shall notify the applicant, in writing, within the normal timeframes of review, but in no case longer than 20 business days after the additional information is submitted, of any remaining deficiencies that must be cured. However, if applicant does not cure the application deficiencies within 20 business days after receiving the notice of deficiencies, the application shall be considered withdrawn or closed unless an extension, due to reasonable circumstances, of the time to cure is requested by the applicant prior to the expiration of the 20-day period, and such extension is granted by the Land Use Administrator or designee.

5. The timeframes specified above may be extended, but in no case longer than 90 calendar days for collocations, and 150 calendar days for new installations, and only to the extent that the application has not been granted or denied because the City's procedures generally applicable to all other similar types of applications require action by the City Council or Planning and Land Development Regulation Board, and such action has not taken place within the specified timeframes. Under such circumstances, the City Council or Planning and Land Development Regulation Board, as applicable, shall either grant or deny the application at its next regularly scheduled meeting, or, otherwise, the application shall be deemed automatically approved; accordingly, the Land Use Administrator or designee may by letter to the applicant extend the timeframe for a decision until the next available scheduled meeting date of the City Council or Planning and Land Development Regulation Board as to whether to grant or deny an application for a permit. To be effective, a waiver of the timeframes set forth herein must be voluntarily agreed to by the applicant and the City. The City may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, the City may require a one-time waiver in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the City. Notwithstanding the foregoing, the City and an applicant may voluntarily agree to waive the timeframes set forth above.

D. *Appeals.* Any person aggrieved by an administrative decision rendered by the Land Use Administrator regarding the provisions of this Section 4.20 may appeal such decision to the Planning and Land Development Regulation Board in accordance Section 2.16.01 of the LDC.

4.20.11. *Interference with public safety communications.*

A. The City adopts a policy of requesting prior notification of activation or modification of WCF facilities as provided for in 47 C.F.R. § 22.973 and 47 C.F.R. § 90.675 and in accordance with those provisions, WCF providers shall notify the Land Use Administrator or designee

prior to a new site activation or existing site modification and provide the information required by the federal regulations.

B. Whenever the City has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

1. The City shall provide notification to all WCF service providers operating within 5,000 feet of the public safety communications equipment at issue, in accordance with the procedures indicated in 47 C.F.R. § 22.972 and 47 C.F.R. § 90.674, using the website www.Publicsafety800mhzinterference.com. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in 47 C.F.R. § 22.972 and 47 C.F.R. § 90.674 and following the applicable FCC adopted Best Practices Guide, as may be amended or revised by the FCC from time-to-time.

2. If any WCF owner fails to cooperate with the City in complying with the owner's obligations under this section and if the FCC makes a determination of radio frequency interference with the City public safety communications equipment, an owner who fails to cooperate and/or the owner of the WCF which caused the interference, shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all reasonable costs associated with ascertaining and resolving the interference including, but not limited to, any engineering studies obtained by the City to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in 47 C.F.R. § 22.972 and 47 C.F.R. § 90.674.

4.20.12. *Eligible Facilities Requests.*

A. *Applicability and Intent.* This section implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act") as interpreted by the Federal Communications Commission's ("FCC") Acceleration of Broadband Deployment Report and Order dated October 21, 2014, which requires local governments to approve any eligible facilities request for modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station. This section shall apply only to eligible facilities requests for an eligible support structure that is a legal conforming or legal nonconforming structure at the time a completed eligible facilities request is submitted to the City. To the extent that the nonconforming structures and use provisions of the City of Palm Coast LDCs would operate to prohibit or condition approval of an eligible facilities request otherwise allowed under this section, such provisions are superseded by this section. This subsection shall not apply to an eligible facilities request replacement of the existing tower or base station. This subsection shall also not apply where the WCF requested to be modified is located upon a City-owned structure, or upon non-right-of-way property which is either City-owned or City-leased.

B. *Sole and Exclusive Procedure.* Except as may otherwise be provided in this section, and notwithstanding any other provisions in the City Code, the provisions of this section shall be the sole and exclusive procedure for review and approval of an eligible facilities request which the applicant asserts is subject to review under the Spectrum Act. To the extent that other provisions of the City Code establish a parallel process for review and approval of a project application for a proposed eligible facilities request, the provisions of this section shall control. In the event that an application for a project approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be entitled to review under this section and may be subject to review under other applicable provisions of the City Code.

C. *Application Requirements.* No eligible facilities request shall be deemed complete unless it is in writing, accompanied by the application fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant. The application shall be submitted on a form prepared by the City. The applicant shall be obligated to demonstrate conclusively that the proposed modification satisfies the standards set forth herein and that the modification shall meet all applicable building codes.

D. *Review of Application.* The City shall review an eligible facilities request application to determine if the proposed modification is subject to this section, and if so, if the proposed modification will result in a substantial change to the physical dimensions of an eligible support structure.

E. *Timeframe for Review.* Within 45 calendar days of the date on which an applicant submits a request seeking approval under this subsection, the City shall approve, and may not deny, an eligible facilities request, unless it determines that the application is not covered by this section or proposes a substantial change to the physical dimensions of the eligible support structure.

F. *Tolling of Timeframe for Review.* The 45-day period begins to run when the application is filed with the Land Use Administrator or designee in person during the City's regular business hours, and may be tolled only by mutual agreement, or in cases where the City determines that the application is incomplete.

1. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 calendar days of receipt of the application, clearly and specifically delineating all missing documents or information.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

3. Following a supplemental submission, the City shall have ten calendar days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the same procedure used for the first notice of incompleteness. Except as may be otherwise agreed to by the applicant and the City, second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

4. Notices of incompleteness from the City shall be deemed received by the applicant upon the earlier of personal service upon the applicant, three days from deposit of the notice in the U.S. Mail, postage prepaid, to the applicant, or by electronic mail if the applicant has agreed to receive notices in such a manner.

5. If after submittal of the application the applicant modifies the eligible facilities request, the modified application shall be considered a new application subject to commencement of a new application review period.

G. *Approval or Denial.* An eligible facilities request shall be approved, and an eligible facilities permit issued, upon determination by the City that the proposed modification is subject to this section and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities request shall be denied upon determination by the City that the proposed modification is not subject to this section or will substantially change the physical dimensions of an eligible support structure.

H. *Denial.* A denial of an eligible facilities request shall be in writing and shall set forth the reasons for the denial.

I. *Remedies.* Applicant and City retain any and all remedies that are available at law or in equity and any action challenging a denial of an application or notice of a deemed approved remedy, may be brought in a court of competent jurisdiction within 30 days following the date of the denial or following the date of notification of the deemed approved remedy.

J. *Applicable Code Requirements.* Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety. Any approved eligible facilities request may be conditioned upon compliance with such codes and other laws.

K. *Expiration of Approval.* An approved eligible facilities request shall be valid for a term of 180 days from the date of approval or the date the application is deemed approved.

L. *Not Covered as an Eligible Facilities Request.* Should the City determine that an applicant's request is not covered by Section 6409(a) of the Spectrum Act, the presumptively reasonable timeframe under 47 U.S.C. § 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under 47 U.S.C. § 332(c)(7), pursuant to the limitations applicable to other reviews under that statute.

M. *Failure to Act.* In the event the City fails to approve or deny a request under this section within the timeframe for review, accounting for any tolling, the request shall be deemed granted. The application deemed granted does not become effective until the applicant notifies the City in writing after the review period has expired, accounting for any tolling, that the application has been deemed granted.

4.20.13. *Abandonment.*WCFs and equipment compounds shall be removed, at the owner's expense, within 180 days of cessation of use, unless the abandonment is associated with a replacement antenna structure as provided in Section 4.20.09, in which case the removal shall occur within 180 days of cessation of use. An owner may apply to extend the time for removal or reactivation by submitting an application stating the reason for such extension. The City may extend the time for removal or reactivation up to 90 days upon a showing of good cause. If the WCF or antenna is not removed in accordance with the requirements of this section, the City may give notice that it will contract for removal within 60 days following written notice to the owner. Thereafter, the City may cause removal of the WCF and equipment compound with all costs being borne by the owner. The City may record a lien against the property in the amount of all costs and expenses of the City. Upon removal of the WCF, the equipment compound and the foundations, including two feet below ground level, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the owner. Except as provided herein, the abandonment of WCFs within public rights-of-way shall be managed in accordance with the procedures set forth in Section 42-123, City Code of Ordinances. Any special exception approval for a WCF shall automatically expire 180 days from the date of abandonment without reactivation, or upon completion of dismantling and removal, whichever is first, or pursuant to the notice required by Section 42-123 of the City Code of Ordinances.

4.20.14. *Code enforcement.*

A. The City may enforce the provisions of this section in accordance with the provisions of applicable state law and pursue any and all available legal remedies.

B. The City shall engage in a program of periodic inspections to ensure continuing adherence to the standards of this section and to ensure that WCFs are being appropriately maintained.

4.20.15. *Compliance with state and federal regulations; preemption.* In implementing this section and the provisions set forth herein, the City shall comply with applicable state and federal regulations, and the provisions of this section shall be given force to the maximum amount and greatest extent permissible

under state and federal law. Except as authorized pursuant to state and federal law, in the event of any conflict between the terms of this section and state or federal law, state and federal law shall control. In the event any provision of this section is specifically preempted, or judicially determined to be preempted by state or federal law, then the preempted provision shall automatically be deemed null and void and the superseding provision of state or federal law shall prevail.

(Ord. No. 2018-02 , § 5(Att. A), 2-6-18; Ord. No. 2020-11 , §§ 2, 3, 10-6-20)

Editor's note— Ord. No. 2018-02 , § 5(Att. A), adopted Feb. 6, 2018, changed the title of § 4.20 from "Wireless Communications Facilities" to read as herein set out.

Sec. 4.21. - Electronic Game Promotions.

4.21.01. *Purpose and intent.* In the interest of the public health, peace, safety, and general welfare of the citizens and inhabitants of the City of Palm Coast, this section is established to regulate the use of electronic means to effect giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, and game promotions.

4.21.02. *Separation requirements.* Establishments conducting electronic game promotions with electronic equipment on site shall not operate within 1,000 feet of a church, public park, or school, unless such establishment was in operation prior to the church, park, or school locating nearby. Distances shall be measured from property line to property line without regard to the route of travel. This subsection does not apply to de minimis activity establishments.

4.21.03. *Compliance with city and state law.* Electronic game promotions and de minimis activity establishments shall comply with Chapter 16, Article IX, in the City of Palm Coast Code of Ordinances and F.S. 166 .

(Ord. No. 2012-3, § 3, 5-1-12)

Sec. 4.22. – Mobile Food Dispensing Vehicles and Temporary Commercial Kitchens.

4.22.01. *Purpose and Intent.* The purpose of this section is to establish operational and zoning standards for Mobile Food Dispensing Vehicles and Temporary Commercial Kitchens (MFDV) in the City in effort to be compliant with Section 509.102, Florida Statutes. The standards within this section shall apply to MFDVs in the City of Palm Coast, with the following exceptions:

A. MFDVs associated with a special event in accordance with Chapter 28, Article II - Special Events of the City's Code of Ordinances.

B. MFDVs associated with catered private events on private land where no food product, sale, or service is made available to the general public.

4.22.02. *Zoning Applicability.* MFDVs shall be permissible as depicted under LDC Section 3.03 Table 3-4. MFDVs shall be prohibited in any other zoning district. MFDV parks as a principal use shall be permitted in COM-2, COM-3, IND-1, and MPDs as determined by their Development Agreements. MFDVs as an accessory use to sites with an existing principal use shall be permitted in COM-1, COM-2, COM-3, IND-1, PSP, P&G, and MPDs as determined by their Development Agreements. The utilization of an MFDV shall be considered a customary ancillary use of sites developed as a park, performing arts center, or athletic complex within the City.

4.22.03. *Site Plan Approval.* Proposed MFDV sites developed as a principal use shall require the approval of a Technical Site Plan in accordance with LDC Section 2.11. Sites developing as an accessory

use, as allowed under Sec. 4.22.02, shall not require technical site plan approval. Rather, sites developing as an accessory use shall submit an application by the Property Owner or authorized agent on a form prescribed by the City. This application shall require a concept plan showing the location of MFDV operational area along with a statement that identifies the intended number of MFDV spaces, hours of operation, and frequency of operations.

4.22.04. *Indemnity.* MDFV sites that operate as a principal or accessory use shall submit an application by either the property owner(s) or their authorized agent. In the event that an agent other than the property owner submits the application, a notarized authorization of owner(s) shall also be submitted. The applicant by means of the application shall indemnify, defend, and hold the City harmless against all liability, claims for damages, and suits for or by reason of any injury to any person, including death, and damage to any property, arising out of or in connection with the operation of a MFDV site.

4.22.05. *Development Standards.* Proposed MFDV sites shall be subject to these supplemental development standards in addition to meeting any other applicable sections of the LDC:

A. *Principal Use.* MFDV sites developed as a principal use shall provide permanent common facilities for the use of all mobile food vendors (MFV) and/or customers. These facilities shall be permanent to the site and include accessible restrooms, dining areas, and common private refuse collection on site. Common dining areas may be either indoors or outdoors, and if developed outdoors, outdoor lighting shall be provided pursuant to LDC Section 9.08. The site may develop small outdoor recreation areas (i.e. playgrounds, splash pads, etc.) as an ancillary use to a MFDV site subject to any applicable development regulations. The site shall provide a common parking area that is separated from the vending areas, dining areas, and any provided outdoor recreation.

B. *Accessory Use.* MFDV sites developed as an accessory use shall be limited to the zoning districts identified in Sec. 4.22.02 on property that is developed with an existing conforming principal use. MFDVs shall not operate on nonconforming lots. MFDVs operating as an accessory use shall not require additional parking areas, dining areas, or restroom areas outside of those required for the principal use. In no circumstances shall their usage reduce the available parking area for the principal use below the site's required parking.

C. *Operating Hours.*

1. *As a Principal Use.* MFVs shall not offer food product, sale, or service to the general public between the hours of 2:00 a.m. and 6:00 a.m. MFDVs are not required to be removed from the parcel during this time.

2. *As an Accessory Use.* MFDVs shall not operate between the hours of 2:00 a.m. and 6:00 a.m. MFDVs shall vacate an MFDV site outside of the principal use's operating hours. The provisions of this subsection shall have the following exemptions:

i. Any MFDV that is operated on the same premises as and by a separately licensed public food service establishment may operate during the same hours of operation as the separately licensed public food service establishment that operates such mobile food dispensing vehicle or temporary commercial kitchen.

ii. Nightly removal of a MFDV is not necessary if the mobile food dispensing vehicle or temporary commercial kitchen that is operated on the same premises as and by a separately licensed public food service establishment in conjunction with Subsection 509.102(3) Florida Statutes.

D. *On-site Locational Requirements.*

1. *General.* MFDV sites shall not impact easements, wetlands, required landscape or wetland buffers, threatened or protected species, drive aisles, pedestrian sidewalks/cross walks, emergency access, fire lanes, loading zones, public rights-of-

way, or otherwise impede traffic patterns or ingress and egress to buildings and businesses. MFDVs shall be located on an impervious surface

2. *As a Principal Use.* Any ancillary recreational areas provided for MFDV sites developed as a principal use may be located on either a pervious or impervious surface and shall be enclosed by a perimeter fence in accordance with LDC Section 4.01.02 and buffered a minimum five (5) feet from any parking area or drive aisle.

3. *As an Accessory Use.* Operations of such an accessory use within a vehicular use area (such as a parking lot or internal drive aisle) shall provide on-site marking of the MFDV area with traffic cones a minimum of at least three (3) feet high every six (6) feet surrounding the area of operations. Traffic cones markings are not required in the event that the MFDV area is not in a vehicular use area on the site.

E. *Minimum Dimensional Requirements.*

1. *As a Principal Use.* MFDV sites developed as a principal use shall be limited as depicted in Table 4-7. Each MFDV operated as a principal use shall require its own space as provided in Table 4-7. Restrooms for MFDV sites developed as a principal use are required regardless of Florida Administrative Code 61C-4.010(8)(a), as that exemption is limited in scope for individual MFDVs operating in a temporary capacity and does not extend to a permanent MFDV site.

Table 4-7: Dimensional Requirements for MFDV sites developed as Principal Use.

Standard	Dimension
Minimum Lot Size	20,000 sq. ft.
Minimum Space per MFDV	500 sq. ft.
Minimum Space length per MFDV	25’
Minimum Space width per MFDV	20’
Maximum Number of MFDV Spaces	15
Minimum MFDV Space Setbacks from Property Boundaries	As required by the underlying zoning district or MPD Development Agreement.
Minimum Separation Between MFDV Spaces	10 feet
Minimum Parking	2 parking spaces per MFDV + 1 space per 75 sq ft of dining areas.
Minimum Seating Area	10 seats per MFDV
Maximum Seating Area	30 seats per MFDV

Minimum Restroom Requirements	Refer to Florida Building Code Assembly Occupancy group for minimum restroom requirements.

2. *As an Accessory Use.* MFDV sites developed as an accessory use shall be limited to sites developed with an existing conforming permitted principal use. Additionally, MFDV sites developed as an accessory use shall meet the minimum dimensional requirements as depicted in Table 4-8. Each MFDV operated as an accessory use shall require its own space as provided in Table 4-8.

Table 4-8: Dimensional Requirements for MFDV sites developed as an Accessory Use.

Standard	Dimension
Minimum Lot Size	20,000 sq. ft.
Minimum Space per MFDV	500 sq. ft.
Minimum Space length per MFDV	25’
Minimum Space width per MFDV	20’
Maximum Number of MFDV Spaces	3
Minimum Setbacks from Property Boundaries	As required by the underlying zoning district or MPD Development Agreement.
Minimum Separation Between MFDV Space	10 feet

3. *Administrative Deviations.* Administrative deviations of these standards shall be subject to the approval of the Land Use Administrator pursuant to the following limitations and LDC Section 2.13. Deviations to the minimum width of an MFDV space shall be conditioned upon the space providing a minimum of a two foot increase to the minimum length of the MFDV space for every foot reduced as the minimum width is intended to provide an adequate safe space for customers to queue. Deviations increasing the maximum number of spaces shall require an increase of 10,000 sq. ft. to the minimum lot size for every additional space provided, not to exceed a maximum of five additional spaces. The minimum separation distance between MFDVs shall not be reduced, as that space is intended for fire separation purposes.

F. *Outdoor Dining and Signage.*

1. *As a Principal Use.* MFDV sites that are permitted as a principal use shall provide permanent dining areas as required in Table 4-7 above.

2. *As an Accessory Use.* An MFDV that operates as an accessory use within a vehicular use area shall not provide any outdoor dining areas, tents, or canopies. MFDVs that operate as an accessory use outside of a vehicular use area may provide temporary seating, tents, or canopies, that are removed when the MFDV ceases daily operations, subject to the approval of the property owner. Each MFDV shall be required to provide its own waste receptacle for customer use during its hours of operation. A MFDV shall be able to provide a temporary A-fame sign to be located no further than five feet from the MFDV for purposes of providing a menu board, pursuant to LDC Section 12.06.03. Any provided seating, tents, or canopies shall be fully enclosed within the approved MFDV space and setback at least five (5) feet from any adjacent vehicular use area.

G. *Fire Safety.* Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible. A clear and unobstructed path of a width at least eight (8) feet shall be provided and maintained for access to the fire department inlet connections. All MFDVs shall have a fully charged fire extinguisher located on the premises at all times during operations.

H. *Illicit Discharge.* MFDVs shall be prohibited from discharging fat, oil, grease, or wastewater into the sanitary sewer system. Spills of oil, fuel, coolant, or similar hazardous liquids shall be immediately contained and cleaned up to minimize potential environmental impacts. Such liquids shall be prohibited from being discharged into the sanitary sewer system. Any illicit discharge shall be reported to the City of Palm Coast.

I. *Limitations and Code Enforcement.* MFDVs authorized by this section shall meet the definition of “mobile food dispensing vehicle” or “temporary commercial kitchen” as defined by Section 509.102, Florida Statutes. Further, MDFVs authorized by this section shall meet the definition of a “public food service establishment” as defined in Section 509.013, Florida Statutes. This section shall not authorize mobile vendors that provide other non-food related services. Operating a MFDV site or MFDV within the City of Palm Coast without complying with the provisions established within this section or as exempted, in subsection 4.22.01 above, shall be subject to code enforcement action pursuant to Chapter 2 Article V Division 1 – Code Enforcement Board of the City’s Code of Ordinances.

4.22.06 *Utilization MFDVs on City-Owned or Leased Land.* The City may permit the development of a MFDV site to allow for the limited operations of MFDVs on City-owned or leased land pursuant to the above regulations outside of an approved special event permit in accordance with Chapter 28, Article II – Special Events of the City’s Code of Ordinances. The operations of such a site shall be established by City operating policies which may be amended from time to time.

Sec. 4.23. - Affordable Housing Mixed-Use Residential Development Standards.

4.23.01. Zoning applicability. Applications for the development of property pursuant to the Live Local Act shall require the site to be zoned for commercial, industrial, mixed use, or portions of Master Planned Developments that allow for commercial, industrial, or mixed uses pursuant to Florida Statutes Section 166.04151(7) as amended. Additional properties eligible for live local developments regardless of the underlying zoning district shall include properties that are owned by either the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development. For properties not owned by the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development shall require the site to be zoned as permitted under Table 3-4 found under Section 3.03.02. Properties developed as a house of worship seeking to apply for a live local development shall be at least

three (3) acres in size. If the City designates less than 20 percent of the land area within its jurisdiction as commercial or industrial, it must authorize a proposed development pursuant to the Live Local Act only if the proposed development is a live local mixed-used residential development (see glossary).

4.23.02. *Use of property.* Live local developments shall maintain the project as a live local mixed-use residential development and shall rent and hold available for rent no fewer than 40 percent of the dwelling units as affordable as defined in § 420.0004, Florida Statutes for rent exclusively to eligible households for the affordability period. The project shall have at least 65 percent, but no more than 70 percent of the buildable area of the property must be for residential purposes and at least 10 percent of the buildable area of the property must be for commercial or industrial use reflective of the underlying zoning district's permitted uses. In the event that the project is for a vertically mixed-use development, then the non-residential component of the project may be 33 percent of the buildable area to facilitate vertically stacking non-residential and residential uses.

4.23.03. *Development standards.* Live local mixed-use residential developments shall be subject to the requirements of the Land Development Code unless otherwise modified below:

A. Developments may utilize up to the maximum density allowed by any zoning district within the city.

B. Developments may utilize up to 150 percent of the maximum allowed floor area ratio of any zoning district within the city.

C. Developments may utilize the city's maximum allowed building height within one mile of the development. The additional setbacks for multistory buildings requirement found under Section 3.05.02(C) does not apply to developments made pursuant to the Live Local Act.

1. If the development is adjacent to a single-family residential development on two or more sides with at least 25 contiguous single-family homes, the maximum height for the development is restricted to 150 percent of the highest adjacent building, the zoning district's defined maximum height, or three stories, whichever is higher, not to exceed 10 stories.

D. Developments shall submit the residential and non-residential portions of the project concurrently within the same application to ensure the mixed-use nature of the project. If the development is phased, the non-residential portion of the project shall be constructed prior to the residential portion.

E. Developments may use vertical or horizontal mixed-used developments; however, vertically mixed-used developments are not permitted in IND-1 or IND-2 zoning districts due to potential life-safety issues that may be present when having permitted industrial uses and residential uses in the same building.

F. The development shall provide a perimeter landscape buffer as required in Section 11.03 based on its zoning district. Horizontally mixed-use developments shall provide a minimum of an internal D, E, or F landscape buffer in-between residential and nonresidential uses.

G. The non-residential component of a development shall be a principal use of the underlying zoning district and shall be designed so that it could be developed without a live local residential portion. The nonresidential component shall not be an accessory use to the residential use (such as a leasing office, but not limited to other accessory uses related to the management of a multifamily residential development).

H. A mixed-use development that includes an adult-oriented business or miniwarehouses, office warehouses and/or a self-storage facility as its nonresidential component shall be prohibited.

I. The non-residential portion of a mixed-use development shall be integrated with the residential component of the project through use of sidewalks and internal roads. The non-residential and residential components of the project shall share the same access as for the project, provided the project may require more than one point of access in accordance with Section 5.02.04.

J. Loading and unloading and refuse collection areas servicing the non-residential uses of a mixed-use development shall be located to provide the least impact to any adjacent residential community.

K. Developments that are within a one-quarter mile of a transit stop or within 600 feet of an area with available surplus parking consisting of on-street, parking lots, or parking garages that can be utilized to meet the needs of the development the minimum parking requirements are eligible for a 20 percent reduction to its parking requirements. Provided that any available surplus parking utilized is memorialized by a shared parking agreement.

L. Proposed developments on property owned by the City, County, or school district must be party to the application. If the City, County, or school district do not authorize the application then the proposed development shall not be processed.

M. Proposed developments on property that is owned by a religious institution shall be required that the religious institution is party to the application and that the house of worship on site has existed for a minimum of 10 years. Any house of worship must continue to operate on the property after the proposed development is constructed.

4.23.04. *Exemptions.*

A. The Live Local Act does not apply to properties within one-quarter mile of a runway or its extension for 10,000 feet.

B. Areas subject to land development regulations, which existed prior to July 1, 2026, that are intended to retain the open character of land, including, but not limited to, areas required for a development to meet open space or recreational level of service requirements, or park land.

C. Any portion of a property encumbered by a recorded conservation easement.

4.23.05. *Affordability period.* The affordable residential portion of the development shall be subject to a minimum affordability period of 30 years from the date of its issuance of a certificate of occupancy.

4.23.06. *Land use restriction.* Prior to the issuance of a building permit for a live local project, the property owner shall execute and deliver to the City, a land use restriction agreement (LURA) provided by the City that details the affordable housing conditions, restrictions and compliance for the development including the City' s monitoring requirements. Furthermore, as a prerequisite to the issuance of a certificate of occupancy, the LURA shall confirm the affordability period, any conditions, and restrictions of the development, and shall be recorded in the public records of Flagler County, Florida at the sole expense of the property owner.

4.23.07. *Owner responsible for income verification.* For each affordable unit, the property owner shall be responsible for accepting rental applications and determining and verifying the adjusted gross income of prospective tenants to ensure such tenants qualify as an eligible household. Adjusted gross income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received by the household during the 12 months following the effective date of determination. The property owner shall submit an annual report to the City as provided in the LURA.

4.23.08. *Affordable units must be comparable in quality to the market-rate units.* The affordable units shall be intermixed with, and not segregated from any market rate units within the live local project. At all times, the affordable units must be at least reasonably comparable in terms of size, features, and number of bedrooms to the market rate units. Eligible households shall not be excluded from using common area amenities within the project.

4.23.09. *Required recordkeeping.* The property owner of a live local development shall maintain complete and accurate income records pertaining to each eligible household occupying an affordable unit. These records must be updated annually and shall be maintained for at least ten years following the date of each such record. At a minimum, property owner shall maintain the following records for each occupied affordable unit:

A. An eligible household's complete application for tenancy and related information including the name of each household member, proof of identity, and employment, income, and asset information for each household member;

B. A copy of the lease agreement listing the term of tenancy, the rent, and identifying each tenant residing in the affordable unit;

C. Verification that the household is an eligible household as defined herein; and

D. Verification that the eligible household's rent is affordable as defined herein.

4.23.10. *Annual reporting requirements.* The property owner of a live local development shall provide an annual report to the City by September 30 of each year. The annual report shall provide the following information regarding each affordable unit:

A. Unit address;

B. Number of persons residing in each affordable unit;

C. The adjusted gross income of the persons residing in the affordable unit;

D. The monthly rent charged;

E. Any other information reasonably required to ensure compliance with the Live Local Act and requested by the City.

4.23.11. *Monitoring and inspection.* The property owner of a live local development shall permit the City to inspect all records, including but not limited to financial statements and rental records, pertaining to the affordable units within the development upon reasonable notice and shall submit to the City such documentation as required by the City to document compliance with the Live Local Act. The City may, from time to time, make or cause to be made inspections of the affordable units and development rental records to determine compliance with the Live Local Act. The City shall notify the owner prior to scheduled inspections, and the owner shall make any and all necessary arrangements to facilitate the City's inspection.

(Ord. No. 2024-17, § 5, 11-12-24)

Chapter 5 - TRANSPORTATION, CONNECTIVITY, ACCESS, AND PARKING

Sec. 5.01. - Purpose and Applicability.

5.01.01. *Purpose.* The purpose of this chapter is to establish requirements for a transportation system that operates by moving people and goods efficiently, safely, and provides a balance between mobility and accessibility.

5.01.02. Applicability. All development shall provide transportation, access, parking, loading, stacking, bicycle (including E-bike and micromobility), and pedestrian facilities in compliance with the standards of this chapter. All facilities shall be maintained as long as the principal use continues.

(Ord. No. 2018-21 , § 3, 10-2-18)

Sec. 5.02. - Transportation and Connectivity.

5.02.01. *Streets.*

A. All proposed developments, except for sites developed with utility facilities such as cable substations, communication towers, etc., shall front on a paved street or paved access easement. This street, if not already paved, shall be paved by the developer from the entrance of the development to the nearest public paved street(s). The character, width, grade, and location of all streets shall conform to City standards and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Construction and material specifications for streets shall conform to the Florida Department of Transportation Standard Specifications for Road and Bridge Construction and the following:

1. The City Council may approve developer proposed private streets in residential areas via a plat approval. In such cases, all such streets shall meet all design and construction criteria of the City for public streets, and a condominium or homeowners association or equivalent shall be created with all duties and powers necessary to ensure perpetual maintenance of such private streets. All streets shall be constructed to the exterior property lines of the development unless they are permanently terminated by a cul-de-sac or an intersection with another street. Public streets shall not be gated.
2. City Council may approve developer proposed private streets in commercial or industrial areas via a plat approval. In such cases, all streets shall meet the design and construction criteria of the City for public streets unless overriding conditions, such as sharing entrances or parking areas, require different design criteria. A property owners' association or equivalent shall be created with all duties and powers necessary to ensure perpetual maintenance of such private streets.

B. The arrangement of streets in a development shall:

1. Provide efficient and orderly hierarchy of streets.
2. Conform to official plans and maps of the City.
3. Be integrated with the existing and planned street system of the surrounding area in a manner that is not detrimental to existing neighborhoods.
4. ~~Ensure that the use of local streets by through or nonresidential traffic is discouraged.~~ Ensure that the use of local streets by design discourages passby traffic.
5. Facilitate and coordinate with the future development of adjoining property of a similar character, and provide for local circulation and convenient access to neighborhood facilities.

6. Local streets shall be patterned in such a way that continuous traffic from a collector road to another collector or arterial road is discouraged. Local streets shall be designed not to function as a collector road.

7. Collector Roads shall not have residential driveway connections.

5.02.02. *Minimum right-of-way and pavement widths.* The following are the minimum right-of-way widths required for streets within the City. Developers shall dedicate sufficient land to meet the right-of-way requirement resulting from the development in accordance with a rational nexus and rough proportionality analysis. A cul-de-sac, even one with a minimally acceptable radius, does not preclude the developer from having a landscaped island within its center as long as the developer can demonstrate that the island does not impede safe turning movements for larger vehicles.

Table 5-1: Minimum Right-of-Way Width

Functional Classification	Minimum Right-of-Way (ft.)
Principal Arterial	200
Minor Arterial	120
Collector/Minor Collector	100/80
Local Streets	50

Note: The Land Use Administrator may approve, based upon sound and generally acceptable engineering practices and principles, narrower rights-of-way, provided utilities and sidewalks can be accommodated.

Table 5-2: Required Right-of-Way and Pavement Width

Street Type	Right-of-Way In Feet		Pavement In Feet	
	Urban	Rural	Urban	Rural
Local (> 75 lots)	50	80	24	24
Residential Up to 75 lots	50	70	24	24
Cul-de-sac (radius)	62	62	52	52

Note: The Land Use Administrator may approve, based upon sound and generally acceptable engineering practices and principles, narrower rights-of-way, provided utilities and sidewalks can be accommodated.

5.02.03. *Additional right-of-way.*

A. Within the area of the setbacks required by this Land Development Code, additional right-of-way may be required to promote public safety and convenience or to ensure adequate access, circulation, and parking based upon a rational nexus and rough proportionality analysis.

B. Whenever a street is programmed for improvement (in the adopted budget and the Capital Improvements Element of the Comprehensive Plan) and the need for the improvement is due to development being approved, as determined in a rational nexus and rough proportionality analysis, the owner of the proposed development must convey necessary right-of-way to the City.

C. Where a proposed subdivision or site development abuts an existing street of inadequate right-of-way, and the need for additional right-of-way is rationally related to the development being approved, the owner of the development must convey additional right-of-way based upon a rational nexus and rough proportionality.

D. All right-of-way dedications, except easements, shall be conveyed to the City by means of a warranty deed or dedication by plat, at the City's discretion. Easements shall be conveyed to the City in a form acceptable to the City.

E. All right-of-way dedications are subject to acceptance by the City Council and/or the Land Use Administrator.

F. The following requirements shall be adhered to regarding right-of-way for corner clip radius:

1. On any corner parcel with access to at least one adjacent road classified as a collector or above, additional right-of-way shall be dedicated to the City if needed to accommodate intersection radius improvements.

2. Property lines at street intersections shall be rounded with a minimum radius of 25 feet. A greater radius shall be required at an angle of intersection of less than 75 degrees, as determined by the Land Use Administrator based upon sound and generally accepted engineering practices and principles.

G. Right-of-way donations/dedications may be eligible for transportation impact fee credits if the donation or dedication is in accordance with City requirements.

5.02.04. *Connectivity and interconnectivity.*

A. When nonresidential developments are proposed to front on public streets, the City shall require the use of joint driveways and cross-access easements in order to minimize the number and maximize the spacing of access connections unless determined not feasible by the Land Use Administrator due to a unique configuration of the properties or substantial environmental constraints. Whenever cross-access corridors or coordinated or joint parking designs are provided to accomplish access management, each applicant for development approval shall provide such easements or agreements as may be necessary to ensure that adjoining properties shall be appropriately connected in order to implement a unified system allowing general cross-access to and from the other properties in the affected area. Such easements or agreements shall be recorded in the Public Records of Flagler County by the developer at developer's expense and shall constitute a covenant running with the land. When cross-access is provided to an undeveloped adjoining property, a temporary curb shall be provided at the end of the pavement to ensure drivers do not use the cross-access until the adjoining property is developed. Nonresidential developments shall provide a second means of ingress when required by the Florida Fire Prevention Code or this Code.

B. All new residential developments of more than 100~~50~~ dwelling units, or which use as access a street that is 2,500 feet or more in length from another roadway, shall provide a minimum of two vehicular entrances from a public right-of-way, with at least one of the vehicular entrances connecting to a public collector or arterial road, but both directly connecting to a public road. For new residential developments exceeding 250 dwelling units must provide two paved vehicular

entrances. A deviation to the requirement that at least one of the vehicular entrances connect to a public collector or arterial road may be granted by the Land Use Administrator if it is determined by a traffic study administered by a licensed engineer that the additional traffic will not exceed the capacity of surrounding local streets at build-out of the surrounding area, or if the entrance connects to a private roadway meeting City standards, which then connects to a public roadway.

C. All developments shall provide for bicycle and pedestrian interconnectivity to promote the use of bicycles and walking and as a means to reduce traffic on collector and arterial roads.

D. All residential and nonresidential development that abuts an existing or proposed trail system shall provide pedestrian and bicycle links to the trail system unless it would not be safe.

E. All new roads, except those where bicyclists are unlawful, such as controlled access highways, shall be designed and constructed for the provision of bicycle access. Bicycle safe design practices shall be followed including, but not limited to, safe drainage grates, railroad crossings, smooth pavements, and signals responsive to bicycles. In addition, the desirability of adding facilities such as bicycle lanes, bicycle routes, shoulder improvements, and wide curb lanes shall be considered.

F. To the fullest extent practicable, all rural arterial and collector sections within one mile of an urbanized area shall be considered for the construction of paved shoulders fivefour feet in width., ~~and all urban arterial and collector sections shall be considered for either a curb lane 14 feet in width or an undesignated lane four feet in width. Generally, such facilities shall not be marked to attract bicycle traffic.~~

5.02.05. *Intersections.*

A. Streets shall intersect at an angle of 90 degrees, unless unique circumstances justify a lesser angle of intersection based upon sound and generally accepted engineering practices and principles.

B. Spacing of street intersections shall be determined based upon Florida Department of Transportation Access Management Standards and Classifications.

5.02.06. *Visibility at intersections.*

A. Sight triangles and sight distance requirements shall adhere to Section 11.03.01.L., including Table 11-3 - Sight Triangle Dimensions Along Driveways and Roadways.

B. Within that portion of a lot or parcel that lies within the sight triangle, as defined in Chapter 14, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially obstruct vision between a height of two feet to seven feet above the average grade at the centerline of the adjoining road.

C. Low-growing shrubs, annuals, and other lower growing vegetation may be utilized within sight triangles or other areas to ensure visibility is not reduced.

D. Trees may be permitted in the sight triangle, at the discretion of the Land Use Administrator, if the trees have a single-trunk and foliage is kept trimmed between two feet and seven feet in height.

(Ord. No. 2018-21 , § 3, 10-2-18)

Sec. 5.03. - Access.

5.03.01. *Vehicular access.*

A. Access management, location, design, and construction of driveway connections to the City's road network shall follow criteria and standard practices as established by the City, based upon Florida Department of Transportation's Access Management Standards and Classifications rules.

B. All development sites shall provide permanent access from a paved street to each lot or parcel within the development in accordance with City standards.

C. Cutting or altering a curb on a public street is prohibited without a permit issued by the City in accordance with Chapter 9.

D. In addition to City approval, approval from Florida Department of Transportation for state roads, or Flagler County for county roads, is also required for any access onto such roads.

E. All driveways shall be designed and constructed to comply with all drainage standards as outlined in Chapter 9 and shall be constructed utilizing an approved paving material in accordance with City standards.

5.03.02. *Pedestrian access.*

A. All development shall provide paved sidewalks, meeting the latest ADA (Americans with Disabilities Act) and City standards, whenever the development fronts on a collector or arterial street.

B. All proposed development fronting a local street shall provide a five-foot wide paved sidewalk(s) along the entire frontage with the local streets, except as outlined below, based on the following standards:

1. Where sidewalks are present along frontage with a local street, a five-foot wide paved sidewalk shall be provided connecting the existing sidewalk to the principal building(s). Where development has frontage on more than one local street, five-foot wide paved sidewalks shall connect the principal building(s) to each local street.

2. Where no sidewalks are present, a sidewalk shall be provided. The City shall determine the location and size of the sidewalk based on the characteristics of the right-of-way.

3. If the construction of a sidewalk is not currently feasible or practical, the Land Use Administrator may allow the developer to make a payment into the Palm Coast Sidewalk Improvement Trust Fund in lieu of sidewalk construction; however, the design and location of new sidewalk must be part of the subdivision or site plan. If sidewalk location is within private property then a legal instrument must be provided to have public access. The legal instrument can be provided in a plat as a right-of-way and/or access easement.~~.~~

C. All new residential and nonresidential development adjacent to a proposed multi-use path, consistent with the Bicycle/Pedestrian Master Plan, shall provide a~~n eight-foot to~~ twelve~~ten~~-foot wide trail pathway (hard or soft surface per City standards) within the right-of-way or in an easement to provide for the extension of the trail system based upon a rational nexus and rough proportionality analysis.

D. Where development fronts on a collector or arterial road, a five-foot paved sidewalk shall be provided to connect the public sidewalk to the principal building(s) with the sidewalk being placed along the collector or arterial road. Where development fronts on more than one collector or arterial roadway, sidewalks shall connect the principal building(s) to each collector/arterial roadway. Five-foot paved sidewalks shall also be provided to connect to adjacent properties.

E. All new nonresidential and multifamily residential development shall provide safe and convenient pedestrian access and connectivity throughout the site. If necessary, such pedestrian access shall be within an easement consistent with Section 9.02.03E.

5.03.03. *Surfacing.* Access to any project or development shall require a hard surface driveway apron meeting City engineering standards connecting the driveway to the pavement of a public street.

5.03.04. *Single-family, duplex and townhouse driveway and garage standards.*

A. Parking spaces and garages for single-family, duplex and townhouse units shall be provided as follows with garages not counting towards minimum required parking spaces:

1. Single-family homes with less than 1,200 square feet in living area shall have at least a one-car attached garage and a permanent surface for two exterior parking spaces. Single-family homes with at least 1,200 square feet in living area shall have at least a two-car attached garage unless an exception is specifically permitted by another provision of this Code.

2. Duplexes with less than 1,~~300~~ 500 square feet in living area per unit shall have at least a one-car attached garage and a permanent surface for two exterior parking spaces per dwelling unit. Duplexes with 1,~~300~~ 500 or greater square feet in living area per unit shall have at least a two-car attached garage per dwelling unit unless an exception is specifically permitted by another provision of this Code.

3. A townhouse with less than 1,500 square feet in living area shall have at least a one-car garage and a permanent surface for two exterior parking spaces. A two-car garage is required for a townhouse with 1,500 or greater square feet in living area.

4. Off-street parking is prohibited adjacent to either side of the dwelling, except when such parking space provides access to a garage.

B. Driveways for single-family, duplex and townhouse units shall be provided as follows:

1. Driveways shall be completely paved. However, on one-acre or larger lots, where the garage is located at least 100 feet from the right-of-way, the pavement area may be limited as follows: Only the 20 feet closest to the garage, the driveway apron area within the right-of-way, and other portions of the driveway that are visible from the right-of-way and within 100 feet of the right-of-way, are required to be paved. The unpaved driveway area shall be of a stabilized material that will support emergency vehicles and meet City standards, such as graded and compacted asphalt milling or similar material. Pervious and permeable pavers and pavement which meet City standards are allowed and are acceptable Green Building materials.

2. Garages must have a driveway extending for a minimum of 20 feet in front of each garage door. The driveway shall be at least the width of the garage door(s), with a minimum width of ten feet, to allow for safe access. For the 20 feet of the driveway that is closest to the garage, driveways for one and two-car garages shall have a minimum width of 16 feet, and driveways for three-car or larger garages shall have a minimum width of 24 feet.

3. Residential driveways entering the public right-of-way shall be a minimum of ten feet wide at the right-of-way line and 16 feet wide at the roadway edge. On corner lots, driveways shall not enter the right-of-way within 25 feet of where the two rights-of-way lines ~~would~~ intersect ~~if extended~~.

4. Driveways shall either lead to a garage (standard driveway), or a circular driveway may be constructed. Except for corner lots, one approach of a circular driveway shall double as the standard driveway.

5. A standard driveway may also have a flare where the driveway widens to provide for an additional lane for vehicle parking. Additionally, standard driveways may have a turnaround so residents may avoid backing out onto the street. Turnarounds shall be located solely on the homeowner's property, except for radii, and not within rights-of-way. Turnarounds shall be a maximum of 9' wide by 18' long. In side yards, flares and turnarounds shall not encroach into side yard easements and shall not be located within five feet of side property lines.

6. Maximum driveway widths internal to the lot shall be 18 feet for circular driveways and turnarounds; and for standard driveways, including any flares, the internal widths shall be limited to 20 feet for a one-car garage, 36 feet for a two-car garage, 42 feet for a three-car

garage, and 48 feet for a four-car garage. For circular driveways that merge with standard driveways, only the standard driveway area may exceed the maximum width of 18 feet.

7. The lot area in front of the home's building façade out to the front property line must have a minimum of 25 percent landscaped planting area.
8. Driveways, driveway aprons and culverts beneath driveways shall conform to City design and permitting standards.
9. Owners proposing to utilize pavers as pavement on the portion of the driveway in the City right-of-way shall execute a Right-of-Way Utilization Agreement prior to City final approval.

(Ord. No. 2009-26, § 35, 12-15-09; Ord. No. 2018-21 , § 3, 10-2-18)

Sec. 5.04. - Parking.

5.04.01. *Plan requirement.* Off-street parking, loading space, and drive-through facility plans shall be submitted and approved during the site plan review process as outlined in Chapter 2.

5.04.02. *Off-street vehicle parking.* Off-street parking and loading facilities shall be provided for any new use established, for any addition or enlargement of an existing use, or any change of occupancy or manner of operation that would result in additional parking. See Chapter 1 for nonconforming uses and the remodeling threshold. Additional parking may be required only for such addition, enlargement, or change, and not for the entire building or use, unless it is determined, based on the historical function of the use or similar such uses, there is a need for additional parking.

A. *Off-street parking spaces required.*

1. *Minimum number required.* The required number of off-street motor vehicle spaces and any special requirements that may apply are provided in Table 5-3. When the number of off-street spaces required by this Code results in a fractional space, the number shall be rounded to the nearest whole number. Where parking is based on seating on benches or pews, each 24 lineal inches of the bench/pew shall be considered one seat.

Table 5-3: Parking Ratios

NOTE: Unless otherwise noted, all square footages (s.f.) are based on the gross floor area of the unit or building.

Type of use	Minimum Number of Spaces
Adult entertainment	1 space per 100 s.f.
Assembly places (houses of worship/religious institutions, funeral homes, movie theaters, auditoriums, arenas, stadiums, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Banks and credit unions	1 space per 200 s.f.

Barber shops and beauty salons	1 space per 250 s.f.
Bowling alley	3 spaces per lane
Call centers and contact centers	1 space per 115 sq. ft.
Civic clubs and lodges (including civic membership organizations)	1 space per 3 seats plus 2 spaces per 100 s.f. of area devoted to public assembly without seats
Colleges, universities and business/technical schools	1 space per 3 on-site school population (students, faculty and staff but excluding online students)
Convenience store (with or without fueling stations)	1 space per 200 s.f. + 1 space per 2 seats for food patrons
Day care, child care, private schools (k-12)	2 spaces per employee on the largest shift. For private high schools, add 1 space per 2 students in 11th and 12th grade
Fitness center/health club/dance studio	1 space per 125 s.f.
Furniture/mattress store	1 per 700 s.f.
Gasoline service stations/vehicle service and repair facilities	1 space per 250 s.f. of area devoted to sales or customer lounges, plus sufficient area to accommodate vehicles at pumps without interfering with other parking, plus 3 spaces per service bay
Golf course	4 spaces per hole; plus 1 space per 250 s.f. of clubhouse
Golf driving range/putting greens	1 space per 2 driving tees/putting greens + parking for any structures
Golf, miniature	1.25 spaces per hole + parking for any structures
Grocery/supermarket [1]	1 space per 200 s.f.

Group lodging, including nursing homes, rest homes, convalescent homes, assisted care facilities, and other similar facilities	1 space per 2 beds or 0.75 space per unit
Home Improvement/Building Materials and Garden Centers [1]	3.5 spaces per 1,000 s.f.
Hospitals and other medical facilities providing overnight accommodations	2 spaces per bed
Hotels, motels, and other similar lodging and accommodations establishments, without restaurants or lounges open to the public	1.15 spaces per sleeping room
Hotels, motels, apartment hotels, and other similar lodging and accommodations establishments, with restaurants or lounges open to the public	1.15 spaces per sleeping room, plus parking required at 50% of normal rates for any restaurant or drinking establishment
Independent living units (associated with a continuing care retirement community)	1.25 spaces per unit
Industrial, manufacturing and production uses	1 space per 750 s.f.
Marinas	1 space per 3 boat berths (wet slip or dry storage)
Medical or dental offices, medical or dental laboratory, and medical clinics, and veterinary clinics	1 space per 250 s.f.
Mini-warehouse or self-storage facilities including boat and recreational vehicle storage	Minimum of four spaces required. Facilities providing more than 200 storage units require an additional 1 space per 50 units. (Storage units include both indoor storage units and outdoor RV/Boat storage spaces.)~~2 spaces per 100 storage units and a minimum of 4 vehicle/boat storage spaces~~

Multi-family dwellings	1 space per efficiency unit 1.5 spaces per 1 bedroom 2 spaces per 2 bedrooms and over
Offices (general, professional, or government)	1 space per 250 s.f.
Plant nursery	1 space per 250 s.f. of building area + 1 space per 2,000 s.f. of display areas open to the public
Restaurants (with or without a drive-through), drinking establishments	1 space per 50 s.f. of areas open to the public + 1 space per 75 s.f. of outdoor eating/drinking areas
Shopping centers, discount superstores, and multi-tenant retail centers [1]	1 space per 250 s.f.
Retail including pharmacies and business services	1 space per 250 s.f.
Single-family dwelling, duplex, two-family and townhouse units	2 spaces per unit
Tennis, bocce ball, pickle ball, shuffleboard and racquetball facilities	1.5 spaces per court
Vehicle and boat sales/dealership	1 per 3,000 s.f. of open or enclosed sales area
Warehouse	1 space per 1,200 s.f.
[[1] An additional parking space equivalent is required for every 50 parking spaces for shopping cart storage for shopping center development exceeding 50,000 s.f.]	

2. *Uses not listed.* The required number of spaces for any use not specifically mentioned shall be the same as the use most similar to the proposed use, based on data provided by the Institute of Transportation Engineers in Parking Generation or similar studies.
3. *Multiple uses.* Except for a multi-tenant retail center or shopping center, where a combination of uses is proposed for development, parking shall be provided for each of the uses as prescribed by Table 5-3, unless a shared parking agreement acceptable to the City is reached by the property owner(s) (see Section 5.04.08).
4. *Maximum parking permitted.* For all land uses, except for single-family and two-family residences, the maximum permitted number of parking spaces shall not exceed 1.2 times the minimum parking required by this section unless the Land Use Administrator finds that

exceeding the maximum is justified based upon sound and generally accepted land use planning practices and principles as demonstrated within a Parking Flexibility Study.

5. *Screening.* Screening is required for off-street parking spaces in accordance with Section 11.03.04.A.
6. *Internal parking lot landscaping.* For parking lot islands and their related landscaping requirements see Section 11.03.04.B.

B. *Flexibility.*

1. The Land Use Administrator may authorize an adjustment of up to 20% in the total parking requirements where it is demonstrated that the application of the parking ratios is inappropriate for a proposed use due to the mix of existing or proposed uses on the property. A request for adjustment may require the submission of a site plan, traffic and parking study, and floor plan, which address the rationale for reducing or increasing parking requirements. Considerations and approval shall be contingent upon the continued operation of like or similar uses as identified under the approved plan. A change in the use category of parking shall require separate consideration. Pervious surface materials may be utilized when increasing parking requirements, where feasible, and may include pervious pavement, brick pavers, or other permanent pervious materials supported by green building principles. Stabilized grass parking with paved parking aisles may be considered, where feasible, for periodic overflow parking. Reducing parking requirements may require additional pervious areas and adequate stormwater capacity to accommodate potential future parking spaces per Code.
2. The Land Use Administrator may approve de minimis variations of parking lot or design standards if it is determined that a substantial public benefit would be attained. The de minimis variance may include reducing the required number of parking spaces; public benefits may include: the use of alternative surface materials; or varying from design standards when specimen or historic trees can be saved, utility conflicts can be avoided, or where architectural aesthetics can be improved.
3. Up to 33 percent of required parking for not-for-profit and non-profit groups and civic clubs that only use the parking periodically (one day or less per week except for occasional special events), may be provided as stabilized grass parking, with approval of the Land Use Administrator, where those spaces are served by paved parking aisles and are generally located further from the use being served than the paved spaces. Landscaped islands are required with stabilized grass parking (see Section 11.03.04.B.3.b). Stabilized grass parking spaces shall be appropriately graded and computed as impervious areas for water management purposes, and stabilized grass parking spaces that are utilized more often than periodically as defined above shall be paved if required by the Land Use Administrator based on amount of use.
4. All of the overflow parking (parking that exceeds the minimum number of required spaces) for not-for-profit and non-profit groups and civic clubs that only use the parking on an occasional basis may be provided as stabilized grass parking and stabilized grass drive aisles, with approval of the Land Use Administrator, where those spaces are generally located further from the use being served than the required parking. Landscaped islands are required with stabilized grass parking spaces (see Section 11.03.04.B.3.b). Stabilized grass parking spaces and stabilized grass drive aisles shall be appropriately graded and computed as impervious areas for water management purposes.

C. *Location.*

1. Each off-street parking space shall be located on the site it services, unless provided otherwise in this Code.

2. Nonresidential off-street parking spaces and access ways shall not be located closer than eight feet from any side property line, unless both adjoining properties are part of a master plan, share an access way, or similar circumstances exist. The minimum queuing distance required from the property line along a right-of-way to the first parking space or parking aisle is: a) 20 feet along a local public roadway: b) 35 feet along a collector roadway: or c) 50 feet along an arterial roadway: unless the applicant demonstrates, based on a traffic study, that a reduced queuing distance will not pose a hazard or interfere with pedestrian and vehicle traffic operations. However, traffic from a proposed development must not stack onto a public right-of-way during typical peak hour operating conditions.
3. All required parking stalls shall have direct and unobstructed access from a parking aisle.

D. *Off-street circulation.*

1. Internal circulation patterns, and the location and traffic direction of all access ways and parking aisles, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety, and clearly marked as required by the City.
2. Vehicular circulation shall be completely contained within the property and vehicles located within a portion of the development must have access to all other portions without using the adjacent street system.

E. *Parking facility design.*

1. All parking facilities shall be graded and provided with permanent storm drainage facilities meeting the construction specifications set by the City. Surfacing, curbing, and drainage improvements shall be sufficient to preclude the free flow of water onto adjacent properties or public streets or alleys, and to provide adequate drainage.
2. Reserved.
3. Any off-street parking facility shall have access ways of sufficient width to allow for two-way traffic, or one-way access ways that are connected to parking aisles, parking areas, or maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property. An access way that is only wide enough for one-way traffic shall have signage designating it for one-way operation.
4. Single-lane one-way access ways shall be a minimum of 14 feet wide. Two-way access ways shall be a minimum of 24 feet wide, exclusive of any median. Required access way widths may be increased by the City based on vehicle types and numbers of vehicles expected to use the facility, or if the Fire Prevention Code justifies such increase based upon traffic engineering and safety considerations.
5. Parking spaces and parking aisles shall be designed in accordance with Table 5-4.
6. Applicants are encouraged to reduce paved areas by reducing the perpendicular depth of standard parking spaces to 18 feet of pavement with two feet of overhang area, subject to the following conditions:
    a. Continuous curbing shall be used at the overhang.
    b. The overhang will not interfere with the healthy growth of adjacent landscaping material.
    c. Any abutting sidewalk is raised a minimum of six inches and is a minimum of seven feet wide. A sidewalk located at least two feet from the front of curb does not need to meet these standards.

Table 5-4: Parking Space and Parking Aisle Requirements

Parking Angle (degrees)	Standard Stall Width (feet)	Stall Depth Perpendicular to Aisle (feet)	Curb Length Parallel to Aisle (feet)	Parking Aisle Width One-Way Traffic (feet)	Parking Aisle Width Two-Way Traffic (feet)
0 (parallel)	10	10	23	12	24
45	9	21.2	12.7	14	24
60	9	22.3	10.4	18	24
90	9	20	9	24	24

Note: Parking spaces are measured from the centerline of painted stripe to edge of curb or center-line of painted stripe.

7. Parking stalls shall be delineated with a white pavement striping that is six inches wide.
8. Reserved.
9. For any nonresidential or multi-family use providing 50 or more spaces, a maximum of three for every 50 required spaces may be reduced in size and designed to accommodate parking for motorcycles. When provided, motorcycle parking shall be clearly identified by a sign, be at least 4.5 feet wide, surfaced with concrete, and have pavement striping. Motorcycle spaces may count towards required vehicular parking spaces.
10. All permanent off-street parking and loading and/or unloading areas except as permitted under Sections 5.04.02.B.3 and 5.04.02.B.4, shall be surfaced with brick, pavers, asphalt, or concrete, and all materials shall meet City design standards.

F. *Maintenance.*

1. All required parking facilities shall be properly maintained in perpetuity by the property owner or appropriate property owners association. Such facilities shall be used exclusively for the temporary parking of motor vehicles.
2. Parking facilities shall not be used for the sale, display, or storage of merchandise, for the storage or repair of vehicles or equipment, or activities other than providing public and employee parking, unless another activity was approved on the site plan.
3. All parking and loading facilities shall be properly maintained to ensure the desirability and usefulness of the facility, including maintenance of finished and stabilized surfaces, parking stripes and required signage. Parking stripes that are faded shall be repainted, and faded or missing required signage shall be replaced. Such facilities shall be maintained free of potholes, refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use consistent with applicable development approvals.
4. Landscaping materials located within sight triangles shall be properly trimmed and maintained.

5.04.03. *Bicycle parking.*

A. All developments (except for single-family and duplex platted lots) requiring off-street parking shall provide parking for bicycles in accordance with the following standards:

1. Multifamily development shall provide bicycle parking spaces to the equivalent of ten percent of the required vehicular parking spaces.
2. Nonresidential developments shall provide bicycle rack spaces as follows:

Table 5-5: Bicycle Rack Ratios for Nonresidential Developments

Required Number of Automobile Parking Spaces	Minimum Number of Required Bicycle Rack Spaces
1—40	2
41—60	3
61—80	4
81—100	5
Over 100	5 plus 1 for each 20 automobile parking spaces over 100, provided that the maximum number of required bicycle spaces shall not exceed 20

B. Bicycle rack facilities shall meet the following standards:

1. Shall be designed to allow each bicycle to be secured against theft.
2. Shall be installed in a permanent manner to resist removal.
3. Shall be installed to resist damage by rust, corrosion, or vandalism.
4. Shall accommodate a range of bicycle shapes and sizes and allow easy locking without interfering with adjacent bicycles.
5. Shall not interfere with pedestrian or vehicular movement.
6. Shall be located within 200 feet of the building entrance(s) they are intended to serve.

5.04.04. *Parking lot lighting.* The lighting design for new and redevelopment sites shall meet the lighting requirements set forth in Chapter 9.

5.04.05. *Americans with Disabilities Act requirements for access and parking.* Accessible parking shall comply with Florida Department of Transportation Design Standards and Chapter 17 of the Florida Americans with Disabilities Act Architectural Barrier Removal and Compliance Manual, 2005 Edition, as amended. The total number of parking spaces required in this chapter includes the minimum number of accessible parking spaces required.

5.04.06. *Temporary parking.* The Land Use Administrator may require new nonresidential uses to provide a minimum of one and a maximum of two parking spaces for temporary pick-up and drop-off

based on the size and use of the development. The temporary parking space(s) shall be located near the primary building entrance. Temporary parking shall count towards the total required parking spaces.

5.04.07. *Off-street loading or unloading space requirements.*

A. At the time of construction of any of the categories of buildings listed in Table 5-6, or at the time of structural alteration for an increase in their size or capacity, off-street loading and/or unloading spaces with adequate means of ingress and egress from a public street or access way shall be provided without interfering with the public use of streets, off-street parking spaces, or taxi stands. Off-street parking spaces shall not be used to meet off-street loading requirements.

B. The dimensions, design, and location of all off-street loading spaces shall meet the requirements as outlined in this Code.

C. Loading spaces shall not block streets, alleys, driveways, or sidewalks. Loading spaces shall not impair the movement of vehicles or pedestrians on streets, alleys, or sidewalks. Loading areas shall not use a public right-of-way or adjacent property as part of a maneuvering area, or use a public right-of-way or adjacent property as part of a temporary or permanent parking area for loading or unloading.

D. The minimum number of off-street loading and/or unloading spaces and the design shall meet the needs of the proposed use and reasonably expected future uses, and shall have the minimum dimensional requirements as displayed in the following tables:

Table 5-6: Loading or Unloading Space Requirements

Use Category	Floor Area in Square Feet	Number of Spaces Required
Retail Sales and Service, Restaurants, or Similar Uses	5,000—20,000	1
	20,001—50,000	2
	Each additional 25,000 square feet or major fraction thereof	1
Offices, Hotels, Hospitals, Nursing Homes, Adult Congregate Living Facilities, Multi-Family Project or Similar Uses	30,000—100,000	1
	Each additional 100,000 square feet or major fraction thereof	1
Arenas, Auditoriums, Stadiums, Convention Centers, Exhibition Halls, Museums, or Similar Uses	10,000—50,000	1
	50,001—100,000	2

	Over 100,000	4
Any Industrial Use and any Wholesale, Retail, and Nonresidential Storage Facility (Not Required for a Self-Storage Facility)	5,000—25,000	1
	25,001—55,000	2
	55,001—85,000	3
	Each additional 30,000 square feet or major fractions thereof	1

E. Every loading space shall demonstrate adequate turning radius and movement based upon the requirements of the delivery truck and meet the following minimum dimensions:

Table 5-7: Loading Space Dimensional Requirements

Length or Depth of Space	30 feet*
Width	12 feet
Height or Vertical Clearance	14 feet

* For tractor-trailer trucks, a 55-foot length is required. Retail and industrial buildings with 50,000 square feet of retail area or more shall have at least one loading space for tractor-trailer trucks, and buildings with 100,000 square feet of retail area or more shall have at least two loading spaces for tractor-trailer trucks, unless the applicant demonstrates a standard size loading space will suffice for one or both spaces based on the nature of the use(s).

F. Loading spaces for tractor-trailer trucks shall not be located within 100 feet of any residential use or zoning district boundary and these spaces shall be located to the rear of the principal structure and screened from view of the public right-of-way or access easement.

G. Uses not listed. The required number of loading spaces for any use not specifically mentioned above shall be the same as the use most similar to the proposed use, or be guided by requirements for such use in other jurisdictions, or by data provided by the Institute of Transportation Engineers, or other similar studies.

H. An adjustment in the loading requirements may be approved where it is demonstrated that the application of the loading ratios is inappropriate for a proposed use due to specific site or use conditions. The applicant must submit a site plan and operational analysis which address the rationale for reducing or increasing loading requirements. Approval shall be contingent upon the continued operation of like or similar uses as identified under the approved site plan. If there is a change in the use category of loading, a new application must be submitted.

5.04.08. *Shared parking and joint use of facilities.*

A. The Land Use Administrator may permit the required off-street parking spaces for a use to be shared as required parking spaces for another use upon finding that:

1. The shared parking spaces are in close proximity and readily accessible to the uses served thereby;

2. The uses served thereby have different peak periods or the required parking is excessive for one use; and

3. The design of the parking area in terms of traffic circulation, vehicular and pedestrian access, stormwater management, landscaping, open space preservation, and public safety meets the requirements of this Code.

B. A shared parking usage analysis shall be employed for calculating parking requirements for multiple uses.

C. Accessible spaces shall be based on the single use parking requirement. The shared parking methodology shall only reduce the general parking requirement.

D. Upon a finding by the Land Use Administrator that shared parking is appropriate, the Land Use Administrator shall issue a development order or approve an agreement for shared parking, which shall be recorded in the public records, and shall be enforceable by the City.

5.04.09. *Fleet storage.*

A. *General requirements.* In all zoning districts except industrial zoning districts or industrial type uses in the PSP Zoning District, the following requirements apply to the storage of five or more operable and inoperable motor vehicles which are owned (includes ownership under another corporate entity for which vehicles serve the business establishment located at the site) or leased by a business establishment located on the site on which the motor vehicles are located, excluding lawful and permitted businesses that inherently require the display of motor vehicles, trailers, heavy commercial vehicles, and construction equipment (i.e. automobile dealerships, tractor dealerships, etc.).

1. Areas specifically designated for fleet vehicles shall be screened from public view using a Tall Screen Planting described in Table 11-4 in this Code.

2. Fleet vehicle parking spaces and areas shall not be used to satisfy the required off-street parking for its land use as required in this Code.

3. It is prohibited and unlawful to park an inoperable motor vehicle for any part of a 24-hour period unless the motor vehicle is enclosed within a building or located within an opaque enclosure that is no less than six feet in height.

4. Fleet vehicles shall be used solely for the purpose of conducting activity associated with the business establishment (licensed by applicable federal, state, and local agencies) at the location where the motor vehicles are parked.

5. A business with fleet vehicles desiring to locate into an existing building in an appropriately zoned district shall establish a designated area for the fleet vehicles in compliance with this section if such area is not already established. A site plan shall be submitted to the Land Use Administrator to determine compliance.

B. *Exemptions.* This section does not apply to commercial motor vehicles parked during active loading and unloading for any part of a 24-hour period within areas designated as loading spaces on an approved site plan or to automobiles or sport utility vehicles.

5.04.10. *Boat and recreational vehicle commercial storage facilities.* Where boats or recreational vehicles are commercially stored outside, they shall only be stored on pavement located behind buildings or preserved wooded areas so they are generally hidden from the public rights-of-way, unless specifically permitted by Code.

5.04.11. *Drive-through facilities.*

5.04.11.01. *Location.*

A. A site that contains drive-through facilities shall be located on a collector or arterial road.

B. Drive-through facilities for an automated teller machine (ATM) shall only be located on sites with a financial institution; or, if within a multi-tenant retail center or shopping center, where the applicant demonstrates that the facilities will not interfere with the safe movement of traffic.

5.04.11.2. *Stacking lanes and spaces.*

A. All facilities providing drive-through service shall provide stacking lanes in compliance with the standards of this section. A stacking space shall be a minimum of ten feet in width and 20 feet in length, measured starting ten feet behind the pickup window.

1. Drive-through lanes must be clearly distinguished from parking aisles by acceptable pavement markings or pavement color.

2. On-site stacking spaces must accommodate stacking demand under the typical a.m., mid-day, and p.m. peak hour conditions of adjacent roadways.

3. A 12-foot wide paved bypass lane (11 feet if the stacking lane is increased to a width of 11 feet) shall be provided for drive-through facilities, unless the City determines the bypass lane is unnecessary due to unique site conditions.

B. Restaurants with drive-through facilities shall provide a minimum of nine stacking spaces. The bypass lane shall serve customers at least until they have traveled past the point where orders are taken.

C. Banks, financial institutions, dry cleaners, and pharmacies shall provide a minimum of four stacking spaces per lane; except for automated teller machines, which shall have three spaces per lane.

D. An automated car wash, and a manned or unmanned gatehouse or entry control structure, shall provide a minimum of three stacking spaces per service lane.

E. A six feet high solid decorative wall shall be provided along all property lines abutting lots or parcels zoned or used for residential purposes in order to block lights and noise from vehicles in the stacking lanes or drive-through facility.

F. Stacking lanes shall not be located within a designated delivery area or loading zone.

G. Within the OFC-1 District, drive-through facilities may have only a single lane with a single service window, unless the second lane is serviced by the same single window, or by an automated device (e.g., ATM).

H. Uses not listed. The required number of stacking spaces for any use not specifically mentioned shall be the same as the use most similar to the proposed use, or be guided by requirements for such use in other jurisdictions, or data provided by the Institute of Transportation Engineers in Parking Generation, or other similar studies.

I. The Land Use Administrator may determine an increase or reduction in the stacking requirements is required where it is demonstrated that the stacking number is inappropriate for a proposed use due to the property configuration, the specific nature of the use, or traffic flow patterns.

1. To request a modification, an applicant must submit a site plan and traffic study which address the rationale for reducing the stacking requirements.

2. Approval shall be contingent upon the continued operation of like or similar uses as identified under the approved site plan.

3. A change in the use category shall require a new application for modification.

(Ord. No. 2009-26, §§ 36—40, 12-15-09; Ord. No. 2012-3, § 4(Exh. 2), 5-1-12; Ord. No. 2018-21 , § 3, 10-2-18)

Chapter 6 - RESERVED

Sec. 7.01. - Purpose and Intent.

The purpose of this chapter is to implement the concurrency provisions of the Comprehensive Plan, as mandated by Section 163.3180, Florida StatutesF.S. ch. 163 , and the Florida Administrative Code. No development order or permit which contains a specific plan of development, including the densities and intensities of development, shall be issued except in accordance with this chapter.

Sec. 7.02. - Public Facilities.

The public facilities subject to concurrency and the regulations in this chapter include: transportation facilities, potable water, sanitary sewer, solid waste, drainage, schools, and parks and recreation.

Sec. 7.03. - Tracking and Reporting.

7.03.01. *Concurrency management monitoring system.* The City hereby establishes and shall maintain a concurrency management monitoring system which consists of an inventory of public facility capacity and a demand accounting system that reflects the current status and availability of public facilities. A status report on the concurrency management monitoring system shall be prepared by the City on annual basis.

7.03.02. *Concurrency baseline statement.*

A. The Land Use Administrator shall develop a concurrency baseline statement which shall be effective for one year after its issuance. Nothing herein precludes, however, the issuance and effectiveness of more frequent amendments to the concurrency baseline statement. The concurrency baseline statement is an assessment of public facility available capacity anticipated for the reporting period.

B. The available capacity reported for each public facility in the concurrency baseline statement shall be determined by using calculations from the concurrency management monitoring system and projections of public facility demand for vested developments. The public facility demand for vested projects shall be based upon a reasonable projection of the progress of each proposal or project, population projections, and other technical considerations, such as the practices and assumptions utilized in the Comprehensive Plan.

Sec. 7.04. - Concurrency Review.

7.04.01. *Applicability.* All proposed developments or improvements to property requiring a final development order, except those developments or improvements which are exempt, as outlined in Subsection 7.04.02, or vested by this chapter, shall be subject to concurrency review prior to the issuance of a final development order.

7.04.02. *Exemptions.*

A. Final development orders, including building permits, which permit or approve the following types of development, are exempt from concurrency review if the Land Use Administrator finds that no additional impact on public facilities is created:

1. Approved development plans which are specifically exempted from or specifically determined to be vested from the concurrency requirements in the Comprehensive Plan, pursuant to applicable laws.

2. Single-family and duplex residential lots platted as of November 16, 2008 are only exempt from transportation concurrency review.

3. Modifications to residential dwellings that include additions, renovations, or reconstruction that do not increase the number of dwelling units on the site or approved for the property prior to the modifications.

4. Additions, renovations to, or reconstruction of, accessory dwelling units, garage apartments, or other similar accessory units on parcels properly zoned to allow the accessory dwelling units.

5. Public facilities such as City offices, community centers, fire stations, parks, police stations, ~~hospitals (public or not for profit),~~ water or sewer facilities, other public works, and other public facilities as determined by the Land Use Administrator.

B. A Development of Regional Impact that has been approved pursuant to Section 380.06, Florida Statutes~~F.S. ch. 380~~, for which the development is proceeding in compliance with the conditions of the Development of Regional Impact approval, may be exempt from transportation concurrency as provided by the Development of Regional Impact Development Order, if the development meets all the requirements of Section 163.3180 (5)~~F.S. § 163.3180 (12)~~, and this chapter.

C. Final development orders which permit or approve development that creates a de minimis impact, as defined by F.S. § 163.3180 ~~(6)~~, shall be exempt from concurrency review for transportation facilities.

7.04.03. *Deferral option.*

A. Any applicant for a final development order may elect to defer concurrency review until the time at which an application for the final development order preceding a preconstruction conference or the commencement of any construction activity is filed. The applicant shall execute an affidavit acknowledging that development rights have not been vested and that development on the subject parcel shall be required to undergo concurrency review in the future. Deferral of school concurrency review is determined by the Flagler County School District.

B. Reserved.

C. A deferral affidavit shall be submitted to the Land Use Administrator.

7.04.04. *Standards for review.*

A. The City shall not issue a final development order, or an extension or amendment to an approved development order, unless there is sufficient available capacity of public facilities to meet the established levels of service. The City shall not grant a final development order unless one of the following standards is met:

1. The necessary public facilities are available and in place at the time the development is authorized in accordance with the Comprehensive Plan; or

2. The development order is issued subject to the condition that the necessary public facilities will be in place when the impacts of the development occur; or

3. The necessary public facilities are under construction at the time the development is authorized; or

4. The necessary public facilities are guaranteed in an enforceable development agreement that requires that the public facilities will be in place, except transportation facilities, when the impacts of development occur and that the applicant or developer will pay a proportionate ~~fair~~ share of the costs incurred to fulfill the need for the facilities and services created by proposed development. The enforceable development agreement for improvements must be financially guaranteed by cash, letter of credit, or similar instrument approved by the Land Use Administrator on a form satisfactory to the City and issued by a financial institution acceptable to the City or Land Use Administrator; or

5. The final development order permits or approves development that is exempt from concurrency review as outlined in Subsection 7.04.02.

B. For transportation facilities, the facilities must be available, programmed, or contracted to be under construction within three years of the subject final development order, or consistent with

provisions of the Florida Administrative Code. The impact thresholds and spheres of influence for arterial and collector roads shall be consistent with sound and generally accepted engineering standards and principles. When transportation facilities or segments are identified as deficient through the Concurrency Management System, including transportation facilities maintained by the Florida Department of Transportation or another jurisdiction, the Proportionate ~~Fair-~~Share Program as provided in Section 7.07 may satisfy this requirement.

7.04.05. *Application for concurrency.*

A. *General requirements.*

1. Applications for concurrency may be submitted at any stage of development, but may only result in the issuance of a certificate of concurrency when issued in conjunction with a final development order.

2. For the purpose of the concurrency review, the maximum density or intensity allowed under the future land use and zoning designation shall be used, unless the applicant provides a development scenario. If an applicant provides a development scenario, concurrency will be determined based upon that scenario and the density or intensity of the subject property can not be increased without a new concurrency review.

3. Methodologies consistent with sound and generally accepted engineering and planning practices and principles shall be utilized to determine the impacts of proposed development and their effect on the available capacity of public facilities.

B. *Traffic study requirements.* An application for concurrency must include a traffic impact analysis (traffic impact analysis is synonymous with traffic impact study). The traffic impact analysis shall be consistent with sound and generally accepted engineering and planning practices and principles. In addition, the applicant is required to meet with the Land Use Administrator before conducting the traffic impact analysis to discuss appropriate methodology and/or mitigation proposals to be included in the traffic impact analysis. At a minimum the traffic study shall:

1. Identify the land use type of the proposed development, based on a generally accepted land use classification system (e.g., the North American Industry Classification System, the Land-Based Classification Standards, and/or Institute of Transportation Engineers Trip Generation Manual);

2. If the proposed development consists of multiple land uses, the traffic study must reflect the aggregated demand for capital transportation improvements generated by each land use type within the proposed impact-generating development;

3. Identify additional new trips (PM Peak Hour), additional vehicles (PM Peak Hour), current capacity/volume of affected roadway(s) (PM Peak Hour), available capacity/volume of affected roadway(s) (PM Peak Hour) before the proposed development, estimated capacity/volume of affected roadway(s) (PM Peak Hour), after the proposed development is complete (may be shown in phases of development), anticipated turning movements (PM Peak Hour), and additional anticipated roadway(s) capacities/volumes or improvements that may be needed to accommodate a reduced level of service identified through traffic study analysis; and

4. Utilize the latest edition of the Institute of Transportation Engineers Trip Generation, 11~~7~~th Edition or later.

The findings of a traffic study satisfying the above requirements, including approval by the Land Use Administrator regarding the acceptability of the proposed traffic study methodology, shall be considered valid and applicable for a period of one year after the date it was either received by the City.

(Ord. No. 2009-26, §§ 41—44, 12-15-09)

Sec. 7.05. - Certificate of Concurrency.

7.05.01. *General provisions.*

A. Certificates of concurrency may only be issued in conjunction with the issuance of a final development order.

B. Certificates of concurrency are not transferable to another parcel or parcels of real property. Certificates of concurrency shall benefit and run with the parcel of real property to which the application related subject to the limits prescribed in this chapter and shall contain detailed information relating to limitations on uses and development densities and intensities.

C. If an application for development is found to be exempt from the concurrency review of the Concurrency Management System review requirements of the Comprehensive Plan, this chapter, applicable requirements of the Florida Statutes, or state law, then, consistent with the provisions of this chapter, a certificate of exemption shall be issued without conditions being attached thereto.

D. If a parcel of real property is not vested by the concurrency provisions of the Comprehensive Plan, this chapter, or applicable requirements of the Florida Statutes, a certificate of concurrency shall be valid for so long as the underlying development order relating to the subject real property, or a subsequent development order issued during the good faith continuation of the development, is valid.

7.05.02. *Reservation of capacities.*

A. *Reservation process.* The purpose of the public facility capacity reservation process is to afford property owners and developers the assurance that adequate capacity for requisite public facilities will be available when needed for a particular project, and to provide a higher degree of certainty during the construction financing process. The reservation process requires the applicant to reserve public facility capacity at the time of issuance of the certificate of concurrency.

B. *Reservation fees.* Unless the applicant provides other assurances acceptable to the City that adequate public facilities will be available concurrent with the impacts of development (such as, by way of example, a binding development agreement), all facility reservation fees shall be paid prior to the issuance of a certificate of concurrency and before authorization of any construction, pursuant to the provisions of this chapter. For phased development, the binding development agreement shall include the number of phases, quantity of development associated with each phase, the timing of facility reservation fee payments, and provisions that ensure that development of each phase will not commence until the facility reservation fees have been paid. The applicant shall pay all facility reservation fees due at the time of, and as a condition precedent to, the issuance of a building permit relating to the project, with said fees being paid at the rate in effect at the time of building permit issuance. Each facility reservation fee shall be calculated on the same basis as the application for a certificate of concurrency. Said fees shall be paid as follows:

1. For each public facility, the facility reservation fee shall be an amount equivalent to the then applicable City impact fee. All impact fees shall be required to be assessed and paid as a condition of receiving a building permit pursuant to the impact fee rate schedules in effect at the time a building permit is issued. However, each facility reservation fee previously paid shall be credited towards the corresponding impact fee as a per unit fixed-dollar deduction from the applicable impact fees at the time of building permit issuance.

2. For reservation of roadway capacity, applicants may select to reserve capacity for a fixed period of time, the periods of time being from one year to three years with associated scaling based on amount of the reservation fees paid. The scaling amount to be paid to secure the reservation would be:

    33% of total impact fee amount for one-year reservation period;

67% of total impact fee amount for two-year reservation period;

100% of total impact fee amount for three-year reservation period.

The Developer shall be required to pay the remainder of the required total impact fee amount due at the time of, and as a condition to, receiving a building permit. The scaled reservation fees paid previously shall be credited toward the impact fee in effect at the time of the building permit, and shall be on a dollar-for-dollar basis.

3. For water and sewer services, the facility reservation fee shall be an amount equivalent to the then applicable capacity fees and on the basis of the rates then in effect pursuant to the applicable rules, regulations, and requirements.

C. *Refund of reservation fees.* If a final development order is not issued, expires, or is surrendered pursuant to an amending development order issued by the City or an amending development agreement, an applicant may request in writing, and the City shall issue, a refund of facility reservation fees, excluding the processing fee, if the appropriate following conditions are met:

1. For all public facilities (i.e., transportation facilities, solid waste facilities, sanitary sewer, potable water, drainage facilities, schools, and parks and recreation facilities), capacity shall be surrendered and thereupon a refund shall be made by the City at the earlier of either of the following events occurring:

a. A determination has been made by the Land Use Administrator that such refund shall not require or result in the elimination, deferral, or delay of a project which is needed to maintain the adopted level of service of the Comprehensive Plan.

b. Another development is paying like facility reservation fees for the public facilities associated with the development for which the facility reservation fees are requested to be refunded. Like facility reservation fees shall be deemed those fees associated with and collected from another development paying the same impact fees relating to the same impacts on concurrency public facilities.

D. *Subject to required permits.* All water and sewer reservations of capacity shall be subject to the issuance of all required permits from the Florida Department of Environmental Protection and any other applicable agencies.

E. *Vested developments.* If a development is vested under this chapter, the requirements relating to the payment of impact fees and connection fees shall fully apply. If the payment of connection fees for water and sewer service is required to reserve capacity, such payment must occur. Vested status does not guarantee the availability of water or sewer capacity.

7.05.03. *Expiration.* Reservations of a certificate of concurrency shall run with the life of the development order, unless otherwise noted in Subsection 7.05.02, Reservation of Capacities.

7.05.04. *Cease and continuance.* If a public facility to be provided by an applicant is not available at the time of the development's impacts, further development shall cease until all required public facilities are constructed. If a public facility to be provided by an applicant is included in a binding contract, but the construction is behind schedule, development may continue, but no releases for final electrical service or certificates of occupancy shall be issued until the facility has been accepted or approved by the City. If, however, a public facility is to be provided by the City and is not completed on time, development may continue within the conditions in the development order; provided, however, that certificates of occupancy or releases for final electrical service shall not be issued until potable water, sanitary sewer, and solid waste capacities are available.

Sec. 7.06. - Phasing of Vested Development.

A. Developments which have been granted development rights or have been determined to be vested shall be required by the Land Use Administrator to enter into a development agreement, if a similar

agreement has not been previously entered, which development agreement sets forth a reasonable schedule for the completion of development and, accordingly, the impacts upon public facilities.

B. Development agreements for vested developments should be entered prior to the preconstruction conference being held.

C. Each development phase shall begin on the date the preconstruction conference is held and shall terminate upon the issuance of a certificate of completion relating to a defined part of the overall development plan. The preconstruction conference for a subsequent phase must occur within two years of the issuance of the certificate of completion of the prior phase in order to retain vested status.

D. No phased development, except for Development of Regional Impacts, may have a build-out schedule exceeding 20 years.

Sec. 7.07. - Proportionate ~~Fair-~~Share Program.

7.07.01. *Purpose and intent.* The purpose of this section is to establish a method to mitigate the impacts of development on transportation facilities by the cooperative efforts of the public and private sectors, and shall be known as the Proportionate ~~Fair-~~Share Program.

7.07.02. *Applicability.* The Proportionate ~~Fair-~~Share Program shall apply to all developments in the City that impact a road segment or intersection in the Concurrency Management System, including transportation facilities maintained by Florida Department of Transportation or another jurisdiction that are relied upon for concurrency review, and that have been notified that a failure to achieve transportation concurrency on a roadway segment, segments, or intersection(s) exists. The Proportionate ~~Fair-~~Share Program does not apply to developments meeting the de minimis standards under F.S. § 163.3180 ~~(6)~~ or to developments exempted from concurrency.

7.07.03. *General requirements.*

A. An applicant may propose satisfying the transportation concurrency requirements of the City by making a proportionate ~~fair-~~share contribution, pursuant to the following requirements:

1. The proposed development is consistent with the Comprehensive Plan and this Land Development Code.

2. The 5-year Capital Improvement Program includes transportation improvement(s) that, upon completion, will mitigate additional traffic generated by the proposed development, as determined by the Land Use Administrator, and in accordance with the proportionate ~~fair-~~share statute.

B. The Land Use Administrator may determine to allow an applicant to satisfy transportation concurrency through the Proportionate ~~Fair-~~Share Program by contributing to an improvement that, upon completion, will mitigate the impact of additional traffic generated by the proposed development, as projected by City staff, using best available data and methodologies, but is not contained in the Capital Improvement Program, where one of the following apply:

1. The City adopts, by resolution or ordinance, a commitment to add the improvements to the next 5-year Capital Improvement Program no later than the next regular update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Land Use Administrator and must be determined to be financially feasible. "Financially feasible" means that additional developer contributions, payments, or other funding sources are anticipated during a period not to exceed ten years, to fully mitigate the specified impact(s) on the identified transportation facility or facilities and in accordance with the proportionate ~~fair-~~share statute.

2. If the Land Use Administrator determines that the funds in the Capital Improvement Program are insufficient to fully fund construction of a transportation improvement required by the Concurrency Management System, then a proportionate ~~fair-~~share payment may be required for another improvement which will, as determined by the Land Use Administrator,

significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate ~~fair~~-share component shall be adopted into the next 5-year Capital Improvement Program at the next annual Capital Improvement Element update.

C. Any improvement project proposed to meet the developer's ~~fair~~-share obligation must meet generally accepted design standards applicable for the Florida Department of Transportation maintained roadways and/or City maintained roadways, whichever is applicable.

7.07.04. *Application process.*

A. The Land Use Administrator shall notify an applicant in writing if a failure to satisfy transportation concurrency requirements occurs. Upon receipt of such notice, an applicant may submit a proposed proportionate ~~fair~~-share calculation to the Land Use Administrator for review.

B. Pursuant to F.S. § 163.3180 ~~(16)(e)~~, proposed proportionate ~~fair~~-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation. Improvements to non-Strategic Intermodal System Florida Department of Transportation maintained roadways shall likewise require Florida Department of Transportation review and approval.

C. The Land Use Administrator shall determine whether a proportionate ~~fair~~-share calculation is sufficient and eligible and is consistent with professionally accepted engineering practices. Upon a finding of sufficiency, a proportionate-share agreement will be prepared between the City and the applicant. The agreement shall include, but not be limited to, the amount of payment, description of work, estimated construction costs using the projected future cost of the improvement (at the time payment is due) and data, and the timing of payment. All proportionate-share agreements are subject to approval by the City Council.

7.07.05. *Determining proportionate ~~fair~~-share obligation.*

A. Proportionate ~~fair~~-share mitigation for concurrency impacts may include, but are not limited to, separately or collectively, private funds, contributions of land, and construction or contribution of transportation improvements.

B. A development shall be required to pay only its proportionate ~~fair~~-share. The calculated value of the proportionate ~~fair~~-share mitigation for the impacted transportation facilities shall not differ regardless of the method of mitigation.

C. The methodology used to calculate an applicant's proportionate ~~fair~~-share obligation shall be as provided for in F.S. § 163.3180 ~~(12)~~, as follows:

Proportionate Share = Σ[[(Development Trips;sub*sub;)/(SV Increase;sub*\sub;)] x Cost;sub*sub;]-Impact Fee Credits*

Where:

Development Trips = those trips from the development that are assigned to roadway segment i and have triggered a deficiency per the Concurrency Management System;

SV Increase = Service volume increase provided by the eligible improvement to roadway segment i;

Cost = Adjusted cost of the improvement to segment i. Cost shall be based on the most recent cost and market data and shall include all improvements and associated costs, such as design, right-of-way acquisition, stormwater ponds, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred;

Impact Fee Credits = Used where applicable. More specifically, impact fee credits for the proportionate ~~fair~~-share obligation will be determined when the transportation impact fee

obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced based on the Proportionate ~~Fair~~-Share Agreement as they become due, according to this Code. If the applicant's proportionate ~~fair~~-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of the development under review, then the applicant or its successor must pay the remaining impact fee amount to the City pursuant to the requirements of the impact fee code. Any impact fee paid in excess of the impact fee obligation for the proposed development may be applied to the calculated proportionate-share amount.

D. *For the purposes of determining proportionate-share obligations, the Land Use Administrator shall determine improvement costs based upon the projected future cost of the improvement, as obtained from the Capital Improvement Program or another method approved by the Land Use Administrator. Cost for Florida Department of Transportation facilities shall be based upon Florida Department of Transportation cost estimates.*

E. *The City may accept rights-of-way dedication for all, or a portion of, the proportionate ~~fair~~-share payment. Credit for the dedication of the non-site related right-of-way shall be assigned a value by Land Use Administrator or, at the option of the applicant, by ~~fair~~ market value established by an independent appraisal approved by the Land Use Administrator prepared at no expense to the City.*

1. *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 to both parties. All appraisals must be consistent with generally accepted appraisal techniques, and the date of valuation must be the proposed date of transfer to the City.*

2. *The applicant shall supply to the City, a survey and legal description of the land and a certificate of title search of the land at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate ~~fair~~-share obligation for that development, then the applicant shall also pay or provide for mitigation of the difference.*

7.07.06. Impact fee credit for proportionate ~~fair~~-share mitigation.

A. Transportation impact fees shall be applied as a credit against proportionate ~~fair~~-share mitigation only if the proposed improvement is on the list of approved projects in the current 5-year Capital Improvement Program, or as amended by the next regular update, or in the first five years of the current 10-year Capital Improvement Program and the City's impact fee program. Credits may also be given to proposed improvement that will be incorporated into the next, or following, 5-year Capital Improvement Program. Impact fee credits shall be calculated at the same time as the applicant's proportionate-share obligation is calculated.

B. Any transportation impact fee credit based upon proportionate ~~fair~~-share contributions for a proposed development cannot be transferred to any other parcel or parcels of real property within the City.

7.07.07. *Appropriation of ~~fair~~-share revenues.*

A. Proportionate ~~fair~~-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the Capital Improvement Program.

B. In the event a scheduled facility improvement is removed from the Capital Improvement Program, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor that would mitigate the impacts of development.

7.07.08. *Additional programs.* The City may utilize any program relating to concurrency as may be permitted by state law.

(Ord. No. 2009-26, § 45, 12-15-09)

Footnotes:

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Editor's note— Ord. No. 2018-24 , § 2, adopted Nov. 6, 2018, repealed ch. 9 and enacted new provisions to read as herein set out. Former ch. 9, §§ 9.01—9.07, pertained to similar subject matter, and derived from Ord. No. 2009-26, §§ 46—48, adopted Dec. 15, 2009.

Sec. 9.01. - General provisions.

9.01.01. *Purpose and intent.* The purpose of this section is to set forth engineering design regulations for residential and nonresidential uses as required in this Land Development Code. This section sets forth uniform regulations, requirements, and procedures to protect the health, safety, and welfare of the citizens and to assure quality of life to the citizens of the City. The Land Use Administrator may adopt technical manuals that relate to technical requirements pertaining to the City's water, wastewater, reclaimed water, drainage, street, and other systems.

9.01.02. *Applicability.* The design and construction requirements shall apply to:

A. Nonresidential and residential subdivision projects (applies to subdivisions with private or public roadway dedications);

B. Nonresidential and residential construction projects; and

C. City and other public agency owned projects.

9.01.03. *General requirements.*

A. *Utility lines.*

1. Utility lines for all new development projects shall be installed underground. Switchgear, pumps, transformers, and other appurtenances shall be allowed aboveground, but shall be shielded with landscaping as required in this Land Development Code. Connections from distribution lines, mains, and collectors in the public or utility rights-of-way or easements shall be placed underground.

2. All redevelopment projects shall relocate existing on-site overhead utility lines underground, within project limits. The Land Use Administrator may allow exceptions to this requirement if it is determined that such relocation is not feasible based upon the unique configuration of the real property.

3. For all new private and public development projects, underground communications conduit(s) shall be installed in accordance with City standards.

B. *Traffic control devices.* All traffic control devices shall meet the more stringent requirements of all of the following using the latest edition or publication: 1) ~~the latest edition of~~ the Manual on~~of~~ Uniform Traffic Control Devices, 2) Florida Department of Transportation ~~Design~~ Standard~~s Road and Bridge~~ Technical Specifications for Road and Bridge Construction, 3) Florida Highway Administration Standard Highway Signs, and 4) Florida Department of Transportation Traffic Engineering ~~and Operations~~ Manual~~s~~.

9.01.04. *Construction plans submittal requirements.*

A. Construction Plans and Calculations shall be prepared, signed, and sealed by a Florida Licensed Professional Engineer or other Licensed Professional qualified in the appropriate field for which the Construction Plans and Calculations are prepared. Plans and calculations shall be submitted for review in accordance with the City's Development Review Process.

B. The City shall establish submittal checklists relating to the required contents of all Development Review submittals. The checklists shall establish minimum requirements for the contents of

Construction Plan and Design Document submittals. Additional information may be requested if the City believes the information is reasonably necessary in support of drainage analysis; including maps, charts, tables, graphs, photographs, narrative descriptions, additional calculations, explanations, and citations to support references as deemed appropriate to communicate the required information for reasonable evaluation of the site.

C. Grading and drainage plans shall include existing and proposed contours at one-foot (min.) intervals with spot elevations as needed for clarity and to adequately depict drainage patterns.

D. Topographic survey for half of right-of-way adjacent to project for full length of frontage, including existing driveways and right-of-way intersections within 100 feet of site, showing drainage structures, signage, and utilities.

E. Section views of all proposed retention/detention ponds, swales, berms, etc. showing 25-year stormwater elevation and top of bank elevation.

F. Construction details for all proposed manholes, inlets, and other stormwater control structures.

G. Location, size, length, and elevations of all proposed piping systems and related control structures.

H. Erosion control plans shall be on a separate sheet with existing and proposed contours.

I. Legends shown with all abbreviations and symbols identified.

J. Copies of permits from all regulatory agencies having jurisdiction over the project (prior to commencement of construction).

K. Phasing of development. The phasing of development is allowed as part of approval of a site plan or a Subdivision Preliminary Plat in accordance with the following standards:

1. Phasing of approved development shall be in keeping with an approved phasing plat that shows phase boundaries and describes included development and improvements.

2. Each phase shall be designed and constructed to include all improvements and other aspects of development necessary to meet all requirements of the Code and all other applicable regulations. Each phase shall require a site development permit.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.02. - Platting requirements.

9.02.01. *Purpose.* The purpose of this section is to establish requirements for the subdivision of land in the City and to ensure compliance with F.S. Ch. 177 .

9.02.02. *Subdivision design standards.* In addition to the requirements stated in other sections of this Code, subdivisions shall be designed according to the following:

A. *Lots.* All lots shall conform to the dimensional, yard, and building setback requirements of the applicable zoning district development standards. In addition, the following requirements shall apply:

1. *Width.* Lots fronting on a curve (ie. cul de sac) ~~All lots~~ shall have a minimum street frontage of 20 feet. The ~~, and those fronting on a curve shall meet the~~ minimum lot width shall be measured at the front setback line. Corner lots shall be 15 percent greater in width than the minimum required width of interior lots.

2. *Depth.*

a. Corner l~~L~~ots ~~along arterial streets~~ shall be deep enough to accommodate the two required front yard setbacks.

b. Flag lots are prohibited ~~unless approved as part of a Master Planned Development~~.

3. *Orientation.* Residential lots shall be designed so vehicular ingress and egress to/from those individual lots is not provided from abutting limited access roadways or arterials.

B. *Permanent reference markers.* A registered land surveyor shall install permanent reference monuments, permanent control points, and state plane coordinates in accordance with State laws and professional standards. These must be inspected by the second party surveyor to certify they have been set in the field prior to final plat approval or recording of the mylar.

9.02.03. *Easements.*

A. *Drainage easements.*

1. Drainage easements of a width required for conveying and maintaining an adequate storm drainage system shall be provided. Minimum width for piped systems shall be 1~~5~~0 feet plus the pipe diameter plus 2 feet for each foot of depth below grade to the bottom of the pipe, and 15 feet for open channels plus channel width, measured from top of bank to top of bank. Where deemed necessary by the Land Use Administrator or designee, additional easements and increased width may be required along waterways, natural watercourses, canals, and drainage ways.

2. Whenever a subdivision lies wholly or partly in any area for which the City has adopted a drainage plan, and is traversed by a natural or designed watercourse for which such plan requires a drainage easement or right-of-way, such easement or right-of-way shall be set forth on the preliminary and final plat and shall be dedicated to the City for public use.

B. [*Stormwater storage facilities.*] Stormwater storage facilities shall be constructed to provide adequate access for maintenance. An access and maintenance easement of ten feet around the perimeter of wet ponds and five feet around the perimeter of dry ponds, measured from top of bank, shall be provided for detention facilities. Maximum grade for maintenance easement shall be ten percent. Easements for stormwater facilities shall be given to the City. The City may but is not obligated to inspect and maintain the facility and bill the development for the work done. Stormwater management facilities, as defined, such as ponds, lakes are prohibited to be included in a platted lot.

C. [*Stormwater management systems.*] Stormwater management systems must be designed to accommodate maintenance equipment access and to facilitate regular operational maintenance (such as underdrain replacement, unclogging filters, sediment removal, mowing, and vegetation control).

D. *Utility easements.* Utility easements for both underground and aboveground facilities shall be provided where required by the Land Use Administrator. Such easements shall have a minimum width of ten feet and shall normally be laid out on property lines. In all cases, such easements shall be dedicated to the perpetual use of the public. Where lots abut along a common property line, the easement may be centered along said common property line.

E. *Pedestrian paths and sidewalk easements.* Pedestrian easements or walkways shall be provided through the interior of lots where such easements are required by the Land Use Administrator. Pedestrian easements shall be at least eight feet wide, or walkway width plus two feet, whichever is greater, and shall be laid out along the side or rear property lines. In all cases, such easements shall be dedicated to the perpetual use of the public.

F. *Private easements.* Private easements (or spite strips) between the road and the subdivision boundary or between subdivision boundaries shall not be permitted unless conditions are established under which the adjacent parcel can be connected to the road or adjacent property.

G. *Easements and right-of-way maintenance.* The City will maintain only those easements, rights-of-way, and public sites which it accepts for maintenance.

H. *Vacation of easements.* An easement may be vacated by a replat of the plat in which the easement was dedicated, or via a resolution of the City Council, based on the best interests of the public. The only easements eligible for vacation by resolution are easements which have been previously dedicated and accepted, such as with the approval of a plat. The applicant must submit recommendation letters from utility companies; and a survey and legal description of the area to be vacated; and must show that the easement should be vacated due to utility reroute, non-use of the easement, or that the easement is no longer needed for public purposes. The City can vacate only "public" easements located within the City which are dedicated to the City or to the public. Upon receipt of a vacation request, the City Clerk will publish a notice of public hearing, and shall notify property owners within the block where the easement is located of the public hearing by certified mail, return receipt requested. In addition, the applicant must post the notice at each end of the easement to be vacated, not less than 14 days prior to the public hearing. An affidavit of proof of posting must be submitted to the City Clerk not less than seven days prior to the hearing.

9.02.04. *Plat approval.* Prior to the City ~~Council hearing for~~ approval of a final plat, the developer must submit all required documents, recording costs, ~~and~~ fees~~,~~ and~~:~~

~~A.~~ p~~P~~rovide a cost estimate as outlined in 9.02.05.A.1.~~If infrastructure improvements have not been commenced, a surety bond guaranteeing funds to construct all subdivision public improvements must be provided for City Council approval. After approval, the mylar can be processed for recording; or~~

~~B. If infrastructure improvements have commenced and are continuing in good faith, the final plat can go to City Council without a bond but the mylar will not be processed for recording until all infrastructure is complete, based on City approval of all final inspections in the site development permit, and the submittal of a maintenance bond.~~

9.02.05. ~~*Performance surety*~~ *Surety for subdivisions and site plan construction projects.* ~~At such time as the City agrees to accept the dedication of any public improvements, a performance guarantee in accordance with the standards in this section shall be required.~~ To ensure completion of public infrastructure improvements that are required as part of an approved site plan or final plat (E.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, and streetlights), the developer shall execute performance and maintenance sureties that guarantee the required improvements against all defects in workmanship and materials, including failure to construct or to continue to construct in accordance with approved plans and specifications.

A. *Performance surety.*

1. *Plat and site plan performance surety amount.* A plat or site plan surety must be in the form of a cash bond, performance bond, or irrevocable letter of credit. The cost estimate amount of the surety shall be based on 120 percent of the sum of the following costs, as certified under seal by the project engineer of record:

   a. Required subdivision ~~public~~ infrastructure improvements costs.

   b. Costs of all required improvements relating to ~~public~~ road right-of-way.

   c. Costs of all required off-site ~~public~~ infrastructure improvements.

   The amount of surety is subject to approval by the Land Use Administrator.

2. *Performance surety release.* The performance surety will remain in full effect until action is initiated in writing by the applicant and action has been taken by the city for the release.~~Upon completion of all performance surety guaranteed improvements, applicable inspections, and acceptance by the City, performance sureties shall be released by the Land Use Administrator.~~

B. *Maintenance surety.*

1. *Plats and site plans with public improvements maintenance surety.* A maintenance surety for public improvements shall be submitted upon release of the performance surety. The maintenance surety provides a guarantee that the required improvements were completed without defects in workmanship and materials. The term of this guarantee shall be one year from the date of acceptance, unless the Land Use Administrator specifies a longer time frame.
2. *Maintenance surety amount.* The amount of the maintenance surety shall be based on 20 percent of the entire actual/present day costs of construction, including the costs of materials and labor for installing the required public infrastructure improvements. Actual costs for installing required public infrastructure improvements shall be itemized by improvement type as certified under seal by the project engineer of record, and subject to approval by the Land Use Administrator.
3. *Maintenance surety release.* The maintenance surety will remain in full effect until action is initiated in writing by the applicant and action has been taken by the city for the release. ~~The maintenance surety may be released no earlier than one year from the date of acceptance of the required improvements by the Land Use Administrator. This action must be initiated, in writing, by the developer.~~

9.02.06. *Compliance with design requirements.* All land development improvements shall comply with all the requirements of this Land Development Code, including those which contain design and construction information for the following:

A. Horizontal and vertical dimensional design requirements.

B. Roadway, parking, and vehicle access ways.

C. Pedestrian pathways, sidewalks, and recreational trails.

D. Storm drainage, potable water, reclaimed water, and sanitary sewer infrastructure improvements.

E. Clearing, earthwork, and grading.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.03. - Construction and inspection requirements.

9.03.01. *Purpose.*

A. The purpose of this section is to establish requirements for the inspection of the construction of all site development improvements on both residential and non-residential projects. The construction inspection procedures set forth in this chapter and in the City Technical Standards Manual ensure conformity of construction with approved development orders, this Land Development Code, and any conditions of approval.

B. Separate construction inspection requirements for water and sewer improvements are established in Part II of this chapter. Inspections shall be performed as required by the Land Use Administrator.

9.03.02. *Commencement of construction.* Commencement of construction or disturbance of land of any type is prohibited unless:

A. A final development order is issued in conjunction with a site development permit or applicable building permits;

B. All requisite federal, state, county, and City site work permits for the project are obtained. Certification by the engineer of record, along with copies of all required permits, may be required by the Land Use Administrator.

C. A preconstruction meeting for the project is scheduled and held with the City, unless deemed unnecessary by the Land Use Administrator.

9.03.03. Commencement of construction on early start residential projects (as covered under F.S. 177.073) and/or early start nonresidential projects is prohibited unless:

A. A final development order is issued in conjunction with an early start site development permit.

B. FEDP water certification or partial certification for the project are obtained. Certification by the engineer of record is required.

C. All required city related checklist items are obtained.

9.03.0~~4~~3. *Types of inspections.*

A. The following construction inspections shall be held during the course of the construction of the project infrastructure:

1. Scheduled mandatory key checkpoint inspections.
2. Scheduled or requested minor inspections and field conferences.
3. Unscheduled site visits and inspections.
4. Stormwater Pollution Prevention Plan (SWPPP) Inspections.
5. All other inspections required by the governing contract for a specific project.
6. Scheduled final inspection for punch list work.
7. Scheduled re-inspection of punch list work.
8. Scheduled final inspection walkthrough, as required prior to the developer submitting a request for the following:
   a. Release of surety and acceptance by City of a maintenance bond.
   b. Acknowledgement of completion of required subdivision improvements to allow final plat recordation.
   c. Acceptance of roadways dedicated to the City.

9.03.0~~4~~405. *Privately owned bridges.* Privately owned bridges shall meet the design, construction, inspection, maintenance, and reporting criteria in accordance with the Florida Department of Transportation and federal standards.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.04. - Stormwater management requirements.

9.04.01. *Purpose.* The purposes of the stormwater management requirements are:

A. To provide for design criteria and construction requirements to achieve effective stormwater management.

B. To minimize adverse impacts of land development and related construction activities to property, environmentally sensitive areas, water bodies, and other natural resources.

C. To improve the public health, safety, and welfare by providing for the safe and efficient capture and conveyance of stormwater runoff.

D. To encourage and facilitate urban water resources management techniques including, but not limited to, the retention/detention of stormwater runoff and the enhancement of the environment.

E. To promote low impact development alternative designs and prevent loss of life and/or property due to flooding.

9.04.02. *Activities requiring a permit.* A St. Johns River Water Management District Environmental Resource Permit (ERP) is required for construction, operation, and maintenance of a stormwater management system that serves a project meeting any of the following thresholds:

A. Any project in, on, or over wetlands or other surface waters;

B. A total of more than 4,000 square feet of impervious or semi-impervious surface area subject to vehicular traffic;

C. A total of more than 9,000 square feet of impervious and semi-impervious surface area;

D. A total project area of more than five acres;

E. A capability of impounding more than 40-acre-feet of water;

F. Any dam having a height of more than ten feet, as measured from the lowest elevation of the downstream toe to the dam crest;

G. Any project that is part of a larger common plan of development or sale;

H. Any dry storage facility storing ten or more vessels that is functionally associated with a boat launching area; and

I. Any modification or alteration of a project previously permitted under pt. IV of ch. 373 , F.S.

9.04.03. *Minimum design standards and performance criteria.*

A. Design and Performance Criteria for Stormwater Management Systems shall meet the requirements as outlined in St. Johns River Water Management District (SJRWMD) Regulations, contained in the Applicant's Handbook Volume II (AH Vol II).

B. The Stormwater Management Plan shall, at a minimum, address the following:

1. Impacts to adjacent and downstream stormwater collection, conveyance, and storage systems resulting from increased runoff rate and/or volume from the project site.

2. Impacts to adjacent and upstream runoff contributing areas that may be hydrologically or hydraulically connected to the project.

3. Impacts to adjacent and downstream areas resulting from sediments and other pollutants that may be carried by stormwater runoff during and after construction.

4. Impacts to "Special Flood Hazard Areas" or "Volume Sensitive" areas associated with the project.

C. Stormwater Treatment and Attenuation.

1. Projects that discharge runoff to downstream areas that are not volume sensitive and have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood levels shall limit developed peak runoff rates to pre-developed runoff rates for the five-year, 24-hour and 25-year, 24-hour design storm events.

2. Projects that discharge runoff to downstream areas that are volume sensitive or do not have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood elevations shall provide detention for the 25-year, 96-hour discharge volume

for developed conditions, such that the volume released from the project during the critical time period is not greater than the volume released during pre-developed conditions.

3. Projects that contribute to the City of Palm Coast Master Stormwater Management System, as defined in the Palm Coast Comprehensive Land Use Plan (CLUP) Volume 3, shall also be designed and constructed to limit developed runoff rates to pre-developed rates for the 100-year, 24-hour design storm event.

4. Projects that are constructed in phases shall meet the minimum design standards for each phase. No phase shall be dependent upon the construction of a future phase in order to meet these requirements.

5. Pond top of bank elevation shall be a minimum of twelve (12)~~six~~ inches above the maximum design storm elevation.

6. The Land Use Administrator (LUA) shall have the right to exempt any project from Section 9.04.03.C.1. and 2. above that discharges directly into the Intracoastal Waterway or Atlantic Ocean.

7. Stormwater system analysis shall include Pre-Development and Post-Development runoff hydrographs; routing the Post-Development runoff hydrographs through the stormwater storage system; and sizing of the storage system and discharge control structure(s) to meet the minimum requirements of this section. Stormwater discharge computations shall include storm frequency, storm duration, rainfall amount, rainfall distribution, hydrologic soil conditions, runoff coefficients, pond stage, storage, and discharge, changes in land use cover and slope conditions, off-site runoff contributing areas, time of concentration, tailwater conditions, and any other changes in hydraulic, hydrologic, and topographic characteristics associated with the development.

8. Control devices that are designed to contain more than two-foot depth of water within the structure during the design storm and have openings greater than one-foot minimum dimension shall be restricted from public access.

9. All stormwater basin side slopes shall be stabilized by either vegetation or other biodegradable materials to minimize erosion and sedimentation of the basins.

10. Wet detention stormwater management systems shall provide a littoral zone in accordance with AH Vol II.

D. Soils Investigations.

1. A geotechnical report, prepared by a licensed engineer or other professional authorized to perform such work under Florida Statutes, shall be submitted for stormwater storage facilities, systems, or open channels used as a dry retention/detention facility designed to contain standing water for less than 72 hours after the occurrence of a rainfall event, or using infiltration to meet the requirements of this Code. The report shall contain a soil boring log, boring locations, and any parameters that may affect the design or recovery of the facility including, but not limited to: estimated seasonal high water table, hydraulic conductivity, and locations of confining layers.

2. For dry retention systems, soil borings shall be of sufficient depth to determine the wet season high water table and the permeability of the soils.

E. Water shall not be diverted into a natural buffer area for retention purposes where such water level change will adversely affect the health or survivability of retained trees.

F. It is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with this Land Development Code if all of the following are met:

1. The development is permitted by the St. Johns River Water Management District and the City;
2. The lowering of the water table has no adverse effect on wetlands and surface waters as defined in 62-340, F.A.C.; and
3. The lowering of the water table does not increase flows to the detriment of neighboring lands.

G. Where stormwater and other waters drain from lands outside the City, facilities within the City shall be designed in accordance with this Land Development Code, as if the entire area being drained was within the City.

9.04.04. *Limiting conditions.*

A. Before any offsite discharge from the stormwater management system occurs, the retention and detention storage must be excavated to rough grade prior to building construction or placement of impervious surface within the area served by those systems. Adequate measures must be taken to prevent siltation of these treatment systems, and control structures during construction or siltation must be removed prior to final grading and stabilization.

B. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with Section 9.04.06. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with Section 9.04.06. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

C. The stormwater management system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of the site infrastructure. The system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the stormwater management system to another responsible entity.

D. If the permitted stormwater management system was designed by a registered professional, within 15 days of providing the required as-built certification to the St. Johns River Water Management District, or 45 days after completion of the stormwater system (whichever occurs first), the permittee must submit to the City a copy of Water Management District Form No. 62-330.310 (1) (As Built Certification By a Registered Professional), signed and sealed by an appropriate professional registered in the State of Florida.

E. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.

9.04.05. *Collection and conveyance.*

A. Stormwater collection and conveyance systems shall be designed, as a minimum, to convey runoff resulting from the ten~~five~~-year, 24-hour storm event. Collector roadway cross drains shall also be designed to convey the ten-year, 24-hour storm event.

B. Temporary roadway flooding shall not exceed an elevation that would permit flood water encroachment of more than one-half of a travel lane at the lowest elevation on the centerline profile of a roadway for the 25-year, 24-hour storm. Full recovery and use of the roadway must be available at the end of the design storm event.

C. Stormwater systems serving parking lots, or other non-residential property, shall be designed to collect and convey all stormwater flows into and through the system without creating adverse impacts to adjacent properties. The system shall recover from temporary ponding such that use of the parking area is available at the end of the storm event.

D. Minimum allowable pipe size for stormwater systems located within the City of Palm Coast right-of-way shall be 15 inches.

E. Design storm frequency for open channels shall be as follows:

1. Local roadway swales and ditches; ten~~five~~-year storm event.

2. Collector roadway swales and ditches; ten-year storm event.

3. Outfall ditches and canals; 25-year storm event.

9.04.06. *Erosion and sediment control.*

A. Erosion and sediment control Best Management Practices (BMPs) shall be used ~~as necessary~~ during construction to retain sediment and turbidity on-site. These management practices shall be designed and certified by an appropriate licensed professional experienced in the fields of soil conservation or sediment/turbidity control according to specific site conditions, and shall be shown on the plans for the stormwater management system. The Permittee shall have a licensed professional provide the contractor, as part of the Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan (SWPPP), information pertaining to the construction, operation, and maintenance of the erosion and sediment/turbidity control BMPs.

B. Best Management Practices shall be designed in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (~~June 2007~~July 2013 or latest edition), and the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual (FDEP ~~July 2008~~October 2018 or latest edition), as both are amended, and shall be shown on the "Grading and Drainage Plan" or on a separate "Erosion Control Plan".

C. Any sedimentation leaving the site or impacting adjacent areas shall be halted immediately and the adjacent areas restored to pre-existing conditions. Restoration efforts shall be coordinated with FDEP or SJRWMD, as appropriate, to ensure that the restorative activities are consistent with the Statewide Environmental Resource Permitting (SWERP) rules.

D. All areas disturbed by authorized construction activities shall be sodded, hydro-seeded and mulched, or protected by other appropriate erosion control measures. Banks or berms having a 3:1 slope or steeper shall be sodded.

1. Within City ROW only sod shall be accepted along slopes.

E. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

F. Damage to private land, public rights-of-way, or other property shall be repaired prior to issuance of a certificate of occupancy or permit final. In case of damage to private property or to public rights-of-way, it shall be the joint and severable responsibilities of the permittee and contractor to make repairs as directed by the Land Use Administrator or designee.

9.04.07. *National Pollutant Discharge Elimination System Stormwater Program.*

A. The National Pollutant Discharge Elimination System (NPDES) Stormwater Program regulates construction activities that disturb one or more acres of land and discharge stormwater to surface waters of the state or into a Municipal Separate Storm Sewer System (MS4). An MS4 is a conveyance or system of conveyances such as roads with stormwater systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains. If a project is less than one acre, but part of a larger common plan of development or sale that will ultimately disturb one or more acres, permit coverage is also required.

B. NPDES Construction Generic Permit (CGP).

1. The operator is ultimately responsible for obtaining permit coverage and implementing appropriate pollution prevention techniques to minimize erosion and sedimentation from stormwater discharges during construction. The operator is the entity with sufficient authority to ensure compliance with the permit requirements. Typically, the operator is the owner, developer, or general contractor.
2. For construction projects where the operator changes, the new operator should obtain permit coverage at least two days before assuming control of the project, and the previous operator should file an NPDES Stormwater Notice of Termination (FDEP Form 62-621.300[6]) within 14 days of relinquishing control of the project to a new operator. The previous operator must meet the conditions to terminate coverage in accordance with Part VIII of the CGP.

C. Obtaining Coverage under the CGP.

1. Obtain and carefully read the CGP (available online at the Florida Department of Environmental Protection Website).
2. Develop a site specific SWPPP.
3. Complete in its entirety the application or Notice of Intent (NOI) (FDEP Form 62-621.300[4][b]).
4. Submit the NOI with the appropriate processing fee to the NPDES Stormwater Notices Center (Do not submit plans or a copy of the SWPPP when applying for coverage).
5. Provide a copy of the SWPPP and approved NOI to the City of Palm Coast (MS4 Operator).
6. Operators seeking coverage under the CGP must apply for permit coverage at least two days before construction begins.

D. SWPPP contents.

1. The SWPPP must identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharge associated with construction activity. In addition, the plan shall describe and ensure the implementation of BMPs that will be used to reduce the pollutants in stormwater discharge associated with construction activity and ensure compliance with the terms and conditions of the permit.
2. The SWPPP must be developed before an NOI is filed in order to receive CGP coverage, and must meet or exceed FDEP requirements. Also, beginning on the first day of construction activities, the SWPPP must be available at the location identified in the NOI.

   If the location on the NOI is not at the construction site, a copy shall be provided to the City as well as any inspection forms completed as part of the SWPPP.
3. A SWPPP should consist of a narrative and a site map. The CGP also requires a certification statement to be signed by the operator. The SWPPP must be developed and implemented for each construction site covered by the generic permit and must be prepared in accordance with good engineering practices.
4. The narrative report shall include a site description and, at a minimum, the following information about the site:
   a. Description of the construction activity;
   b. Intended sequence of major soil-disturbing activities;
   c. Total area of the site and total disturbance area;
   d. Description of the soils and estimate of the size of the drainage area for each discharge point;

e. Latitude and longitude of each discharge point and the name of the receiving water for each discharge point; and

f. Site map indicating drainage patterns and slopes, areas of soil disturbance, undisturbed areas, locations of BMPs, stabilization areas, surface waters/wetlands, and discharge points.

5. Each plan must include a description of the appropriate controls, BMPs, and measures that will be implemented at the construction site. The plan must clearly describe for each major soil-disturbing activity the appropriate control measures and the timing for implementing these measures.

6. The plan shall also identify and ensure the implementation of appropriate pollution prevention and treatment measures for non-stormwater components of the discharge.

7. The preparer of the SWPPP or responsible authority must sign and date the following certification statement as part of the SWPPP:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information. These include the possibility of fine and imprisonment for knowing violations."

8. Contractor Certification Requirement: All contractors and subcontractors identified in the SWPPP, or those selected at a later date, must sign and date the following certification statement before conducting land disturbing activities on the site:

"I certify under penalty of law that I understand, and shall comply with, the terms and conditions of the State of Florida Generic Permit for Stormwater Discharge from Large and Small Construction Activities and this Stormwater Pollution Prevention Plan prepared there under."

9. A copy of the NOI or acknowledgment letter from FDEP confirming coverage must be posted at the construction site in a prominent place for viewing (such as alongside the building permit).

E. Retention of records. The permittee shall retain copies of the SWPPP and all reports required by the CGP, and records of all data used to complete the NOI to be covered by the CGP, for at least three years from the date that the site is finally stabilized. The permittee shall retain a copy of the SWPPP and all reports, records, and documentation required by the CGP at the construction site, or an appropriate alternative location as specified in the NOI, from the date of project initiation to the date of final stabilization.

F. Notice of termination (N.O.T.). Upon completion of the project and final stabilization, the permittee should submit a completed N.O.T. to the NPDES Stormwater Notices Center and the City of Palm Coast. The elimination of stormwater discharges associated with construction activity means that all disturbed soils at the site have been finally stabilized and temporary erosion and sediment control have been removed, or will be removed at an appropriate time.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.05. - Stormwater discharge pollutant control.

9.05.01. *Enforcement.*

A. All persons in violation of this regulation shall remedy such violations immediately. All persons in violation shall, in addition to all other required remedial actions, upon detection or written notification by the City, provide a written response outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of the corrective measures. All such proposals for corrective action are subject to the approval of the Land Use Administrator.

B. The Land Use Administrator or designee is authorized to issue ~~cease and desist orders~~a notice of violation in the form of a written official notices hand delivered, ~~or~~ sent by certified mail, and/or posted to the property to the person(s) believed to be responsible for the violation or the owner of the property from, or on which, the violation is believed to be occurring. Specific activities and operations may be ordered to cease based upon the following conditions:

1. In a situation that may have a serious effect on the health, safety or welfare of the public or the environment, including the quality of stormwater in the City's MS4; or

2. When irreversible or irreparable harm may result, in the reasonable opinion of the Land Use Administrator, and immediate cessation of the activity is necessary to protect the quality of the stormwater in the City's MS4, or to protect the public or the environment.

C. Should any person responsible for a violation of this regulation fail to take the remedial action as required by the City, the City ~~may~~ shall take such remedial action, and all costs incurred by the City shall be the responsibility of the person or persons responsible for the violation, and the City may record a lien against the personal and real property of the violator to recover said costs and to collect all fines and penalties imposed.

D. In addition to the remedies provided herein, the City may make application to a court of competent jurisdiction for injunctive relief to restrain any person from violating or continuing to violate the provisions of this regulation. In addition, the City may also seek entry of a court order requiring restoration and mitigation of any impacted facilities, land or waters, and may request any other appropriate legal remedy, including reimbursement of court costs. The City shall be entitled to an award of attorney's fees in prosecuting such actions, together with all attorney's fees and costs on appeal.

E. Any fines or other funds received as a result of enforcement action under this regulation and which are not used for the specific purposes enumerated herein shall be deposited into the stormwater utility fund.

F. The City may also use the City's Code Enforcement process to enforce violations.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.06. - Land modification of platted residential lots.

9.06.01. *Clearing and earthwork.*

A. With proper permits, the City allows the modification of land for purposes such as grading, filling, excavation, unsuitable soils removal, and certain tree removal on vacant residential lots as set forth in Chapter 11, prior to the issuance of a building permit. The only exception is for vacant single-family residential property, where "vacant" is defined as land that is in a natural vegetated state, or land that has been cleared of such vegetation but contains no impervious area. Persons desiring to modify a residential lot prior to the issuance of a building permit must apply for and obtain a Right-of-Way Access and Lot Grading Permit, and shall be subject to the following general permit conditions:

1. The lot, if vacant of any structures, must be directly adjacent to a lot with a permitted structure and both lots shall be under the same ownership.
2. Prior to performing any work, a copy of the permit shall be posted on the site.
3. If wetlands or endangered species are discovered, additional requirements may be imposed by the City to protect natural resources.
4. A time limit of four months shall be allowed from the date the permit was issued until the work is completed. When the work is completed, a final inspection shall be requested by the applicant. If the work is not completed within four months, the City will monitor the site and may initiate code enforcement procedures. Passing the final inspection shall mean that the work is complete.
5. The owner shall preserve trees and vegetation in accordance with the tree preservation requirements set forth in Chapter 11.
6. After completion of the work, the owner of the property shall request a final inspection from the City, which will confirm if the clearing was completed in accordance with the permits.
7. Prior to the final inspection the following shall be completed:
    a. Swales shall be graded to the proper grade and cross section.
    b. ~~After the swale has been graded and prior to sodding, a swale elevation survey shall be prepared by a Florida licensed land surveyor to verify the swale elevations are correct.~~
    c. All disturbed areas of the site and public road right-of-way shall be stabilized with vegetation. All rights-of-way and any areas subject to erosion shall be sodded in accordance with the Florida Department of Transportation Design Standards.
    d. All tree barricades, silt fences, and construction debris shall be removed from the site or adjacent sites, if present.
    e. Repair of all road damage associated with permitted work shall be jointly and severally the responsibility of the property owner and permittee, and shall be completed prior to the completion or expiration of the permit.
    f. Replacement trees, if required, shall be planted.

B. Vacant lots are exempt from this permit if the lot is only to be cleared by hand cutting of non-protected trees and removal of existing vegetation. This includes mitigation type mowing for wildfire control/mitigation. This exemption only pertains to platted single-family residential lots and not adjacent reserve parcels, unplatted lands, or stand-alone lots of any type.

9.06.02. *Construction on platted residential lots.*

A. Residential dwelling units, other structures, and surrounding site work on platted single-family residential lots, shall be designed and constructed in conformance with this Land Development Code. Property owners or their agents shall obtain a building permit from the City prior to the construction of any aboveground or underground structure.

B. In addition to a building permit, a Right-of-Way Access Permit shall be obtained from the City.

C. This article should be used in conjunction with all applicable sections of the City of Palm Coast's Technical Manual.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.07. - Utilities.

9.07.01. *Purpose.* The requirements and regulations contained in this section are established to ensure the adequate provision of potable water (water), fire protection/suppression, sanitary sewer (wastewater), and reclaimed water facilities necessary to:

A. Meet City level of service requirements;

B. Provide adequate service capacities for individual projects; and

C. Meet the requirements of other related codes and standards adopted by the federal, state, City, or regional agencies.

9.07.02. *General requirements.*

A. *Connection to the City utility system.* Unless specifically allowed otherwise herein, all water, fire protection/suppression, sanitary sewer, and reclaimed water improvements shall be designed to connect to the City's central utility systems.

B. *Construction standards.* The design and construction of facilities for providing water, fire protection/suppression, sanitary sewer, and reclaimed water shall comply with City standards and state regulations.

C. *Private potable wells.* The City will allow the use of individual potable water wells if approved by the St. Johns River Water Management District. However, for all new development that requires site plan or subdivision approval that is within one mile of central service, the development shall be required to connect to the central service. For development that does not require site plan or subdivision approval, the development shall be required to connect to the potable water system if central service is available within 150 feet of the lot line. In the event that central service is not available in either instance, the development shall be required to connect within one year from the date that central service becomes available.

D. *Private non-potable wells.* Irrigation systems and swimming pools may be served by a separate private water supply system provided that no interconnection of any kind occurs between the private system and the public utility system, its water mains, the utility's water service line, the customer's water service line, a building's potable water plumbing pipes, or any pipe or line connection or extension, and then only if reclaimed water service is not available. If and when available on the property, reclaimed water shall be used for all appropriate uses. The design, permitting, construction, and use of this type of well shall comply with the most current regulations of the Flagler County Health Department, the Florida Department of Environmental Protection, and the St. Johns River Water Management District, as appropriate.

9.07.03. *Potable water system.*

A. *Conditions precedent to water services.*

1. Water service may be activated if all permit conditions of the Florida Department of Environmental Protection are completed and the water distribution system has been approved and accepted by the City.

2. Except where otherwise permitted, all new development shall connect to the City's potable water system. New development shall pay all impact, installation, and line extension fees prior to the issuance of building permits or the initiation of service.

B. *Required meters.*

1. All residential facilities shall have individual meters for each dwelling unit unless a master meter installation is approved by the City in a utility agreement.

2. The property owner shall keep meter sites readily accessible with a minimum four feet of clearance around the meter/backflow assembly for meter reading and maintenance.

C. *Water mains location/sizing.*

1. Trunk lines shall have a pipe diameter meeting minimum requirements for fire flow and user consumption based on Florida Department of Environmental Protection regulations and standard engineering practices. Water mains shall be located within a public right-of-way or within a corridor (private rights-of-way) approved by the Land Use Administrator. All mains to which fire hydrants are connected shall be a minimum of six inches in diameter and in conformance with National Fire Protection Association (NFPA) standards. In no case shall a water main be smaller than four inches. To the maximum extent feasible, distribution lines shall be located parallel to and behind the back of the curb or edge of the pavement. Water mains shall be located to minimize conflicts with other utilities and existing or proposed structures.

2. All new development service lines and appurtenances thereto shall be installed and all costs shall be paid by the applicant. Upon construction completion and acceptance of the system, it shall be the design engineer's responsibility to ensure that the system is properly certified and accepted by the Florida Department of Environmental Protection, and that certified "as-built" drawings, consisting of one signed and sealed set of plans ~~plus a CD (compact disc) containing electronic files~~ are provided to the City in accordance with City standards. Under no circumstance shall the system be activated by anyone other than the Land Use Administrator.

D. *Booster pumps/fire protection systems.* It is prohibited and unlawful to modify or connect any booster pump or fire protection system to the City's potable water distribution system or to any water distribution system to which the City supplies water, except for consecutive public water systems, without the express written permission of the Land Use Administrator.

1. Any person planning to connect or modify any booster pump or fire protection system shall submit a detailed plan prepared by a Florida professional engineer to the Land Use Administrator for review and approval.

2. After submission of a detailed plan for connection or modification, the Land Use Administrator may approve the plan, with or without specified conditions or modifications, or reject the plan.

E. *Potable water backflow prevention devices.* All new construction shall have installed, on all potable water and fire prevention system lines, a backflow prevention device acceptable to Florida Department of Environmental Protection and of a size and design determined to be appropriate by the Land Use Administrator. All residential construction shall have a double-check device that shall be supplied and installed by the City at the owner's expense. All commercial lines two inches or smaller shall have a reduced pressure zone backflow preventer installed by the City at the owner's expense. All commercial or industrial construction lines larger than two inches shall have a reduced pressure zone backflow preventer or double-check detector/device (fire line only). The City approved device shall be installed at the owner's expense by a licensed contractor, inspected by the City, and certified by a licensed and certified backflow prevention technician or a certified City backflow prevention technician. All backflow prevention devices shall be installed and maintained in accordance with City standards.

F. *Fire line devices.* All fire line devices shall be installed and certified by a licensed fire protection contractor. The device shall be installed at a location determined by the Land Use Administrator. Where the device must be installed on private property, the location is subject to approval by the property owner. Backflow prevention devices on fire lines must be UL (Underwriters Laboratories) listed for fire protection systems. Backflow preventers shall be installed and maintained in accordance with City standards.

G. *Cross connections and interconnections.* It is unlawful for any person to cause a cross connection with the City's potable water system, reclaimed water system, wastewater system, or raw water system. All service connections shall comply with the City standards.

H. *Connection/temporary connection.*

1. The owner of each lot or parcel of land within the City proposed for occupancy for any use shall cause such building, structure, or use to be connected to the public water distribution system of the City, and shall use such facilities at the same time as a certificate of occupancy is issued, or sooner, with prior approval by the City.
2. For temporary connection to the City water system for construction not involving new lines, a metered connection to a fire hydrant may be permitted. The meter and backflow preventer shall be supplied by the City and the user must comply with City standards.

I. *Utility line extensions—Service line extensions.* Service line extension requests shall be submitted to the Land Use Administrator for approval. If approved, the applicant may proceed with the installation of the service line extension after coordinating installation with the Land Use Administrator. All costs associated with the utility line or service line extension shall be the applicant's responsibility. All work and connections shall be performed by a Florida licensed contractor licensed to perform underground utility work.

J. *Utility main extension reimbursement policy.*

1. Procedure for the utility main extension reimbursement policy. In the event that any person or developer is required by the City to extend water, sewer, or reclaimed water lines or increase line size to a size larger than the minimum line size required for that development's needs, that person or developer may request reimbursement for the additional cost of such extension or increased line size in accordance with the following procedures:
    a. Engineering drawings and design calculations shall be submitted to the Land Use Administrator indicating the size and location of the proposed lines or the appurtenances thereto. The submittal shall also include preliminary cost estimates showing the cost difference for construction of the proposed oversize main versus the cost for the minimum size main that would be required to serve the parcel or development in accordance with the City's design standards.
    b. The Land Use Administrator shall review the entire submittal and shall make a determination of the eligibility of the proposal for reimbursement, based on the conformity of the proposed improvements with City standards and with the criteria established in Section 9.06.03.C.
    c. The City may enter into an agreement for reimbursement with the person making the submittal based on a finding that the trunk line(s) and appurtenances thereto comply with City standards. The agreement between the City and the person or developer will, at a minimum, include timeframes and conditions of reimbursement. The trunk line(s) and appurtenances are required to be appropriately sized and located. Adequate water and sewer treatment plant capacity must exist for the area anticipated to be served.

9.07.04. *Sanitary sewer systems, industrial wastes, and low pressure effluent pumping system.*

A. *Conditions precedent to wastewater service.* Wastewater service will be available only after all permit conditions of the Florida Department of Environmental Protection are complied with and the wastewater collection system has been approved and accepted by the City.

B. *Wastewater connection required.*

1. Except where otherwise permitted, all new development shall connect to the City's sewer system, as required by state law. New development shall pay all impact, installation, and line extension fees prior to the issuance of building permits or the initiation of service.
2. If the City sewer system is available as defined by law, all existing development is required to connect within one year from the date of notice of system availability. The owner of the property shall pay for all connection impact, installation and line extension fees.

3. Upon agreement by the City, and approval of the Department of Health, connection to the City sewer system may be deferred until it is deemed in the public interest to make connection mandatory due to financial or public health considerations.

4. The City may refuse wastewater from any lot or parcel of land upon which there is located any institutional, commercial, or industrial plant, building, or premises that does not comply fully with City standards; or that does not utilize City water; or that does not supply proper metering of its wastewater.

5. The discharge of wastewater into the City sanitary sewer system from air conditioning/heating units is prohibited.

C. *Wastewater design and inspection.*

1. The developer shall install house or site service connections. Each property connected to the sanitary sewer system shall have a cleanout or manhole located at the property line for cleaning the service from the cleanout to the sanitary main.

2. It is prohibited and unlawful to enter the City sewer system or appurtenance thereto, or make any connections thereto without the approval of the Land Use Administrator. It is unlawful for any person to tap, cut, or in any way use any line, branch, or part of the City sewer collection or sewage treatment facilities without such approval.

3. The Land Use Administrator, as a condition of the City providing utility service, shall be permitted to enter upon all properties for the purpose of inspection, observations, measurement, sampling, and testing.

D. *Lift (pumping) stations.* All lift stations to be dedicated to the City for ownership and maintenance shall conform to the requirements of this section and City standards and shall be designed as submersible stations.

1. Prior to the construction of a lift station, the applicant's engineer shall submit construction drawings and design calculations for review and approval by the City.

2. All lift stations shall be dedicated by a fee simple interest conveyance to the City for ownership and maintenance responsibility, unless otherwise approved by the Land Use Administrator.

3. Lift station sites shall have unimpeded access for emergency maintenance vehicles and shall restrict access to the wet well, valve vault, and electric control panel to prevent entry by unauthorized individuals.

E. *Industrial waste pretreatment and disposal.*

1. Generators of industrial waste that are deposited into the City sanitary sewer shall comply with the pretreatment and disposal requirements of the City.

2. All users shall comply with Florida Department of Environmental Protection permit conditions and any other applicable federal and state regulations to which the Publicly Owned Treatment Works are subject.

3. All pretreatment and disposal systems and appurtenances shall be designed to meet all applicable requirements of the Florida Department of Environmental Protection, Flagler County Health Department, and the City, to prevent the introduction of pollutants into the sanitary sewer system which will interfere with the proper functioning of the system or cause or contribute to the contamination of receiving waters or the atmosphere.

9.07.05. *On-site wastewater treatment/disposal systems.* On-site wastewater treatment may be permitted by the City only in the EST-1, EST-2, and AGR Districts and in conformity to this section.

A. *Permit required.* A septic tank permit shall be obtained from the Flagler County Health Department prior to the issuance of a building permit. However, a building permit shall not be issued for the construction of such facility unless consistent with the Comprehensive Plan and this Land Development Code.

B. *Design and performance standards.*

1. A copy of the permit received from the Flagler County Health Department and all related information or documentation shall be submitted to the City.

2. Individual wastewater treatment/disposal systems, such as septic tanks, shall be located in an area that can be incorporated into a central sewer system when available. Systems shall be constructed and operated to ensure that they, either on an individual or cumulative basis, will not adversely impact public health or natural resources or cause undue expense to the City.

3. On-site wastewater treatment is prohibited in areas served by centralized wastewater treatment. Where septic tank use is permitted, septic tank systems shall be installed in conformance with the Flagler County Health Department requirements. Development shall be prohibited unless an alternative on-site disposal system (e.g., package-type wastewater treatment plant) is determined by the Land Use Administrator to be sufficiently effective to prevent degradation of adjacent surface waters or groundwater by the Florida Department of Environmental Protection, Flagler County Health Department, and the City, and provisions for the plant's eventual retirement and connection of the development to the central sanitary sewer system are adequate and binding.

4. The installation of on-site sewage disposal and treatment systems on sites one acre or less is prohibited. Sites greater than one acre of contiguous upland area in areas designated as Greenbelt on the City's Future Land Use Map that are served by municipal potable water service may be served by on-site sewage disposal systems if site environmental factors are appropriately addressed and the systems are installed in accordance with all applicable state and local regulations. If public potable water supply service is not available, the minimum site for the installation of on-site sewage disposal systems shall be two acres.

9.07.06. *Interim "package-type" wastewater treatment facilities.* The use of interim or package-type wastewater treatment facilities shall be subject to approval by the City Council based on an agreement that specifically provides for the eventual transition to City facilities. These facilities shall meet the following design and performance standards.

A. Small package-type wastewater treatment plants, as defined below, shall not be permitted in areas where improper levels of treatment and/or inadequate effluent disposal may result in adverse impacts on water or other natural resources (e.g., groundwater aquifers and surface water systems), unless the plant's owner provides sufficient financial resources or surety for the City to assume responsibility for operating and maintaining the collection, treatment, and effluent disposal components in compliance with regulatory requirements and standards. The following minimum criteria and procedures shall be adhered to in the implementation of this Code:

1. Small package-type wastewater treatment plants are defined as prefabricated and component assembled plants of 100,000 gallons or less per day of treatment capacity, or any plant which is considered or identified to be of an interim nature.

2. The location and siting of such facilities shall be limited to areas where improperly treated effluent shall not adversely impact the quality of regional water resources by lateral surface/subsurface flow or by percolation.

3. Existing package-type or interim wastewater treatment plants currently meeting treatment and effluent quality standards may continue to be operated if the facility is being properly operated and maintained and wastewater treatment and effluent standards are continually being met.

4. Measures shall be undertaken to assure the provision of financial resources by wastewater treatment plant owners to adequately cover the costs of rehabilitating, operating, and maintaining each wastewater treatment and disposal facility, and of connection to regional facilities, if applicable, at the appropriate time.

B. Interim or package-type wastewater treatment facilities shall connect to the municipal sanitary sewer system when the access to the system becomes available. The following criteria and procedures shall be adhered to in the implementation of this standard:

1. Package-type or interim wastewater treatment plants currently meeting treatment and effluent quality standards may continue to operate if:

a. The facility is properly operated and maintained and wastewater treatment and effluent standards are satisfactorily met; and

b. The facility is phased out at the option of the City, without cost to the City, and connected to the City system when sufficient capacity is available.

2. When a private facility is phased out and connected to the City sewer system, all costs of connection to the central system and discontinuing the interim use is the obligation of the owner of the private facility.

C. Where soil conditions permit, an interim package treatment plant may be permitted if:

1. Sewer lines and lift stations are constructed to City standards;

2. Impact fees for future connections to the City system are paid or a surety is provided; and

3. The developer agrees to discontinue operation of the package plant and connect to the City system, when available.

D. Existing development with central wastewater treatment shall connect to the City system as soon as possible after the City system is available or if the existing system is found to have deficiencies that are likely to create a serious health or pollution problem. Property owners shall pay the impact fee and connection fee then in effect.

9.07.07. *Reclaimed water systems.* Reclaimed water system construction and materials shall comply with City standards.

A. *Conditions precedent to reclaimed water services.* Reclaimed water service shall be activated only after all permit conditions of the Florida Department of Environmental Protection are completed and the reclaimed water distribution system has been approved and accepted by the City.

B. *Compliance with state regulations.* In the operation and use of the City's reclaimed water system, the City and all users shall at all times comply with all applicable regulations of the Florida Department of Environmental Protection relative to the reuse of reclaimed water.

C. *Design and performance standards.* All reclaimed water systems shall meet applicable requirements of the Florida Department of Environmental Protection and the City.

D. *Connection permit required.* It is prohibited and unlawful to connect to any public reclaimed water main or appurtenance without prior approval from the Land Use Administrator and the acquisition of all required state and local permits.

E. *Reclaimed water lines.* All new developments shall provide a reclaimed water system for irrigation purposes, unless otherwise approved by the Land Use Administrator. ~~If reclaimed water is not available at the time of construction, a connection shall be provided with backflow prevention to the potable water system until the reclaimed water is available.~~

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.08. - Outdoor lighting requirements.

9.08.01. *Purpose.* This section provides specific development requirements to regulate outdoor lighting in order to provide for sufficient lighting levels to meet use needs, but to reduce or prevent light pollution and light disturbance. Reducing or preventing light pollution means, to the extent reasonably possible, ensuring the reduction or prevention of glare and light trespass, the conservation of energy and the promotion of safety and security~~, in general conformity with the "dark sky" goals and recommendations.~~.

9.08.02. *Approved materials and methods of installation.* The provisions of this section are not intended to prevent the use of any material or method of installation not specifically proscribed by this section, if any such alternate has been specifically approved. The Land Use Administrator may approve any such alternate if the proposed design, material, or method:

A. Provides approximate equivalence to the specific requirements of this section; or

B. Is otherwise satisfactory and complies with the intent of this section.

9.08.03. *Shielding and filtering.* All outdoor light fixtures shall be fully shielded as required in this section. All outdoor light fixtures required to be filtered by this section shall have glass, acrylic, or translucent enclosures (quartz glass does not meet this requirement).

9.08.04. *Requirements for shielding and filtering.* The requirements for shielding and filtering light emissions from outdoor light fixtures are set forth in the following table:

Table 9-1: Requirements for Shielding and Filtering

Fixture Lamp Type	Shielded	Filtered
Low Pressure Sodium	None	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes
Fluorescent	Fully	Yes
Quartz	Fully	None
Incandescent Greater than 160 W	Fully	None
Incandescent 160 W or less	None	None
Mercury Vapor	Not permitted	Not permitted
Glass Tubes filled with Neon, Argon, Krypton	None	None

9.08.05. *Parking lot lighting.* General exterior lighting shall provide adequate illumination to safely guide vehicles and pedestrians into, out of, and within a site, and deter vandalism. Exterior lighting sources shall render colors faithfully so that pedestrians and vehicle operators are able to distinguish colors and differentiate objects within their field of vision and be arranged so as to eliminate on-site glare and spillover onto adjacent properties, public streets, and highways.

A. *Plan required.* An illumination plan prepared by a Florida licensed professional engineer and/or certified professional with expertise in the field of illumination shall be submitted for each parking facility. Each parking facility shall meet the pedestrian security requirements as set forth in Section ~~1~~4 of IESNA - RP-20-~~98~~ 14 Lighting for Parking Facilities, ~~1998~~ 2014 or current edition. Such plan shall comply with all requirements as outlined in this section.

B. *Full cutoff light fixtures.* Luminaires shall be designed to ensure that no candela occurs at or above an angle of 90 degrees above the horizontal plane (nadir). This applies to all lateral angles around the luminaire. Such candela information shall be determined by a photometric test report (plan) from the lighting contractor. Any structural part of the luminary for all types of lighting providing cutoff angle shielding shall be permanently attached, except that accent uplighting for trees and building walls may be allowed to exceed the 90-degree angle plane, subject to review and approval by the Land Use Administrator if determined to provide an equivalent public benefit.

C. *Shielding requirement.* Lighting shall be designed to prevent direct glare, light spillage, and hazardous interference with automotive, aircraft, and pedestrian traffic on adjacent streets and on all adjacent properties.

D. *Design requirement.*

1. The maximum height of light poles in areas other than pedestrian areas shall be 35 feet, including the base. Light poles exceeding 35 feet in height shall not be allowed unless approved through a special exception use order or development agreement. For pedestrian areas, the maximum height of a light pole shall be 16 feet, including the base.

2. Fixtures shall be designed as integral design elements that complement the design of a development through style or by blending into the landscape material. Bright colors such as primary and secondary colors including, but not limited to, white, are prohibited for light pole uses.

3. Light poles shall not be placed in required parking lot landscape islands of less than 500 square feet or anywhere else on the site where they will conflict with existing or proposed shade trees. Light pole locations shall be depicted on all sets of site plans to ensure no conflicts between utilities and landscaping.

4. Full lighting details shall be supplied for light fixtures (to include lumens and wattage), poles, and photometric plans.

9.08.06. *Roadways.* All new development abutting or containing public or private roadways shall provide street lighting within those roadways meeting the following requirements:

A. *Installation.* All infrastructure associated with lighting shall be installed; including, but not limited to, pole boxes, conduits, etc.; concurrent with the development.

B. *Plan required.* An illumination plan prepared by an expert in the field of illumination shall be submitted for each roadway segment that is adjacent to the proposed development and required by the Land Use Administrator to be illuminated. The illumination requirements for roadway facilities shall meet the more stringent standards set forth in American National Standards Institute, Illuminating Engineering Society of North America (ANSI/IESNA) RP-8-00 (R2005) and Florida Department of Transportation Standards (latest editions). Such plan shall comply with all requirements as outlined in this section.

C. *Full cutoff light fixtures.* Luminaires shall be designed to ensure that no candela occurs at or above an angle of 90 degrees above the horizontal plane (nadir). This applies to all lateral angles

around the luminaire. Such candela information shall be determined by a photometric test report (plan) from the lighting contractor. Any structural part of the luminary for all types of lighting providing cutoff angle shielding shall be permanently attached, except that accent uplighting for trees and building walls may be allowed to exceed the 90-degree angle plane, subject to review and approval by the Land Use Administrator if the lighting is determined to provide an equivalent public benefit. All light fixtures shall be standard fixture types as determined by the City.

D. *Shielding requirements.* Lighting shall be designed to prevent direct glare, light spillage, and hazardous interference with automotive, aircraft, and pedestrian traffic on adjacent streets and on all adjacent properties.

E. *Design requirements.*

1. Light pole locations shall be depicted on all sets of the plans to ensure that no conflicts exist between proposed utilities and proposed landscaping.
2. Full lighting details shall be supplied for light fixtures (to include lumens and wattage), poles, and photometric plans.

9.08.07. *Prohibitions.*

A. *Outdoor building, landscaping, and signs.* The unshielded outdoor illumination of any building or landscaping is prohibited except for incandescent fixtures with lamps of 100 watts or less.

B. *Mercury vapor.* The installation of mercury vapor fixtures is prohibited.

9.08.08. *Exemptions.*

A. *Nonconforming fixtures.* Outdoor light fixtures installed prior to August 19, 2008 are exempt from the provisions of this section; provided, however, that no change in use, replacement, structural alteration, or restoration of outdoor light fixtures may be made unless it thereafter conforms to the provisions of this section.

B. *Ornamental lighting.* Ornamental street lighting is exempt from the provisions of this section and is a permitted lighting installation.

C. *Construction and emergency lighting.* Lighting necessary for construction or emergencies is exempt from the provisions of this section if temporary and discontinued immediately upon the completion of the construction work or abatement of the emergency necessitating said lighting.

D. *Searchlights.* The use of searchlights is prohibited unless a permit specifying conditions is issued by the Land Use Administrator.

E. *Request for exemption.* Any person may submit a written request for an exemption from the requirements of this section. The request for exemption shall be submitted in writing to the Land Use Administrator and shall contain the following information:

1. Specific exemption requested.
2. Type and use of exterior light involved.
3. Duration of time for requested exemption.
4. Type of lamp and calculated lumens.
5. Total wattage of lamp or lamps.
6. Sketch to scale showing location of proposed exterior light.
7. Previous exemptions granted, if any.
8. Physical size of exterior light and type of shielding provided.

9. Any additional information required to make a reasonable evaluation of the request for exemption.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 10.01. - Wetland Resources.

10.01.01. *Purpose and intent.* The purpose of this section is to ensure the protection of high-quality wetland systems in a manner consistent with the resource protection guidelines adopted in the City's Comprehensive Plan and existing state regulatory standards. In addition, it is the City's intent to maintain the sustainability of high-quality wetland corridors~~systems~~.

10.01.02. *Exempt activities.* The following activities or uses within wetlands or required upland buffers adjacent to wetlands are exempt from the provisions of this section:

A. Construction of single-family residential units within existing, recorded subdivisions where adjoining street and drainage improvements have been constructed.

B. Construction of hiking trails, walking paths, observation decks, and other similar facilities related to passive recreational activities.

C. Manual clearing with hand tools of vegetation (no stump removal or soil disturbance) from an area of less than ten percent of a wetland or required upland buffers adjacent to a wetland located on a single parcel. Utilizing this exemption does not relieve the applicant from meeting all applicable regulations listed in Chapter 11.

D. Bona fide agricultural uses that follow best management practices established by the Florida Department of Agriculture and Consumer Services.

E. Bona fide fire line control activities that follow best management practices established by the Florida Department of Agriculture and Consumer Services.

F. Silviculture activities, which follow the best management practices, outlined in the publication entitled, "Silviculture Best Management Practices Manual", Florida Department of Agriculture and Consumer Services, Division of Forestry and as outlined in Chapter 62-330.0511 FAC, as amended.

G. Bona fide, approved, mosquito control activities conducted by a government-approved agency provided it is in strict conformity with the requirements as set forth in F.S. chs. 482 and 487 , and Rules 5E-2 and 5E-9, Florida Administrative Code.

H. Utility facilities including crossings, easements, or rights-of-way that are related to generation, distribution, collection, transmission, or conveyance of the utility service to its customers.

I. Custodial maintenance activities of stormwater management systems.

J. Authorized activities with approved Florida Department of Environmental Protection, St. Johns River Water Management District, or US Army Corps of Engineers permit(s) for wetland restoration, enhancement, monitoring, or mitigation activities.

K. The installation of driveways to single-family residential units within existing recorded subdivisions where wetland crossings provide the only physical or legal access point, and provided that the wetland crossing maintains the existing wetland hydrologic connections and that best management practices are in place during construction activities to minimize wetland impacts.

L. Activities qualifying for and obtaining a Notice of General Permit through the joint environmental resource permitting application are considered de minimis alterations and not subject to the permitting or buffering requirements of this LDC.

M. Wetland impacts associated with access to a permissible use or a linear project if an alternative analysis for avoidance and minimization has been approved. This exemption also applies to Florida Department of Transportation public transportation projects.

N. Activities that qualify for and obtain a State Programmatic General Permit (federal authorization delegated to the state) are considered de minimis alterations and not subject to the permitting or buffering requirements of this LDC.

O. Activities determined to be de minimis under the Florida Statutes.

10.01.03. *Wetland identification.*

A. *Methodology.* Wetlands shall be delineated~~identified~~ pursuant to the methodology contained in the Florida Administrative Code Chapter 62-340 or the Pre-Henderson Wetland Delineation Methodology (F.S. § 373.421 (7)). Wetlands may consist of, but are not limited to, forested swamps, sloughs, freshwater and tidal marshes, and wet prairies.

B. *Exempt from regulation.* This section shall not be construed to regulate roadside ditches, conveyance swales, utility related drainage features, or stormwater management systems.

C. *Qualifications for wetland delineation.* All state jurisdictional wetlands shall be field delineated by a ~~Florida~~ Qqualified Eenvironmental Pprofessional and surveyed by a Florida registered land surveyor for illustration on all plans submitted to the City for subdivision, site plan review, or rezoning applications.

10.01.04. *Measures to avoid or minimize wetland impacts.* The applicant must consider practicable design modifications that will reduce or eliminate adverse impacts to wetlands and other surface waters. The term "modification" shall not be construed as including the alternative of failing to implement the stormwater management system in some form, nor shall it be construed as requiring a project that is significantly different in type or function. A proposed modification that is not technically capable of being constructed, or is not economically viable, or which adversely affects public safety through endangerment of lives or property is not considered "practicable." To receive City approval, a stormwater management system cannot cause a net adverse impact on wetland functions and other surface water functions, unless it is offset by mitigation in accordance with the requirements established by state law.

10.01.05. *Wetland impact report required.*

A. Except as otherwise provided herein, the applicant shall demonstrate consistency with the category requirements in Table 10-1 as follows:

Table 10-1: Wetland Impact Analysis Report Requirements

Requirement in Application Package	Optimal Wetland	Moderate Wetland (1)	Minimal Wetland (1)
Wetland Impact Analysis	YES	YES	YES
Alternatives analysis for avoidance and minimization	YES	YES	NO
Assurance of 'no net loss of wetland functions' for the wetland system(s) located on the project site	YES	NO	NO
Compensatory mitigation within the City's geographic boundary is preferred. However, mitigation shall occur within the same hydrologic basin per St. Johns River Water Management District, or as consistent with the Florida Administrative Code (2)	YES	YES	YES
A copy of all requisite federal and/or state wetland permits	YES	YES	YES

(1) Wetland Impacts regulated by St. Johns River Water Management District, ~~or~~ the Florida Department of Environmental Protection, or Army Corp of Engineers

(2) In accordance with F.S. § 373.4135 , as amended, the City shall not deny the use of a mitigation bank or off-site regional mitigation due to its location outside of City jurisdiction.

B. Category wetlands are described as follows:

1. *Optimal wetlands*—Named wetland systems associated with surface water bodies and/or a wetland quality assessment methodology score between 0.71 and 1.0.

2. *Moderate wetlands*—Wetland quality assessment methodology score between 0.41 and 0.70

3. *Minimal wetlands*—Wetland quality assessment methodology score between 0.0 and 0.40

10.01.06. *Submittal requirements for wetland impact analysis report.* The City shall require a wetland impact analysis report for projects that are proposed to impact state jurisdictional wetlands. The wetland impact analysis report shall be submitted during the subdivision and site plan process for evaluation. The wetland impact analysis report shall be completed by a Florida qualified environmental professional and shall include, but not be limited to:

A. A description of all waterbodies, watercourses, and wetlands on-site and a general description of wetlands immediately adjacent to the site to allow an assessment of wetland impacts.

B. A map of the entire contiguous natural systems including the on-site wetland systems, based on the Florida Land Use Cover Classification System.

C. The existing environmental, soil, and hydrologic conditions of the site.

D. The proposed wetland impact site to be evaluated pursuant to the City's wetland quality assessment methodology. If the results of the wetland quality assessment methodology are deemed unsatisfactory by City staff, the City may require, at the applicant's expense, an additional wetland quality assessment methodology from another qualified environmental professional.

E. A map or site plan depicting on-site wetlands, wetlands proposed for impacts, roads, easements, stormwater facilities, buffers, building location, and other on-site facilities or structures.

F. An alternative site plan analysis consistent with City standards for avoidance and minimization of wetland impacts, where applicable, which illustrates that wetland impacts have been avoided and/or minimized to the greatest extent practicable through project design modifications.

G. A demonstration that the level of function provided to fish and wildlife and listed species by the subject wetland(s), including water quality of the receiving waters, will not be adversely affected.

H. Report must be completed within 5 years of submittal or must have a valid formal wetland determination through appropriate agencies. An updated delineation report can be requested if the site has been altered since the delineation in such ways, such as but not limited to clearing and altered water flow.

10.01.07. *Permitted activities and requirements.* Once the requirements of this section have been met, wetland impacts for moderate and minimal quality wetlands and associated mitigation activities shall be governed by the St. Johns River Water Management District, the Army Corp of Engineers, or the Florida Department of Environmental Protection, as applicable. A St. Johns River Water Management District, the Army Corp of Engineers, and/or Florida Department of Environmental Protection permit shall be prima facie evidence of compliance with this section. No net loss of wetland function shall be permitted for each optimal wetland system located in the City.

10.01.08. *Buffers.*

A. *Natural upland buffers.* A natural upland buffer, with an average width of 50 feet, but no less than 25 feet, shall be provided adjacent to and surrounding optimal wetlands; and a buffer with an average width of 25 feet, but no less than 15 feet, shall be provided adjacent to moderate and minimal wetlands.

1. Upland buffers adjacent to wetlands shall consist of natural upland habitats that can provide for the various life functions of wetland dependent wildlife.

2. Upland buffers adjacent to wetlands shall not be altered except as exempted by Subsection 10.01.02. Wetland buffers shall be protected from erosion and sedimentation during construction activities by installing and maintaining silt fence or turbidity barrier 1 foot landward from upland buffer or permitted wetlands impacts. A double row of silt fence, spaced at least 3 feet apart, shall be installed on any upland buffer or wetland that falls under categories below:

a. Is protected by conservation FLUM or Preservation Zoning.

b. Is within a conservation easement

c. Is a high-quality wetland as determined by 10.01.05.B

As an alternative, a reinforced silt fence may be used in lieu of double row silt fence.

B. *Activities permitted within a buffer.* Activities or construction, which does not have an adverse effect on the natural function of the wetland buffer, may be permitted within the buffer. The activities or construction include, but are not limited to, pruning, planting of suitable native vegetation, removal of exotic and nuisance plant species, construction of minor drainage structures such as ~~swales,~~ outfall pipes and outfall structures , ~~or berms~~, construction of elevated boardwalks, docks, piers, passive recreation such as~~, or~~ at grade pervious hiking trails.

10.01.09. Unpermitted Impacts to wetlands or upland buffers during construction. In the absence of an appropriate wetland permit(s), development related activities shall not cause the diminishing of quality or destruction of Wetlands in contravention of applicable federal and state laws, rules, or regulations. Should wetlands exist on the subject property, all development activities that might negatively affect that wetlands shall cease. The applicant shall notify the City, FDEP, SJRWMD, and ACOE, to the extent required by law, if wetlands are determined to be on site. Property shall be developed in full compliance with all applicable laws, rules, and regulations. Upland Buffers and wetlands shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the Upland Buffer or wetlands in violation of this Code shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed.

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. *[Purposes.]* 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 six 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 F.S. § 604.50 .
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 F.S. § 366.02 , 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 F.S. § 553.73 (10)(k), 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; F.S. § 373.036 .
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 , and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055 .
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 does not have base flood elevations included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10.02.07.B. 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. Demonstrate that there is at least 2ft of freeboard from the Finished Floor Elevation to the Base Flood Elevation for any habitable area.

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, the base flood elevation shall be determined using a site-specific floodplain study by a professional engineer using detailed methods.

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: the certification of the lowest floor prepared and sealed by a state-licensed surveyor.

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 F.S. § 553.73 (5), 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 $25.00 for $100.00 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.*

A. 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.

4. There is 2ft of freeboard from the Finished Floor Elevation to the Base Flood Elevation for any habitable area.

~~2 ft freeboard above established flood elevation.~~

5. All new platted lots shall not be located within any special flood hazard area.

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. 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. Site improvements are permitted if flood storage provided is equal to or greater than the volume of flood storage displaced by the development. 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 floodwaters, 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. Site improvements are permitted if flood storage provided is equal to or greater than the volume of flood storage displaced by the development. 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 and AE).* 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 F.S. § 320.8249 , 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.

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.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas 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 and Coastal A Zone).

E. *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.

F. *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 days, or any part thereof in any consecutive seven-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 At-grade accessory structures.

At-grade accessory structures are permitted provided the accessory structures are used only for parking or storage and:

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

2. If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.

3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

4. Have flood damage-resistant materials used below the base flood elevation plus two (2) feet.

5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus two (2) feet.

10.02.187 *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 floatation, 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.
6. Demonstrate that there is at least 2ft of freeboard from the Finished Floor Elevation to the Base Flood Elevation for accessories that service a habitable area. i.e. generator, a/c unit, etc.

~~2 ft freeboard above established flood elevation.~~

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 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 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 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.

10.02.1~~98~~ *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 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 inches below base flood elevation.

B. New critical facilities proposed for construction within a Special Flood Hazard Area without a determined base flood elevation shall be permitted with an issued Letter of Map Change demonstrating that the entire project area is outside the Special Flood Hazard Area.

(Ord. No. 2018-13 , § 2, 4-17-18; Ord. No. 2021-22 , § 2, 10-5-21)

Editor's note— Ord. No. 2018-13 , § 2, adopted April 17, 2018, changed the title of § 10.02 from "Flood Damage Protection" to read as herein set out.

Sec. 10.03. - Wellfield Protection.

10.03.01. *Purpose and intent.* There is a need to protect existing and future public water supply wells within the City from the irreversible and adverse effects of groundwater contamination. It is the intent and purpose of this section to safeguard the health, safety, and welfare of the citizens of the City by protecting groundwater resources. Therefore, it is the City's intent to provide minimum standards to regulate land use activities, storage, handling, use, or production of regulated substances within zones of protection surrounding public water supply wells. Nothing herein supersedes more stringent setback or permitting requirements contained in other applicable federal and state wellhead protection regulations.

10.03.02. *Wellhead protection zones and interpretation.* The regulations set forth in this section shall apply to all lands surrounding an existing public water supply well designated as the primary and secondary protection zone(s) as defined in this section. This regulation shall apply to all proposed public water supply wells if the specific location has been identified and the public or private entity owns the well site.

A. *Wellhead location map.*

1. The Land Use Administrator shall maintain wellhead protection zone maps that designate and geographically depict the primary and secondary wellhead protection zones.

2. The Land Use Administrator shall review the wellhead protection zone maps and amend them as necessary. The basis for amending such maps may include, but is not limited to, the following:

   a. Changes in technical knowledge regarding the intermediate and Floridan aquifer system;

   b. Changes in well pumping rates; and

   c. Reconfiguration of or the addition of a well within the City's boundary.

B. *Protection zones.*

1. *Primary wellhead protection zone.* Shall be circular with a fixed 500-foot radial setback distance around the wellhead and shall include the surface and subsurface area surrounding the wellhead.

2. *Secondary wellhead protection zone.* Shall be an area delineated around the favorable potable water production areas for the Floridan and intermediate aquifer as depicted on the "Wellhead Protection Zone Map" on file at the office of the City Clerk.

C. *Interpretation of zone designation.* To determine applicable protection measures for properties and buildings within the primary or secondary wellhead protection zone, the following rules shall apply:

1. Properties located wholly or partially within a wellhead protection zone shall be governed by the restrictions applicable to that zone.

2. Where the boundary of a wellhead protection zone passes through a building, the entire building shall be considered to be in the most restrictive zone.

10.03.03. *Exemptions and provisional exemptions.*

A. *Exemptions.* Except as provided herein, the following activities or uses are exempt from the provisions of this section:

1. Fire, police, emergency medical services, emergency, and management facilities.

2. Essential utility services and facilities provided that wellhead setback requirements are in accordance with applicable federal and state law.

3. The transportation of any hazardous substance if the transporting vehicle is in continuous transit and meets all applicable federal, state, and City requirements.

4. Retail/wholesale establishments that store or handle an unlimited amount of regulated substances for resale provided:

a. The regulated substances are handled, stored, and sold indoors.

b. The regulated substances are stored and sold in their original unopened containers.

5. Residential activities including the use of commonly used regulated substances for cleaning, maintenance, pool service, pest control, or any other lawful residential use activity except for underground storage of regulated substances.

6. Commercial products used at a facility solely for janitorial or minor maintenance purposes.

7. Outdoor recreational activities and facilities including nature and bike paths, conservation areas, and passive and recreational parks that do not involve the storage of regulated substances.

B. *Provisional exemptions.* The following activities are exempt, if in compliance with requirements as stated:

1. The use of any hazardous substance or lubricants in lawn maintenance equipment, if extreme care is taken to prevent spillage or discharging fuels and lubricants onto soils, groundwater, or surface water.

2. Agricultural uses, except that said uses shall comply with the latest version of the Florida Department of Agricultural and Consumer Services and Florida Department of Environmental Protection Best Management Practices for Agrichemical Handling and Farm Equipment Maintenance. In addition, silviculture operations shall conform to the Florida Department of Agricultural and Consumer Services Silviculture Best Management Practices, 1993, as amended from time to time. Alternative best management practices may be substituted with prior written approval by the City.

3. Construction activities, if all contractors, subcontractors, laborers, and their employees, when using, handling, storing, or producing regulated substances, adhere to the City's applicable best management practices.

4. The application of pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control and aquatic weed control activities if:

a. The application is in strict conformity with the use requirement as is indicated on the containers in which the substances are sold;

b. The application is in strict conformity with the requirements as set forth in the Florida Statutes and the Florida Administrative Code; and

c. The City is notified at least 48 hours prior to the application within the primary wellhead protection zone.

5. New golf courses, if compliance is demonstrated by submitting to the City a written best management practices plan subject to approval by the Land Use Administrator and, which at a minimum, conforms with the Florida Department of Environmental Protection May, 1995 Best Management Practices for Golf Course Maintenance Departments and the City's groundwater protection prevention measures for secondary wellhead protection zones. New and existing golf courses shall comply with Subsection 10.03.06 herein.

10.03.04. *Regulated substances and facilities.*

A. *Regulated substances.* The following substances are regulated by this section:

1. Any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, or welfare, to the groundwater resources, or to the natural environment; or

2. Those substances set forth in the lists, as amended from time to time, entitled: Lists of Hazardous Waste, 40 Code of Federal Regulations Part 261, Subpart D, and waste characterized in 40 Code of Federal Regulations 261 Subpart C; Hazardous Constituents-Appendix VIII, (40 CFR Part 261); Environmental Protection Agency Designation Reportable Quantities, List of Hazardous Substances and Notification Requirements for Hazardous Substances under the Comprehensive Environmental Response, Compensation, and Liability Act (40 CFR 302); Superfund Amendments and Reauthorization Act of 1986, Section 302 Extremely Hazardous Substances List (40 CFR. 300, App. A and B); known hazardous and toxic properties as listed in 40 CFR 302; and substances that are restricted-use pesticides according to the Florida Statutes and the Florida Administrative Code.

B. *Regulated facilities.*

1. Any new nonresidential use, handling, production, or storage of regulated substances found in quantities greater than the following shall be considered a regulated facility:

a. When the aggregate sum or a single regulated substance present on a single parcel or building exceeds 110 gallons underground; and

b. Five hundred fifty gallons aboveground if the substance is a liquid or 1,100 pounds if a solid.

2. Any existing nonresidential use, handling, production, or storage of regulated substances is lawful and shall be considered a nonconforming activity:

a. When the aggregate sum or a single regulated substance present on a single parcel or building exceeds 110 gallons underground; and

b. Five hundred fifty gallons aboveground if the substance is a liquid or 1,100 pounds if a solid.

3. Facilities listed in Subsection 10.03.05 herein are regulated facilities.

10.03.05. *Restrictions within wellhead protection zones.* In addition to the requirements set forth in this section, applicable facilities shall comply with the Florida Department of Environmental Protection wellhead protection standards in accordance with the Florida Administrative Code and the City's Groundwater Protection Preventative Measures and comply with Best Management Practices to prevent adverse impacts to groundwater resources.

A. *Secondary wellhead protection zone.* The following regulated uses and activities proposed within the secondary wellhead protection zone are prohibited; however, if existing as a legal use on November 16, 2008, may be allowed provided they comply with the requirements of Subsection 10.03.07:

1. New Class I, II, and V underground injection control wells, as regulated in the Florida Administrative Code, except for aquifer storage and recovery system wells or other necessary potable water drinking facilities injection wells as permitted by the appropriate state agency.
2. New or expanded landfills, as defined by the Florida Administrative Code.
3. New discharges to groundwater of industrial wastewater as regulated under the Florida Administrative Code.
4. New septic tank systems.
5. Prohibitions as specified under the City's Groundwater Protection Preventative Measures.

B. *Primary wellhead protection zone.* Regulated uses and activities proposed within the primary wellhead protection zone shall comply with requirements in Subsections 10.03.06 and 10.03.07 to protect potable water wells and to prevent the need for their replacement or restoration due to contamination.

The following regulated uses are prohibited within the primary wellhead protection as a new use; however, if existing as a legal use on November 16, 2008, may be allowable provided they comply with the provisions of Subsection 10.03.07:

1. New underground storage of regulated substances.
2. Existing small quantity generators and conditionally exempt small quantity generator of hazardous waste, as regulated under the Florida Administrative Code, shall comply with the secondary containment requirements of 40 Code of Federal Regulations Part 264 Subpart I (1994), as amended, hereby incorporated by reference. New small quantity generator and conditionally exempt small quantity generator activities shall be prohibited within a 500-foot radial setback from any well.
3. New large quantity generators of hazardous waste as regulated under the Florida Administrative Code.
4. New hazardous waste, treatment, storage, disposal, and transfer facilities requiring permits under the Florida Administrative Code.
5. New soil treatment facilities as regulated under the Florida Administrative Code.
6. New above ground storage tanks regulated under the Florida Administrative Code. Replacement of an existing above ground storage tank of the same or less capacity is exempt from this provision if the replacement tank system is installed with secondary containment and maintained as required in the Florida Administrative Code.
7. New underground storage tanks regulated under the Florida Administrative Code. Replacement of an existing underground storage tank of the same or less capacity is exempt from this provision if the replacement tank system is installed and maintained as required in the Florida Administrative Code.
8. New mineral acid above ground storage tanks as regulated under the Florida Administrative Code.
9. New industrial wastewater treatment facilities.
10. Vehicular and washing facilities provided the facility establishes reclaimed and reuse practices for the water supply.
11. Motor vehicle repair facilities.

12. Outside storage of equipment, tools, or other possessions that may have the potential to discharge regulated substances or adequate best management practices are utilized to prevent such discharges.

13. New cemeteries.

14. No new retention and/or detention facilities including but not limited to stormwater treatment facilities.

154. Parking areas, unless:

a. Impervious with adequate stormwater design to a location outside of the zone.

b. Florida Department of Transportation Standard Type D and/or equivalent raised curb is used.

c. Other means of advanced water quality treatment are provided.

10.03.06. *Permits, applications, and administrative process.*

A. *Permit requirements.*

1. No permit or license for any land use activity will be issued that would allow development or land use activities in the wellhead protection zones that is contrary to the restrictions and provisions provided herein.

2. Proposed land use or activities that involve property located wholly or partially within a protection zone shall be reviewed by the Land Use Administrator. The Land Use Administrator shall issue a notice as to whether or not the proposed land use or activity meets the applicable requirements of this section. A preliminary evaluation shall be conducted for all applicants to determine if proposed land use activities are exempt or do not apply to this section.

B. *Application procedure.* Prior to the Land Use Administrator issuing an approval notice for property or land use activities located in a wellhead protection zone, an application shall be filed on a form and containing such information as the Land Use Administrator shall require by administrative rule.

C. *Permit conditions.* The City may place conditions on any development order or permit or license to ensure compliance with all of the prohibitions, restrictions and requirements set forth in this section. Such conditions may include, but are not limited to, facility inspections, groundwater monitoring, and compliance reporting.

D. *Alterations and expansion.* The Land Use Administrator shall be notified in writing prior to the expansion, alteration, or modification of any existing structure or land use activity. Any such expansion, alteration, or modification shall conform to this section.

10.03.07. *Facility inspections.* The Land Use Administrator is hereby authorized to make inspections during normal operational hours of all facilities or activities regulated by this section, including nonresidential buildings, structures, and land in the City in order to determine compliance with provisions contained in this section.

A. *Administrative inspection warrant.* In the event a person who has common authority over a building, structure, or land does not permit an inspection, the City may seek an administrative inspection warrant.

B. *Vacant or abandoned properties.* In the event a building, structure, or land appears to be vacant or abandoned and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Land Use Administrator may enter into or upon any open or unsecured portion of the site in order to conduct an inspection.

10.03.08. *Variances.*

A. *Variance criteria.* A property owner may request a variance from the requirements of this section. Upon City staff recommendation, the Utility Advisory Committee may perform a complete technical review for all variance applications and provide a recommendation to the Planning and Land Development Regulation Board. The Planning and Land Development Regulation Board shall have the authority to approve or deny issuance of a variance. In order to obtain a variance, the applicant must demonstrate by a preponderance of substantial, competent evidence that special or unusual circumstances and adequate technology exist to isolate the facility or activity from contaminating groundwater resources in the event of a spill. In granting or denying a variance, the City shall evaluate the following factors:

1. Substances or chemicals utilized that may impact groundwater resources if not properly managed;
2. Proposed containment/management of substances or chemicals;
3. Spill prevention and emergency response plans;
4. Emergency collection devices and equipment maintenance programs;
5. Monitoring plans and inspection procedures;
6. Spill reporting procedures;
7. Groundwater and/or soil monitoring programs;
8. Hydrological data that may include, upon City request, capture zone analysis, groundwater flow contours, and other hydraulic characteristics of the aquifer;
9. Distance from public supply well(s) and applicable wellhead protection zone(s);
10. Other factors, as applicable to groundwater protection issues.

B. *Variance application requirements.* In addition to the requirements stated in Chapter 2 for variance applications and review procedures, the following additional requirements shall apply to variances from this section:

1. The application shall be signed by the applicant and a licensed professional engineer or professional geologist licensed in the state of Florida;
2. The application shall include:
    a. A hydrogeologic assessment of the site, which shall address, at a minimum, soil characteristics, groundwater levels, groundwater directional flow, distance from wellhead, and existing groundwater quality;
    b. A technical report to demonstrate that adequate technology, practices, or other controls exist to isolate the facility or activity from the potable water supply in the event of a spill;
    c. A discussion and documentation, such as published reports, technical articles, substantiating sufficient performance, and reliability of a proposed technology or system. Include discussion of maintenance and procedures to be utilized if system fails; and
    d. Site-specific applicable groundwater protection best management practices procedures to ensure the protection of groundwater resources.
3. The Land Use Administrator may require additional information based on the type of land use activity proposed, chemicals utilized, distance from wellheads, or other applicable information needed to evaluate the application.
4. The City may add any appropriate conditions and safeguards necessary to protect groundwater resources pursuant to such special exemptions.

(Ord. No. 2009-26, § 49, 12-15-09)

Sec. 10.04. - Endangered and Threatened Species and Species of Special Concern.

10.04.01. *Purpose and intent.* The purpose of this section is to protect the natural resources of the City for the benefit of its citizens by preventing the destruction of listed plant and animal species in the City. The City shall take all reasonable steps to ensure that all development related activities do not result in the harming, pursuit, or harassment of wildlife species classified as endangered, threatened, or a species of special concern listed by the federal or state government. Those endangered and threatened wildlife species and wildlife species of special concern with the potential to exist within the City are determined by the United States Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Natural Areas Inventory, and Florida Committee on Rare and Endangered Plants and Animals publications. The City shall protect endangered and threatened species through the regulatory authority of Florida Department of Environmental Protection, St. Johns River Water Management District, Florida Fish and Wildlife Conservation Commission, and the United States Fish and Wildlife Service, as mandated by the Federal Endangered Species Act of 1973 and the Florida Endangered and Threatened Species Act of 1977, and other applicable laws, rules, and regulations.

10.04.02. *Applicability.* All development, regardless of size and location, shall comply with federal and state regulations regarding listed species that may be located on a development site, as well as regulatory policies related to management requirements for species that may occur off-site (e.g. American bald eagle nests and associated protection zones, Florida scrub jay nest sites/territories). Prior to the issuance of a building permit, the applicant shall obtain all necessary federal and state permit authorizations, as appropriate.

10.04.03. *Listed species protection application and study.* Listed species likely to be found within the City are determined by the United States Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, Florida Natural Areas Inventory, and Florida Committee on Rare and Endangered Plants and Animals publications.

A. *Applicability.* All applications for preliminary plats or site plans shall include a listed species study. The listed species study shall be completed by a qualified environmental professional. The listed species study, after deemed complete by the Land Use Administrator, shall be acceptable for one year for the property that was investigated. The listed species study shall include appropriate field investigation and associated exhibits prepared in accordance with an application form adopted by administrative rule issued by the Land Use Administrator.

B. *Management plan.* Where listed species evidence is found, the listed species study shall include a management plan. The management plan shall address the approach to be used in protecting the species or shall include an authorized permit from the appropriate federal or state agency. The adequacy of this approach shall be evaluated based on the following:

1. The specific guidelines and regulations of the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service for species.

2. The dedication as a conservation easement of any approved areas preserved for listed species protection.

3. The connection of conservation easements on the subject development property to any such conservation easements on adjoining properties and/or to any designated wildlife corridor unless the applicant demonstrates to the satisfaction of the Land Use Administrator that such connection is impractical in the use of the subject property.

4. The property owner shall be responsible for relocating gopher tortoises on site or other suitable locations as approved by the Florida Fish and Wildlife Conservation Commission and providing an approved After-Action Report prior to any clearing activities.

10.04.04. *Listed species protection during construction activities.* In the absence of an appropriate listed species permit(s), development related activities shall not cause the harming, pursuit, or harassment of wildlife species classified as endangered, threatened, or a species of special concern by either the federal or state governments in contravention of applicable federal and state laws, rules, or regulations. Should listed species reside on, or otherwise be significantly dependent upon the subject property, all development activities that might negatively affect that individual or population shall cease. The applicant shall notify the City, the Florida Fish and Wildlife Conservation Commission, and the United States Fish and Wildlife Service, to the extent required by law, if such species are determined to be residing on, or are otherwise significantly dependent upon, the project site. Property shall be developed in full compliance with all applicable laws, rules, and regulations. Proper protection to the satisfaction of all agencies with jurisdiction over the matter shall be provided. Where appropriate, the City shall require a preliminary gopher tortoise survey for existing single-family platted lots prior to the initiation of construction activities. The preliminary gopher tortoise survey shall be conducted by a qualified environmental professional and results of said survey shall be submitted to the City for review. Should gopher tortoises be present on the subject property, the permit and After Action Report ~~all necessary permits~~ shall be submitted to the City prior to the commencement of any ground disturbing activities ~~commencement of construction activities~~. Gopher tortoises shall be relocated to suitable habitats in accordance with FFWCC permit requirements.

10.04.05. Wildlife Crossing. In areas of wildlife corridors where the project proposes fragmenting habitats or conservation corridors, site plans should include dedicated wildlife crossings to minimize ecological impacts and preserve natural movement of wildlife.

Sec. 10.05. - Cultural and Historic Resources.

10.05.01. *Purpose and intent.* The purpose of this section is to protect and manage the significant historic and archaeological resources of the City of Palm Coast to the maximum extent feasible, by providing procedures for the review of plans and development projects as well as maintain standards for the protection and management of these important resources.

10.05.02. *Lands not subject to cultural resource survey.* A cultural resource field survey and assessment report is not required for parcels that have undergone a cultural resource investigation within 5 years from the time of application~~,~~ ~~-~~and the assessment concludes that the land does not contain cultural resources that are considered by the Florida Department of Historical Resources State Historic Preservation Officer to be significant or potentially significant. A copy of correspondence from the state historic preservation officer shall be submitted to the City, verifying that the subject property does not contain significant or potentially significant cultural resources.

10.05.03. *Lands subject to cultural resource ~~investigation~~assessment survey and other archeological investigation.* A Phase 1 cultural resource investigation shall be accomplished before the issuance of a development order or permit or prior to the commencement of construction activities, or any other physical impact or disturbance of land that:

A. Takes place within a parcel that has not been previously ~~investigated~~ surveyed for cultural resources.

B. Takes place within a parcel that contains a site that is listed in the Florida Master Site File (FMSF) as "eligible~~significant~~" or as "potentially eligible~~significant~~" for listing in the National Register of Historic Places (the criteria by which site significance is measured), or in the City of Palm Coast's protected sites inventory, thus requiring further investigation.

C. Takes place within a recently discovered site deemed significant (NRHP criteria) that has not yet been recorded to ~~entered into~~ the Florida Master Site File or listed in the City of Palm Coast's protected sites inventory.~~-~~

D. Takes place on a parcel that has been determined to possibly contain a potential site that can be listed in the Florida Master Site File as determined by the Land Use Administrator.

E. Conduct an additional Cultural Resource Investigation by another cultural resource professional, at the applicant's expense, if the results of the initial investigation are deemed unsatisfactory by City staff.

10.05.04. *Professional qualifications and cultural resource assessment survey requirements.*

A. *Professional qualification.* Cultural resource professionals are certified archaeologists that meet the qualification in "The Secretary of the Interior's Historic Preservation Professional Qualification Standards" (Federal Register Vol. 62, No. 119, p. 33707).

B. *Cultural resources assessment survey ~~and assessment~~.* Cultural resource assessment surveys and related reports shall follow the guidelines of the Florida Division of Historical Resources, Department of State, Guidelines for Cultural Resource Assessment Surveys (CRAS) and Archaeological Investigations outlined in Florida Division of Historical Resource Module 3, as amended, shall be followed; reporting of CRAS surveys shall follow DHR Chapter 1A-46 (Archaeological and Historical Report Standards and Guidelines), as amended, and the requirements of all applicable Florida Statutes. The SHPO reviews the referenced project in accordance with Chapter 267 and 373, Florida Statutes, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise historical, architectural, or archeological value. Prior to the issuance of a development order or permit, or prior to the commencement of construction activities, a copy of a survey clearance letter issued by the Compliance Review Section, Division of Historical Resources, or other documentation of authorization by the State Historic Preservation Officer, shall be submitted to the City. Management recommendations regarding the protection, preservation, or mitigation of impact of historical or archaeological sites, in concurrence with the Division of Historical Resources should be followed. In addition, copies of Florida Master Site File forms generated during the cultural resource assessment study for the Division of Historical Resources shall be submitted to the City for their records. All Florida Master Site File forms generated for a City of Palm Coast LDC permit-required cultural resource assessment survey, or any other type of archaeological work shall be submitted to the Florida Master Site File, Division of Historical Resources, by a COPC official with the Planning Division. In some cases (to be determined by a COPC official) An initial site investigation may be utilized to determine cultural resource site probability for lands requiring a cultural resource investigation as approved by a certified archaeologist utilizing necessary criteria in accordance with state law to determine cultural recourse site probabilities. Said criteria include, but are not limited to, Florida Master Site File, historical information (historic map review)~~data~~, soil types, ~~and site~~land elevations, and proximity of the subject property to freshwater drainages such as rivers and creeks, coastal estuaries (Intracoastal Waterway) and subsistence-related natural resources. The following may substitute for a cultural resource assessment~~site~~ survey and assessment if certified by an RPA certified professional archaeologist in writing to the Land Use Administrator:

1. A determination that subject property has a low probability of yielding cultural resources.

2. A determination that proposed development activities will have no effect on cultural resources listed or eligible for listing in the National Register of Historic Places.

3. A determination that proposed development activities will have no effect on cultural resource value under federal and state requirements.

10.05.05. *Property containing potential and significant cultural resource sites.* If a property proposed for development to contain~~is determined to have a~~ a potentially significant or a significant cultural resource in areas proposed for development, the City shall adhere to the recommendations of the S~~s~~tate

Hhistoric Ppreservation Oofficer and shall require the applicant to do one or more of the following prior to the issuance of a development order or permit:

A. Preserve cultural resources within the open space of the proposed development.

B. Redesign the development to accommodate preservation of all or a portion of the site containing the cultural resource such as but not limited to, environmental setbacks, conservation easements, pocket parks, or conservation land.

C. The property owner may voluntarily fund or seek funding for Phase 3 mitigative excavations (data extraction) of the resource, if agreed to by the Florida Department of Historical Resources/State Historic Preservation Office.

10.05.06. *Fortuitous finds and unmarked human burials.* The following requirements apply to all building construction or alteration, or land alteration activities:

A. *Evidence of the existence of cultural resources.* If evidence of the existence of cultural resources is discovered or observed at development sites or during development activities after final approval, permits, or issuances of development orders, all work shall cease in the area of effect. The developer, owner, contractor, or agent thereof shall immediately notify a professional archaeologist and the City. Examples of such evidence include whole or fragmentary stone tools, shell tools, indigenousaboriginal or historic pottery, bone tools, historic building structures foundations, burialshell mounds, shell middens, or sand mounds, or other types of prehistoric mounded architecture. A certified professional archaeologist selected and hired by the applicant, shall assess the significance of the finds and, if warranted, notify the Florida Division Department of Historical Resources/State Historic Preservation Office in accordance with federal and state requirements. A report or letter shall be submitted to the City from a certified professional archaeologist and, if warranted, a copy of a clearance letter from the Sstate Hhistoric Ppreservation Oofficer indicating that the proposed development will have no effect on cultural resources listed or eligible for listing in the National Register of Historic Places, or otherwise of historical, architectural, or archaeological value.

B. *Discovery of human skeletal remains.* 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. During archaeological investigations, if a site is determined to contain unmarked human burials and/or human skeletal remains, by procedure these will be brought to the attention of a District Medical Examiner, if it was determined that the burial(s) represent an individual (or individuals) who had been dead less than 75 years, or to the attention of the State Archaeologist in the case that the remains were determined to be older than 75 years. If a site is determined to be a prehistoric indigenous site, all work will be done in coordination with the State Archaeologist (Florida Division of Historical Resources) who will make a final determination of adverse effect through the authority of their respective jurisdiction as defined by Florida Statutes. Procedures outlined in Chapter 872.05, Florida Statutes, will be followed regarding site mitigation and reporting, this through the authority and direction of the State Archaeologist and, if necessary, the District Medical Examiner. In some cases, the State Historic Preservation Office will make the determination to seek the consultation and review comments by the Tribal Historic Preservation Office (THPO)/Seminole Tribe of Florida (STOF).In accordance with the Florida Statutes, if any human skeletal remains or unmarked human burial is discovered, other than during a cultural resource excavation authorized by the state or an educational institution, all activity that may disturb the unmarked human burial shall cease immediately and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the state archaeologist.

(Ord. No. 2009-26, § 50, 12-15-09)

Sec. 11.01. - General Provisions.

11.01.01. *Purpose and intent.* The purpose of this chapter is to protect the general welfare of City residents and visitors and to promote energy and water conservation; reduce air pollution and noise; enhance property values; reduce erosion; improve surface water quality and groundwater recharge; moderate temperatures by providing shade; improve compatibility between various land uses; and enhance the City's appearance. The intent of the chapter is to establish procedures and practices governing the protection, installation and long term maintenance of trees, vegetation, and other landscaping elements within the City. The criteria in this chapter are intended to institute landscape and irrigation design principles that will result in creative solutions and provide alternative means to achieve an environmentally sustainable~~friendly~~ and aesthetic community.

11.01.02. *Applicability.* The removal of trees or fill, and the excavation or dredging of any parcel of land shall be prohibited prior to issuance of all required permits (including tree removal permits), unless stated otherwise in this chapter.

A. *Design of new development.* Developments shall be designed to the greatest extent possible to protect existing trees and their tree protection zones from stormwater facilities, drainage lines, utilities, grade changes, building footprints, parking areas, drives, and walkways. Subdivision plats shall shift lot lines to minimize placing specimen or historic trees in the buildable area of the lot~~, if practical.~~ , to the greatest extent feasible as determine by the Land Use Administrator.

B. *Alteration of existing development.* No building or parking lot existing on August 19, 2008 shall be required to be altered or moved in order to comply with this chapter, except that the following activities shall require compliance with this LDC to the maximum extent possible. (Exceptions may be granted by the Land Use Administrator when development conflicts with pedestrian and traffic safety, interferes with the protection of specimen or historic trees or natural resources, removes required parking, or similar situations.)

1. When a structure is destroyed by fire or other calamity and is proposed to undergo substantial improvement, as defined in this LDC.
2. When an existing non-residential building is expanded, the required building foundation plantings and their planting areas shall be provided for the new building area.
3. When a parking/vehicular use area is expanded but not the building, the new pavement area is required to be brought into compliance with this chapter. At a minimum temporary irrigation shall be required.
4. Any expansion project shall include replacing previously planted required landscaping that has been damaged or has died.

11.01.03. *Measurement of trees.* For the purposes of this chapter, the size of existing trees shall be calculated by the measurement of the diameter of the trunk in ~~caliper~~ Diameter at breast height (DBH) (4 feet 6 inches above ground) inches.~~, taken at breast height (four feet six inches).~~ Trees with multiple trunks at breast height will have the sum of the trunks utilized for ~~The~~determination. Where the individual trunks are less than 9 inches in diameter, the largest 3 trunks will be used. The size of new landscape trees shall be calculated by measurement of the diameter of the trunk at 6~~six~~ inches above grade, up to and including trees four inches in diameter. The size of new trees over four inches in diameter shall be calculated by measurement of the diameter of the trunk at 12 inches above grade.

11.01.04. *Classification of developments.* For the purpose of applying landscaping and irrigation requirements, developments are classified as follows:

A. *MFR/COM:* Townhouse, condominium, and multifamily residential development and institutional, office and commercial uses;

B. *IND:* Industrial and warehousing development;

C. *SUBD:* Subdivisions in any zoning district; and

D. *SFR/DPX:* Single-family detached and duplex development on individual lots.

(Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 11.02. - Tree Preservation, Protection, and Replacement.

11.02.01. *Protected trees defined.* All trees that meet the following criteria are protected, with the exception of invasive species (see Section 11.02.05.C.1) and/or species not suited to this area per the United States Department of Agriculture hardiness list:

A. The trunk is 6~~six~~ inches or greater diameter.

B. Trees with a trunk 4~~four~~ inches or greater diameter, if surveyed for credit.

C. Specimen trees, which are any protected trees with a trunk of 24 inches or greater diameter except for sand pines; however the following species are considered specimen trees when they reach one of the following:

1. 12~~Twelve~~ inches or greater diameter: Cypress, Magnolia, Loblolly Bay, Red Bay, Scrub Oak, and Red Cedar;

2. 18~~Eighteen~~ inches or greater diameter: Elm, Hickory, Oak, Green Ash, Sycamore, Date Palm, and Maple.

D. Historic trees, which are any protected trees with a trunk of 36 inches or larger diameter.

E. For SFR/DPX development, any tree 1½ inches or greater~~to six inches~~ in diameter that was planted to meet the minimum tree density requirements or an existing tree that was previously credited towards meeting the requirements of this chapter.

11.02.02. *Tree survey requirements.*

A. *Tree survey.* The required survey shall be accomplished within the last 24 months and shall identify all protected trees by species name and the size of the trunk measured at the diameter at breast height.

B. *Monument signs.* Where monument signs are proposed to be located on an existing development, all protected trees that are located within 50 feet of the proposed sign shall be shown on the tree survey. At time of sign permit application, all protective measures for these trees should be depicted.

C. *Protected, specimen, and historic trees.*

1. *MFR/COM and IND developments.*

a. The tree survey shall show all protected trees 6~~six~~ inches in diameter and greater from the property lines to 5~~five~~ feet past the required buffer area width, except as provided in Section 11.02.02.D. Protected trees within any adjacent rights-of-way extending to the nearest street pavement shall be included in the survey.

b. All specimen and historic trees shall be individually located and identified over the entire site as to species and size except as provided in Section 11.02.02.D.

2. *SUBD developments.* All protected, specimen, and historic trees shall be individually located and identified over the entire site as to its species and size except as provided in Section 11.02.02.D.

3. SFR/DPX developments.

a. Protected trees 6~~six~~ inches or greater diameter within all front, rear, and street side building setback areas shall be surveyed and shown on the tree survey if the trees are going to be used for credit.

b. Specimen and historic trees shall be surveyed over the entire lot except as provided in Section 11.02.02.D.

D. *Survey of individual trees not required.* Under the following circumstances, the Land Use Administrator may determine that a survey identifying each individual protected tree is not warranted and a count of all protected trees including species and diameter size is acceptable:

1. When existing vegetated areas are to remain undisturbed; or

2. Where some or all of a development site or a proposed subdivision must be filled to such an extent, in order for permitted development to occur, that there is no feasible means as determined by the Land Use Administrator to save protected, specimen, and historic trees.

3. When the trees are located in wetland preservation or conservation areas that will not be impacted.

11.02.03. *Tree preservation.*

A. *Specimen and historic tree preservation requirements.* Specimen and historic trees are select protected trees that due to their size and contribution to the overall tree canopy of the City are granted an extra level of significance and protection. Building footprints, drives, stormwater management facilities, and similar activities on all sites shall be designed to save the maximum practicable number of specimen and historic trees. During the subdivision platting process, lot lines shall be shifted for the same purpose. This requirement does not exclude the requirement for mitigation of any removed trees of protected statues during the subdivision process. Table 11-1 shows the minimum percentage of specimen trees and the minimum percentage of historic trees that must be preserved individually for each category on a site.~~Table 11-1 shows the minimum percentage of specimen and historic trees that shall be preserved on a site~~. Owners of lots assigned the SFR, DPX, and EST zoning districts may remove any specimen or historic tree that is within the buildable area of the lot with no mitigation, if all reasonable efforts as determined by the Land Use Administrator, to shift or flip the building footprint cannot save the tree(s). ~~This requirement does not exclude the requirement for mitigation of any removed trees of protected statues.~~

Table 11-1: Minimum Specimen and Historic Trees to be Preserved

Number of Specimen/ Historic Trees on a Site *1	Percentage of trees to be Preserved	
	MFR/COM, SUBD	IND
Less than 3 per acre, or a portion thereof	75%	50%
3.0 to 5.0 per acre	67%	40%
5.1 to 8.0 per acre	50%	25%
More than 8.0 per acre	4 per acre	2 per acre

*1 For the purposes of compliance with tree preservation and mitigation requirements, specimen trees and historic trees shall be calculated and preserved as distinct categories.

B. *Tree preservation credits.* The following credits apply only within the COM, IND, MFR, OFC, P&G, and PSP zoning districts:

1. Trees saved in wetlands or their associated upland buffers are eligible for preservation credits; however, preservation of trees in wetlands for preservation credits may not also be used as criteria for preserved wetlands and ~~imperiled upland habitats~~eEnvironmentally s~~S~~ensitive l~~L~~ands density bonuses established in Chapter 3.

2. A stormwater retention/detention area may be credited toward meeting the tree density requirement provided the area contains tree species that will survive periodic flooding.

3. The total diameter of preserved protected, specimen, and historic trees on the site may be applied to satisfy the tree density requirements. A preserved palm tree shall be credited on a one-to-one basis for any palm tree removed.

4. Existing pine trees (other than ~~s~~Sand pine, Australian pine, Norfolk Island pine, or other invasive tree species) in good health may be used as buffer shade tree credits if they are a minimum of six inches diameter and comprise no more than 50 percent of the buffer tree requirement. If pines meeting these criteria are of good quality and spacing such that planting of new shade trees for some or all of the remaining required buffer shade trees is impractical, then existing pines may count for more than the 50 percent maximum requirement.

11.02.04. *Tree protection measures.*

A. *Canopy road, specimen, and historic tree protection.* In order to protect the existing tree canopy over portions of roadways within the City, the following roadway segments have an extra level of significance and protection: Colbert Lane (from the south right-of-way line of Palm Coast Parkway SE to 2,200 feet to the south), Palm Coast Parkway east of 1-95, and Palm Harbor Parkway south of the Hammock Dunes Bridge.

1.Roadway projects and modifications to these roadway systems necessitated by development shall preserve and protect any specimen or historic tree within the right-of-way and within 35 feet of the right-of-way line along Colbert Lane (from the south right-of-way line of Palm Coast Parkway SE to 2,200 feet to the south), Palm Coast Parkway east of I-95, and along Palm Harbor Parkway south of the Hammock Dunes Bridge. The applicant may meet this requirement by utilizing an average protected width of 35 and a minimum width of 25 feet and maximum width of 45 feet. Within these protected tree areas, the specimen and historic trees shall not be removed except for the minimal number necessary to allow for site access, sidewalks, necessary utilities, and signage. Preservation methods are to include, but are not limited to, the following:

a~~1~~. Reduction of the length of turn, deceleration, or acceleration lanes subject to public safety needs and the approval of the Land Use Administrator.

b~~2~~. Consideration of alternatives to widening such as alternate service roads.

c~~3~~. Root protection/aeration construction methods such as retaining walls with guardrails.

d~~4~~. Where no practical alternative for preservation is possible, such as traffic safety conflicts, the total diameter of the protected tree being removed shall be replaced with replacement trees having no less than 4 ~~four~~ inch caliper.

2. *Additional canopy road preservation and mitigation requirements.* For all roadway segments designated under this section, and for any parcel, lot, tract, subdivision, development site,

or portion thereof that fronts, abuts, adjoins, obtains access from, or is otherwise affected by a designated canopy roadway, all preservation, protection, replacement, and mitigation requirements shall apply to the entirety of the affected property.

All required preservation measures, tree protection activities, replacement planting, mitigation, and restoration associated with the removal, impact, or disturbance of specimen trees, historic trees, or protected canopy areas shall be completed on the affected site. Compliance with the requirements of this section shall not be achieved through payment into a tree bank fund, tree mitigation fund, or any other off-site mitigation program.

Required preservation standards established by this section shall be met on-site and maintained throughout the affected property. Off-site mitigation, mitigation credits, preservation banking, fee-in-lieu payments, or similar alternative compliance mechanisms shall not be accepted as a substitute for the preservation, protection, replacement, or mitigation requirements of this section.

No development order, site plan approval, subdivision approval, permit, variance, or construction authorization affecting property subject to this section shall be approved unless the applicant demonstrates full compliance with the on-site preservation and mitigation requirements contained herein.

B. *Tree protection during clearing or tree trimming activities.* Protected trees, including their tree protection zones, in front buffer areas shall be preserved if trees are in good condition and do not impede access or visibility into or out of the site.

C. *Tree protection during construction.*

1. During any development activity, appropriate protective measures, per City standards, shall be taken to prevent the destruction or damage of all trees to be retained on the site. The preservation of existing vegetation within the tree protection zones of all trees to be retained is required, unless the vegetation is hand cleared.

2. Protection methods, including trimming/pruning of trees and tree barricades, shall conform to ANSI A-300 standards.

11.02.05. *Tree removal.*

A. *Prohibitions.* Unless exempted herein, it is prohibited, ~~and~~ unlawful, and finable for a person or entity, agent, or representative thereof, directly or indirectly, to perform or authorize the following:

1. Cut down, remove, damage, or destroy any protected tree as defined in Section 11.02.01 on any parcel without first obtaining a tree removal permit (for required mitigation standards on MFR/COM and IND properties refer to Section 11.04.02 and on SFR/DPX properties refer to Table 11-4);

2. Commit any act or authorize the commission of any act that physically or effectively removes a protected tree or causes a tree to die, such as damage inflicted upon the root system by heavy machinery, chemicals, or paving, any pruning or tree work inconsistent with ANSI A-300 standards, or changing the natural grade above the root system (removal or effective removal of any protected, specimen or historic tree on MFR/COM and IND properties shall be mitigated per Section 11.04.02 and on SFR/DPX properties refer to Table 11-4);

3. Root raking the area within the tree protection zone or adding fill over the tree protection zone, which may cause damage and permit infection or pest infestation to a protected tree; or

4. Perform tree removal, land clearing, grubbing, grading, excavation, construction, or make or install any improvement upon any site or parcel, regardless of the existence of valid permits or approvals for the given activity, unless all protected trees and protected vegetative areas established pursuant to this chapter have been surrounded by a protective barrier.

B. *Land clearing.* During the subdivision infrastructure construction stage, clearing of trees and existing vegetation shall be limited to the minimum necessary to construct roadway and utility rights-of-way and stormwater facilities. Trees may only be cleared from individual lots upon review and approval of the tree survey and/or fire hazard considerations at the time of building permit application. However, in order to accommodate development within a subdivision where fill is required to such a depth that it would preclude the survival of existing trees, lots may also be cleared provided:

1. A clearing and grading plan shall be submitted showing vegetation and tree areas to be preserved with proper protective barrier, the amount of fill needed for lot development based on existing grades, proposed roadway and building elevations, and drainage plans.

2. Replacement of these trees may be allowed in common areas of the subdivision (i.e., street trees, detention or retention ponds, buffer areas, etc.).

C. *Tree removal activities exempt from permit/replacement requirements.* The following activities shall be lawful without application or issuance of a tree permit and do not require tree replacement:

1. The removal of any invasive plant species as determined by the Florida Department of Agriculture and Consumer Services' "Noxious Weeds" rule set forth in the Florida Administrative Code.

2. The removal or alteration of any tree or vegetation in or about an existing City or utility easement or right-of-way provided such work is done by, or under the control of, the operating utility company, and said company has received all necessary licenses or permits to provide utility service within the easement.

3. Removal or effective removal of trees severely cut by a utility company on SFR and DPX zoned platted lots.

4. Any activity conducted by a lawfully operating and bona fide commercial nursery, tree farm, agricultural operation, silvicultural operation, ranch, or similar operation when the activity occurs on property owned or lawfully occupied by the person conducting said activity and is done in pursuit of said activity. This exemption shall include the purposeful removal of a tree or trees for their permanent relocation at another site undergoing development.

5. Trees located within a City drainage easement, City drainage rights-of-way, or City access rights-of-way that need to be removed to allow for access to or maintenance or clearing and construction of the City's drainage ditches and drainage related facilities.

6. Any activities being conducted under F.S. 163.045 for single family unattached dwellings that have a letter from a certified ISA arborist or a Florida Licensed Landscape Architect showing a tree possess an unacceptable risk to persons or property prior to removal.

D. *Permit requirements.*

1. A permit is required for land clearing/filling. It is prohibited and unlawful to clear trees, fill land, excavate, or dredge any parcel of land prior to the issuance of a single-family building

permit or a site development permit, unless otherwise stated in this LDC, or authorized by the Land Use Administrator. The building permit shall act as the tree removal permit.

a. Vacant properties may be partially cleared to enable the construction of seawalls prior to a permit being issued for a principal structure. Refer to Section 4.01 for requirements.

b. Vacant properties may be partially cleared for the purpose of removal of unsuitable debris or muck within the buildable area of a site. Refer to Chapter 9 for permitting requirements.

c. Vacant single-family residential properties that are under common ownership with any developed adjacent residential lot may be cleared of all pines, vegetation, and any trees less than six inches in diameter if the minimum tree densities are maintained or replaced. Refer to Chapter 9 for permitting requirements.

2. Prior to the removal of any protected tree, an application for tree removal shall be submitted to the City. If the requested removal is in conjunction with an approved building permit, grade and fill permit, or a site development permit, a separate permit need not be obtained, but tree removal shall be addressed during the development order review process. The following types of tree removals require a permit but mitigation is not required.

a. Trees within clusters if there is a need to relieve thinning or overcrowding of trees, as part of an approved fire mitigation plan.

b. Protected trees, exclusive of specimen and historic trees, that would not drop the lot below the minimum tree density requirements on SFR/DPX platted lots, as outlined in Section 11.03.01.A.

E. *Removal of protected trees.* Protected trees removed under this section shall require replacement on MFR/COM and IND properties per Table 11-2 and on SFR/DPX properties per Table 11-4 if the tree was originally preserved or planted to meet a requirement of this Chapter or the tree removal would cause the property to no longer meet the minimum tree density standards outlined in Section 11.03.01.A. Upon receipt of a completed application and verification on-site by a certified arborist or the Land Use Administrator, the Land Use Administrator may permit the removal of the following protected trees:

1. Dead, severely diseased, or severely injured trees, as determined by a certified arborist or the Land Use Administrator.

2. Trees that pose imminent danger to the health, safety, and welfare of the public and cannot be corrected through standard arboricultural procedures, as determined by a certified arborist.

3. Trees that pose a sight distance visibility problem along any public right-of-way.

4. Any pine tree within 30 feet of a structure or within a distance from a structure less than the tree's height may be removed as a safety precaution provided the property owner where the tree is located agrees to the removal and applies for the permit.

5. Trees causing structural damage to a foundation, driveway, parking lot, patio, wall, water or sewer line, or which interfere with the construction or repair of public infrastructure or facilities that cannot be corrected by standard arboricultural means.

F. *Tree removal on developed residential lots.* On developed lots zoned SFR, DPX, or EST all provisions of Section 11.02.05.D.2. and Section 11.02.05.E. would apply as well as the requirements to maintain the minimum tree density as outlined in Section 11.03.01.A. The following additional requirements also apply:

1. Protected trees, exceptlusive of specimen and historic trees that are in excess of the minimum tree density for the lot, can be removed without mitigation, but those not in excess of the minimum tree density require replacement per Table 11-4.

2. Removal of a, protected, specimen or a historic tree shall be mitigated as follows:

a. A protected tree – One shade tree per table 11-4

ba. A specimen tree—One shade tree per Table 11-4.

b. A historic tree—Two trees meeting the standards of Table 11-4 with at least one tree being a shade tree.

G. *Tree thinning on MFR/COM and IND developments.* On properties where the landscaping has been planted for a minimum of ten years or where the property owner has retained or planted more trees than required by this chapter and meets all of the standards of this chapter; tree thinning of overcrowded trees may be requested by the property owner or designated agent upon submittal of a report by a certified arborist to the City. After review, the Land Use Administrator may approve or conditionally approve a thinning of the overcrowded trees when the intent of the original landscape plan and this chapter would still be met by the removal of such trees, and where:

1. Required trees have matured and grown to such a size and density that tree thinning would be the most prudent methodology for maintaining the health and vibrancy of the trees; or

2. Trees in excess of the required minimum have matured and grown to such a size and density that tree thinning would only have an insignificant impact on the overall landscaping of the site.

Preference for removal shall be given to trees having poor structure, root issues, or in declining health. Tree replacement and mitigation are not required after tree thinning.

H. *Requirements suspended.* During a declared emergency, the Land Use Administrator may suspend the requirements of this subsection.

11.02.06. *Tree mitigation standards.* Applicants are strongly encouraged to preserve as much of the existing vegetation as possible. Therefore, existing protected trees are counted toward meeting the landscaping requirements for a site. By saving protected trees, rather than planting new ones, applicants can achieve the minimum planting requirements in a more efficient and economical manner.

Tree mitigation for all protected, specimen, and historic trees for MFR/COM and IND developments shall be provided as shown in Table 11-2 and for SFR/DPX properties shall be provided per Table 11-4. The property owner shall be responsible for the cost of mitigating the trees removed from the property by preserving existing trees, replanting trees on site, or paying a like fee to the tree bank fund (while still maintaining minimum tree density requirements).

Table 11-2: Tree Mitigation Requirements for New MFR/COM and IND Development

Protected Trees	Specimen Trees	Historic Trees	Palm Trees
70% of the predevelopment tree inches removed from the required perimeter buffer areas of the site. Minimum replacement tree size shall be 2½" caliper.	70% of the tree inches removed from the site. Minimum replacement tree size shall be 3" caliper.	100% of the tree inches removed from the site. Minimum replacement tree size shall be 3½" caliper.	40% of palms removed from the site. Minimum replacement shall be 8' clear trunk palms (preferably Sabal Palms).

11.02.07. *Tree bank fund established.*

A. If due to site conditions or configuration, it is impossible or impracticable for the property owner, applicant, or developer to meet the requirements for tree density and/or replacement on-site, the property owner, applicant, or developer shall pay fees of equivalent value into the tree bank fund or plant the trees off-site upon approval of a suitable site or sites by the City. The tree bank fund shall be a separate account set up and shown in City financial records in which all receipts are detailed. All monetary contributions paid to the tree bank fund pursuant to this section shall be used exclusively for the design, planting, or replacement of trees on public lands. Funds may also be used for relocating trees onto public lands. Funds may also be used for the design and installation of irrigation systems, mulching, arboricultural practices, and staking for these trees.

B. Valuation of contributions to the tree bank fund shall be based on the caliper size and height, if applicable, of the required hardwood tree replacement and quantity of the required palm trees in accordance with City standards. The valuation of cost shall include the current market value of similar type trees and include the following costs: tree cost, delivery, labor to install, mulching and staking.

(Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 11.03. - Landscaping, Buffers, and Irrigation Requirements.

11.03.01. *General landscaping requirements.*

A. *Tree density requirements.* All developments shall be required to provide one tree for every 2,500 square feet, or major fraction thereof, of property area, excluding ponds, lakes and canals.

B. *Preserved trees.* Preserved trees, including those within wetland or associated upland buffer areas, may be counted towards the tree density requirements as long as they are, at a minimum, the same size as the required new trees (refer to Table 11-43). The trees must be in good structural condition and health and the root zone shall be protected during the construction phase of the project.

C. *Protected trees and plants.* The use of protected trees, understory trees, shade trees, accent plants, shrubs, and groundcovers is required to partially or totally satisfy the planting requirements of this chapter. MFR/COM, IND and SUBD developments may use existing healthy pine trees(non-native and invasive pines are not counted for credit), 6~~six~~ inches diameter and over to meet the minimum tree requirements; however, no more than 25~~50~~ percent of the pine trees may be credited. The Land Use Administrator may approve alternate plantings if the purpose and intent of this Chapter are met and a nuisance or environmental hazard is not created.

D. *Native vegetation.* Use of native plants and plant species that conserve water, adapt to local conditions, and are drought tolerant are required for all new landscaping. MFR/COM, IND and SUBD developments are required to use reuse water if available. If not ~~avaiable~~available, developments~~or~~ shall plant at least 50 percent of the pervious area of the site with native plants or plants and sod that conserve water, adapt to local conditions, are noninvasive or nuisance species, and are drought tolerant.

E. *Alternative landscape betterment plan.* Where an applicant with a unique or difficult site to develop based on the shape of the lot or its developable area, as determined by the PLDRB or City Council, is unable to meet some of the specific landscaping standards in Chapter 11, the applicant may propose an alternative landscape betterment plan with at least the same quality of required plants and the same amount of landscaped area, but in a revised location or design layout. The

applicant must also provide at least two landscape hardscape features not otherwise required that are pedestrian friendly, such as fountains, benches or art work designed to withstand outdoor use. The PLDRB or City Council may approve or conditionally approve the alternative landscape betterment plan if the proposed changes will provide at least as much public benefit, screening from rights-of-way and adjacent properties, and aesthetic appeal as if the landscaping standards were strictly followed. All Tier 1 Technical Site Plans having a landscape betterment plan shall be reviewed by the PLDRB.

F. *Freestanding sign landscaping.*

1. All monument signs shall have shrubbery or flowers planted around the perimeter of the sign extending 3 ft minimum. Signs shall be located so as to provide both adequate visibility from the public rights-of-way, meet the Florida Department of Transportation Standards for Sight Triangles and Sight Distances, and preserve protected trees.

2. If freestanding signage cannot be shifted within the buffer to allow the required room for screen plantings between the sign and the outside parking envelope area without obscuring visibility to the sign, then the City shall allow a ten-foot radius from the base of the freestanding sign in which lower accent plantings are allowed in lieu of the screen plantings.

G. *Retention and detention ponds.* Stormwater retention/detention ponds shall be naturally shaped with rounded corners, having a minimum radius of seven feet for ponds between 2,500 and 10,000 square feet, and a minimum radius of least a 12 feet for ponds greater than 10,000 square feet, and without geometric straight sides where possible. All wet ponds shall incorporate a combination of aquatic and non-aquatic native plants around the perimeter of the pond to filter runoff of fertilizers, herbicides, and pesticides. This wet pond planting area shall have a minimum area equal to 15 percent of the perimeter of the pond multiplied by 7½ feet. (For example, a pond with a 200-foot-long perimeter would have a wet pond planting area of 225 square feet that could be planted as a five-foot-wide strip 45 feet long.) Alternatively, the applicant may plant some or all of the wet pond planting area within the pond as littoral zone plantings.

H. *Screening plantings.* Above ground structures such as: dumpster enclosures, mechanical equipment, backflow preventers, wells, pumps, tanks, ground-mounted HVAC units, transformers, generators, storage sheds, lift stations, utility cabinets, electrical panels, or ground-mounted cable/satellite television equipment; shall have a medium screen planting, as described in Table 11-4. If the structures are in areas that are visible from an improved public rights-of-way, a medium screen planting as described in Table 11-4 shall be provided between the structures and the rights-of-way. If the structures are in areas that are visible from a parking lot or abutting property without an intervening buffer, fence, or wall, then a medium screen planting, as described in Table 11-4, shall be provided between the structures and the parking lot or abutting property. On transformers, lattice may be used for screening instead. Where vegetation is planted, it shall be setback sufficiently so that at maturity it still meets the Florida Power and Light minimum setbacks from the transformers. All Screening shall be set back from mechanical equipment shall be set back 3 feet.

I. *Plan submittal requirements.* Landscape and irrigation plans shall be submitted for all MFR/COM, IND and SUBD developments and shall be prepared by a Florida registered landscape architect or other licensed professional authorized by state law to prepare such plans. SFR/DPX development landscape plans shall also be required, but do not need to be prepared by a landscape architect.

J. *Street trees and median planting.*

1. In all subdivisions, exclusive of those for SFR/DPX lots, and other developments involving the creation of new streets or shared private access roads, street trees shall be planted in the rights-of-way or a median, unless the Land Use Administrator determines that a conflict exists between trees and utilities located in the rights-of-way, or that sight distances or

recovery zones are not in compliance with sound and generally accepted engineering practices and principles. In such cases, the street trees shall be planted outside of the rights-of-way.

2. If street trees are to be located outside of the rights-of-way, trees shall be planted no farther than ten feet outside of the right-of-way line or abutting utility easement, and shall be perpetually maintained. All property owners' associations' covenants and restrictions shall include this requirement, and all property owners shall comply with this paragraph. Street tree plantings shall be in accordance with City standards.

3. Street trees may be included to satisfy the minimum requirements for tree density and buffers.

K. *Utility lines.* Shade trees shall not be planted under or within 15 feet horizontally of overhead power lines. Underground power lines, cable TV, and phone line clearance to trees shall be as specified by the utility providing the lines. Water mains shall be separated a minimum distance of ten feet from shade trees. Distances less than ten feet shall be reviewed and approved by the City. Understory trees that do not attain a height of no more than 14 feet, or that can be maintained below that height by pruning, may be planted under utility lines.

L. *Sight triangles.*

1. Where landscaping is proposed within a sight triangle at an intersection, landscaping shall be planted and maintained so that an unobstructed cross-vision is provided at a vertical level between two feet and seven feet, as measured from the centerline of the adjoining road. Trees may be permitted within the sight triangle, at the discretion of the Land Use Administrator, if the trees have a single trunk and foliage is kept trimmed between two feet and seven feet.

2. The dimensions of the sight triangle shall be as shown in Table 11-3, unless the Land Use Administrator determines other standards in the Florida Department of Transportation Standards for Sight Triangles and Sight Distances are more appropriate, based upon specific traffic or site conditions. The first distance in the table is for the leg along the proposed roadway, and the second distance is for the leg along the existing roadway that the new roadway will intersect. For example, if a proposed driveway will be located along an arterial roadway, choose "Driveway" in the second column and follow it to the right under "Arterial". In this case the leg distance would be 15 feet along the proposed driveway and 50 feet along the arterial roadway.

Table 11-3: Sight Triangle Dimensions Along Driveways and Roadways

		Leg Distance on Existing Driveway or Roadway (see the four columns below)			
		Driveway	**Local Road**	**Collector**	**Arterial**
Leg Distance on Proposed Driveway or Roadway (see column to the right)	**Driveway**	15'/15'	15'/15'	15'/15'	15'/50'
	Local Road	15'/15'	15'/15'	15'/35'	15'/50'

	Collector	35'/15'	35'/15'	35'/35'	35'/50'
	Arterial	50'/15'	50'/15'	50'/35'	50'/50'

Note: The first leg distance listed is the leg along the curb line of the proposed driveway or roadway and the second distance listed is along the curb line of the existing driveway or roadway where the proposed driveway or roadway will intersect. The third leg of the triangle would be a line connecting the furthest points of the two legs. There will be two sight triangles for "T" intersections and four sight triangles for full intersections.

M. *Landscape review for single-family subdivisions by certified HOAs.* A Homeowners Association, or Property Owners Association (HOA) may apply to the City for annual certification to allow deferral of City review of single family home landscape plans and landscape inspections to a certified HOA for the construction of new single-family homes, additions and accessory structures within a subdivision.

HOA certification will be valid for one calendar year from date of certification, and certified HOAs may apply for recertification annually. In order to be certified or recertified, a HOA must provide the following to the City:

1. Covenants and Restrictions or deed restrictions with landscaping requirements that meet or exceed the City's minimum landscape requirements for single-family homes.
2. Proof that the HOA has an Architectural Review Committee or its equivalent that will review landscaping plans for all new single-family homes within its subdivision.
3. Proof that HOA inspects and enforces its landscape requirements.

Approval of certification or recertification does not preclude the City, at its discretion, from conducting evaluation audits which may include landscape inspections, landscape plan review or other applicable evaluations to ensure City Landscape requirements are being enforced. Certification may revoked at any time for non-complying HOAs. Certification does not include the review and inspection for tree removal, fire mitigation, perpetual care, and landscaping and irrigation systems in common areas. The City reserves the right to enforce all provisions of City Codes, including this section. Every certified HOA must provide every ARC approved landscape plan to the City.

11.03.02. *Specific landscaping requirements for developments.*

A. *MFR/COM developments.*

1. *Foundation plantings.* Foundation plantings are intended to soften buildings and improve their aesthetics. Planting beds with a minimum width of four feet shall surround a minimum of 70 percent of the building elevation excluding areas adjacent to building entry doors, fountains, benches and sculptures. Bed lines, where practicable, shall be curvilinear and wrap the corners of the structure with shrubbery plantings no closer than three feet from the building. Screening that is at least four feet wide around loading areas, dumpsters, and mechanical equipment running parallel to the adjacent building elevation may be counted towards these requirements. On sites located along specially designated road segments or roads, as listed in Table 11-5, an average minimum foundation planting bed width of eight feet shall be provided. In this area, a minimum of two different heights of plant material shall be used along with understory trees at the rate of one tree per 50 lineal feet of building wall

length. These planting beds shall be located in the most visible areas. The following may be used in order to provide some alternatives to foundation plantings:

a. *Architectural design.* Foundation planting requirements for multifamily and nonresidential buildings may be reduced by the Land Use Administrator, when it is determined that building façade massing techniques, beyond the minimum architectural standards described in Chapter 13, provide a benefit similar to foundation plantings.

b. *Landscape design.* Alternative foundation plantings may be permitted (e.g., architectural planter, pots, etc.) or allowed to be relocated along an alternative building elevation by the Land Use Administrator and applied as a credit towards meeting the foundation planting requirement, if demonstrated and determined that the methodology is of equal benefit to the general public and appropriate automatic irrigation facilities are provided.

2. *Wildfire hazard assessment.* The development may be required, at the determination of the Land Use Administrator based on a Forest Resource Assessment and Strategy Map, to include a wildfire hazard assessment for the site prepared and certified by a forester, wildfire mitigation expert, or landscape architect. If the site is determined to be in a medium or higher wildfire hazard area, certain measures must be implemented prior to the issuance of a certificate of occupancy of the building. Wildfire mitigation shall be in accordance with City standards.

B. *IND developments.*

1. *Foundation plantings.* Planting beds at least four feet wide shall be planted adjacent to at least 60 percent of front building elevations, 25 percent of street side building elevations, and ten percent of interior side building elevations, but are not required along rear elevations. Areas adjacent to building entry doors, benches, fountains or sculptures are excluded from these calculations. The following may be used in order to provide some alternatives to foundation plantings:

a. *Architectural design.* Foundation planting requirements may be reduced by the Land Use Administrator, when it is determined that building façade massing techniques, beyond the minimum architectural standards described in Chapter 13, provide a benefit similar to foundation plantings.

b. *Landscape design.* Foundation planting may be relocated along an alternate building elevation if the Land Use Administrator determines that mitigating circumstances are present (e.g., limited depth to the property or the property has an unusual shape) and the alternate location provides equal or greater benefit to the general public.

2. *Wildfire hazard assessment.* The development may be required, at the determination of the Land Use Administrator based on a Forest Resource Assessment and Strategy Map, to include a wildfire hazard assessment for the site prepared and certified by a forester, wildfire mitigation expert, or landscape architect. If the site is determined to be in a medium or higher wildfire hazard area, certain measures shall be required to be implemented prior to the issuance of a certificate of occupancy of the building. Wildfire mitigation shall be in accordance with City standards.

C. *SUBD developments.*

1. *Common area.* Common areas within subdivisions including, but not limited to: entrance ways, recreation areas, gateways, and street islands; shall maintain the same tree density standards as required in Section 11.03.01.A. and the same minimum planting standards as shown in Table 11-4.

a. Temporary sales trailers are required to be skirted and have a short screen planting as defined and described in Table 11-4 with temporary irrigation around all sides visible to the public plus two understory trees, to improve its aesthetics.

b. Unless an easement for perpetual maintenance is provided, buffer planting areas, if required, shall be provided in the common areas of the subdivision and not on individual private lots.

c. Provisions for maintenance of common areas and conservation/wetland areas shall be made through covenants and restrictions or other means.

2. *Landscape buffers.* For subdivisions fronting any of the specially designated road segments or roads as noted in Section 11.03.05.B., Type B or G landscape buffers shall be required.

3. *Wildfire hazard assessment.* The development may be required, at the determination of the Land Use Administrator based on a Forest Resource Assessment and Strategy Map, to include a wildfire hazard assessment for the site prepared and certified by a forester, wildfire mitigation expert, or landscape architect. If the site is determined to be in a medium or higher wildfire hazard area, certain measures shall be required to be implemented prior to the issuance of a certificate of occupancy of the building. Wildfire mitigation shall be in accordance with City standards.

D. *SFR/DPX developments.*

1. *Number and type of trees.*

a. At least one tree shall be provided for each 2,500 square feet of lot area, or major fraction thereof, excluding ponds, lakes, and canals, per Section 11.03.01.A. On lots one acre or larger this minimum tree planting standard shall only be based on the portion of the lot being developed with buildings, swimming pools, pavement, or new landscaped areas including turf.

b. Regardless of lot size, a minimum of one shade tree shall be provided, preferably in the front yard. At least two shade trees shall be provided on lots at least one-third acre but less than two-thirds-acre, three shade trees shall be provided on lots two-thirds-acre but less than one acre, and four shade trees shall be provided on lots one acre or larger.

2. *Foundation plantings.*

a. Residential homes shall provide foundation plantings consisting of 16 shrubs as described in table 11-4. On interior lots, eight shrubs shall be planted in front of the home, and four shrubs planted on each side of the home. On corner lots, six shrubs shall be planted on each side of the home facing a street, and four shrubs planted on the interior side of the home. When the rear yard of a home faces a saltwater canal, lake, or golf course, an additional four shrubs shall be planted along the rear of the home.

b. All of these required shrubs shall be planted between 2½ and eight feet of the home's foundation.

c. The corners of the house shall be wrapped with shrubbery or have an understory tree planted there. Shrubbery shall be selected using varying heights to accent and soften walls.

3. *Minimum planting requirement.* There shall be a minimum planted area or preserved existing native vegetation area of 60 percent of the pervious open space. The remainder of the pervious open space area may be decorative gravel or decorative crushed stone commonly used for landscaping purposes, or mulches. All swales in rights-of-way shall be sodded.

11.03.03. *Tree and plant types, sizes, and quality.*

A. *Trees, shrubs, and groundcovers.* All trees, shrubs, and groundcovers shall meet or exceed the standards of a Florida No. 1 or better quality as set forth in the latest edition of Grades and Standards for Nursery Plants, Florida Department of Agriculture. Damage to any tree, shrub, or ground cover that puts the plant material at risk of not surviving due to the injury, is grounds for rejection. The planting requirements at time of installation are listed in the following table:

Table 11-4: Minimum Planting and Maintenance Requirements

Type of Development	Shade Trees	Understory Trees	Shrubs and Groundcovers	Accent Plants
MFR/COM, IND and SUBD	Caliper: 3½" Hardwoods or 3 sabal palm trees at 8' clear trunk are required to replace 1 shade tree.	Caliper: 1½" Minimum container: 30 gallon-In parking lot islands minimum height shall be 12'—14'.	Shrubs: 3 gallon Groundcover: 1 gallon Short screen planting: shrubs 2' in height, 3-gallon container, and maximum 3' on-center spacing or shrubs 2½' in height, 7-gallon container, and maximum 4' on-center spacing. For either option shrubs shall achieve a minimum height of 3' within 2 years. Medium screen planting: shrubs 2½' in height, 7-gallon container, and maximum 4' on-center spacing installed that achieves within 2 years a minimum height of 3½'. Tall screen planting: shrubs 5' in height and 60% opacity installed that achieves within 2 years a minimum height of 6' and opacity of 80%.	Dwarf to medium 3-gallon container shrubs. Height: 12" minimum at time of planting.
SFR/DPX	Caliper: 2" Hardwood or 3 sabal palm trees clustered at 8~~3~~' clear trunk are required to replace 1 shade tree.	Caliper: 1" Minimum container: 15-gallon	Shrubs: 3 gallon Short screen planting: shrubs 2' in height, 3-gallon container, and maximum 3' on-center spacing or shrubs 2½' in height, 7-gallon container, and maximum 4' on-center spacing. For either option, shrubs shall achieve a minimum height of 3' within 2 years.	None required

Notes
1. A ten-percent tolerance level may be provided to the above minimum plant sizes to reflect plant variability, or 20-percent tolerance level during times of extremely limited plant availability, at the determination of the Land Use Administrator.
2. Short, medium and tall screen plantings shall be non-deciduous, always maintained to meet their minimum height and opacity standards, and if planted on a berm, the berm may count towards the screening height.
3. Trees shall be allowed to grow to their natural height and typical shape in MFR/COM, IND and SUBD Developments.
4. In the case of mitigation for a historic tree on SFR/DPX properties, also see Section 11.02.05.F.2.b.

1. Existing trees shall count towards any tree requirements as noted in this Chapter if:
   a. The trees are equal to or greater than the minimum sizes in Table 11-4;
   b. Are in good structural condition and health; and
   c. The root zone is protected during the construction phase of the project.
2. For MFR/COM, IND and SUBD developments a cluster of three palm trees or one date palm with a minimum of 8 ft of clear trunk may replace up to 25 percent of the required shade trees, at the ratios shown in this Chapter. Where an architectural theme in ~~a~~an MFR/COM or SUBD development has a dominant tropical design, clusters of three palm trees may replace 50 percent of the required shade trees with the same spacing requirements. On SFR/DPX developments, clusters of three palm trees may replace up to 50 percent of the required shade trees, but in all cases at least one shade tree shall be provided.

B. *Turf.* Grass areas shall be planted with sod in a species normally grown as permanent lawns in East Central Florida. Newly installed Bahia sod shall be healthy and have no more than 20 percent weeds or unlike grass species. Newly installed St. Augustine, Seashore Paspallum, Bermuda, and Zoysia sod shall have no more than five percent weeds or unlike grass species. For newly installed turf where irrigation is not provided, grass species shall be Bahia grass or Bermuda grass where appropriate. All areas of a disturbed site not otherwise landscaped or not left in natural native vegetation shall be grassed, or mulched, at a minimum.

11.03.04. *Parking lot landscaping requirements.*

A. *Screening.* Screening from the right-of-way and adjacent properties in the form of a short screen planting, as defined herein, is required for off-street parking lot areas where the perimeter buffer does not already include one. The height shall be measured from the top of the adjacent parking surface, and if planted on a berm, the berm height can be included towards the minimum height.

B. *Internal parking lot landscaping.* Internal parking lot landscaping shall comprise an area equal to a minimum of ten percent of the vehicular use area excluding those areas beneath vehicular canopies, such as a bank drive-thru or a convenience store with gas pumps. The vehicular use area is the total area of all parking stalls, drive aisles, and access ways within the limits of the property being developed. Sites zoned industrial can exclude vehicular use areas designated for heavy-duty truck parking, loading, and maneuvering from these calculations.

1. *Landscape islands.*
   a. A qualifying island or planting area shall contain at least one tree per landscaped island. Shade trees shall only be planted in islands having at least nine feet in width and at least 300 square feet of island area per tree, except for median islands described in Section 11.03.04.B.2.a.(1).
   b. Required islands shall be a minimum of 150 square feet in area and shall have one understory tree unless the island is large enough for a shade tree, or a grouping of three palms.
2. *Placement of landscape islands.*
   a. No more than five consecutive parallel parking spaces may be constructed without separation by a vehicular use area landscape island, and no more than ten consecutive parking spaces may be constructed without separation by a landscape island, except as specified below:
      (1) Where shade trees are planted at a minimum of 50 feet on-center the length of a center island located between two rows of parking spaces ("median island"), the median island shall have a minimum planting width of eight feet. If understory trees

or a cluster of three palm trees are planted instead, the median island shall have a minimum width of five feet with the understory trees or clusters of three palms spaced a minimum of 30 feet on-center.

(2) Where a minimum of an additional five feet of buffer width is provided, in addition to any required perimeter buffer width, along the outside edge of the parking lot adjacent to the parking spaces, with shade trees planted at a minimum of 50 feet on-center.

b. If stabilized grass parking is approved, the parking spaces shall be delineated with parking stops and the required vehicular use area islands shall be provided.

c. All parking rows ending adjacent to drive or parking aisles shall be terminated by a landscape island ("terminal island") that is at least five feet in width.

3. *Design requirements for landscape islands.*

a. Where light poles or flagpoles are placed in landscape islands that contain shade trees, the minimum size of those landscape islands shall be increased by 150 square feet, and the pole shall be located at least 15 feet from the shade tree.

b. Curbing shall be installed around the perimeter of all landscape islands that abut paved parking or drive aisles. Where the landscape islands abut stabilized grass parking, pressure-treated timbers (minimum size of six inches by six inches), securely attached with rebar to the ground, are allowed in lieu of the curbs. Curbing or areas beneath the pressure-treated timbers shall not be counted towards the landscape island areas.

c. The Land Use Administrator may supersede specific landscaping standards in this subsection when they conflict with concerns expressed by the Fire Department or utility providers regarding public safety.

d. Landscape islands shall have at least one tree credit for every 165 square feet of required internal parking lot landscape areas; with understory trees receiving one tree credit, clusters of three palm trees receiving 1½ tree credits, and shade trees receiving two tree credits.

4. *Alternate planting requirements for parking lot islands.* The following specific planting requirements relate to internal parking lots:

a. In lieu of providing the minimum open space in a parking lot island, the Land Use Administrator may approve one or more of the following practices:

(1) Structural soils;

(2) Structural bridging under sub-base and pavement areas;

(3) Soil trenches/root paths that allow roots to access larger soil areas; or

(4) Other methodology, such as pervious pavers, that provide adequate means for tree roots to properly grow.

b. Upon submittal and approval of design plans and specifications of an alternate means of rooting area under a paved surface, the minimum parking lot island planting area as required in this section may be reduced. Structural soil specifications shall comply with City standards.

5. *Driveway medians.* A landscaped island ("driveway median") may be installed to separate the ingress and egress driveways of an access way. This driveway median shall meet the planting and design requirements for landscape islands.

6. *Flexibility.*

a. The Land Use Administrator may permit the use of architectural planters to provide partial credit towards landscape island/area requirements, if found to be of equivalent public benefit and where no other practical options exist.

b. The Land Use Administrator may permit more than ten contiguous parking spaces without an island in order to promote tree preservation or when unique site circumstances exist, such as redevelopment.

c. The Land Use Administrator may reduce the minimum area for parking lot islands if it is determined adequate tree rooting area is provided below the pavement area, per the City Technical Manual.

7. *Related standards.*

a. For large scale commercial centers, see Sections 4.15.03.B. and 4.15.03.C.

b. For screening of mechanical equipment, utilities and storage areas, see Section 13.04.07.A.

11.03.05. *Landscape buffer requirements.*

A. *Buffer type determination.* Determining perimeter buffer requirements for a site consists of a two-step process:

1. Use Table 11-5 to determine the type of buffer required.

2. Use Table 11-6 to find the design standards for the particular buffer required.

B. *Perimeter buffer requirements.* Table 11-5 shows the perimeter buffer types required based on the zoning of the subject property and the adjoining zoning/use. The zoning of the subject property is shown on the second row with the black background and the adjoining zoning/use is shown on the left-hand column. To use Table 11-5, go along the second row to find the subject property's zoning and then go down that column to where it aligns with the same row as the adjoining zoning/use. For example, if the proposed development is located on land zoned "IND-1" and the abutting land is zoned "MFR-1" then use the "IND" column at the right-hand side of the table and follow it down to the row labeled "MFR", which would require a perimeter buffer type "D", "E", or "F".

Table 11-5: Perimeter Buffer Requirements

	Zoning of Proposed Development				
	AGR, PRS, P & G	**SFR, DPX, EST**	**MFR, MHD**	**OFC, COM, MPD[1], PSP[2]**	**IND**
Adjoining Zoning/Use (shown below):					
AGR, PRS, P&G	None	None	None	None	None
SFR, DPX, EST	None	None	D, E or F	D, E or F	D, E or F

MFR, MHD	None	None	C	D, E or F	D, E or F
OFC, COM, MPD [1], PSP [2]	None	None	C	C	D, E, or F
IND	None	None	C	C	C
Non Specially Designated Roads	None	A	A	A	A
Specially Designated Segments Palm Coast Parkway, Palm Harbor Parkway and Colbert Lane [3]	None	B	B	B	B
Other Specially Designated Roads or Segments Thereof [4]	None	G	G	G	G
Retention Pond, Lake, or Canal	None	None	None	C	D, E or F

[1] In the MPD zoning district the requirements shall revert to the underlying zoning district or use for the subject property, as described within the MPD Agreement.
[2] Requirements in the PSP zoning district shall revert to the existing or proposed use on the property, as determined by the Land Use Administrator.
[3] Segments are limited to Palm Coast Parkway east of I-95, Palm Harbor Parkway south of the Hammock Dunes Bridge, and Colbert Lane from the south right-of-way line of Palm Coast Parkway SE to 2,200 feet to the south.
[4] Other specially designated roads or segments thereof, include the following: Belle Terre Parkway, Belle Terre Boulevard, Colbert Lane (segment north of Palm Coast Parkway SE and segment more than 2200 feet south of Palm Coast Parkway SE), Cypress Point Parkway, 1-95, Matanzas Woods Parkway, Old Kings Road, Palm Coast Parkway (segment west of 1-95), Palm Harbor Parkway (segment north of the Hammock Dunes Bridge), Pine Lakes Parkway, Royal Palms Parkway, S.R. 100, Seminole Woods Parkway, U.S. 1, and White View Parkway.

[5]Land Use Administrator may determine additional buffer requirements may be allocated from other areas of less impactful buffer.

1. For nonresidential uses, a perimeter buffer will not be required between two or more newly created adjoining lot lines when subdividing a parcel of land that has an existing development or an approved site plan. (For example, two outparcels in front of a shopping center with an anchor tenant building.) In order to qualify, the existing or approved project and future developments on the proposed lots must have approval for a unified or master site plan that incorporates shared facilities including: access, stormwater facilities, and connectivity.
2. The double-frontage lots fronting along Palm Coast Parkway SE or Palm Coast Parkway NE and fronting along the City un-named right-of-way, located about 350 feet south of Palm Coast Parkway NE and extending east from Florida Park Drive to the Intracoastal Waterway, do not have to provide any buffers along the City un-named right-of-way.

C. *Buffer design standards.* The required buffers shall meet the following landscape standards:

Table 11-6: Buffer Design Standards

Type	Width[1]	Shade Trees per Linear Feet	Maximum Shade Tree Spacing per Linear Feet	Understory Trees per Linear Feet	Short Screen or Tall Screen	Accent Planting per Linear Feet	Decorative Wall/Fence
A	10'	1/50'	75'	1/50'	Short Screen	N/A	N/A
B	35'	1/50'	75'	1/50'	Short Screen	30/100'	N/A
C [2]	10'	1/50'	75'	Optional	Short Screen [3]	N/A	N/A
D [2]	10'	1/50'	75'	Optional	Not Required	30/100'	Decorative Wall
E [2]	20'	1/50'	75'	Optional	Tall Screen	N/A	Optional
F [2]	15'	1/50'	75'	Optional	Not Required	30/100'	Fence
G	25'	1/50'	75'	1/50'	Short Screen	30/100'	N/A

[1] A 35-foot Buffer B may be averaged with a minimum width of 25 feet and maximum width of 45 feet, and a 25' Buffer G may be averaged with a minimum width of 20 feet and a maximum width of 30 feet.
[2] Where an adjoining lot is undeveloped, shade tree spacing in the subject lot's adjoining buffer shall be increased to one per 75 linear feet and maximum spacing increased to 90 feet. Where an adjoining lot has been developed with an adjoining buffer having shade trees, the subject lot shall have understory trees planted that are staggered between the shade trees.
[3] Not required if the adjoining property has already been developed with the shrubs already planted, or where multi-family, office, or commercial uses are adjacent to any pond, lake, canal or waterway and the view would be an enhancement for the proposed project while not negatively impacting neighboring properties, as determined by the Land Use Administrator. Also, not required when industrial properties are adjacent to each other, except where a parking area is unscreened and adjacent to the buffer.

1. Landscape buffer areas shall be located at the perimeter of the site. Plantings shall not be located in any portion of a public or private right-of-way or drainage easement, unless permitted by a landscape easement. Short, medium and tall screen plantings may be located between the minimum landscape buffer area and the parking lot, building, structure or equipment they are intended to buffer. If not screening parking areas or other areas required to be screened, these screen plantings can be incorporated into the required foundation plantings.
2. At least 50 percent of the existing native vegetation shall be preserved within the landscape buffer area. Preserved native vegetation within the buffer shall be hand cleared of vines, debris, and dead branches to present an attractive transition from maintained to natural. If native vegetation is not present, is insufficient to meet the screening required by this section, or the Land Use Administrator has determined that it must be removed due to required site grading or existing utilities, then plant material shall be installed to meet the buffer requirement.

3. When calculating the required number of trees and shrubs within a buffer, the width of access ways or easements running perpendicular to the buffer shall be subtracted from the property length.

4. Understory trees may be used in lieu of shade trees where noted in Table 11-6 as "Optional"; however, no more than 25 percent of the required trees may be understory trees. Unless limited by utility easement, then shade trees may be permitted at maximum required percentage as determined by Land Use Administrator.

5. Where accent plants are required, no more than 30 percent of the planting bed area shall be comprised of groundcover plants.

6. Uses within buffers:

   a. Buffer yards shall be limited to passive recreation and may contain pedestrian or bicycle trails and public amenities such as decorative fountains, artwork, and similar structures.

   b. Mechanical equipment or structures, directional signs, and backflow preventers may be allowed in perimeter buffer areas pursuant to approval by the Land Use Administrator.

   c. In a buffer ten feet or less in width, none of the required buffer area may be used for stormwater retention/detention. In a buffer 15 feet in width, no more than 33 percent of the required buffer area may be used for stormwater retention/detention. In a buffer 20 feet or more in width, no more than 50 percent of the required buffer area may be used for stormwater retention/detention. These ratios shall be reduced if insufficient room is left for plantings.

   d. A required buffer shall be at least 15 feet wide before it can be encumbered by the partial overlap of a sidewalk or utility easement running parallel to the buffer, and the overlap shall not exceed one-third of the required buffer width. This ratio may be reduced if stormwater retention/detention areas are also in the buffer or if there is insufficient room for plantings.

7. Decorative walls and fences, when required, shall be six feet in height and comply with the material and design requirements (see Section 4.01 for material and design requirements for walls and fences).

D. *Miscellaneous buffer requirements.*

1. *Vehicle display areas.* For automotive, recreational vehicles, motorcycles, motorized watercrafts, and other similar displays, a maximum of 33 percent of the frontage short screen plantings may be reduced to a height of 12 inches at time of planting if a minimum height of 16 inches shall be achieved within two years and maintained at such height. The balance of the short screen planting shall be installed and maintained per the height standards in Table 11-4.

2. *Frontage road buffers.* Frontage roads that parallel the main road serving a site may encroach into a front landscape buffer if no less than ten feet of the required buffer is provided on the development side of the frontage road with the remaining footage of the buffer width on the side of the main road.

3. *Fleet rental parking buffers.* Fleet rental parking spaces (excluding spaces limited to the renting of automobiles or pickup trucks) shall be located to the side or rear of the building and screened with a tall screen planting.

4. *Phased projects.* Any development that proposes phasing shall be required to provide perimeter buffer plantings adjacent to existing development and rights-of-way that are visible to the general public. If existing trees and vegetation are sufficient to provide this buffer, they

may be used to satisfy this requirement. The certificate of occupancy for the initial phase shall not be issued until the buffer plantings have been provided.

11.03.06. *Irrigation requirements.*

A. *Requirements by type of development.*

1. *MFR/COM, IND:* These developments shall meet the irrigation design standards contained in this section.

2. *SUBD:* Irrigation systems for all common areas of a subdivision, including planted medians, shall be designed and installed with the subdivision infrastructure in accordance with this section. If the owner elects, the planting and irrigation of street trees on individual lots may be postponed until the lot is developed.

B. *Design standards.* Irrigation systems shall meet all City irrigation design standards as well as the following:

1. *Water conservation.* Irrigation systems shall be designed in such a way as to minimize runoff or spraying of irrigation water onto roadways, driveways, and adjacent properties that are not under the control of the owner. The irrigation systems shall be designed to locate plants into water use zones having the same irrigation needs.

2. *Water source.* Non-potable water use demands shall be met using water of the lowest quality supply that is both available and feasible for the intended application, as determined by the Land Use Administrator. Water reuse or water reclamation programs, if available, shall be used to reduce groundwater or surface water withdrawals for water use applications which do not require potable water. The following are the water source priorities of the City from highest preference to lowest preference:

   a. Reclaimed water.

   b. Stormwater, lake, or canal.

   c. Groundwater (well).

   d. Potable water.

3. *Temporary irrigation.* All landscape installations shall make necessary provisions for watering to establish and guarantee plant survival. Sites with these types of irrigation systems shall use super absorbents in the planting backfill as well as native plants or xeric plants and trees. A watering schedule shall be submitted. For an example, see the University of Florida Extension publication ENH856 - Tree Specifications for Planting and Shrubs in the Southeastern United States. Specifications shall be included to provide one of the following:

   a. Automatic irrigation;

   b. Hand watering via hose bib or other water source;

   c. Water truck hand watering; or

   d. Automated water bags.

4. *Irrigated areas.* The irrigation system, unless temporary, shall have mainlines and lateral lines buried underground and designed to provide adequate irrigation to all landscaped areas except for areas of existing native vegetation or planting areas comprised of vegetation that conserves water, is adaptable to local conditions, and is drought tolerant.

5. *Backflow prevention.* Irrigation systems connected to a potable water source shall have a backflow prevention assembly installed as required and approved by the Land Use

Administrator. Permitted wells shall have a serviceable double-check valve as required and approved by the Land Use Administrator. See Chapter 9 for these requirements.

6. *Moisture sensing device or smart irrigation system.* All irrigation systems shall have an operational moisture-sensing device or a smart irrigation system such as a rain detection device.

11.03.07. *Installation of plants.* All landscaping is to be installed in a professional manner following good nursery practices as set by the Florida Nurserymen Landscape and Growers Association. All planting requirements shall meet or exceed the standards set forth in this chapter and the University of Florida Extension Publication ENH856 - Tree Specifications for Planting Trees and Shrubs in the Southeastern United States.

A. *Mulching requirements.* All planting areas shall be mulched with a minimum of threewo inches and a maximum of four inches of mulching material. The type of mulching material is subject to approval by the Land Use Administrator.

B. *Turf.* See Section 11.03.03.B. for turf requirements and quality.

11.03.08. *Compliance with approved plans; maintenance.*

A. *Compliance with approved plans.* All required plantings as shown on the approved landscape plans must be completed prior to issuance of a certificate of occupancy.

B. *Maintenance.*

1. The owner is responsible for maintaining the approved landscaping on-site in a healthy condition indefinitely. All required plant material that dies, or becomes unhealthy and is not treatable, shall be replaced within 30 days. When any plants are replaced because they are dead, diseased, or destroyed by acts of nature, they should be of the same or similar species and meet the size standards of Table 11-4.

2. Pruning standards for all tree work done in the City shall follow American National Standards Institute (ANSI) A300, Part 1 "pruning standards" as well as ANSI Z133.1-2000 standards for safety.

   a. The owner, tenant and their agents including personnel and companies who provide the tree services shall be jointly and severally responsible for following these pruning specifications and for tree damage or loss. Trees shall not be topped (hat-racking), over-lifted (lions-tailing), shaped, or significantly pruned, but shall be allowed to grow to maturity and attain their natural form so that crown development is not inhibited. Trees may only be pruned to maintain good health and growth by removal of limbs that are dead, weak, insect or disease-infested, storm damaged, crowded, rubbing other limbs, low and interfering with pedestrians or vehicles, or to maintain safe distances from utility lines.

   b. For maintenance of commercial properties, including: office, medical, retail, and industrial uses; and multi-family projects of 25 units or more, tree pruning of branches one inch or larger and at a height of eight feet or more shall only be provided by or under the direct supervision of arborists certified by the International Society of Arboriculture within Florida. or by tree trimmers certified annually by the City.

3. Adequate provision shall be made, as approved by the Land Use Administrator, for the perpetual maintenance of common areas through covenants and restrictions or other means. These requirements can be achieved through either existing tree preservation (preferred) or by planting new trees. Buffer plantings shall be planted in common areas and not private lots, unless a landscape maintenance easement is granted with adequate perpetual maintenance assurances.

4. The owners are responsible for maintaining the approved irrigation system in an operable and efficient condition in perpetuity.

5. For developed lots and the improved portions of partially developed parcels, the owners are responsible for ongoing removal of all invasive plant species, as determined by the Florida Department of Agriculture and Consumer Services "Noxious Weeds" rule set forth in the Florida Administrative Code.

6. The City may conduct periodic inspections to assure compliance with the planting and maintenance requirements of this section. If a violation is found the City will notify the owner that they have 30 days in which to replace plants and make any other necessary repairs. Continued violation after the 30 days will be referred to the Code Enforcement Board or another enforcement mechanism will be used.

11.03.09. *Construction phase/acceptance of improvements.*

A. *Construction phase.*

1. *Permit.* No site work shall commence until appropriate tree protection and erosion control measures are in place and approved by the Land Use Administrator.

2. *Pre-construction meeting.* Prior to any site clearing on MFR, COM, IND, and SUBD developments, all trees and areas with shrubs to remain shall be properly marked and barricaded as indicated in this Chapter. A pre-construction conference shall be scheduled with the general contractor, land clearing contractor or its designee, and City staff to review specific criteria for construction.

3. *Erosion control.* Best management practices shall be utilized.

B. *Acceptance of improvements.*

1. *Certificate of occupancy.* No certificate of occupancy may be issued until all specifications on the approved plan have been attained unless the Land Use Administrator determines that an extension of up to sixty (60) days is warranted and the required landscape and irrigation are covered by a surety given to the City on a form provided by the City, in the amount of one hundred fifty (150) percent of the estimated value of the unfinished work.

2. *As-built drawings.* Landscape and irrigation as-built drawings (as-builts) are required prior to the certificate of occupancy of the project being issued in any zoning district except for SFR, DPX, and EST. The irrigation as-builts provided to the City for future reference shall include certification via signed and sealed plans by a landscape architect for location of water source, rain sensor, valves, clocks, and heads. The purpose of the irrigation as-built drawings is to provide reasonable assurance that the irrigation system is installed in accordance with City approved irrigation plans. Approximate underground pipe run locations will be acceptable in lieu of exact locations. As-builts may be bonded according to the procedure as noted in Section 11.03.09.B.1.

(Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 11.04. - Enforcement/Remediation and Penalties.

11.04.01. *Cease and desist orders.* The Land Use Administrator may issue a cease and desist order for a maximum of two working days whenever a violation of this subpart has occurred. Upon review of the violation, the Land Use Administrator may extend the cease and desist order until the violation is brought into compliance and all resulting fines incurred as a result of the violation are paid.

11.04.02. *Correction of violation/remediation.* The City shall take the following actions when a violation of this chapter has occurred in addition to all other available code enforcement remedies:

A. *Tree replacement remediation requirements*. Each tree destroyed or significantly damaged contrary to the latest ANSI A-300, Part I standards, including removal or effective removal, shall be replaced on SFR/DPX properties pursuant to Table 11-4 by a desirable type of tree; and on MFR/COM and IND properties only, the total diameter inches of the protected trees removed shall be replaced with a minimum replacement tree size of six-inch caliper. On MFR/COM and IND properties a mitigation plan consistent with this Chapter must be submitted to the City for review. This plan may require, in part, contribution to the tree bank fund. If contribution is to be made into the tree bank fund, the monetary equivalent amount of such contribution shall be determined pursuant to Subsection 11.02.07. The mitigation plan shall also require mitigation of any other damage to the property. Each tree so damaged or removed shall be considered a separate violation of this LDC.

B. *Sites cleared without approved tree surveys.* If the site has been cleared and the trees have been removed from the site such that the Land Use Administrator is unable to determine with reasonable certainty the number of protected trees removed in violation of this subpart, the violation may be corrected or partially corrected by paying into the tree replacement fund. The Land Use Administrator will determine the appropriateness and numbers of tree replacements to be planted back on the lot upon inspection. No work shall continue until the tree replanting plan has been approved. The contributions assessed under this subsection shall be payable to the City within ten working days after assessment. All replanting shall be required to be irrigated.

C. *Clearing without construction/inspections.* Permitted projects which are cleared, and upon which construction and inspection has not occurred within six months of clearing, shall be subject to mitigation per Table 11-2, as well as stabilization of all disturbed areas with sod or seed. In areas where a tree survey was accomplished, all protected trees on the survey shall be mitigated, and in areas where trees were not surveyed, the fine established by the City shall apply. Additionally, all perimeter buffer plantings, as shown on the approved plans, shall be installed and irrigated. Trees used in these buffers shall be credited towards the mitigation requirements.

11.04.03. *Appeals.* Any person aggrieved by an administrative order of the Land Use Administrator may appeal the order to the Planning and Land Development Regulation Board in accordance with requirements in Chapter 2.

(Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 12.01. - Generally.

12.01.01. *Purpose and intent.*

(1) It is the purpose of this chapter to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this chapter are also designed and intended to meet the statutory requirement that this municipality adopt land development regulations that regulate signage, a requirement set forth in F.S.

§ 163.3202(f). The sign regulations in this chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. The City specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the City to further these interests.

This chapter regulates signs, as defined in this Unified Land Development Code, which are placed on private property. This chapter is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

The City boundary is depicted on the official zoning map. In order to preserve and promote the City as a desirable community in which to live, recreate and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end.

This chapter is intended to serve the following purposes:

A. Maintain the established suburban character of the City by regulating all exterior signage in a manner which promotes low profile signage of high quality design and enhances the City's ability to attract sources of economic development and growth;

B. Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any site to avoid visual clutter;

C. Protect motorists from visual distractions, obstructions, and hazards by regulating the location of signs;

D. Enhance the appearance of the physical environment by requiring that signage be designed to complement the architecture of the structure which the signage is intended to identify, and sited in a manner which is sensitive to the existing natural environment;

E. Allow signage that satisfies the visibility, identification, and communication needs of the local business community;

F. Foster civic pride and community spirit by maximizing the positive impact of development;

G. Establish procedures and regulations for the construction and maintenance of signs, removal of nonconforming signs, variances, and enforcement of these regulations;

H. Improve pedestrian and traffic safety;

I. Minimize the possible adverse effect of signs on nearby public and private property;

J. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

K. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

L. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed, and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

M. Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

N. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its master planned community, as well as for its major subdivisions, shopping centers, and industrial parks;

0. Allow for traffic control devices and government signs without regulation, consistent with state and national standards, because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing state and nationally consistent warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;

P. Enable the fair and consistent enforcement of these sign regulations;

Q. Promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the City's goals of quality development;

R. Provide standards regarding the non-communicative aspects of signs, which are consistent with city, county, state and federal law;

S. Ensure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs;

T. Ensure that the constitutional guaranteed right of free speech is protected. Applications will be reviewed only with respect to sign structure or placement, excluding any reference to message, category, subject, topic or viewpoint;

U. Reduce the Impact of Sign Clutter. Excessive signage and sign clutter impair legibility and undermine the effectiveness of governmental signs, Traffic Control Devices and other required signs (such as building, unit or house number signs, street identification signs, and building identity signs) that are essential to identifying locations for the delivery of emergency services, mail and package delivery, and other compelling governmental purposes The intent of these sign regulations is to enhance the visual environment of the City, ensure that City residents and visitors can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this Chapter to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests; and

V. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs.

(2) Where there is conflict between this chapter and other sections of this Code, the most restrictive regulations shall apply.

(3) This chapter does not regulate government signs on government property.

12.01.02. *Applicability.* These regulations apply to signs within residential and nonresidential areas. Signs shall be erected, placed, established, painted, created, and maintained in the City only in conformance with the regulations, procedures, exemptions, and other requirements of this chapter and pursuant to City standards and the Florida Building Code.

12.01.03. *Effect.* The effect of this chapter is to prohibit all signs not expressly allowed in this Code, except as approved through the variance process established herein and in Chapter 2.

12.01.04. Definitions. Words and phrases used in this chapter are defined in Chapter 14 (Glossary).

(Ord. No. 2009-26, § 59, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.02. - Sign Permits.

12.02.01. *Permit required.*

A. It is prohibited and unlawful for any person to erect, construct, alter, or relocate within the corporate City, any sign without first obtaining a sign permit, except as otherwise specified in this chapter. Applications shall be filed in accordance with City standards.

B. When considering the placement of freestanding signs, the Land Use Administrator shall consider the location of public utilities, sidewalks, and future street widening.

C. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this section and any applicable zoning law. The review of a completed sign permit application shall be completed within ten calendar days.

(Ord. No. 2009-26, §§ 60, 61, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.03. - Exempt and Prohibited Signs.

12.03.01. *Exemption from permitting.* The following signs are exempt from sign permit requirements; however they shall meet all other code requirements, including applicable construction regulations, and electrical permits as determined by the adopted electrical code:

A. Temporary Signs.

B. Signs required by federal or state law;

C. A sign (except a window sign which shall be subject to the provisions of this section) located entirely inside the premises of a building or enclosed space;

D. A motor vehicle sign, other than a prohibited vehicle sign or signs, as set forth in Subsection 12.03.02;

E. The change of copy on permitted manually changeable copy signs;

F. For 911 emergency response systems and public safety purposes, street address signs and residential mailboxes;

G. For 911 and emergency response systems, signs which identify the occupant;

H. Machinery and equipment signs. Machinery and equipment signs shall be allowed in all districts;

I. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property;

J. Signs protected by state statutes; and

K. Signs regulated by state statute. Sign applicants claiming an element of their proposed sign is regulated by F.S. § 553.79(22), as may be amended from time to time, must include all supporting documentation with their application and a clear and concise statement of regulatory applicability for review.

12.03.02. *Prohibited signs.* Except as required by state law or otherwise permitted by this Article, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies, the City shall have the right to recover damages from the owner or person placing such sign. It is prohibited and unlawful to erect or maintain any sign not specifically authorized by this chapter, including:

A. Signs that are in violation of the building code or electrical code adopted by the City;

B. Any sign that constitutes a traffic hazard or a detriment to traffic safety, as determined by accepted engineering standards, by reason of its size, location, movement, content, coloring, or intensity of illumination;

C. Signs using lights or illuminations that flash, move, rotate, blink, flicker, scroll like [~~or vary in intensity or color and~~ stock tickers or have strobe effects, except when required by the Federal Aviation Authority;

D. Signs that have video, animation or full-motion graphics;

E. Signs that have audible components or sound;

~~C.~~F. Digital signs on vehicles or trailers

~~D.~~G. Signs using exposed incandescent or LED bulbs in excess of 11 watts;

~~E.~~H. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics;

~~F.~~I. Pursuant to state law, signs using words and traffic control symbols which interfere with, mislead, or confuse traffic, such as "stop", "look", "caution", "danger", "slow", or which violate with the Manual on Uniform Traffic Control Devices (MUTCD);

~~G.~~J. Signs that resemble any official sign or marker erected by any governmental agency or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device;

~~H.~~K. Signs within ten feet of public rights-of-way or 100 feet of traffic control lights that contain red or green lights that might be confused with traffic control lights;

~~I.~~L. Signs attached to traffic control devices or utility poles;

~~J.~~M. Signs attached to trees;

~~K.~~N. Signs made of combustible materials that are attached to or located within 20 feet of fire escapes or firefighting equipment;

~~L.~~O. Signs that obstruct a fire escape, window, door, or other opening used as a means of ventilation, ingress, or egress;

~~M.~~P. Any type of balloon signage;

~~N.~~Q. Signs that incorporate projected images;

~~O.~~R. Signs that involve the use of live animals;

~~P.~~S. Signs that emit audible sound, odor, or visible matter such as smoke or steam;

~~Q.~~T. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals;

~~R.~~U. Signs that are painted, pasted, or printed on buildings or any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs required by law;

~~S.~~V. Off-site signs;

~~T.~~W. Banners or signs placed across any public street, park, or property;

~~U.~~X. Private signs erected within any navigable waterway within the City;

~~V.~~Y. Portable signs, except as provided in this Chapter;

~~W.~~Z. Roof, marquee, and pole/pylon signs;Abandoned signs;

~~X.~~AA. Paper, cardboard, chalk, or white-board signs, except as allowed in this chapter;

~~Y.~~BB. Exposed neon or LED signs;~~Animated signs, including, flashing, undulating, swinging, rotating, or otherwise moving or scrolling signs.~~

~~Z.~~

~~AA. Electronic display type signs, including time and/or temperature signs, or any sign displaying any type of screen using animated or scrolling displays, such as a LED (light-emitting diode) screen or any other type of video display, even if the message is stationary; or signs displaying alternating or intermittent lights or lights of changing degrees of intensity or changes. Signs that have multiple views and objects that digitally or electronically produce color and/or black and white images similar to a television screen are prohibited. In addition, signs may not be multi-vision signs or display devices capable of presenting two or more separate images or ad copy sequentially by rotating multi-sided cylinders;~~

~~BB.~~CC. Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related;

~~CC.~~DD. A-frame signs, except as provided in this Chapter;

~~DD.~~EE. Any sign located within a right-of-way, except as may be allowed by this chapter;

~~EE.~~FF. Signs as a principal use in any zoning district;

~~FF.~~GG. Snipe signs;

~~GG.~~HH. Signs mounted to fences except as permitted in this chapter;

II. Parasite signs;

JJ. Motor vehicle signs or any signs attached thereto or placed thereon subject to the following exceptions:

1. Any vehicle appropriately parked on private property so long as the vehicle is used regularly, is only parked while not in use, and is not intentionally parked on the private property for the sole purpose of displaying the sign on the vehicle.
2. Any vehicle appropriately parked in a non-residential area upon which is placed a sign, if such vehicle is one that is operated during the normal course of business; provided, however, that no such vehicle shall be routinely parked in a location for the purpose of serving as, or constituting, additional signage.
3. Buses, taxicabs, and similar common carrier vehicles that are licensed or certified by the City of Palm Coast, Flagler County, other governmental entities, and/or Florida Public Service Commission.

KK. Permanent commercial signs on lots without a principal use; and

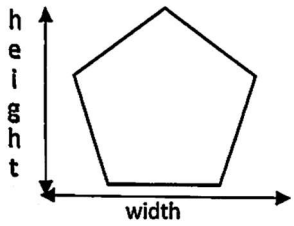
LL. Pole signs.

(Ord. No. 2009-26, §§ 62-71, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.04. - Sign Provisions for Permanent Signs.

12.04.01. *Calculating sign area.*

A. In computing sign area, ~~standard geometry formulas for common shapes shall be used. Common shapes shall include squares, rectangles, trapezoids, circles, and triangles. In the case of irregular shapes,~~ the total sign area will be the area of the ~~smallest~~ widest and tallest common shape that encompasses the various components of the sign (see graphic below).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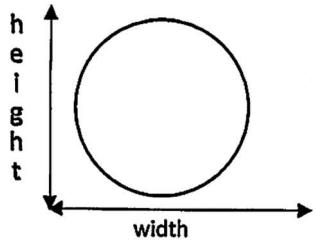
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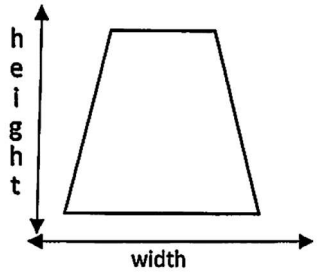
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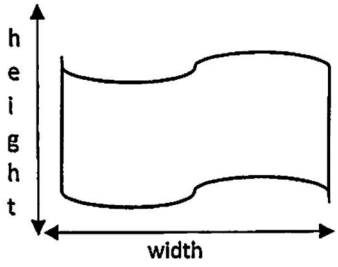
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Width
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SIGN


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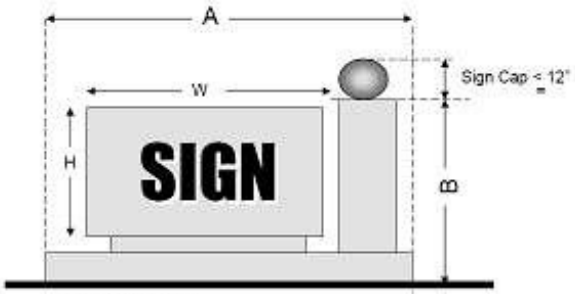
B. All words and components of a sign, including the support base of freestanding signs, shall be deemed to be part of a single sign. Individual words or components may be considered separate signs only if they are obviously disassociated from other components. When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute sign area. Double face signs that meet the definition contained in this chapter shall be considered one sign.

C. The architectural features of freestanding signs shall not be greater than double the sign area. To calculate, take the ~~The~~ aggregate sign area and ~~-~~subtract the sign area. This shall not be greater than the sign area times two. ~~of freestanding signs shall not be more than double of the proposed sign area, exclusive of the sign area, only to include architectural features.~~

~~C.~~ _____See graphics below.



D. The allowable size of some freestanding signs is determined based on lot frontage (i.e., the width of a site along a public street). The allowable size of some wall signs is calculated based on the building frontage (i.e., width of the building where the public entrance is located).

12.04.02. *Measuring sign height/clearance.*

A. Freestanding sign height shall be measured from the ground elevation at the base of the sign to the highest point of the sign structure. The maximum height of permanent freestanding signs shall be seven feet, unless otherwise specified in this code. Decorative column caps may extend up to 12 inches above the maximum height permitted.

B. The clearance of a projecting sign shall be measured from the bottom of the area to the ground below.

C. The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign. The top of the area shall be no higher than the roof eave line.

12.04.03. *Construction and maintenance requirements.*

A. Except for temporary signs and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

B. All signs and their supports, braces, guys, and anchors; electrical parts and lighting fixtures; and all painted and display areas shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Code at all times. Damaged faces or structural members shall be promptly removed or replaced.

C. Vegetation around, in front of, behind, and at the base of any sign shall be installed and maintained and neatly trimmed to conform to City landscape maintenance standards.

D. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise directed by the utility provider.

E. No sign structure or framework may be exposed to public view due to removal of sign faces or advertising copy for a period in excess of 15 days.

12.04.04. *Existing signs.*

A. *Modifications to signs.* Modifications to signs shall not result in a sign that violates the requirements of this Code. The modification of sign height or size requires sign permit approval.

B. *Permits not required for change of sign copy* No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign. However, a color change to the base of a sign must be aesthetically compatible with the associated primary structure.

C. *Nonconforming signs.* Signs lawfully existing prior to the effective date of this Code may be continued although their size, location, or other physical attributes do not conform to this chapter.

D. *Loss of legal nonconforming status of a sign.* A sign loses its legal nonconforming status and shall be considered in violation of this Code if one or more of the following occurs:

1. The sign is structurally altered in any way, including increasing its height, weight, width, depth, or enlarging it in any manner, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration.
2. The sign is destroyed to such an extent that more than 60 percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25 percent of the length above ground of each broken, bent, or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.
3. Signs determined to be abandoned under the provisions of Subsection 12.04.04.E of this section.

E. *Abandonment.* All nonconforming signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-site sign is located when the business it advertises is no longer conducted. Conforming signs shall have the copy area face removed and replaced with a blank face. Said signs on vacant or unoccupied property must be removed after 30 days. Any sign face which advertises a service no longer conducted or product no longer sold upon the property must be removed after 30 days. If the owner or lessee fails to remove the sign or sign message, the sign or sign message shall be deemed in violation of this Code.

F. *Signs subject to immediate removal.* Any sign erected without a required building permit is unlawful and must be removed by the owner thereof.

G. *Off-site signs.* Existing off-site signs may not be converted to electronic display type signs.

12.04.05. *Sign design.* Freestanding signs shall be aesthetically compatible with the principal structure, shopping center or subdivision.

12.04.06. *Lighting of signs.*

A. Any lighting used to illuminate signs shall be shielded such that the light source cannot be seen from abutting roads or properties.

B. No unshielded light source may be visible from the edge of the public right-of-way at a height of three feet.

C. Sign lighting shall not be designed or located to cause confusion with traffic lights.

D. Illumination by floodlights or spotlights is permissible if none of the light emitted shines directly onto an adjoining property or into the eyes of the motorist using or entering public streets.

E. Illuminated signs shall have luminance no greater than 300-foot candles.

F. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.

G. Backlit awnings are prohibited.

12.04.07. *Sign location criteria.* The following location standards shall apply to all signs, unless stated otherwise in this chapter.

A. Freestanding signs.

1. Freestanding signs shall only be allowed on sites with a frontage of 50 feet or more.
2. Unless specifically noted in this chapter, signs shall be located wholly within the premises, and shall maintain a minimum setback of ten feet from all property lines. Signs may be allowed within an easement unless it is in conflict with the purpose of the easement.
3. No freestanding sign shall be located closer than 15 feet from any other freestanding sign, on or off the premises. On corner lots, the freestanding signs on each frontage shall be at least 100 feet apart, measured along the rights-of-way. This requirement does not apply to temporary signs.
4. Freestanding signs shall include landscaping around the base of the sign as required in Chapter 11. The plant material shall be selected to complement and enhance the sign.
5. Signs in nonresidential districts shall not be located closer than 50 feet from a residential zoning district except signs on property where the principal use is allowed outright or by special exception in that residential district.

B. *Other signs.*

1. Wall signs shall not exceed 75 percent of the width of the wall where they are placed, except if business is occupying more than one unit and no other wall signs will be placed on the adjoining unit(s); or if there are architectural elements separating facades where signs would be located on single use or multi-tenant buildings.
2. Wall signs shall not cover windows and shall preserve the architectural integrity of the building.
3. No wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case such sign may not extend above the top edge of the parapet
4. Wall signs on multistory buildings are allowed above the first floor.
5. Wall signs shall not be allowed within 50 feet of a residential district, if facing a residential zoning district, unless it is a mixed-use district.
6. A projecting sign shall be erected only on a wall of a building and shall not project out more than four feet. Projecting signs over a parking space, travel lane, or a driveway shall have a minimum clearance from finished grade of 14 feet to the bottom of the sign.
7. Projecting signs that extend over a sidewalk or walkway shall provide a clearance of eight feet between the finished grade and the bottom of the sign.
8. Awning lettering shall be placed on the awning valance and not on the vertical arc or diagonal portion of the awning. The awning material may include a design pattern.
9. Directory signs, for emergency and traffic circulation purposes, may be attached to a wall or be freestanding, but shall not be located within 10 feet of any public right-of-way line.

12.04.08. *Flagpoles.* Flagpoles are allowed subject to the following conditions:

A. Two flagpoles are allowed on each parcel/lot having less than 100' of road frontage. Three flagpoles are permitted on lots having 100' or greater of road frontage in the City.

B. Maximum pole height shall be 30 feet in nonresidential districts, and 25 feet in residential districts.

C. All poles shall be ground mounted.

D. All flagpoles shall have a minimum five-foot setback from the property lines.

Sec. 12.05. - Permitted Permanent Signs.

This section establishes the type, location, and size of signs allowed within residential and nonresidential zoned districts.

12.05.01. *Residential zoning districts.*

A. *Monument signs at entrances.* Residential subdivisions and residential multifamily developments may erect signs meeting the following requirements at the entrance to the subdivision or multi-tenant development:

1. *Number of signs.* One double-sided freestanding sign or two identical single-sided signs, one on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).
2. *Maximum sign area.* The total sign area for each entrance sign shall not exceed 32 square feet.
   a. Signs that are combined with a minimum of two architectural embellishments, such as decorative walls, artificial rock formations, waterfalls, lake/pond mounted signs, signs located on grandiose entrance roads or other similar aesthetic features may qualify for an increase of signage square footage up to 64 square feet, and increase in height up to 14 feet, as approved by the land use administrator.
3. *Sign location.* Entrance signs for subdivisions shall be located on a tract or parcel or easement designated for signage purposes. Such tract or parcel shall be owned and maintained by a common property association and shall be located at the entrance of the subdivision.
4. *Maximum height.* Maximum sign height shall be seven feet. See section 12.05.01.A.2.a for possible increase in height.
5. Entry features associated with monument signs at entrances to subdivisions.
   a. Accessory structures associated with subdivision entrance signs shall not exceed 28 feet in height from the grade of the road.
   b. Fences and walls associated with subdivision entrance features shall comply with section 4.01.02.C.

B. *Signs for nonresidential uses.* Except for those signs and sign-types allowed in residential and residentially zoned districts in accordance with Subsection 12.05.01.A, no additional permanent signs or sign-types shall be allowed for permitted nonresidential uses in residential or residentially zoned districts, except for the following sign-types:

1. Freestanding sign. One double-sided freestanding sign meeting the following:
   a. The total sign area shall not exceed 24 square feet.
   b. Signs shall not exceed seven feet in height.
2. Wall sign. Nonresidential uses permitted in residential districts pursuant to Table 3-2 of the LDC are allowed one wall sign per business. Such sign shall be included in the sign area calculation noted in Subsection 12.05.01.B.1. No other signs are permitted on the building, except signs to identify the number and address of the property, for 911 and emergency response systems and public safety purposes.

C. *Directional signs.* Directional signs are allowed in residential districts subject to the following requirements:

1. Signs to assist onsite traffic must be low-profile signs not to exceed three feet in height above grade and four-square feet of surface area, so that public safety personnel can easily identify addresses and to ensure proper traffic flow.
2. All such signs shall be of consistent size, font, and color.

12.05.02. *Nonresidential zoning districts.* The following regulations shall apply to signs within nonresidential zoning districts.

A. *Monument signs at entrances.*

1. *Number of signs.* One double-sided freestanding sign or two identical single-sided

freestanding signs, one on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).

2. *Maximum sign area.* The sign shall not exceed a sign area of 32 square feet per sign.
3. *Sign location.* Entrance signs for subdivisions shall be located on a tract or parcel or easement designated for signage purposes. Such tract or parcel shall be owned and maintained by a common property association and shall be located at the entrance of the subdivision.
4. *Maximum height.* Maximum sign height shall be ~~seven~~ ten feet. A maximum of 12 inches cap on a column is allowed in addition to the maximum sign height.

B. *Freestanding sign.* Freestanding signs are allowed provided they are monument signs that meet the following requirements:

1. *Single use developments.*
   a. Number of signs. One freestanding sign is allowed per lot frontage facing a street.
   b. Maximum sign area. Thirty-two square feet for the first 100 feet of lot frontage, plus one square foot for each four lineal feet thereafter, to a maximum size of 96 square feet for each sign.
   c. Maximum height. Maximum sign height is ~~seven~~ ten feet.
2. *Multitenant development.* Multitenant developments such as shopping centers, mixed use developments, retail centers, and office parks shall comply with the following standards:
   a. Number of signs. The main development/center and each outparcel may have one freestanding sign per frontage on a public street. One additional freestanding sign may be allowed on parcels within a shopping center development containing a Mid-Scale Retailer or a Large-Scale Retailer and an approved Signage program.
   b. Maximum sign area. The maximum sign area permitted for freestanding signs for the main development shall be calculated based on the street frontage for the entire development site (including outparcels), using the formula noted above for single use signs. Developments that do not have outparcels or outparcels that are not part of the development order sign criteria shall calculate the maximum sign area using the formula noted above as a single use sign.
   c. Maximum height. Maximum sign height shall be ~~seven~~ ten feet.
   d. Digital display signage shall be permitted on the main development sign only. Digital display shall be prohibited on Outparcel signage.

C. *Wall signs.* Wall signs are allowed provided they meet the requirements of Subsection 12.04.07 (Sign Location Criteria) and the following requirements:

1. Maximum sign area. Each individual business having a separate building entrance shall be permitted one wall sign per street frontage including awning and projecting signs. If the business has a customer entrance on a separate building elevation not facing a street, an additional wall sign meeting the maximum sign area requirements may be permitted for that elevation. Signs shall be subject to the following maximum square footages:

Table 12-1: Permitted Maximum Wall Sign Area in a Nonresidential District

Business Frontage (Linear Feet)	Area (Square Feet)
25 or less	32
26—50	50

51—100	75
101—150	90
151—200	110
201 or more	150

2. *Buildings with shared space and one entrance.* A building with a common entrance for multiple tenants may share wall signage with all tenants if the owner submits a master signage plan that complies with Table 12-1. The owner may share the allocation allotted under Table 12-1 among three separate signs so long as the total square footage does not exceed Table 12-1 and meets the requirements of 12.04.07. If the allocation is used for multiple signs, all signs must be consistent with the approved signage plan. Signs must be of same style, size, font and color.

3. *Large-scale retailers.* Large-scale retailers, as defined in Chapter 14, may have one major wall sign and four minor wall signs. The major wall sign shall not exceed the maximum square footage depicted in Table 12-1. The minor wall signs shall not exceed 24 square feet each.

4. *Mid-Scale Retailers.* Mid-Scale Retailers that are part of a shopping center will be allowed a major wall sign and 2 minor wall signs. The major wall sign shall not exceed the maximum square footage depicted in Table 12-1. The minor wall signs shall not exceed 24 square feet each.

5. *Canopies.* No additional sign area is permitted for canopies *over* fuel operations. However, permitted wall sign area for the principal structure or building may be transferred to the canopy, as long as the canopy signage is only situated on the sides of the canopy facing a right-of-way. This does not apply to required signage pertaining to safety or hazardous situations.

6. *Window signage.*

   a. Window signage, including temporary window signs, shall not exceed 35 percent of the total glass surface area of any one building elevation.

   b. Windows facing vehicle travel lanes: Lighting or illumination(s) that flash, blink, have strobe effects, or have video, animation or full-motion graphics or similar effects are prohibited. Neon signs that are stationary or have minimal movement are permitted. Ie. Signs that state “Open”.

D. *Directory Signage:* Permanent directory signs designed to assist 911 and emergency response systems, pedestrian circulation and traffic circulation shall comply with the following requirements:

1. Sign area for each sign cannot exceed a maximum size of 24 square feet and not more than two signs per building.
2. Maximum sign area of 24 square feet applies to both freestanding and wall signs.
3. If freestanding signs are used, the sign height shall be limited to six feet.
4. All signs shall be consistent with building aesthetics.

E. *Under-canopy sign.* Each tenant within a multitenant development shall be allowed one under-canopy sign. The under-canopy sign area shall not be counted toward the maximum wall sign area allowed.

1. The sign shall be no larger than six square feet.
2. The sign shall be rigidly supported by a decorative chain or bracket and the bottom of the sign shall have minimum clearance of eight feet above the sidewalk.
3. The sign shall be designed aesthetically compatible with the principal structure.

F. *Directional signage for Emergency Services Purposes.* In addition to the other types of signs allowed on a site, directional signs designed to assist 911 and emergency response systems and traffic circulation are allowed subject to the following requirements:

1. Directional signs to assist onsite vehicular traffic flow shall be low-profile signs not to exceed three feet in height above grade and four-square feet of surface area.
2. All directional signs shall be of consistent size, font, and color.

G. *Flags.* Refer to Subsection 12.04.08.

H. *Signs facing drive-through lanes.*

~~H.~~ 1. Drive-through restaurants are allowed to display drive-through lane signs subject to the following provisions:

~~1.~~ a. Each restaurant may display up to two freestanding compatible signs per drive-through, which shall be adjacent to and oriented toward the drive-through area.

b. The sign area may be a maximum of 30 square feet in total, with a maximum height of six feet.

~~2.~~ c. If two signs are located side by side, the total sign area may be shared and increased to 45 square feet if the Land Use Administrator determines it to be preferable from a safety perspective.

d. Supporting ancillary equipment is allowed, such as speakers and order confirmation devices. These devices, when combined with a cabinet, must not exceed the maximum height requirements of the signs.

2. Drive-through facilities other than restaurants may display drive-through lane signs subject to the following provisions.
a. One sign per drive through lane

~~3.~~ b. Signs not to exceed 16 square feet.

I. *Signage program.*

1. At master site plan application, developments shall include a conceptual signage program showing consistency between architectural elements, designs, and themes for freestanding, wall, and all other signs throughout the planned development. The conceptual signage program shall contain sufficient detail to address sign pattern, style, color, and locations(s). To encourage flexibility in the overall design of the master site plan project, up to 20 percent of total wall sign allowance on the street front facade can be transferred to the freestanding sign provided the request is depicted in a signage program, the total size of the freestanding sign does not exceed 115 square feet, and is included in the development order. All other signs shall be in compliance with Chapter 12 of the LDC.

2. At site plan application, multitenant developments shall include a signage program for all freestanding, wall, and other signs throughout the development that identifies sign style and locations consistent with the architectural theme and architectural integrity of the proposed building(s). The signage program shall be compatible with other sites within a master site plan development. The signage program shall be part of the site plan development order with approved elevation plans and site plan showing the sign locations to include visual details of sign patterns, style, and landscaping. Signs shall be in compliance with Chapter 12 of the LDC.

a. Wall signs. Wall signs with similar style sign casings and/or framings or architectural designated locations and illuminations are encouraged. Wall signs may have minor adjustments in location and size due to unit resizing or unit combining, but the overall architectural integrity of the building(s) and theme of the sign plan shall be maintained.

b. Freestanding signs. Freestanding signs are to be compatible with the proposed architectural design and landscaping.

12.05.03. Digital signs

A. Permitted locations

1. Principal Arterial, Minor Arterial, and some Major Collector roadways (See 12.05.03.B.2)
2. Digital Signs are permitted in the following zoning districts:
   a. COM-1, COM-2 & COM-3 (Neighborhood, General and High Intensity Commercial)
   b. OFC-1, OFC-2 (Limited and General Office)
   c. IND-1 & IND-2 (Light and Heavy Industrial)
   d. PSP (Public/Semi Public)
   e. MPD (Master Planned Development) – Nonresidential portions of a MPD if specifically approved in the development agreement.
3. Digital signs are prohibited in all residential zoning districts.
4. Signs with digital/electronic display must be set back a minimum 150 feet from residentially zoned property.
5. Multitenant developments such as shopping centers: Digital display signage shall be permitted on the main development sign only. Digital display shall be prohibited on Outparcel signage.

B. Size, Height and Area

1. Signs with digital displays must meet the criteria for Nonresidential zoning district signs LDC Sec. 12.05.02,A. and 12.05.02.B. which regulates the number of signs, the maximum sign area and the maximum height.
2. The maximum size of the digital area of the sign face permitted as follows:
   a. Principal Arterial roadways (US-1, Matanzas Woods Pkwy, Palm Coast Pkwy, SR 100)
      Digital sign area may occupy up to 75% of the total sign face.
   b. Minor Arterial roadways (Belle Terre Pkwy, Belle Terre Blvd, Old Kings Road-north of SR 100)
      Digital sign area may occupy up to 50% of total sign face.
   c. Major Collector roadways (Cypress Point Pkwy, Seminole Woods Blvd, Colbert Ln, Old Kings Road-south of SR 100, Palm Harbor Pkwy, Pine Lakes Pkwy, Florida Park Drive. Digital signs prohibited on Royal Palms Pkwy, White View Pkwy, Rymfire Dr., Easthampton Blvd.)
      Digital Sign area may occupy up to 50% of the total sign face.

C. Display Duration and Transitions

1. Minimum static display time: 8 seconds.
2. The display screen area shall provide a high-resolution with pixel spacing of ten (10) millimeters or less.
3. Transitions must be instantaneous or fade in/out, dissolve. A fade in/out or dissolve transition is permitted provided the outgoing and incoming messages blend smoothly without creating the appearance of flashing or motion.
4. Other types of transitions, including scrolling, traveling or animated are prohibited.

D. Brightness and Dimming

1. Maximum brightness. The intensity of the light source for a digital sign shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.

~~1.~~2. All Digital Signs must include automatic dimming based on ambient light. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed 0.3 foot-candles above ambient light measured by the method and distance as provided in the International Sign Association - Night-time Brightness Level Recommended for On-Premise Electronic Message Centers.

E. Permitting and Compliance

1. A sign permit is required for all Digital Sign installations or modifications.
2. The conversion of any portion of an existing permitted sign to digital sign shall require a sign permit.
3. The digital area of a sign must be integral to the design of the sign structure.
4. Malfunction Protocol: Signs must default to a black screen or be turned off in the event of a malfunction.
5. Signed and notarized affidavit on provided form is required with permit application.

F. Prohibited Digital signs and sign features

1. Animation
2. Digital display is prohibited on Wall Signs
3. Digital display shall not be permitted on existing non-conforming signs.
4. Pedestrian carrying digital sign(s)
5. Parasite digital sign (must be integral to the sign face)
6. Prohibited features
   a. Flashing, blinking, strobe or similar effects.
   b. Video, animation, or full-motion graphics.
   ~~a.~~c. Audible components or sound.

Sec. 12.06. - Temporary Signs.

12.06.01 ***Temporary sign standards.***

A. NON-RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS

Sign type	Number of signs	Maximum sign area and height (The sign areas provided are cumulative for the number of signs allowed)	Time	Additional standards
Commercial signs	One banner sign per business	Area:~~:~~ ~~Lots less than 1 acre – 16 square feet~~ ~~1 acre to 10 acres – 32 square feet~~ ~~More than 10 acres – 48 square feet~~ Based on Business Frontage (Linear Feet) as allowed for Wall Signage in Section 12.05.02.C.1. Table 12-1 Limited to height of building.	Remove after ~~30~~ 60 consecutive days	No more than three times per year. Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Commercial signs at outdoor recreational facilities	N/A	N/A	N/A	Must be located at the active sports area and not visible from the right of way
Non-commercial signs	Four per property	Area: Lots less than 1 acre – 16 square feet 1 acre to 10 acres – 32 square feet More than 10 acres – 48 square feet Limit 7' in height	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Signs on property hosting a Special Event	N/A	N/A	N/A	Signage regulated by permit and sign policy
Signs for parcels with active Site/building permits	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16 square feet 1 acre to 10 acres – 32 square feet More than 10 acres – 48 square feet Height: 7 ft max height	Remove within 3 calendar days after issuance of a final inspection or certificate of occupancy.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines. Can divide sign allowance between 2 different signs.
Signs on property being actively marketed for sale, rent or lease	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16 square feet 1 acre to 10 acres – 32 square feet More than 10 acres – 48 square feet	Remove within 3 calendar days after sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.

		Height: 7 ft.		

B. RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS

Sign Type	Number of Signs	Maximum Sign Area and Height (The sign areas provided are cumulative for the number of signs allowed)	Time	Permit Requirements and Additional standards
Non-commercial signs	Six per lot	Area: 6 sf Height: 6 ft	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Signs for parcels with active site/building permits	One per lot per property right of way frontage	Area: Lots less than 1 acre – 6 sf 1 acre to 10 acres – 12 sf More than 10 acres – 32 sf Height: 7 ft max	Remove within 3 calendar days after issuance of a final inspection ~~or certificate of completion~~or certificate of occupancy~~.~~	
Signs on property being actively marketed for sale, rent or lease, single family zoning.	Two visible from rights-of-way adjacent to lot; one additional sign (per property) only when the premises are available for inspection by the prospective buyer or tenant; said additional sign shall not be larger than 9 sf and may only be posted on private property with the permission of the property owner	Area: 6 sf per street frontage Height: 6 ft.	Remove within 3 calendar days of sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Signs on property being actively marketed for sale, rent or lease, multi-family zoning		Area: 24 sf Height: 7 ft		
Signs on properties with a sale on the property (not defined above)	One per street frontage	Area: 6 sf Height: 6 ft	Max. 2 times per year. Remove within 3 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.

Footnote 1: However, see ULDR Sections 4.01.01 and 12.04.07.A.2 prohibiting signs in City

12.06.02. *Model home and sales offices.*

A. model home is permitted to have one on-site, ground mounted, nonilluminated, freestanding sign in accordance with the following dimensional limitations:

1. Maximum sign area of 24 square feet.
2. Maximum height of four feet.

3. Setback a minimum of two feet from the right-of-way and located outside of the sight triangle as defined in Chapter 5.

B. Model homes that front a second right-of-way are permitted to display one commercial or non-commercial flag, with a maximum sign area of 24 square feet, set back of minimum of two feet from the right-of-way and located outside the sight triangle as defined in Chapter 5.

C. During hours of operation, one "A-Frame" sign may be located on the model home site if in compliance with Section 12.06.03.

12.06.03. *A-frame signs.*

A. *Permissible zoning districts.*
   1. A-frame signs are permitted in all nonresidential zoning districts:
   2. A-frame signs may be proposed as part of a nonresidential component of a Master Planned Development (MPD) District.

B. *Criteria for A-frame signs.*
   1. *Maximum number allowed.* A business with its own separate building entrance is allowed no more than one A-frame sign.
   2. *Location.*
      a. No sign may block a business entrance and/or pedestrian or vehicular traffic. Sign placement shall not interfere with the American with Disabilities Act (ADA) requirements.
      b. The sign(s) shall not be placed in landscaped areas.
      c. The sign(s) shall be located within ten feet of the business entrance which it serves but in no event shall the sign be located beyond the width of the business frontage.
      d. No A-frame sign shall be secured, tethered, or installed on traffic devices, utility equipment, trees, furniture, poles, or any other fixture.
      e. Sign(s) shall be located on the ground/sidewalk.
      f. Sign(s) shall not be located within sight triangles or in a manner that obstructs visibility to vehicular traffic.
      g. Sign(s) shall be displayed outside only during business hours.
   3. *Construction and maintenance.*
      a. When the adjacent sidewalk is less than six feet in width, the overall dimensions shall not exceed two feet wide by three feet in height; when the adjacent sidewalk is six feet or greater in width, the overall dimensions shall not exceed three feet wide by four feet in height.
      b. No sign shall have moving parts, illumination, or attachments.
      c. The sign shall have no more than two sides and shall be constructed of finished all-weather materials.
      d. Sign(s) must be properly anchored (temporarily) or weighted against the wind to prevent safety hazards. (Ord. No. 2009-26, §§ 88-92, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.07. - Variances.

12.07.01. *Review criteria.* The Planning and Land Development Regulation Board may grant variances from the regulations contained in this Code, in accordance with Chapter 2, and based only upon the following criteria:

A. To permit a setback for a sign that is less than the required setback, or

B. To permit the area or height of a sign to be increased by up to 25 percent of the maximum height or area allowed.

12.07.02. *Review findings.* The Planning and Land Development Regulation Board may grant one of the above two types of variances authorized by this section only if it finds there are special

physical conditions that:

A. Are due to the exceptional narrowness, shallowness, shape, or topography of the premises on which an activity is located, and

B. Prevent the activity from earning a reasonable return as compared with other activities in the area.

12.07.03. *Scheduling of public hearing.* An application for said variance shall be scheduled for public hearing within 30 working days of the date the application is deemed complete by the City.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.08. - Appeals to Planning and Land Development Regulation Board.

12.08.01. *Procedure.*

A. Whenever it is alleged that there has been an error in an order, action, decision, determination, or requirement by the Land Use Administrator in the enforcement and application of any provision contained within this section or any other provision of this Code pertaining to sign permits (including any allegation that the Land Use Administrator has failed to act within applicable time frames), the aggrieved party may file a written appeal with the Planning and Land Development Regulation Board.

B. The written appeal shall be filed with the Planning and Development Regulation Board within 30 calendar days of the date of the alleged error. The written appeal shall describe the alleged error and the applicable provisions of the Code pertaining to the Land Use Administrator's order, action, decision, determination, requirement, or failure to act.

C. The Planning and Land Development Regulation Board shall hold a hearing within 45 calendar days following receipt of the written appeal, not counting the day of the receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first or the 45th day after the date of receipt.

D. The Planning and Land Development Regulation Board shall render a written decision within ten working days following the hearing.

E. If the Planning and Land Development Regulation Board does not render a decision within ten working days following the hearing, the sign permit shall be deemed denied.

F. Failure to appeal the decision regarding a sign application by the Land Use Administrator to the Planning and Land Development Regulation Board shall not be deemed a failure to exhaust administrative remedies. The applicant may choose to proceed directly to a judicial action once the sign application has been denied by the Land Use Administrator.

G. If an administrative appeal is filed by the applicant, and the Planning and Land Development Regulation Board fails to meet within the prescribed time, the appeal will be deemed denied, and the decision of the Land Use Administrator regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction.

H. Once a decision is appealed to the Planning and Land Development Regulation Board, the Land Use Administrator shall take no further action on the matter pending the Board's decision, except for unsafe signs that present an immediate and serious danger to the public, in which case the City may pursue any proper legal remedy available to it.

I. The Planning and Land Development Regulation Board shall comply with all applicable rules of conduct and procedures that pertain to zoning and that are not inconsistent with the provisions in this chapter.

12.08.02. *Appellate decisions deemed final, subject to review.* The appellate decisions, pursuant to Subsection 12.08.01 above, shall be deemed final, subject to judicial review by the Circuit Court of the Seventh Judicial Circuit in and for Flagler County, Florida, filed in accordance with the

requirements of law, seeking such appropriate remedy as may be available.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.09. - Substitution of Noncommercial Speech for Commercial Speech.

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this chapter or Code may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, and other dimensional criteria contained in this chapter and Code have been satisfied.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.10. - Content Neutrality as to Sign Message (Viewpoint).

Notwithstanding anything in this chapter or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.11. - Severability.

12.11.01. *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and Code.

12.11.02. *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in Section 12.11, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration ofsuch unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or Code, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

12.11.03. *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in Subsection 12.11.01, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Subsection 12.03.02 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and Code.

12.11.04. *Severability of prohibition on off-site signs.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other Code provisions and/or laws as declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on off-site signs as contained in this chapter and Code.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 13.01. - Purpose and Applicability.

13.01.01. *Purpose.* The purpose of this chapter is to create and maintain a positive community image and identity by requiring architectural treatments that enhance the visual appearance and character of the City.

13.01.02. *Intent.* This chapter is intended to supplement City development regulations with specific design requirements that result in quality architecture, which emphasize pedestrian scale and recognize local character.

13.01.03. *Applicability.* The provisions of this chapter apply to new development and construction, redevelopment and alterations to existing buildings in the City. In addition, stricter requirements are provided for the Gateway Overlay Zone and the Palm Coast Parkway Overlay Zone, as set forth in Chapters 3 and 4.

A. Mobile homes that bear a Department of Housing and Urban Development seal are not subject to the architectural design regulations contained in this chapter.

B. Manufactured dwellings and mobile homes that bear a Florida Department of Community Affairs seal shall meet the design regulations as residential uses.

Sec. 13.02. - General Requirements.

The following architectural design requirements shall apply to all new development and construction, redevelopment, and alterations to existing structures within the City. Alterations shall include any change, addition, or modification including, but not limited to, repainting, that affects any of the elements governed by these architectural design criteria.

13.02.01. *Architectural styles.* The City has identified several recognized architectural styles for the design of buildings within the City. One of the following styles shall be used in the design of a nonresidential building. Applicable styles include Spanish Mission, Mediterranean, Italianate, Colonial, Neoclassical, Greek Revival, Modern, Craftsman, and Florida Vernacular.

13.02.02. *Green building.* Green building principles related to energy efficiency, resource protection, and environmental protection (e.g. reusable building materials, light colored roof materials, living roofs to treat stormwater, etc.) set forth by agencies such as, but not limited to, the United States Green Building Council and similar agencies are encouraged.

13.02.03. *Coastal building visual relief.* Buildings within 300 feet of the Intracoastal Waterway shoreline shall be oriented to provide one foot of unobstructed view from the right of way to the waterfront for each three feet of view obstructed by the building.

13.02.04. *Garages.* Garages that are detached from the principal structure shall be designed and constructed so that the roof and exterior walls of the garage are of similar architecture, materials, and colors as the exterior of the principal structure.

13.02.05. *Accessory structures.* The roof, exterior walls, and exterior colors of accessory structures, excluding prefabricated sheds, shall be compatible with the design of the principal structure. Accessory structures must meet the requirements as set forth in Chapters 3 and 4.

13.02.06. *Exterior colors*. Colors of walls, roofing, and accents such as trim and doors, shall be coordinated to achieve a visually and aesthetically positive effect consistent with sound and generally accepted land development principles and practices. While varieties of natural and painted colors are permitted, certain color principles shall be followed. The range of roofing materials and colors allowed for residential and nonresidential uses shall be as described in this section.

A. Exceptions.

1. The exterior colors of all residential, multi-family and nonresidential buildings shall be regulated according to this section with the exception of properties zoned MPD which are exempt from Subsection 13.02.06.B.1.

2. Unpainted natural stone, brick, roof material or natural appearing substitutes are excluded from exterior color requirements.

3. Garage doors that are not painted but are a varnished or stained natural wood with natural wood colors and visible wood grain, or other garage door materials similar in appearance and color of natural wood garage doors with wood-like texturing and visible wood grain surfacing, are excluded from Subsection 13.02.06.B.1.

4. Front entry doors are excluded from the exterior color requirements Section 13.02.06 except for Subsection B.3., prohibited colors.

B. Measurement of color. Multi-family and nonresidential building walls or garage door colors, excluding accent colors shall be determined using the Light Reflectance Value (LRV) index or an equivalent methodology.

1. Wall or garage door colors.

a. Light pastel colors and white. Acceptable light pastel colors and white shall have LRV of 80 or greater.

b. Earth tones. Earth tones include shades of brown, brown-taupe or sandy-taupe, beige, terra cotta, olive, sage and gray. Acceptable earth tone shades shall have a LRV of 25 or greater.

c. Garage doors shall be pastel or earth tone colors. However, earth tones colors may have a LRV less than 80, and may include black.

2. Accent colors for residential, muti-family and nonresidential.

a. Accent colors are all colors except prohibited colors as stated in Subsection B.3. of this section.

b. Accent colors shall only be applied to architectural elements except garage doors. Architectural elements may include but are not limited to, doors, shutters, keystones, quoins, awnings, window trims, door frames, window sills, cornices, and banding.

c. Accent colors shall not exceed 20 percent of any one elevation.

3. Prohibited colors.

a. Fluorescent colors shall be prohibited on all exterior surfaces. Neon lighting is not included within the term "fluorescent."

b. Residential and multi-family are prohibited from using any shade of purple, fuchsia, magenta, and orange that does not meet the pastel requirements of Subsection 13.02.06.B.1a.

4. Colors without a LRV. If the LRV of a color sample is not available, the Land Use Administrator shall compare the color sample to a color chip with a known LRV and determine whether the sample is lighter, darker, or equivalent LRV.

C. Building color combination.

1. Wall color combinations.

a. For residential buildings, one color shall be selected for the main surface of the building, and a compatible second wall color may be used for recessed front entryway walls.

b. Multi-family and non-residential buildings may vary wall color vertically between building masses, horizontally between stories, or a combination thereof, but no more than three colors can be used per building.

2. Accent color combinations. Accent colors should offer some contrast, and can therefore be darker, lighter, brighter, or richer than wall colors. However, the main consideration in choosing accent colors shall be compatibility with the wall color. Two accent colors shall be allowed per building. Accent colors shall complement the building's wall color.

D. Roof color. Roof color shall be compatible with the selected wall color. Roofs may be in the color of natural roofing materials (such as slate or clay) or may be finished in shades of gray, galvanized silver, copper, brown, green, red, black, blue, or white, except that a roof made of copper may be left in its natural color. Lighter colored roof materials, such as white or allowable galvanized metal, are strongly recommended for energy efficiency purposes.

E. Faux building features. It is prohibited to paint faux features or elements of a structure such as, but not limited to, windows, doors, shutters, or flower boxes.

F. Repainting.

a. When repairs are being made to the building's exterior wall surface, the wall may either be repainted in the same color or the building shall be painted in compliance with the LDC.

b. When repainting any portion of the building's exterior, the building shall either be painted in the same color or the building shall be painted in compliance with the LDC.

13.02.07. *Exterior material/finishes.*

A. *Exterior walls.* Exterior wall finish materials shall include stucco, stone, natural brick, finished concrete, split-faced block, wood, or other material including, but not limited to, synthetic materials similar in appearance and durability to those previously named. Finishes of exposed concrete block or corrugated metal are prohibited except metal may be allowed only in industrial zoning if it is not visible from the right of way and adjacent properties as determined by Land Use Administrator, and at minimum the building is set back 200 ft from the right of way.

B. *Roofs.* Roof material visible from the ground shall consist of concrete, slate, or clay tiles, asphalt fiberglass shingles, composite shingles, or metal standing seam, classic rib metal, Photovoltaic roofing materials. Residential uses may also have cedar shake wood. Screen room roofs shall have the same material and color as the primary structure or may use 3" insulated composite roofing. Pan roofing and corrugated plastic roofing materials are prohibited. To allow for the introduction of new roofing materials of similar quality and appearance, the Land Use Administrator may maintain a supplementary list of acceptable roofing materials.

(Ord. No. 2013-9, § 2, 11-19-13)

Sec. 13.03. - Single-Family and Duplex Residential Architectural Requirements.

This section shall apply to all single-family and duplex residential dwelling units.

13.03.01. *Architectural styles.*

A. Duplex residential dwelling units shall have the same architectural ~~-~~style~~design~~, materials, and colors for both sides. Duplex residential dwelling units do not have to be symmetrical.

B. Within residential developments, an identical house can only repeat every four lots when fronting the same right-of-way including both sides of the street. However, two nonidentical houses of the same style may be built adjacent to each other. To be considered nonidentical, the two houses should be distinguishable in ways such as reverse orientation plans, tile and shingle roof, articulation changes (different articulations, use banding on one and shutters on the other, etc.), Façade design change which is a structural change. (Different massing, change window location, change entranceway design, change roof line design etc.), or architectural equivalent.

13.03.02. *Roofs.* Roofs that are visible from the public right-of-way shall be of shed, hip, gambrel, mansard, or gable styles. Roof height, bulk, and mass must appear structural even when the design is nonstructural. The following requirements shall apply:

A. *Pitched roofs.*

1. All single-family and duplex buildings shall have a pitched roof covering a minimum of 65 percent of the overall floor area under the roof.

2. Pitched roofs shall have a minimum slope of 5:12 (5~~five~~ inches vertical rise for every 12 inches horizontal run) and shall have an overhang beyond the building wall; however, the overhang shall not encroach into an easement.

3. Flat roofed areas including, but not limited to, porches are permissible in the remaining 35 percent of floor area under roof.

B. *Flat roofs.*

1. Porches or screen rooms may have flat roofs where allowed. Screen rooms are only permitted at the rear of the home.

2. Flat roofs shall be reviewed by the Land Use Administrator for architectural and aesthetic design and impact on the surrounding area.

3. Flat roofs shall be located at the rear of the building out of view from the public right-of-way. On saltwater canals, flat roofs must match the roof of the primary structure (color and material) unless they are located between a screen enclosure and the residence. Matching shingles or modified bitumen rolled roofing with granules that resemble shingles are permissible.

13.03.03. *Facade design.*

A. *Massing requirement.* Building massing shall be implemented by use of techniques that reduce the appearance of high building density or bulk. At least one massing treatment, in addition to the articulation requirement, shall be included for each 50 linear feet of wall that exceeds 50 feet in length.

B. *Articulation.* Facade articulation is required to add interest to a building. The following features shall be acceptable techniques of exterior articulation:

1. A base course or plinth course; banding, moldings, or stringcourses; quoins; oriels; cornices; arches; balconies; brackets; shutters; keystones; dormers; louvers as part of the exterior wall construction.

2. Quoins and banding shall wrap around the corners of the structure for at least two feet.

3. Banding placed around the windows and doors visible from the right-of-way, golf course, canals, lakes, or other similar highly visible areas. Window shutters may substitute for banding.

4. Horizontal banding continuing the length of the wall that faces a street, golf course, saltwater canal, or other similar highly visible areas.

C. *Fenestration.*

1. Windowless exterior walls, excluding garage doors, that face a public right-of-way, golf course, canals, lakes, or other similar highly visible areas are prohibited.

2. All single-family residences shall have only one entry door on the designated primary front façade and all single families shall have only one primary front façade. ~~Reserved~~.

3. Windows shall be consistent with the architectural style of the building and proportionate in size and placement relative to the overall façade composition.~~Windows shall be in harmony with and proportionate to the rest of the structure.~~

4. The use of reflective glass on residential structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15 percent or greater.

D. *Shutters.* Shutters function as an accent to windows as well as weather protection.

1. *Accent shutters.* Accent shutters are designed as a visual detail for windows.

a. Accent shutters shall be a contrasting color to the wall color.

b. Shutters shall match the height of the window.

c. Acceptable types of accent shutters include traditional horizontal slat or panel type shutters. Professional scoring or etching of a stucco wall to give the appearance of shutters is also acceptable.

2. *Weather protection shutters.* Professionally installed Bahaman, Accordion, ~~and~~ Roll-Down, Clear Guard Panels, and Armor Screen Hurricane Protection ~~Down~~ shutters and similar approved products subject to Land Use Administrator~~, as well as clear guard panels~~, used as weather protection shall maintain the architectural character when residences are boarded up. Plywood shall not be considered a weather shutter except for 168 hours (7 Days) before storm force winds are predicted to reach Palm Coast and 168 hours (7 Days) after a storm force wind are predicted to pass Palm Coast. Duct tape shall not be an acceptable method of shutter fastening. Storm shutters can be used one month prior to the hurricane season through one month after the hurricane season.

E. *Awnings.* If used, awnings shall complement the architectural style and colors of the residence. Awnings may be placed above windows and doors. Placing any awning on residential garage doors is prohibited. Permitted awnings shall be constructed from canvas, matte finish vinyl, copper, wood, or a material that the Land Use Administrator deems appropriate with regard to the architectural style.

1. *Prohibited materials.* Plastic, shiny vinyl, Plexiglas, corrugated metal, or materials resembling plastic are prohibited.

2. *Illumination.* Backlit awnings shall be prohibited.

13.03.04. *Mechanical equipment.* Mechanical equipment such as, but not limited to, air conditioning units, pool pumps, generators, back flow preventers, and gas tanks shall be screened from view of the

public right-of-way and access easements with landscaping and/or fencing in compliance with City regulations.

13.03.05. *Manufactured dwellings and mobile homes bearing a Florida Department of Community Affairs Seal.* Manufactured dwellings and mobile homes that bear a Florida Department of Community Affairs Seal shall comply with the regulations for single-family residential and duplex architectural design. In addition, they shall meet the following:

A. A continuous perimeter stemwall foundation or monolithic foundation floor slab system that meets all criteria of the Florida Standard Building Code, shall be provided. Exterior walls of these dwellings shall bear directly on the foundation. Isolated elevated pier foundations are prohibited. Interior load-bearing foundations and/or walls shall be continuous.

B. The electrical service entrance shall be located on the dwelling.

C. The exterior face of all stemwall foundations and/or monolithic design shall be architecturally finished with Portland cement stucco, brick, stone, siding materials, or other durable material approved by the Land Use Administrator.

D. The main entranceway shall be covered with a roof structure. The roof structure shall be consistent with the roof structure of the principal dwelling and shall cover, at a minimum, the required exterior landing at the door. The entry roof structure may be an extension of the main roof system or a separate roof system that matches the main roof slope, materials, and architectural style. If separate, the roof structure shall be consistent with the principal dwelling.

(Ord. No. 2009-26, §§ 93—96, 12-15-09)

Sec. 13.04. – Multifamily and Nonresidential[1] Architectural Requirements.

1. Industrial uses are located in section 13.05.

The requirements contained in this section apply to all multifamily and nonresidential development excluding Industrial.

13.04.01. *Corporate trademark design.* Exceptions to the requirements contained within this chapter shall not be made for corporate franchises.

13.04.02. *Building architecture.* Building enhancements are required and shall be achieved through the use of the following:

A. *Building massing.* Massing refers to the two-dimensional shape or three-dimensional volume of a building. Attention to massing is especially important for large buildings whose bulk can be out of scale with their surroundings; or whose walls or roof lines may be uninterrupted, excessively long or high, or monotonous. Multifamily and nonresidential developments shall provide building massing and articulation as follows:

1. *Massing requirements.* Building massing shall be implemented by use of techniques that reduce the appearance of high building density or bulk. At least one massing treatment, in addition to the articulation requirement, shall be included for each 50 linear feet of wall that exceeds 50 feet in length.

2. *Massing techniques.* The use of the following building features, when more than three feet in depth or height, shall qualify as techniques that improve building massing. Other massing techniques may be used, as approved by the Land Use Administrator:

a. Balconies.

b. Building wall offsets.

c. Colonnades.

d. Cupolas.

e. Towers.

f. Pavilions.

g. Arcades.

h. Porticos.

i. Projections and recessed sections.

j. Clock or bell towers.

k. Variations in the height of the roof line.

l. Verandas.

m. Overhangs.

3. *Multifamily buildings.* Large multifamily and townhome building volumes shall be broken into smaller parts to avoid a massive appearance and to allow for ventilation and vistas. In addition to the massing requirement noted above, facades of multifamily developments shall not extend for more than 100 horizontal feet without a major volume shift or a substantial break in volume.

B. *Exterior articulation.* Articulation of exterior walls is required to add interest and a distinctive sense of place to a building. The following features qualify as techniques of building articulation:

1. *Articulation requirements.* All facades shall include, in addition to the massing requirement, at least one articulation from the list below on each facade. Facades extending for more than 50 horizontal or vertical feet shall provide at least two exterior treatments.

2. *Prohibited articulation techniques.* Professional scoring or etching of a stucco wall to give the appearance of shutters, doors, or windows shall be prohibited.

3. *Articulation techniques.* The use of the following elements shall qualify as articulation techniques:

a. Base course or plinth course.

b. Portals.

c. Windows.

d. Transoms.

e. Show cases.

f. Bay windows and oriels.

g. Lintels.

h. String courses and moldings.

i. Fascia.

j. Cornice.

k. Piers.

l. Arches.

m. Bays.

n. Balconies.

o. Brackets.

p. Wings.

q. Porches.

r. Stoops.

s. Corbel

C. *Fenestration.*

1. Windowless exterior walls that face a public right-of-way are prohibited.

2. For multistory commercial uses, at minimum 50 percent of the wall facade on the first floor story shall have windows. ~~The windows shall be placed between three feet and seven feet from the ground.~~

3. For office and multifamily uses, at minimum 15 percent of the wall façade per story shall have windows.

4. Windows shall be consistent with the architectural style of the building and proportionate in size and placement relative to the overall façade composition ~~Windows shall be in harmony with and proportionate to the rest of the structure.~~

5. The use of darkly tinted or reflective glass on the first floor of commercial structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15 percent or greater and darkly tinted glass windows include glass with a visible light transmittance rating of 35 or less. The use of low-emissivity (Low-E) glass is encouraged, but must demonstrate that the reflectance and transmittance requirements are met. All plans submitted to the City shall include the glass manufacturer's visible light reflectance, visible light transmittance ratings and Low-E glass specifications for evaluation. Privacy can be achieved through the use of blinds and curtains.

6. Uses such as movie theaters, bowling alleys, skating rinks, industrial facilities, warehouses, and similar uses are exempt from the fenestration requirements. The building façades shall provide additional architectural elements in lieu of windows at the same percentages of Subsection 13.04.02.C.2.

13.04.03. *Roofs.* The following types of roofs are permitted:

A. *Pitched roofs.*

1. A pitched roof shall have a minimum slope of 5:12 (5" vertical rise for every 12" horizontal run) and shall have a minimum overhang of two feet beyond the building wall. Flat roofed areas including porches, are permissible in the remaining 35 percent of floor area under roof.

2. Pitched roofs shall be enhanced by the addition of dormers, belvederes, chimneys, cupolas, clock towers and similar elements. Enhancements shall be consistent with the main elements of the building.

B. *Mansard style roof.* False mansards are prohibited.

C. *Flat roofs.* Buildings that have a flat roof shall be hidden from public view by a parapet and decorated by a cornice.

1. *Parapet.* The highest point of a parapet shall not at any point exceed 20~~15~~ percent of the height of the supporting wall.

2. *Cornice.* Cornices may be simple or mixed (straight and curved moldings), but should not exceed 24 inches in depth. Cornices shall have a minimum of 12 inches in height, and a minimum of three vertical (not diagonal) changes in plane, and a variety of thicknesses in relief ranging from the greatest at the top to the least at the bottom.

D. *Canopy roofs.* Canopy roofs for gas stations, drive-through restaurants, and banks are exempt from the pitched roof requirements.

13.04.04. *Building entrances.* All buildings are subject to the following regulations:

A. *Entrance placement.* The main building entrance shall face the public right-of-way unless it is determined by the Land Use Administrator that such configuration is not practicable. When parking is located on the side or rear of the building, the placement of a suitably large building entrance that faces the parking area shall complement, but not displace the main building entrance.

B. *Entrance articulation.* Main building entrances shall be articulated in a manner consistent with the architectural style of the building. All buildings shall have a minimum of one of the following architectural treatments, separate from the massing and articulation requirements, for each main building entrance: lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and features consistent with the building style.

13.04.05. *Awnings.* Awnings shall complement the architectural style and colors of the building. Awnings may be placed above windows and doors and are subject to the following requirements:

A. *Height.* A minimum clearance of eight feet shall be maintained between the sidewalk and the lowest part of the awning.

B. *Prohibited materials.* Plastic (or materials resembling plastic), shiny vinyl, and Plexiglas are prohibited.

C. *Illumination.* Backlit awnings are prohibited.

13.04.06. *Light fixtures.* Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building.

13.04.07. *Mechanical equipment, utilities, and storage areas.*

A. *Mechanical equipment.* When visible or audible from adjacent property or from the public right-of-way, mechanical equipment shall be screened by walls, fencing, roof elements, or landscaping. Screening shall be extended at least one foot above the equipment being screened. Ground-mounted mechanical equipment shall be located within 20 feet of the principal structure, except transformers.

B. *Service, utility, display, and storage areas.*

1. Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties both at ground and rooftop levels by walls made of masonry, brick, or durable man-made materials.

2. Utility boxes must be totally screened from view of principal streets, as well as pedestrian areas and walkways. Backflow preventers shall be landscaped.

3. Areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design, and construction materials for these areas shall be of comparable quality and appearance as that of the primary building.

4. Shopping cart storage shall be located inside the building. Cart corrals used by patrons shall be screened by a solid landscaping hedge or wall consistent with the building architecture and materials.

13.05 Industrial

The requirements contained in this section apply to only Industrial zoning districts

13.05.01. *Corporate trademark design.* Exceptions to the requirements contained within this chapter shall not be made for corporate franchises.

13.05.02. *Building architecture.* Building enhancements are required and shall be achieved through the use of the following:

A. *Building massing.* Massing refers to the two-dimensional shape or three-dimensional volume of a building. Attention to massing is especially important for large buildings whose bulk can be out of scale with their surroundings; or whose walls or roof lines may be uninterrupted, excessively long or high, or monotonous. Industrial buildings shall provide building massing and articulation as follows:

1. *Massing requirements.* Building massing shall be implemented by use of techniques that reduce the appearance of high building density or bulk. At least one massing treatment, in addition to the articulation requirement, shall be included for each 50 linear feet of wall that exceeds 50 feet in length.

2. *Massing techniques.* The use of the following building features, when more than three feet in depth or height, shall qualify as techniques that improve building massing. Other massing techniques may be used, as approved by the Land Use Administrator:

a. Balconies.

b. Building wall offsets.

c. Colonnades.

d. Cupolas.

e. Towers.

f. Pavilions.

g. Arcades.

h. Porticos.

i. Projections and recessed sections.

j. Clock or bell towers.

k. Variations in the height of the roof line.

l. Verandas.

m. Overhangs.

3. Uses such as industrial facilities, warehouses, and similar uses are exempt from the massing techniques if the building is not visible from the right of way as determined by the land use administrator.

B. *Exterior articulation.* Articulation of exterior walls is required to add interest and a distinctive sense of place to a building. The following features qualify as techniques of building articulation:

1. *Articulation requirements.* All facades shall include, in addition to the massing requirement, at least one articulation from the list below on each facade. Facades extending for more than 50 horizontal or vertical feet shall provide at least two exterior treatments.

2. *Prohibited articulation techniques.* Professional scoring or etching of a stucco wall to give the appearance of shutters, doors, or windows shall be prohibited.

3. *Articulation techniques.* The use of the following elements shall qualify as articulation techniques:

   a. Base course or plinth course.

   b. Portals.

   c. Windows.

   d. Transoms.

   e. Show cases.

   f. Bay windows and oriels.

   g. Lintels.

   h. String courses and moldings.

   i. Fascia.

   j. Cornice.

   k. Piers.

   l. Arches.

   m. Bays.

   n. Balconies.

   o. Brackets.

   p. Wings.

   q. Porches.

   r. Stoops.

C. *Fenestration.*

1. Windowless exterior walls that face a public right-of-way are prohibited.

2. For multistory industrial uses, at minimum 15 percent of the wall facade on the first floor story shall have windows.

3. Windows shall be consistent with the architectural style of the building and proportionate in size and placement relative to the overall façade composition

4. The use of darkly tinted or reflective glass on the first floor of commercial structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15 percent or greater and darkly tinted glass windows include glass with a visible light transmittance rating of 35 or less. The use of low-emissivity (Low-E) glass is

encouraged but must demonstrate that the reflectance and transmittance requirements are met. All plans submitted to the City shall include the glass manufacturer's visible light reflectance, visible light transmittance ratings and Low-E glass specifications for evaluation. Privacy can be achieved through the use of blinds and curtains.

5. Uses such as industrial facilities, warehouses, and similar uses are exempt from the fenestration if the building is not visible from the right of way as determined by the land use administrator. The building façades shall provide additional architectural elements in lieu of windows at the same percentages of Subsection 13.04.02.C.2.

13.05.03. *Roofs.* The following types of roofs are permitted:

A. *Pitched roofs.*

1. A pitched roof shall have a minimum slope of 2:12 (2" vertical rise for every 12" horizontal run) and shall have a minimum overhang of two feet beyond the building wall. Flat roofed areas including porches, are permissible in the remaining 35 percent of floor area under roof.

B. *Mansard style roof.* False mansards are prohibited.

C. *Flat roofs.* Buildings that have a flat roof shall be hidden from public view by a parapet and decorated by a cornice.

1. *Parapet.* The highest point of a parapet shall not at any point exceed 20 percent of the height of the supporting wall.

2. *Cornice*. Cornices may be simple or mixed (straight and curved moldings) but should not exceed 24 inches in depth. Cornices shall have a minimum of 12 inches in height, and a minimum of three vertical (not diagonal) changes in plane, and a variety of thicknesses in relief ranging from the greatest at the top to the least at the bottom.

D. *Canopy roofs*. Canopy roofs for gas station are exempt from the pitched roof requirements.

13.05.04. *Building entrances.* All buildings are subject to the following regulations:

A. *Entrance placement.* The main building entrance shall face the public right-of-way unless it is determined by the Land Use Administrator that such configuration is not practicable. When parking is located on the side or rear of the building, the placement of a suitably large building entrance that faces the parking area shall complement but not displace the main building entrance.

B. *Entrance articulation.* Main building entrances shall be articulated in a manner consistent with the architectural style of the building. All buildings shall have a minimum of one of the following architectural treatments, separate from the massing and articulation requirements, for each main building entrance: lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and features consistent with the building style.

13.05.05. *Awnings.* Awnings shall complement the architectural style and colors of the building. Awnings may be placed above windows and doors and are subject to the following requirements:

A. *Height.* A minimum clearance of eight feet shall be maintained between the sidewalk and the lowest part of the awning.

B. *Prohibited materials.* Plastic (or materials resembling plastic), shiny vinyl, and Plexiglas are prohibited.

C. *Illumination.* Backlit awnings are prohibited.

13.05.06. *Light fixtures.* Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building.

13.05.07. *Mechanical equipment, utilities, and storage areas.*

A. *Mechanical equipment.* When visible or audible from adjacent property or from the public right-of-way, mechanical equipment shall be screened by walls, fencing, roof elements, or landscaping. Screening shall be extended at least one foot above the equipment being screened. Ground-mounted mechanical equipment shall be located within 20 feet of the principal structure, except transformers.

B. *Service, utility, display, and storage areas.*

1. Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties both at ground and rooftop levels by walls made of masonry, brick, or durable man-made materials.

2. Utility boxes and all ground mounted mechanical equipment must be totally screened from view of principal streets, as well as pedestrian areas and walkways. Backflow preventers shall be landscaped if in view of principal street.

3. Areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design, and construction materials for these areas shall be of comparable quality and appearance as that of the primary building.

Sec. 14.01. - Rules for Construction of Language.

Except as otherwise provided herein all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot", "tract" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The word "City" shall mean the "City of Palm Coast." The word "Staff" shall mean "City of Palm Coast Staff." The words "Comp Plan" shall mean the "City of Palm Coast Comprehensive Plan." The word "Code" or "LDC" shall mean the "City of Palm Coast Land Development Code." Any key word within the LDC for which a definition is not been provided shall have the same definition as provided in the Comp Plan or Florida Statutes (FS) Definition Index.

Sec. 14.02. - Glossary.

Abutting: Any property that is immediately contiguous or immediately across any road or public rights-of-way from the subject property.

Accent color: Refers to the color application to any building accents such as shutters, doors, and awnings.

Accent plant: A shrub required for certain landscape buffer applications that have a minimum height of 12 inches at time of installation.

Access: The street system providing access to a parking facility, sometimes involving several streets, particularly if one-way.

Accessory use or *accessory structure:* A use or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use or structure.

Access way: The place, means, or way by which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.

Acre: 43,560 square feet; a measurement of area.

Adult daycare center: See *Daycare center/adult.*

Adult entertainment and sexually-oriented businesses: An adult performance establishment, adult bookstore/adult video store, adult motel, or adult theater as those terms are defined in Chapter 16, Article III in the City of Palm Coast Code of Ordinances, which is operated for commercial or pecuniary gain. An establishment with an adult entertainment license shall be presumed to be an adult entertainment establishment and sexually-oriented business.

Adult family-care home: See *Family-care home/adult.*

Affordable multifamily unit: A multifamily unit that is available for rent or purchase by a household earning 100 percent or less of the county's median income, adjusted for family size, for no more than 30 percent of the household's annual income.

Aggregate sign area: See *Sign area, aggregate.*

Agriculture: The production, keeping, or maintenance of plants and/or animals useful to humans whether for sale, lease, or personal use. The term includes farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Aisle, drive: The traveled path through a parking facility between one or two rows of parked vehicles.

Alcoholic beverage: All beverages containing more than one percent of alcohol by weight and shall include intoxication beverages as defined herein. "Intoxication beverages" shall mean all liquors, wines, and beers containing more than three and two-tenths percent of alcohol by weight. In all prosecutions for violations of this LDC the manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage.

Alteration/altered: These terms shall include any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress or egress, or other changes affecting or regulated by the building code or this regulation, except for minor changes or repairs not involving the aforesaid features.

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.

Alternative landscape betterment plan: A replacement landscape plan proposed by the developer of a unique or difficult site that provides additional landscape features not already required and a better public benefit, project screening, and aesthetic appeal than a standard landscaping plan.

Ancillary: A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.

Animal feedlot: A lot, building, or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that cannot maintain a vegetative cover.

Antenna: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to, telephonic, radio, or television communications. Types of elements include, but are not limited to, omni-directional (whip) antennas, sectionerized (panel) antennas, multi or single bay (FM & TV), yagi or parabolic (dish) antennas.

Antenna array: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna element: Any antenna or antenna array.

Appeal: Relating to flood damage protection, means a request for review of the Floodplain Administrator's interpretation of any provision of Section 10.02.

Applicant: An owner of real property or authorized agent including, but not limited to, developers, an authorized developer of real property, or an apparently authorized person, contractor, or other legal entity including, but not limited to, agents, employees, independent contractors, or others in privity with any of the above.

Application: A written request on a form provided by the City for a specific use.

Aquifer: A saturated geologic formation that will yield a sufficient quantity of water to serve as a private and public water supply.

Arcade amusement center: A place of business having at least 50 coin-operated amusement games or machines on premises that are operated for the entertainment of the general public and tourists as a bona fide amusement facility. (For definition of "adult arcade amusement center," see *Adult arcade amusement center.*)

Arch: A structure, especially one of masonry, forming a curved, pointed, or flat upper edge of an open space and supporting the weight above it, as in a bridge or doorway.

Arterial road: A route providing service that is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.

Articulate: To give visible or concrete expression to the composition of structural elements.

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.

Assisted living facility: Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

Available capacity: The amount of a concurrency public facility available for use by the demand from new development after evaluating existing conditions and committed capacity. The term "available capacity" also means the amount of residual potential of a concurrency public facility available to hold, store, or accommodate the demands upon the facility without such concurrency public facility falling below the level of service standards established in the Comprehensive Plan as it may be amended from time-to-time.

Aviary: A place for the keeping of birds for the purpose of racing, exhibiting, or selling.

Avoidance and minimization: The applicant must consider practicable design modifications, which would reduce or eliminate adverse impacts to wetlands and other surface waters. The term "modification" shall not be construed as including the alternative of not implementing the system in some form, nor shall it be construed as requiring a project that is significantly different in type or function. A proposed modification, which is not technically capable of being done, is not economically viable, or which adversely affects public safety through endangerment of lives or property is not considered "practicable." To receive City approval, a system cannot cause a net adverse impact on wetland functions and other surface water functions not offset by mitigation and in accordance with the requirements established by state law.

Awning: A cloth or other covering extending in front of a window or doorway, or over a deck that provides protection from the sun or rain.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing, balustrade, or parapet.

Balustrade: A balustrade is a row of repeating balusters—small posts that support the upper rail of a railing. Staircases and porches often have balustrades.

Banding: A horizontal decorative feature of a wall, such as a flat frieze or fascia, usually with a projecting molding at upper and lower edges. The flat portion between the moldings may be ornately decorated or flat and unadorned.

Banner: See *Sign, banner.*

Base course: The first or lower course of a foundation wall and made of large stones or a mass of concrete; also called foundation course.

Base flood: A flood having a one-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 "one-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.

Bay: A division of a wall, roof, or other part of a building marked off by vertical elements, such as columns or pilasters. When related to parking, a parking facility unit that has two rows of parking stalls and a central aisle.

Bay window: A window projecting outward from the wall and forming a bay or an alcove within.

Bed and breakfast inn: A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, that has been modified to serve as a transient public lodging establishment. Such use provides the accommodation and meal services generally offered by a bed and breakfast inn and is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

Belvedere: A roofed structure, especially a small pavilion or tower on top of a building, situated to command a wide view.

Berm: A bank or mound of earth usually placed against a foundation wall.

Best management practice (or "BMP")(does not apply to Chapter 9): A practice, activity, procedure, technique, program, methodology, or any combination thereof that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the best management practices in any field is a commitment to using all the knowledge and technology at one's disposal to ensure success.

Best management practices (applies only to Chapter 9): Schedules of activities, prohibitions of practices, maintenance procedures, treatment methods and other management practices to prevent or reduce pollutants from entering or discharging from the City stormwater system.

Boarding home: A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Bona fide: Genuine or authentic; being actually and exactly what is claimed.

Bona fide agricultural uses: Good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

(1) The productivity of land in its present use;

(2) The relationship of the property to the Comp Plan;

(3) The classification placed upon such lands by the Property Appraiser pursuant to F.S. § 193.461 , and

(4) The current zoning classification of such lands.

Bottle club: A commercial establishment licensed by the state operated for a profit, whether or not a profit is actually made, where patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. Non-alcoholic mixers or so-called "set-ups" may be provided by the club. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held; bona fide restaurants licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation whose primary business is the service of full course meals; or hotels and motels licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; or a social, fraternal or civic association or organization which only occasionally or intermittently provides facilities for on-premises consumption of alcoholic beverages by its members and their guests and is not registered to sell alcoholic beverages. This definition also does not include the private clubs listed in F.S. § 561.20 (7)(a).

Bracket: A decorative or weight-bearing structural unit, two sides of which form a right angle with one arm flush against a wall and other flush beneath a projecting surface, such as eaves or a bay window.

Breakpoint technology: The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole. This is so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Breezeway: A roofed passageway, open-sided, the design and construction of which is in keeping with that of the main building and which provides direct access between a main and attached accessory building.

Buffer: Open spaces, landscaped areas, fences, walls, berms, land that is vegetated with native species and left undeveloped, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances and/or reduce the shock of impact.

Buffer, landscape: The area of a site that commences at the property line or where plantable area begins and extends for the width of the required buffer, no matter how far into the site it goes.

Buffer, wetland: Upland area adjacent to or surrounding a wetland that is vegetated with native species and left undeveloped to provide protection from potential adverse secondary impacts associated with future development. The buffer area is not part of the jurisdictional wetland and as such shall not be calculated as part of the wetland acreage for the determination of wetland impacts.

Buildable area: Portion of a building site remaining after deducting all required setbacks and meeting any requirements regarding maximum impervious surface.

Buildable land: Land recognized as being above the 100-year flood level with soil conditions that can properly support structures, not including critical wetlands, such as lakes, streams, swamps, and marshes.

Builder: Any person, firm, association, partnership, corporation, realtor, or corporation who constructs model homes and other residential dwellings for sale to the public.

Building: Any structure, temporary or permanent, with a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building envelope: The space in which a structure is permitted to be built on a lot; it is defined by the minimum yard setbacks.

Building height: See *Height of building*.

Building line: See *Setback line*.

Building permit: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

Building, principal: A building or buildings in which is conducted the principal use of the lot on which said building is situated.

Building site: See *Site, building.*

Bulkhead: A structure built between a waterbody on one side and land on the other side.

Business office: Facility consisting of desks, computers, files, phone banks, coping machines, or other equipment usually associated with and utilized in a business office.

Business transaction: A business transaction is a transaction between the seller and a potential purchaser other than the signing of a contract of purchase, selection of a lot or house plan, selection of paint colors, selection of cabinets, fixtures, and appliances, and other similar actions by a purchaser in deciding on the purchase of a home.

Bypass lane: See *Lane, bypass*.

Caliper: The trunk diameter for new trees up to, and including, four inches in diameter as measured at six inches above grade. All new trees over four inches in caliper will be measured 12 inches above grade. The diameter of all existing trees shall be measured at 4½ feet above grade (diameter at breast height (DBH)).

Canopy: With reference to structures, a roof like cover, including an awning, that projects from the wall of a building over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service area. With reference to buffer yards, a landscape element that functions as an overhead or "ceiling" used in single or multiple plantings to create shade.

Caretaker's dwelling: An accessory dwelling that houses a caretaker, manager, or security agent employed on the building site due to the need for 24-hour care and security of plants, animals, equipment, or other conditions of the site.

Carport: A roofed structure not more than 75 percent enclosed by walls used to provide shelter for one or more vehicles.

Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of completion: A written document required prior to occupancy, issued for a use upon a developer's compliance with the provisions of this LDC and any applicable development agreement.

Certificate of concurrency: A statement issued by the City, on a form designed by the Land Use Administrator, relating to a specific development project on a specific parcel of real property or part thereof that is valid for so long as the underlying development order on the parcel is valid. It is to state that all concurrency review requirements, as provided herein, are satisfied as to said development and that specified quantities of concurrency public facilities are reserved. The issuance of a certificate of concurrency shall be a prerequisite to the issuance of any final development order. The issuance of a certificate of concurrency shall not be deemed to insure or guarantee any person or entity including, but not limited to, the holder or owner of the certificate, that any particular level of service currently exists or will exist in the future on a particular concurrency public facility at the time of issuance or at any other given point in time.

Certificate of exemption: A statement issued by the City, on a form designed by the Land Use Administrator, relating to a specific development project on a specific parcel of real property or part thereof, stating that said development is exempt from the concurrency requirements identified in Chapter 7. The issuance of a certificate of exemption shall be a prerequisite to the issuance of any final development order. The issuance of a certificate of exemption shall not be deemed to insure or guarantee any person or entity including, but not limited to, the holder or owner of the certificate, that any particular level of service currently exists or will exist in the future on a particular concurrency public facility at the time of issuance or at any other given point in time.

Certificate of occupancy: An official certificate issued by the City under the authority of ordinance or law authorizing the occupancy of a building for its intended use. The certificate of occupancy shall not be issued until a certificate of completion has been issued.

Change in use: See *Use, change in*.

Child daycare center: See *Daycare center/child.*

Child family daycare home: See *Family daycare home/child.*

City Council: The City Council of the City of Palm Coast.

City Manager: Either the City Manager or such staff person designated to act by the City Manager in order to respect the rules of the City Manager under the City Charter.

City Stormwater system (or "MS4"): A conveyance, storage area or system of conveyances and storage areas (including, but not limited to, roads with drainage systems, streets, catch basins, curbs,

gutters, ditches, manmade channels, storm drains, treatment ponds and other structural BMPs), owned or operated by a city that discharges to waters of the United States or to other MS4s, that is designed solely for collecting, treating or conveying stormwater, and that is not part of a publicly owned treatment works (POTW), as defined by 40 Code of the Federal Register 403.3.

Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club civic: An establishment operated by a corporation or association of persons for community, social, fraternal, or recreational purposes and not operated or maintained for profit.

Coastal high hazard area: Relating to flood damage protection, this term means 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.

Collector road: A route providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

Colonnade: A series of columns placed at regular intervals.

Colors:

a) *Fuchsia:* A dark purplish-red color, a red with a tint of purple or hot bright pink.

b) *Magenta:* A dark purplish-red color.

~~c) *Olive green:* Varies from a medium yellowish green similar to the color of green olives to a dark brownish green to the grayish olive drab associated with military-issue clothing.~~

d) *Orange:* Color combinations using yellows and reds, lacking visible brownish shades.

e) *Purple:* Color combinations using reds and blues to include colors known as violet.

~~f) *Sage:* Grey-green color.~~

~~g) *Taupe:* A dark grayish brown or brownish gray.~~

~~h) *Terra cotta:* A brownish orange.~~

Column: A column is an upright pillar or post. Columns may support a roof or a beam, or they may be purely decorative. The base is the lower portion of a column. The capital is the upper portion of a column. The entablature is the area that the column supports.

Commencement of construction: See *Construction, commencement of.*

Common area: Area under common ownership of a subdivision (e.g. recreation area, medians), site plan, condominium, or similar development excluding rights-of-way.

Communication conduit: Any pipe which is installed in a road right of way or easement with the intent of carrying wire and cable to be used for communication technology.

Community residential home: Per F.S. ch. 419 , a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services, or a dwelling unit licensed by the Agency for Health Care Administration. Such dwelling unit provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Compatibility: The characteristics of different uses or activities, which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include: height, scale, mass, and bulk of structures, pedestrian or vehicular traffic, circulation, access, and parking impacts, landscaping, lighting, noise, odor, architecture, and public hazards. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

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.

Completeness review: The review of an application in order to determine if all material is present for the specific application type.

Compliance review: The review of an application in order to determine compliance with all federal, state, and local regulations.

Comprehensive plan: A plan designed and adopted to guide development in the City of Palm Coast as required by F.S. ch. 163 .

Concurrency baseline statement: A documented status report as to available capacity relating to concurrency public facilities as a result of the commitment, entitlement, or utilization of concurrency public facilities.

Concurrency management monitoring system: The data collection, processing, and analysis performed by the City to determine available capacity for concurrency public facilities and services and to track certificates of concurrency. Data utilized shall be the most current reliable information available to the City as determined by the Land Use Administrator.

Concurrency management system (CMS): The procedures and processes that the City utilizes to ensure that no development order or permit is issued by the City unless the necessary concurrency public facilities are available or are assured to be available consistent with the Comprehensive Plan and comply with State law in order to meet the impacts of development. As part of the CMS, the City shall operate and maintain a concurrency management monitoring system.

Concurrency public facilities: All arterial and collector roads; stormwater management; potable water treatment plants; sanitary sewer treatment plants, solid waste processing facilities, transfer stations and landfills; urban community parks including land and facilities; and mass transit buses. Such concurrency public facilities may be owned or operated by local, state or federal governments, independent districts and/or private organizations.

Concurrency review: The process utilized by the City to determine if concurrency public facilities and services are adequate to accommodate the impacts of new development at or above the levels of service standards adopted in the Comprehensive Plan.

Conditionally exempt small quantity generator: A conditionally exempt small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 261, is a facility or business which, in a calendar month, generates no more than 100 kilograms (220 pounds or 25 gallons) of hazardous waste or less than one kilogram of an acute hazardous waste. Additionally, the generator shall not accumulate more than 1,000 kilograms (2,200 pounds or 250 gallons) of hazardous waste at any time.

Connectedness (of a wetland): The degree to which a wetland borders terrestrial, aquatic, or other wetland systems. The greater the extent to which this bordering occurs (in numbers or linear distance), the greater the connectedness.

Conservation: Preserving from loss, waste, or harm. The official preservation of natural resources such as topsoil, forests, and waterways.

Construction (does not apply to Chapter 9): Any activity including erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting, and landscaping.

Construction activities (applies only to Chapter 9): The creation, alteration or abandonment of any project, including placement of fill, land clearing, earthwork, or the placement or removal of structures. Cutting of trees or removal of vegetation is not considered land clearing, except where it involves stump removal, root raking, or grubbing.

Construction, commencement of: Construction activity beyond the mere clearing of land that has occurred on a parcel of real property and the construction of the infrastructure required to support an approved development plan has begun in good faith in accordance with all necessary permits and with bona fide intention to complete the construction of such infrastructure.

Construction, new: Relating to flood damage protection and the flood resistant requirements of the Florida Building Code, this term means 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: Relating to flood damage protection, this term 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.

Containment: Physical systems or operational practices used to prevent the release of hazardous substances to the environment.

Containment, secondary: A physical structure such as curbing, trays, double-walled tanks, spill pallets, or other structural controls used to prevent the release of a spill of regulated substances to the environment.

Contamination: The presence of hazardous substances in surface water, groundwater, soil, sediment, or upon the land in quantities that exceed applicable cleanup, target levels established in the Florida Administrative Code (FAC) or other applicable regulations as amended from time to time.

Continuing care retirement community: An integrated residential development designed to let senior adults age in place by providing independent living units, and including either an assisted living facility where assistance with personal care is provided, or a nursing home providing long-term skilled nursing.

Continuous transit: The nonstop movement of a vehicle except for stops required by traffic laws.

Contractor: Any person, firm, association, partnership, realtor, or corporation engaged in the business of accepting orders or contracts.

Convenience store with fueling stations: A retail store selling convenience goods that may include prepared foods with seating for on-site consumption, and having pumps for the fueling of automobiles and pickups.

Copy area: See *Sign area.*

Cornice: The cornice is the uppermost section of moldings along the top of a wall or just below a roof.

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.

Cross connection: Any physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, wastewater, drain, conduit, pool, storage reservoir, plumbing fixture, or any other device, facility, or system which contains or may contain contaminated water, sewage, waste material, or other material or substance of unknown or potentially unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper-connections, changeable devices, or other devices through which, or because of which, backflow could occur are deemed to constitute cross connections.

Cross section: A profile of the ground surface perpendicular to the centerline of a street, stream, or valley bottom.

Cultural resources: Any prehistoric or historic district or building, archaeological site, building, object, or other real or personal property of historical, architectural, or archaeological value and folk life resources. These properties or resources may include, but are not limited to, monuments, memorials, Native American habitations, ceremonial sites, abandoned settlements, sunken or abandoned shops, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the State.

Cultural resources, potentially significant: A cultural resource or archaeological site that may be considered, after further investigation, by the State Historic Preservation Officer to be eligible for the National Register of Historic Places.

Cultural resources, protection of: Measures taken to avoid, minimize, or mitigate effects to cultural resources consistent with the provisions of this LDC.

Cultural resources, significant: An archaeological site of prehistoric or historic significance that the State Historic Preservation Officer considers eligible for the National Register of Historic Places.

Cupola: A dome-shaped ornamental structure placed on the top of a larger roof or dome. In some cases, the entire main roof of a tower or spire can be a cupola. More frequently, however, the cupola is a smaller structure which sets on top of the main roof.

Curb: A raised edge on the side of a street or pavement surface.

Data Center: A facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.(Per Florida Statutes 373.203(3))

Daycare center/adult: Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

Daycare center/child: Any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

De minimis activity establishment: An establishment operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes, or game promotion utilizing those electronic or mechanical devices.

Dead tree: Means a tree that is dead or damaged beyond repair or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs, or branches exists to sustain life) and has been determined to be such by the Land Use Administrator.

Demand for concurrency public facilities: The quantitative measure of the amount of concurrency public facility or other public facilities that is necessary to support a specific increment of development.

De minimis: A minor deviation from the required standards or a small degree of relief from requirements as set forth in the LDC in which it is not necessary to acquire a quasi-judicial decision.

Density: The number of dwelling units per gross acre of buildable land, which includes all streets, public right-of-ways, easements, open space, and onsite recreational facilities.

Derelict vessel: A vessel left upon any public waters or docked at private property in a wrecked, junked, or substantially dismantled condition.

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 feet.

Designee: A person(s) duly authorized to act on the behalf of another.

Detailed methods: Relating to flood damage protection, this term means a method of determining a base flood elevation with a site-specific engineering analysis as described in FEMA publication "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-Year) Flood Elevations," also known as FEMA publication 265.

Developer: That person improving a parcel of land within the City and, who may or may not be the owner of the property.

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, temporary or permanent storage of materials or equipment or other land disturbing activities.

Development order, final: The approval of a development of regional impact, a borrow pit permit, an electrical permit, a master planned development, a right-of-way utilization permit, a site plan, a special exception, a variance, a subdivision preliminary plat, a statutory subdivision final plat, a nonstatutory subdivision plat, an underground utility permit, a dredge and fill permit, a written agreement with the Flagler County School Board for the provision of public facilities and services as required by state law, and any other development order which results in an immediate and continuing impact upon concurrency public facilities. Final development orders may address future expansions of a development and may provide for phasing. A final development order may provide for conditions that must be met in order for subsequent approvals to be given or permits to be issued.

Development order having no impacts on concurrency public facilities: Those development orders that permit or approve:

(1) Accessory facilities for agricultural use that create no additional impacts on concurrency public facilities.

(2) An accessory structure to a residence.

(3) Any sub-permit to new construction.

(4) A change of electrical services.

(5) A driveway or parking lot paving.

(6) Fences.

(7) Permits for historical documentation.

(8) Remodeling, such as moving a wall, if no change in use, addition of units or interior completion of a shell only structure is involved.

(9) The repair or replacement of mechanical systems, wiring or plumbing.

(10) The replacement of structures which will have no additional impacts on concurrency public facilities.

(11) The re-roofing of existing structures.

(12) Room additions (including screen rooms) to a residence.

(13) Signs.

(14) Swimming pools.

(15) Temporary construction trailers.

(16) Use permits and right-of-way utilization permits that do not increase the needed capacity of concurrency public facilities.

(17) Walls.

(18) Wells and septic tanks.

Diameter at breast height: Shall mean the measurement of an existing tree trunk's diameter at four and one-half feet above grade (breast height). For trees with less than four and one-half feet of clear trunk, diameter shall be of the largest leader measured four and one-half feet above ground level. For multitrunk trees, each branch that forks below four and one-half feet is considered a separate tree. Trees that originate from the same base shall be considered one tree regardless of the number of forks present above ground only for purposes of minimum tree cover count only.

Directional sign: See *Sign, directional*.

Discharge: Any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping that may be either accidental or purposeful of any hazardous substance that may negatively impact surface water, soils, or groundwater.

Discount superstore: A very large retail store greater than 100,000 square feet in size that is usually part of a chain, offering a wide variety of merchandise for sale at prices typically below the market price.

Dock: Fixed or floating structure, including access walkways, platforms, catwalks, mooring pilings, lifts, boathouses, and other associated water-dependent structures used for mooring and accessing watercraft.

Dormer: A dormer is a window that is set vertically on a sloping roof. The dormer has its own roof, which may be flat, arched, or pointed.

Drainage: The control of surface flow of water by man-made facilities such as canals, ditches, culverts, or dikes. It can also refer to the artificial lowering of groundwater and the natural drainage of a site in the predevelopment condition.

Drainage area: The watershed (acreage) contributing surface water runoff to the City's stormwater management facilities or systems.

Dredging: To excavate underwater material.

Drinking establishment: An establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. A bottle club is also a drinking establishment.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure. A standard driveway is one leading to a garage for a single-family, two-family, or townhouse residence.

Driveway median: A landscaped island that separates ingress and egress driveways.

Duplex: A detached building intended, designed and occupied as two dwelling units with a common wall or roof on a single lot.

Dwelling or *dwelling unit:* Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.

(1) *Single-family:* A detached building designed for and occupied by one family as a home, with ~~cooking and housekeeping facilities.~~ one range in the kitchen area within an interior living space..

(2) *Two-family:* A detached building intended, designed and occupied as two dwelling units with a common wall or roof, and with each unit located on a separate lot under separate ownership.

(3) *Multifamily:* A building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each.

Earth tones: Various rich colors containing some brown. Earth tones are defined herein to include shades of brown, taupe, beige, and gray.

Easement: A grant by a property owner of the use of land for a specific purpose.

Educational facilities: See *Schools.*

Effective removal: A condition of a tree caused by the excessive damage or improper pruning of roots or tree canopy. This includes, but is not limited to, topping, lion tailing, hat racking, or elevation of lower tree branches to a height of more than one-third of the total height of the tree (unless tree is a "standard" form tree).

Egress: An exit.

Electronic equipment: Any electronic device provided by or on behalf of the operator that is used or adapted for use to conduct, or reveal the results of, a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes or other game promotion, that displays results by simulating a game or games ordinarily played on a slot machine or other similar games of chance.

Electronic game promotion: A sweepstakes or other game promotion which utilizes electronic equipment, or a drawing by chance conducted in connection with the sale of a consumer product or service which utilizes electronic equipment that does not violate Florida law.

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.

Encumbrance: Any claim or restriction on a property's title. Relating to concurrency, an administrative technique within the concurrency management system implemented to avoid over committing available capacity. The encumbering of available capacity is not synonymous with the issuance of a "certificate of concurrency."

Endangered species: Those animal species listed in Section 39-27.003, FAC and those plant species listed as endangered in 50 Code of Federal Regulations 17.12.

Entrance: Entranceway into a structure.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the site required for building. Excavation, fill, drainage, and the like shall be considered a part of erection.

Etching: Engraving a design in glass, metal, or a hard surface by removing part of the surface. Also, to remove surface concrete to create an exposed aggregate finish.

Excavation: To make a hole, unearth, scrape, or dig out for the purpose of construction, demolition, or stump/root removal with specific relation to a tree drip line and root system.

Facade: The exterior face of a building including the front exterior wall and any side exterior walls facing the public right of way or access easement.

Facility: A structure or place built, installed, or established to serve a particular purpose.

Facility reservation fees: The dollar amount that is due as impact fees and connection fees relating to concurrency public facilities which fees must be paid as a condition precedent to the validity of a certificate of capacity. The fees are computed at the rate that is in effect at the time that payment is made. Such fees are refundable if a final development order is not issued, expires or is surrendered pursuant to an amending development order issued by the City and a new applicant purchases the reserved capacity from the City. If no refund occurs, however, the fees paid run with the real property to which they relate as a credit against future fees relating to development of the real property.

Family care home/adult: Per F.S. ch. 429 , a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care on a 24-hour basis for no more than five disabled adults or frail elders who are not relatives.

Family child daycare home/child (large): An occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for two years with an operator who has had a child development associate credential or its equivalent for one year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(1) A maximum of eight children from birth to 24 months of age.

(2) A maximum of 12 children, with no more than four children under 24 months of age.

Family day care home/child: A residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. The license holder must reside in the residence. A family daycare home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(1) A maximum of four children from birth to 12 months of age.

(2) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(3) A maximum of six preschool children if all are older than 12 months of age.

(4) A maximum of ten children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.

Farm animals: Animals considered permissible for an agricultural use, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or other similar animals.

Fascia: A flat horizontal band or member between moldings, especially in a classical entablature.

Fence: An artificially constructed vertical barrier constructed of wood, vinyl, or metal erected to enclose, restrict access to, screen, or separate areas. An open fence is one having at least 50 percent visibility.

Field conference: A specific purpose meeting scheduled and held at a job site.

Final development order: See *Development order, final*.

Flat roof: See *Roof, flat*.

Fleet storage: The storage of all operable and/or inoperable vehicles consisting of five or more vehicles, which are owned or leased by the business establishment, exclusive of lawful display of all vehicles and trailers, the parking of vehicles for permitted businesses and the parking, storage, and display of heavy commercial vehicles and construction equipment.

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 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 hazard area: The greater of the following two areas:

(1) The area within a floodplain subject to a one-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 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.

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 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.

Floor area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included. Provided further that floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, under the provisions of this LDC shall mean the smallest rectangular area encompassing the display or customer seating area.

Floor area, gross: The sum of the horizontal areas of the stories of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls that separate buildings. Included within such sum shall be the areas of all stories and attic spaces providing structural headroom of at least five and five-tenths feet; interior balconies and mezzanines; and any other space reasonably usable for any purpose except parking; no matter where located within a building. This term does not include the area of any parking garage structure, but does include all other interior spaces including those that are not heated or air conditioned.

Floor area ratio: The gross floor area of all buildings divided by the lot area.

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.

Florida Department of Transportation Design Standards Road and Bridge Technical Specifications: Publication by the Florida Department of Transportation tabulating and specifying design and safety requirements appropriate for use in designing and constructing roadways and bridges for motor vehicle and pedestrian uses.

Florida Department of Transportation Standards for Sight Triangles and Sight Distances: Publication by the Florida Department of Transportation tabulating design and safety requirements protecting appropriate lines of sight for motor vehicle drivers.

Florida-friendly landscaping: A set of nine guiding principles which help protect natural resources and preserve Florida's unique beauty including: right plant, right place; water efficiently; fertilize appropriately; mulch; attract wildlife; manage yard pests responsibly; recycle; reduce stormwater runoff; and protect the waterfront.

Florida master site file: The listing of cultural resources, historic or archaeological resources maintained by the Florida Department of State, Division of Historical Resources and Bureau of Archaeological Research.

Fluorescent colors: Very bright and or glowing colors.

Foot-candle: A unit of measurement referring to illumination incident to a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Footprint: The horizontal area as seen in a plan measured from outside of all exterior walls and supporting columns. It includes buildings, residences, garages, covered carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade.

Foundation: The underlying structure of a building, usually constructed of concrete, which supports the foundation walls, piers, or columns.

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.

Full cut-off light fixture: A light fixture with elements such as shields, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 90 degrees.

Fully shielded: When pertaining to lighting, light fixtures shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, project below the horizontal plane running through lowest point on the fixture where light is emitted.

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.

Gable roof: See *Roof, gable*.

Gallons per day: The gallons per day based on an annual average basis.

Gambrel roof: See *Roof, gambrel*.

Garage: For residential purposes, an enclosed area for the parking/storage of vehicles. For nonresidential purposes, a building for the storage and/or repair of motor vehicles generally closed on all sides.

Garage, attached: An enclosed area for the parking/storage of vehicles that is structurally connected to a residential unit, which may include connection by the means of a breezeway, ~~provided the breezeway is a minimum of six feet in length and in~~ which openings are required for each building as an entrance/exit.

Garage, detached: A detached structure that is accessory to a single detached dwelling unit and to which there is legal vehicular access from a public right-of-way, designed for the storage of motor vehicles for the residents of the single detached dwelling unit.

Gasoline service station: A business having at least one bay for automotive services, pumps for the fueling of automobiles and pickups, and which may include limited retail sales of convenience goods.

Geographic search area: The area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Good faith: An honest intention to accomplish or complete an approved development plan on a particular parcel of real property, but shall not encompass dishonest, fraudulent, or deceitful actions,

ignorance of the law, mistakes of law, delays that are intentional or result from neglect or lack of diligence, or actions or occurrences caused by, resulting from, or facilitated by the property owner, developer, or agent thereof. It shall not be an absence of good faith if a developer attempts to proceed with a development if the developer was prevented from attaining a certain status, event, or condition due to the demonstrated and clear and convincing uncertainty of obtaining required governmental permits for which there is a substantial likelihood that such permits will be granted; provided, however, that delays which are caused by the developer or real property owner and acts by said persons causing delays and omissions by said persons which cause delays shall eliminate the delay as a valid factor which would excuse the attainment of the status, event or condition.

Good faith continuation: The final development order for a project pertaining to a parcel of real property that has not expired and a certificate of completion for development of infrastructure must be received within three years of the date of the preconstruction conference and subject to the following:

(1) Within four years of issuance of the final development order which resulted in the development being deemed statutorily vested, the preconstruction conference for the development must have occurred, provided, however, that if the developer diligently attempted to attain the completion of the preconstruction conference for the development in good faith, but was inhibited due to adverse general market conditions, said time frame shall be tolled during the period during which the recessionary cycle occurred.

(2) Within three years of the completion of the preconstruction conference, the developer must be issued a certificate of completion for the completion of the development's infrastructure; provided, however, that if the developer attempted to attain the certificate of completion, but was inhibited due to adverse general market conditions, said time frame shall be tolled during the period during which the recessionary cycle occurred.

(3) As to residential preliminary plats, the final plat for the development must be submitted within one year of the effective date of this LDC, provided, however, that the underlying development order that resulted in the development being deemed statutorily vested must not have expired.

(4) It shall not be an absence of good faith if a developer attempts to proceed with a development, if the developer was prevented from attaining a certain status, event, or condition due to the demonstrated and clear and convincing uncertainty of obtaining required governmental permits for which there is a substantial likelihood that such permits will be granted; provided, however, that delays which are caused by the developer or real property owner, and acts by said persons causing delays and omissions by said persons which cause delays shall eliminate the delay as a valid factor which would excuse the attainment of the status, event, or condition.

Grade, highest adjacent: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a building.

Groundwater: Water in the subsurface of the earth in both soils and geologic formations that are saturated.

Hazardous substance: A substance or combination of substances, which because of its quantity or concentration or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or may pose a substantial present or potential hazard to human health or to the environment when improperly used, handled, treated, stored, transported, disposed of, or otherwise managed. A material may be judged as hazardous if it is corrosive, reactive, ignitable, or toxic.

Hazardous waste: Waste materials including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes that require special handling and must be disposed of in a manner that conserves the environment and protects the public health and safety.

Hedge: A close planting of shrubs that forms a compact, dense, visually opaque, living barrier when mature.

Height of building: Building height refers to the vertical distance between lowest finished grade at the front of the building, or the base flood elevation where applicable, and:

(1) The average height level between the eaves and ridgeline of gable, shed, hip or gambrel roof;

(2) The deck line of a mansard roof; or

(3) The highest point of the coping of a flat roof.

Hip roof: See *Roof, hip*.

Historic resources: See *cultural resources*.

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.

Home occupation: A use approved as a permitted use or special exception and any on-site business conducted entirely within a dwelling and carried on by residents thereof. Such use is to be clearly incidental and secondary to the residential uses and shall not change the residential character of the dwelling, and further provide that the use can meet the special exception regulations, as outlined in this LDC.

Hotel: A transient commercial lodging establishment consisting of one or more buildings used only for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities, and parking. Lodgings may consist of sleeping rooms only, or may include cooking facilities also, but not intended for long-term occupancy.

Identification sign: See *Sign, identification.*

Illuminating Engineering Society of North America: Agency that approved an American National Standard Practice for Roadway Lighting. This recommended practice provides the design basis for lighting roadways, adjacent bikeways, and pedestrian ways.

Imperiled upland habitat: Includes natural habitats known to support rare species and the Coastal/Conservation element of the Comp Plan. Florida Natural Areas Inventory (FNAI) criteria are utilized to determine if the area consists of the following designations:

(1) Sandhill.

(2) Scrub.

(3) Maritime Hammock.

(4) Live Oak Hammock.

(5) Coastal Strand.

(6) Coastal Grassland.

Impervious: Any improvements that do not readily absorb or retain water including, but not limited to, building roofs, parking, driveway areas, gravel areas, sidewalks, and paved areas.

Impervious surface ratio: The percentage of the area of a lot covered by impervious surface.

Improvements, required site development: All land development improvements necessary to support the proposed buildings, as documented on the approved site plan drawings.

Improvements, required subdivision: All land development improvements necessary to support and service a proposed division of land into smaller parcels. Work includes, but is not limited to, water and sewer, paving and drainage, earthwork and clearing, erosion and sediment control facilities, and measures.

Independent living unit: A senior adult detached or attached housing unit that is an element of a continuing care retirement community, that provides optional services for residents to receive their choice

of meals, personal services, medical services, housekeeping, transportation services, and organized social/recreational activities.

Infrastructure: A set of interconnected structural elements that provide the framework supporting an entire structure. This term has diverse meanings in different fields, but in the LDC, it refers to roads, water mains, and storm and sanitary sewer pipes to support a site plan or subdivision project.

Inspection: Observation of construction work being performed to assure compliance with approved plans and permits.

Inspection punch list: List of deficiencies and concerns that are a result of an inspection of a construction site.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

Island: A raised area in a roadway, driveway, or parking facility used to control or direct traffic flow that typically contains landscape material to provide shade and aesthetics within parking facilities.

Island, median: A landscaped island at least five feet wide located between two rows of parking spaces with no intervening drive aisle.

Island, terminal: A landscaped island at least five feet wide located at the beginning or the end of a row of parking spaces that separates the adjacent parking space from a drive or parking aisle.

Junk yards: Place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house-wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged machinery, used furniture, radios, stoves, refrigerators, or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Kennel: ~~Any place or premises where four or more canines or felines over four months of age are kept.~~ A shelter for housing of four or more animals, or an establishment for the breeding or boarding of animals.

(1) *Commercial* kennel means any facility or business operation where one of more dogs or cats are kept, maintained, cared for or boarded overnight for remuneration.

(2) *Noncommercial* kennel means the keeping of dogs, six months of age or older, on premises used for residential purposes, in excess of four animals.

Keystone: Stone wedge at uppermost point of an arch that secures other arch members in place. Wedge-shaped member installed above an arch for ornamentation.

Kitchen, summer: An outdoor kitchen located for the primary use of outdoor entertaining not to be used for the purpose of a separate single-family dwelling and enclosed by no more than three walls under roof, including but not limited to, glass enclosures.

Landscape area: All pervious area within a site that supports the growth of plant material of any type. When used to calculate minimum tree requirements and landscape area requirements, the following areas shall not be counted as landscape area: synthetic turf areas, ponds, lakes, streams, rivers, and normally wet stormwater retention areas. If an existing or proposed water body, or normally wet retention area is a limiting factor as far as available site development area, then up to 25 percent of the area comprised by these features may be counted as landscape area providing this area be included in the area calculations for overall tree requirements.

Landscape buffer: See *Buffer, landscape.*

Landscape feature: An embellishment to the natural environment by blending manmade or natural materials with plantings in order to improve the outdoor aesthetics of a property. Landscape features,

which include decorative planters, stone work, brick work, shall not exceed three feet in height. A Landscape feature, as defined herein is not a fence or wall.

Landscaping: Living plant material purposely installed for functional or aesthetic reasons at ground level and open to the sky.

Land Use Administrator: The City Manager shall act as the Land Use Administrator under the provisions of this LDC and shall prescribe and direct the processes and procedures, other than as otherwise specifically set forth in this LDC, relative to the administration of development review within the City. The City Manager may assign such duties to a City staff person or a team of City staff persons as he or she deems appropriate.

Lane: A strip of roadway or vehicular use area specifically designated to accommodate a single line of vehicles; a narrow way or passage for a specific use such as bicycles, pedestrians, etc.

Lane, bypass: An alternative channel, passage, or route.

Large quantity generator: A large quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 260, is one who generates more than 1,000 kilograms (2,200 pounds or 250 gallons) of hazardous waste in a calendar month.

Large-scale commercial center: A commercial facility intended to function as a unit with a large-scale retailer as the anchor with shared services of other commercial uses. At least one anchor unit shall contain a minimum of 60,000 square feet.

Lawn/turf/sod: Upper layer of soil bound by live plant roots supporting the grass covered surface of the ground.

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.

Level of service: An existing or projected indicator of the extent or degree of service provided by a concurrency public facility or other public facility based on and related to the operational characteristics of the concurrency public facility or other public facility.

Level of service standard: The adopted and acceptable volume of demand for each concurrency public facility or other public facility thereby reflecting an acceptable operational level as to a facility. Volume of demand may be stated as a measure of quantity of capacity per unit of demand or may state a

level of performance for which the methodology and rationale used for quantitative measurement is clearly demonstrated in the Comp Plan or its supporting data and analyses.

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 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 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Light fixture: An artificial illuminating device or lamp, permanent or portable, used to illuminate or to attract attention. Such devices shall include, but are not limited to, search, spot, string, or floodlights for:

(1) Building and structure lighting, to include canopies and overhangs.

(2) Recreational area lighting.

(3) Parking lot lighting.

(4) Landscape lighting.

(5) Billboard or sign lighting.

(6) Street lighting.

(7) Display and service area lighting.

Lintel: A horizontal structure member, such as a beam or stone, which spans an opening, as between the uprights of a door or window or between two columns or piers.

Listed species: Those animal species which are endangered, threatened, or of special concern and are listed in Sections 39-27.003, 39-27.004 and 39.27.005, FAC and those plant species listed in 50 Code of Federal Regulation 17.12 when such plants are found to be located in a wetland or other surface water (Subsection 40C-4.021(19), FAC).

Littoral zone: An environmental planting area around the perimeter of water bodies consisting of littoral shelf plantings, transitional plantings, and upland vegetation.

Live aboard watercraft: Any watercraft docked at a marina facility inhabited by a person or persons for any three consecutive days or a total of five days within a 30-day period, or any watercraft represented as a place of business, a professional or other commercial enterprise, or a legal residence.

Living area: Enclosed rooms, as measured by its outside dimensions, which can be heated or cooled with the exception of garages.

Loading space, off-street: A space logically and conveniently located for pickups or deliveries or for loading or unloading, scaled to the size of the delivery vehicles expected to use it, and accessible to such vehicles when required off-street parking spaces are occupied.

Local road: A route providing service that is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property.

Lot: A parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law.

Lot, corner: A lot abutting upon two or more streets at their intersection of less than 135 degrees. The point of intersection of the street lines is the corner. In the event the principal building is more directly oriented to the lot corner at the street intersection than to either street frontage, such lot shall be considered to have two front yards, one abutting each street.

Lot depth: The average distance between the front and rear lot lines.

Lot, double frontage: A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot line, front: The lot line separating the lot from the rights-of-way of the principal street on which the lot abuts.

Lot, interior: A lot other than a corner lot.

Lot line, rear: The lot line opposite to and most distant from the front lot line, except for double frontage lots, which shall have two front lot lines.

Lot line, side: Any lot line other than front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot of record: A lot established prior to the enactment of this regulation that is a part of a recorded map or plat or a lot described by metes and bounds description, which is recorded according to Florida Law prior to November 16, 2008.

Lot width: The average distance between the side lot lines, measured along the front setback line.

Louvers: Vented covering for an opening that allows passage of air, but prevents rain and pests from entering. Commonly made of wood, aluminum, or galvanized steel and designed of horizontal slats in doors and shutters.

Luminaire: A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply.

Machinery and equipment sign: See *Sign, machinery and equipment.*

Maintenance surety: See *Surety, maintenance.*

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).

Mansard roof: See *Roof, mansard*.

Mansard, false or stuck on: A sloped plane that is attached or applied to a flat roof to make it appear to be a mansard roof.

Manual on transportation: The standard manual of recommended minimum requirements for signs, signals, and pavement markings in the United States.

Manufactured home: A structure, transportable in one or more sections, which is eight feet or more in width and greater than 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."

Manufacturing, heavy: An establishment whose principal purpose is the mechanical or chemical transformation of materials or substances into new products, including the bulk storage of raw materials, and which process may emit noise, vibration, dust, odor, or pollutants. Activities include manufacturing, assembly, and fabrication, including large scale or specialized industrial operations, processing, and compounding of semi-finished products from raw material in bulk form used in an industrial operation. Examples of heavy manufacturing include, but shall not be limited to, cement manufacturing, ship/boat manufacturing, and similar uses.

Manufacturing, light: An establishment whose principal purpose is the manufacturing, assembling, compounding, processing, packing, baling, repairing, storage, or distribution of products made from previously prepared basic materials. Examples include bond, cloth, cork, fiber, leather, paper, plastics,

metals (not involving punch presses over 50 tons rated capacity), stones, tobacco, wax, yarns, or wood (except where sawmills or planing mills are employed). Uses deemed to qualify as light manufacturing include, but are not limited to, sign manufacturing, commercial bakeries, and similar uses.

Marina facility: Any structure or combination of structures, other than a single residential dock, located on or over the water surface of the navigable waters of the City, and is designed or used for the mooring of watercraft. Marina facilities are classified into the following subcategories.

(1) *Commercial marina:* Any facility or structure that is used for business or income producing purposes, through rental or any other means, the services of which are open to the general public, or which serves as an accessory facility to other rental, commercial, or industrial operations. It shall include, but not be limited to, docking for restaurants, hotels, motels, commercial fishing, shipping, or sales.

(2) *Noncommercial marina:* A marina facility designed to moor three or more watercraft that is intended to be used for private recreational or leisure purposes by persons or groups of persons who are residents of a development, or a nonprofit organization. General public usage and/or access is and will be prohibited by deed restrictions, easements, or other legally binding documentation except that a de minimis number of watercraft slips, not to exceed five percent, may be subject to rental agreements to nonresidents of the development associated with the marina facility. A marina associated with and part of a development shall not be deemed a commercial marina if instruments of title, acceptable to the City, bind the developed property to the marina in a manner approved by the City. A marina facility with no more than five-day slips shall be considered a noncommercial marina.

Marine service station: A facility that provides fueling services for watercraft while they are located on or over the water.

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. 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.

Master meter: A single meter serving a multifamily residential or multi-unit commercial facility. This term includes, but is not limited to, master meters serving condominiums, apartments, mobile home parks, hotels, motels, travel trailer parks, shopping centers, and office buildings.

Master Planned Development District (MPD): The purpose of the Master Planned Development District, which takes the place of the former Planned Unit Development (PUD), former Planned Rural Development (PRD), former Village Center (VGC-1, VGC-2), and former Golf Course Community (GCC) Districts, is to provide opportunities for innovative planning and design. Although greater flexibility is given within this district, procedures are established in this LDC to ensure that master planned developments are consistent with sound and generally accepted land development practices and that added benefit is accrued to the community.

Mechanical equipment: Equipment such as air conditioning units, pool pumps, generators, and gas tanks.

Median income: The Flagler County median income is the figure published, and periodically updated, for the County as a whole by the U.S. Department of Housing and Urban Development.

Medical marijuana treatment center: Has the meaning provided in Article X, Section 29, Florida Constitution. Medical marijuana treatment center dispensing facilities are a component of said definition. Medical marijuana treatment center dispensing facilities are subject to licensure by the Florida Department of Health, pursuant to F.S. § 381.986 (2017) and implementing regulations.

Microbrewery: A facility licensed by the State for the production and packaging of malt beverages with low alcoholic content for distribution or for consumption on the premises, with a capacity of not more than 15,000 barrels per calendar year. Accessory uses may include tasting rooms with food sales or tours of the microbrewery.

Mitigation: An action or series of actions to offset the adverse wetland impacts. Mitigation usually consists of restoration, enhancement, creation, preservation, or a combination thereof. Mitigation also refers to the required replacement of protected trees that are removed for multi-family, institutional, commercial, and industrial development and residential lots.

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 chasses 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).

Mobile home park: A residential development on a parcel of land in one ownership providing rental spaces for two or more mobile homes on a long-term basis, with recreation and service facilities for the tenants.

Mobile home park/subdivision, existing: See *Manufactured home park/subdivision, existing*.

Mobile home park/subdivision, expansion to an existing: See *Manufactured home park/subdivision, expansion to an existing.*

Mobile home park/subdivision, new: See *Manufactured home park/subdivision, new.*

Mobile home park/subdivision, substantially improved existing: See *Manufactured home park/subdivision, substantially improved existing.*

Mobile home space: A plot of ground within a mobile home park designated for the accommodation of one mobile home or travel trailer.

Mobile home subdivision: A residential development designed for the accommodation of mobile homes on individually owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourists or vacation-oriented travel trailers, motor homes, campers, etc.

Model home: A finished single-family residential unit, including units in a multifamily structure and manufactured/mobile homes, for which a certificate of occupancy has been obtained and located in a residentially zoned district, but utilized as an example of a product offered for sale to purchasers by a realtor, builder, developer, or contractor.

Molding: An embellishment in strip form, made of wood or other structural material, used to decorate or finish a surface, such as the wall of a building or the surface of a door.

Monotonous: Tediously uniform or unvarying.

Motel: Any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, off-street parking for each unit, a central office on the property with specified hours of operation, and a bathroom or connecting bathroom for each rental unit. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but not intended for long-term occupancy.

Mulch: An organic soil additive or topping such as compost, wood chips, wood shavings, seasoned sawdust, bark, leaves, or pine straw, used to reduce evaporation, prevent erosion, control weeds, enrich

the soil, and moderate soil temperature. Inorganic materials such as rock or chipped rubber are also considered mulch. Where the word mulch is used in reference to seeding requirements, it is deemed to be straw or hay.

Multifamily: See *Dwelling, multifamily.*

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.

Multiuse building: A building that provides for nonresidential uses on the first floor and residential living quarters located above the first floor.

Munsell: A standard color system that allows precise documentation of colors using an alphanumeric code to describe the color attributes of hue (pigmentation), value (lightness/darkness), and chroma (color intensity). To establish an objective means of color evaluation, the Munsell color system's lightness value shall guide the selection of acceptable colors.

National Register of Historic Places: The official listing of cultural resources or historic properties significant in American history, architecture, archaeology, engineering and culture, maintained by the Secretary of the Interior as established by the National Historic Preservation Act of 1966, as amended.

Native plant: See *Plant, native.*

Navigable waters of the City: Lakes, ponds, Intracoastal Waterway, saltwater canals, freshwater canals, streams, or any other body of water or waterway natural or artificially created, or any constructed channel or water body to said bodies of water or waterways, located within the City of Palm Coast that can be used for the navigability of watercraft. It is not the intent of the LDC to assert ownership of such waters, but it is the intent of this Ordinance to assert land use regulatory jurisdiction as set forth in the LDC.

Nonconforming use: A use of land existing lawfully at the time of the enactment of this regulation, or at the time of a zoning or use change and which does not conform with the regulations of the use district in which it is located.

Nonresidential: Used or intended for purposes other than as a dwelling unit.

Nonresidential controlling master site development: Commercial facilities developed on one or more lots and intended to function as a unit with shared services and facilities.

Non-vehicular non-access easement: An easement that limits or preludes legal access for any lot, tract, or parcel onto a street or adjacent property or between subdivision boundaries. See also, spite strip.

Nursery, plant materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the site, including products used for gardening or landscaping.

Nursing home: A home for aged, chronically ill, or incurable persons in which three or more persons, not of the immediate family, are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Off-site improvements: All land development improvements proposed to be built on land that is not part of the project property, except for work within a public road right-of-way immediately adjacent to the project limits of frontage on that road.

Off-street loading space: See Loading space, off-street.

Off-street parking space: See *Parking space, off-street.*

One hundred (100)-year flood elevation: See *Base flood elevation*.

One-way: A roadway or aisle on which traffic moves in only one direction.

On-site: Within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

Open space: The land area within a development which is retained in its natural condition or improved in a manner for the enjoyment of all persons owning property within the development. Open space includes, but is not limited to, tree and environmental preservation areas, waterbodies, and common area parcels, and is not developed with impervious surface unless it is common open space. Open space also includes those portions of the right-of-way that are pervious.

Operation: To cause or to allow a system to function.

Operator: Any person in whose name an electronic game promotion is conducted and in whose name a certificate of use is issued.

Oriel: A bay window supported from below by corbels or brackets.

Outdoor display: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

Outparcel: For the purpose of this Code, an area meeting the minimum zoning district dimensional requirements and located within a shopping center that shares a common parking lot with other buildings and establishments within said shopping center, but separated from the principal building and establishments by parking or vehicular use area.

Overhead utility facilities: Communications and power lines installed through the air supported on and spanning between poles.

Parapet: A low wall projecting from the edge of a platform, terrace, or roof.

Parasite sign: See *Sign, parasite.*

Parent parcel: A tract or parcel of land that was lawfully created by either a plat or nonstatutory subdivision.

Park trailer: A transportable unit which has a body width not exceeding 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 F.S. § 320.01 .]

Parking: The temporary, transient storage of motor vehicles used for personal transportation while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or other purpose other than specified above.

Parking angle: The angle formed by a parking stall and the wall or centerline of the facility, ranging from 90 degrees (perpendicular) to 45 degrees.

Parking design: The layout and design of a parking facility based on standard criteria.

Parking lot: A surface area for parking off the street or beyond the right-of-way.

Parking, parallel: Spaces designed parallel to the curb of a street, a lot, or a parking structure wall.

Parking, shared: The approved use of the same off-street parking space for two or more distinguishable uses where peak-parking demand of the different uses occurs at different times of the day.

Parking space: A surface area reserved for temporary storage of one motor vehicle and connected to a street by a driveway.

*Parking space, off-stree*t: An off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a

street or alley and maneuvering room, but shall be located totally outside of any street, alley right-of-way, or highway.

Parking stall: The area, usually marked with distinguishing lines, in which one vehicle is to be parked; a parking space.

Passenger station: A facility at which passengers may board and alight from buses and/or trains, usually consisting of at least one covered structure or building for the use of waiting passengers.

Pavilion: A central or flanking projecting subdivision of a façade, usually accented by more elaborate decoration or a greater height and distinction of a roof line.

Peak period: The period of maximum parking activity, this can be by the hour, day of week, or seasonal.

Pedestrian: A person whose mode of transportation is on foot, including a person "walking a bicycle."

Pediment: A low-pitched triangular gable on the front of a building.

Performance surety: See *Surety, performance.*

Periodic Overflow Parking: Periodic overflow parking refers to designated, temporary, or secondary spaces used when primary parking lots are full or during high-demand events.

Permanent commercial campground: A parcel or plot of ground upon which two or more permanent (year-round) campsites are located, established and maintained for occupancy by camping units of the general public. Such campgrounds must meet the minimum state code requirements for sanitary facilities and potable water supply.

Pervious area: The total lot area left in a condition that permits full percolation of the stormwater including surface water bodies, wetlands, and retention areas.

Pharmacy: A retail use licensed under the Florida Statutes to dispense or sell prescription drugs, including, but not limited to medical marijuana treatment center dispensing facilities, as referenced in F.S. § 381.986 (11) as amended from time to time. The term does not include hospice services, medical and diagnostic laboratories, dental labs, medical and professional offices, outpatient care facilities, assisted living facilities, nursing homes, adult day care centers, child day care centers, schools, colleges, or other educational or health care institutions.

Pier: Wharf projecting into a body of water. In addition, an upright support member of a building designed and constructed to function as an independent structural element in supporting and transmitting building and environmental loads to the ground with a height limited to a maximum of three times its least lateral dimension.

Pilaster: A pilaster is a rectangular support which resembles a flat column. The pilaster projects only slightly from the wall, and has a base, a shaft, and a capital.

Pile: An upright support member of a building, usually long and slender in shape, driven into the ground by mechanical means and primarily supported by friction between the pile land the surrounding earth. Piles often cannot act as individual support units and require bracing to other pilings.

Pitch: The slope of a roof expressed in terms of a ratio of height to span.

Pitched roof: See *Roof, pitched.*

Planned unit development (PUD): A former zoning classification that allowed an area of land, controlled by a landowner(s), to be developed as a unified project and single entity for a group of structures such as residential or nonresidential or any combination thereof. See *Master Planned Development District.*

Plant, native: Means any plant species with a geographic distribution indigenous to all or part of the State of Florida.

Plat: A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with all applicable sections of F.S. ch. 177 , and this LDC.

Plinth: A continuous course of stones that form the base or foundation of a wall.

Political sign: See *Sign, political.*

Pollutant: Includes, but is not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.), heat, wrecked or damaged equipment, rock, sand and industrial (excepting the county's discharges), and agricultural waste discharged into the MS4, and including other materials which the City Manager or designee or federal or state regulatory agencies may deem appropriate to be included.

Porch: A roofed, open space that may be screened, attached to, or part of a building and with direct access to or from the building.

Portal: A doorway, entrance, or gate, especially one that is large and imposing.

Portico: A porch or walkway with a roof supported by columns, often oriented at the entrance of a building.

Poultry: Any chickens, turkeys, ducks, or geese.

Potable water: The water that is satisfactory for drinking, culinary, and domestic purposes and that meets the quality standards of the Florida Department of Environmental Protection.

Preconstruction conference: A meeting that is held between City staff and the contractor or developer after the issuance of a development order, but prior to the issuance of a building permit for the purpose of coordination of project and assurance of compliance with City regulations.

Preliminary site plan: An illustration of the details of development of areas such as, but not limited to, commercial, industrial, recreational, and multifamily residential uses not being platted. The required submittals and processing procedures shall be similar to those provisions for final platting to the extent deemed applicable for the proposed use by the Land Use Administrator.

Preservation: The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Principal building: See *Building, principal.*

Private club: See *Club, private.*

Project: A particular development on an identifiable parcel of land.

Property: For the purpose of utilities, the real property owned or controlled by an applicant for which water service capacity allocation, wastewater service capacity allocation, or both is requested.

Public facility baseline statement: The concurrency baseline statement is an assessment of public facility available capacity anticipated for the reporting period.

Public use: See *use, public.*

Qualified environmental professional: A professional entity (may be an individual or company/firm) having appropriate scientific background and experience in the evaluation of wetland systems, delineation of jurisdictional wetlands, and listed flora and fauna in the State of Florida and the assessment of central Florida ecological communities.

Quoin: A stone or brick forming an exterior angle of a masonry wall that is differentiated from adjoining surfaces by material, texture, color, size, or projection.

Rain garden: On-site retention of stormwater using vegetated depressions engineered to collect, store, and infiltrate runoff. Also, known as Bio-Filter and an LID IMP.

Range (appliance): A single kitchen appliance that combines both a cooktop (stovetop) and an oven into one unit.

Reclaimed water: Water, treated wastewater, or wastewater effluent that has been appropriately treated and which, as a result of the treatment of wastes, is suitable and usable for direct beneficial uses or a controlled use by and for public agricultural, commercial, residential or industrial developments, projects or purposes including, but not limited to, irrigation purposes in green areas of developments or other appropriate areas; water that has received at least secondary treatment and is reused after flowing out of a wastewater treatment plant.

Reclaimed water distribution system:

(1) Reclaimed water mains.

(2) Sub mains.

(3) Transmission lines.

(4) Storage and pumping facilities.

(5) Valves.

(6) House services.

(7) Meters.

(8) Other appurtenances.

Reclaimed water system: As used interchangeably, means any and all reclaimed water production, transmission, treatment, and distribution facilities currently owned, operated, managed, controlled, or otherwise used or hereafter owned or operated by the City. Such system includes any and all improvements, extensions, or additions thereto hereafter constructed or acquired either from the proceeds of bonds or from any other sources, together with all property, real, personal, or mixed, tangible or intangible, currently or hereafter owned, operated, managed, controlled, or otherwise used in connection therewith.

Recreation, indoor: An indoor public or private establishment designed and equipped for the conduct of sports and leisure time activities except for electronic game promotions. Some examples include bowling alleys, game rooms, theaters, gymnasiums, pool halls, and skating rinks.

Recreation, outdoor: Any site where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/or services. This term includes botanical gardens, zoological gardens, skeet and gun clubs, golf driving ranges, miniature golf, go-cart tracks, drive-in theaters, aquatic centers, and water parks, but does not include golf courses or public parks and recreational facilities.

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.

Redevelopment: In addition to the definition of "development" provided in F.S. § 380.04 , this term shall mean a substantial or material change in the use or character of an existing development property including, but not limited to, alterations, expansions, or renovations to structures, paved areas, and other property fixtures and features requiring a building permit.

Regulated use (or regulated activity): Any publicly or privately owned operation within a wellhead protection zone that handles, sells or otherwise distributes, produces, uses, stores, or disposes of a regulated substance, unless specifically exempted.

Remedy a violation: See *Violation, remedy of*.

Remove or *removal:* Actual or effective removal through killing, damaging or destroying any trees listed as protected.

Replat: A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with all applicable sections of F.S. ch. 177 , and this LDC.

Required site development improvements: See *Improvements, required site development*.

Required subdivision improvements: See *Improvements, required subdivision*.

Residential: Used or intended for use as a dwelling unit and includes uses accessory to a dwelling unit.

Restaurant, fast-food/fast-casual: An eating establishment where customers order and receive their food and/or beverages at a counter, select individual items prepared in front of the person, serve themselves buffet style, which include a drive-in window, or service is via drive-up service. Customers may or may not consume the food or beverages on-site.

Restaurant, sit-down: An eating establishment where food and/or beverages are served by waitresses or waiters to patrons seated at booths or tables. A sit-down restaurant may also provide accessory drive-through and walk-up services. If the business also sells alcoholic beverages, the sale of food products must represent at least 51 percent of the facility's total sales, or the business shall be considered a drinking establishment.

Retail fulfillment distribution center: A building where an e-commerce retailer can quickly deliver merchandise to online shoppers for pickup, or where the merchandise is transferred to a retail operator or local delivery service for rapid delivery to shoppers' homes or businesses.

Reuse: The deliberate application of reclaimed water, in compliance with the Florida Department of Environmental Protection and St. Johns River Water Management District rules, for a beneficial purpose.

Revetments: Wall with severe slope away from the base.

Right-of-way: Land in which the City owns the fee or has received a dedication for, or has an easement devoted to, or required for, the use of a public road, the use of stormwater management, or any other public use, including for medians, sidewalks, and driveways.

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.

Road: Means and shall include streets, alleys, highways, sidewalks, bike paths, driveways, medians, and any other ways open or unopened to travel by the public, including the road bed, right-of-way and all culverts, drains, ditches, inlets, stormwater facilities, embankments, bridges, retaining walls, guardrails or other appurtenances necessary for the maintenance of travel.

Roof: The outside top covering a building or structure.

Roof, flat: A roof having no slope, or one with only a slight pitch to drain rainwater.

Roof, gable: Roof with gabled ends that slopes in two opposite directions from the ridge.

Roof, gambrel: Roof sloped in two opposite directions from the ridge, with each surface divided into two sections with different pitches. Lower section of the roof slopes steeply to the outside walls.

Roof, hip: A roof with sloping ends and sides. In addition, external angle formed at the intersection of two adjacent sloped roof sections.

Roof, mansard: A mansard roof has two slopes on each of the four sides. The lower slope is steeper than the upper slope. Dormers are often set in the lower slope. The upper slope is usually not visible from the ground.

Roof, pitched: A roof having one or more slopes.

Roof, shed: A roof with one slope.

Rooming house: See *Boarding home*.

Runoff (applies only to Chapter 9): The draining away of water (or substances carried in it) from the surface of an area of land, building, or structure.

Runoff (does not apply to Chapter 9): Relating to flood damage protection, 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.

School: A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle, and high schools, whether public or private; colleges, community colleges and universities; vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious or other special subjects. This term does not include childcare centers if separate from elementary schools.

Scoring: Scratching or roughening the surface of a member or material to create a rough finish or key for subsequent coats. To cut a narrow channel or groove in the surface of a material to allow for deeper cuts without shattering or splintering the face of the material.

Screen planting, medium: A 30-inch-high planting of continuous non-deciduous shrubs, with appropriate spacing, intended to partially block the view of something from adjacent properties or a rights-of-way.

Screen planting, short: A two-foot-high planting of continuous non-deciduous shrubs, with appropriate spacing, intended to partially block the view of something from adjacent properties or a rights-of-way.

Screen planting, tall: A five-foot-high planting of continuous non-deciduous shrubs, with appropriate spacing, intended to primarily block the view of something from adjacent properties or a rights-of-way, with opacity of at least 60 percent at time of planting that achieves 80-percent opacity within two years.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units, installed or indicated, for each 24 lineal inches of benches, pews, or space for loose chairs.

Seawall: A structure built between a water body on one side and land on the other side.

Semipublic use: See *Use, semipublic*.

Septic tank: The sewage disposal system in which effluent is flushed into an underground tank and allowed to slowly absorb into the surrounding soil.

Service use: See *Use, service.*

Setback: The area between a property line and a line parallel thereto at a distance equal to the appropriate setback distance. (See *Yard* and *Lot line*)

Setback line: The minimum distance prescribed by a zoning district between any property line and the foundation of a building or structure, or from the property line to the edge of a deck or concrete pad. A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear setback/yard, or the boundary of any public right-of-way whether acquired in fee, easement, or

otherwise, or a line otherwise established to govern the location of buildings, structures, or uses. (See *Yard* and *Lot line*)

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.

Sewers, public or community: An approved sewage disposal system that provides a collection network and disposal system, and central sewage treatment facility for a single development, community, or region.

Sexually oriented business: A commercial bodily contact establishment, escort service, or sexual encounter business. A business shall be a sexually oriented business, whether services are provided on the premises of an establishment or on an out call basis at any other place and regardless of whether such business is licensed under this LDC. A business with a sexually oriented business license shall be presumed to be a sexually oriented business. An individual operating a sexually oriented business is subject to the provisions of this LDC notwithstanding the fact that services are being provided at or from a residence, motor vehicle, vessel, or any other location. A license pursuant to this LCD is required unless the individual is a paid employee for whom taxes and social security payments are withdrawn and paid by the licensed establishment, worker records are maintained, and the individual is not an independent contractor.

Shade tree: See *Tree, shade*.

Shared parking: See *Parking, shared*.

Shed roof: See *Roof, shed*.

Shopping center: An integrated group of primarily retail-oriented commercial establishments that is planned, developed, owned and managed as a unit.

Shutters: Wood, metal, or plastic panel on either side of a window. May be hinged, but commonly fixed in position. Originally used as a protective covering for windows when swung closed.

Sight distance: The minimum distance that allows a vehicle traveling at a designed speed to be able to stop before reaching a stationary object in its path. Typically, the design sight distance allows a below-average driver to stop in time to avoid a collision.

Sight triangle: A triangular-shaped area at intersections that provides a clear line of sight for drivers at a vertical level between two feet and seven feet above the average grade at the centerline of the right-of-way. Two sides of the triangle shall be the edges of pavement along each roadway from their intersection with their lengths based on the type of roadways, and the third side being a line connecting the ends of the first two lines.

Sign: Any letters, numbers, symbols, graphics, pictures, or figures, or combination thereof that are erected, constructed, placed, or attached on a structure, ground, or body which identify, advertise, or direct attention to a product, business, institution, place, person, or event, or any other communication and that can be seen from the public right-of-way or public waterway. When not modified by the terms "structure" or "face", the term "sign" shall include all parts of the sign and its supporting structure.

Sign, A-frame: A type of sign composed of two boards set up in a triangle shape hinged along the top.

Sign, abandoned:

(1) Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the Land Use Administrator shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.

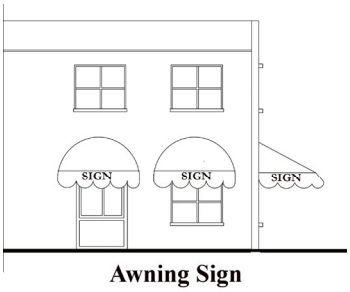
(2) Any sign structure that not used for business purposes for over six months and that is nonconforming according to existing codes regarding height, setback, or sign area.

Signage program: A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular development to include style, color, location, size, and material.

Sign, animated: Any sign of which all or any part thereof revolves or moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically. Animated signs also include electronic, LCD and LED signs if they are using movement and change of light to depict action or to create special effects or scenes. Also, known as Automatic Electric Changing Signs (ACS). Does not include manually changeable copy sign.

Sign area: The area of a sign face (which is also the sign area of a wall or other sign with only one face) shall be computed by means of the smallest square, circular, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This includes any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The sign area does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the LDC and is clearly incidental to the display itself.

Sign area, aggregate: The architectural area around the copy of the sign. The maximum aggregated sign area is determined by calculating sign area times two and is exclusive of the sign area.



Awning Sign

Sign, awning: Any sign consisting of information painted on, sewn on, imprinted on, or attached to the surface of an awning or canopy.

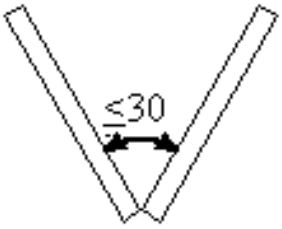
~~*Sign, banner:* A sign either enclosed or not enclosed in a ridged frame and secured or mounted to allow movement caused by atmosphere. Flags are not banners.~~

Sign, commercial: A sign intended to promote the commercial or economic interests of the owner or the products/services offered on the site.

Sign, digital: Any sign which has the capability of changing message content through the use of an electronically controlled device.

Sign, directional: Any sign intended to provide direction to the public, including signs that direct traffic onto or within a site, identify restrooms, parking areas or spaces, freight entrances, or other facilities for the convenience of the public.

Sign, directory: A sign that provides a listing of the occupants of a multitenant center and their suite/building numbers. Directory signs are not intended to be visible from the public right-of-way, but to give direction to customers already within the site.



Sign, double faced: A sign with two faces that are no more than three feet apart at their closest point, or placed at an angle of 30 degrees or less. Double-faced signs shall be considered one sign.

Sign, electronic display type: A sign for presentation of information for visual reception, acquired, stored, or transmitted in various forms, where the input information is supplied as an electric signal, and uses a light source, LED (light emitting diodes), bare electric bulbs, luminous tubes, fiber optic, or other combination of light source to create the message. In addition, signs that appear protected, or are intermittently or intensely illuminated, or of a traveling, scrolling, or sequential light type, or contain, or are illuminated, or flashing light.

Sign, free expression: A sign, not in excess of four square feet in size (area) where the top of the sign is not more than three feet off the ground, if freestanding, and communicating information or views of concern to the owner of the sign, or containing any other noncommercial message that is otherwise lawful.



Freestanding Sign

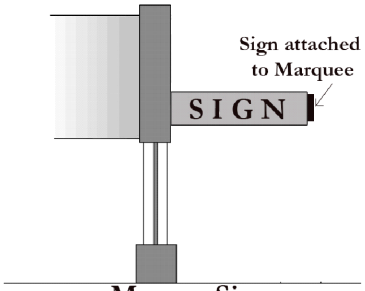
Sign, freestanding: A monument sign supported by a sign structure in the ground and that is wholly independent of any building, fence, vehicle, or object other than the sign structure for support. The width of the base must be less than the width of the display area but must be a minimum of 40% of the width of the sign face.

Sign height: The vertical distance as measured from the finished grade to the highest point of the sign structure. Finished grade is the newly established grade at the base of the sign after construction of the sign, exclusive of any filling, berming, madding, or excavating solely for the purpose of locating the sign.

Sign, identification: A sign that indicates the name and type of business or service, residents, or the name of the development located on the site where the sign is located including street address, phone number, and graphic of business logo.

Sign, illuminated: A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

Sign, machinery and equipment: Graphics and trademarks on vending machines, gas pumps, and machinery customarily used outside of buildings. Also, includes signs on public works and/or construction equipment (bulldozers and such) that have the brand/make of the machinery or equipment.



Marqee Sign

Sign, marquee: A sign attached to or hung from a marquee that is a permanent projecting structure protruding from the entrance of a building wall to provide shelter and display advertising.

Sign, manually changeable copy sign: The message on the sign is changed manually (without the use of an electric signal) using individual letters, numbers, phrases, or symbols. Examples include reader boards with manually changeable letters or changeable pictorial panels.

Sign, monument: ~~See *Sign, freestanding.*~~A durable ground level, self-supporting sign with a solid foundation or base that is at least as wide as the sign's display area.

Sign, non-commercial: Signs which display opinions, points of view, or contain political, civic, public service, religious, or ideological messages.

Sign, off-site advertising: A sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured, or taking place at a location other than on the site on which the sign is located.

Sign, parasite: Any sign not exempted by this Code, for which no permit has been issued, and which is attached to another sign.

Sign, pole: A freestanding sign supported by a pole, a column, or other fabricated support member without any type of secondary support. Pole/pylon signs typically provide clear view between the sign and the ground.

Sign, political: Any sign used solely to present information suggesting a candidate's suitability for elected public office or presenting an issue to be voted upon in the upcoming legally recognized election at the Federal, State, County, or City level or for special districts.

Sign, portable: A sign that has no permanent attachment to a building or to the ground by means of a footing including, but not limited to, an A-frame or sandwich board sign; a sign with wheels designed to be pulled or towed on a trailer or similar device, pull attachments, hot air or gas filled balloons; umbrellas used for advertising; signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way, sidewalk, or curb.

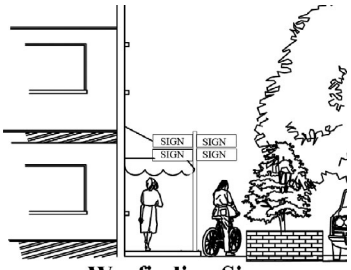
Sign, projecting: A sign that is wholly or partly dependent upon a building for support and that projects horizontally more than 12 inches from such building.

Sign, roof: A sign painted on or affixed to the roof of a building and primarily supported by that roof structure, except fascia signs.

Sign, snipe: Any sign or any material when such sign is attached in any way to trees, utility poles, motor vehicles, trailers, waterborne craft, or other objects.

Sign, temporary: A sign erected for two weeks or less to advertise or identify transitory events unless specifically permitted for a longer period by this LDC.

Sign, wall: A sign attached to a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign. For the purpose of Chapter 12, wall signs include awning and projecting signs.



Wayfinding Sign

Sign, wayfinding: A directional sign placed in the public-right-of-way to advertise the location of one or more business or facilities in the immediate area.

Sign, window: A sign posted, painted, placed, or affixed in or on the interior or exterior of a window/glass door, or placed within three feet of a window/glass door pane, or displayed to be visible from the exterior of the building.

Silt fence: A temporary sediment barrier consisting of a filter fabric stretched across, and attached to, supporting posts and entrenched.

Site: The entire lot on which a use is or will be located and that is otherwise subject to the provisions of the LDC.

Site, building: Any lot or parcel, or group of lots or parcels, occupied or intended for development as a unit, whether or not as part of a larger development site. Building site area does not include surface waterbodies, floodways, or wetlands.

Site characteristics: The physical features of a site such as shape, area, topography, soil conditions, and access.

Site plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Includes lot lines, streets, building sites, reserved open space, buildings, landscape features—both natural and manmade—and the locations of proposed utility lines.

Site plan completion surety: See *Surety, site plan completion*.

Small box discount store: A retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores. Small box discount store does not include a pharmacy; and does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars).

Small quantity generator: A small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 260, is one that generates less than 1,000 kilograms (2,200 pounds or 250 gallons) of hazardous waste in a calendar month.

Smart irrigation controller: A weather-based irrigation device that utilizes prevailing weather conditions, current, and historic evapotranspiration, soil moisture levels and other relevant factors to adapt water applications to meet the estimated needs of plants and lawns. The controller shall estimate or measure depletion of available plant moisture to operate an irrigation system that replenishes water as needed while minimizing excess.

Special exception: A land use that is not similar in nature to the uses permitted in the district for which application is made (or in any district), but which is desired in the community, with appropriate controls, where a suitable location is available.

Special flood hazard areas: An area in the floodplain subject to a one-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.

Special use: Includes utilities, transportation terminals, and facilities.

Spill: See *discharge.*

Spite strip: A private easement that limits or precludes legal access for any lot, tract, or parcel onto a street or adjacent property or between subdivision boundaries.

Stall: The area, usually marked with distinguishing lines, in which one vehicle is to be parked; a parking space.

Standing seam, metal: A standing seam roof is constructed of many interlocking panels that run vertically from the roof's ridge (the top of the roof) to the eave. The interlocking seam where two panels join together is raised above the roof's flat surface, allowing water to run off without seeping between panels.

Stoop: A raised platform approached by steps at the entrance of a house.

Stormwater: Water collected or collecting as a result of natural precipitation.

Stormwater management system: A system which is designed and constructed or implemented to control discharges that are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of discharges from the system.

Story: That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

Stream: Any river, creek, slough, or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. The fact that some part of the bed or channel shall have been dredged or improved does not prevent the watercourse from being a stream. Also, a body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods. Streams that flow only during wet periods are termed "intermittent streams."

Street tree: See *Tree, street*.

Stringcourse: A horizontal band or molding set in the face of a building as a design element.

Striping: Painted lines delineating stalls and circulation patterns.

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. 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.

Structure, principal: The main building in which is conducted the principal use of the property on which such building is located.

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 ten-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 ten-year period, the cumulative cost of which equals or exceeds 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.

Summer kitchen: See *Kitchen, summer.*

Supply well, public: A well that is constructed for purposes of extracting groundwater to the surface, by mumping or natural flow, and the groundwater from such excavation is to be used for human consumption assuming it has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the calendar year.

Surety: A pledge or formal promise made in the form of a cash deposit, bond, or letter of credit to secure against loss, damage, or default; a guarantee.

Surety, maintenance: Surety that guarantees that the installed improvements will remain in operable condition and not have any defects in material or workmanship for a period of 12 months after satisfactory completion of installation.

Surety, performance: Surety that guarantees that the cost of the infrastructure improvements necessary to support the subdivision to be platted is funded to complete the improvements if the property owner cannot complete them.

Surety, site plan completion: Surety that guarantees that perimeter landscape buffers will be constructed and property fenced if construction does not proceed to completion.

Surface water (applies only to Chapter 9): Water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface [F.S. § 373.019 (21).]

Surface water management system: A dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling as those terms are defined in F.S. §§ 373.403 (13) and 373.403 (14).

Surface water management system: A stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling as those terms are defined in F.S. §§ 373.403 (13) and 373.403 (14), (Subsection 40C-4.021(26), FAC).

Swale: Depression or channel in the ground, often designed for channeling surface water.

Temporary irrigation system: An interim system, including surface distribution elements (hose, pipe, etc.), that shall be removed once the landscaping is established or once it is no longer needed.

Temporary uses or structures: Any use or structure placed on a parcel of land for a period of short duration.

Threatened species: Those animal species listed in Section 39-27.004, FAC and those plant species which are listed as threatened in 50 Code of Federal Regulations 17.12.

Townhouse: Three or more attached single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Traffic circulation: A traffic flow pattern, such as a two-way or a one-way, for an on-street system or off-street parking facility.

Traffic control devices: Signs, pavement markings, and signal lights designed and installed to aid in safe and effective flow of motor vehicles across roads and parking lots.

Traffic flow: The pattern of traffic movement through an area or through a parking facility.

Transom: A horizontal crosspiece over a door, or between a door and a window above it, or a small hinged window above a door or another window.

Transportation center: A designated area for public transportation such as buses, taxicab stand, etc.

Travel trailer: A recreational vehicle used for temporary housing by individuals and families during travel. This category, in this LDC, is assumed to include also campers, camping trailers, motor homes and smaller mobile homes (up to a length of 35 feet, exclusive of hitch, and eight feet in width), capable of being towed by a passenger motor car and complies with F.S. § 320.01 (1)1.

Travel trailer park: A development for the accommodation of tourists or vacationers of short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants. This designation does not permit or allow permanent residents.

Tree: Any living, self-supporting woody perennial plant which at maturity attains a trunk diameter of at least four inches or more when measured at four and one-half feet above ground level and which normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches.

Tree protection zone (TPZ): The circular area usually under the canopy of a tree to be protected where access, construction activities, driving, parking, storage, grubbing, fill dirt, trenching, and digging is restricted by a sturdy but temporary fence. The radius of the TPZ is equal to one foot of TPZ radius for each inch of diameter of the tree to be protected.

Tree, shade: Any tree attaining a mature height of over 35 feet and a spread of 35 feet. Other trees may be acceptable upon approval of the Land Use Administrator including, but not limited to, the species listed per City standards.

Tree, street: Any tree growing in the public rights-of-way or on private property that is within five feet of the rights-of-way line. The tree must be a shade tree if no overhead utility conflicts exist.

Tree, understory: Any tree that has a mature height of less than 35 feet or is a slower growing species, as determined by the Land Use Administrator, including, but not limited to, certain species per City standards.

Trim: To reduce, shorten, or diminish gradually a plant or parts of a plant without altering the natural shape using proper horticultural and arboricultural techniques.

Trim color: Refers to a complementary color used for the trim of architectural components such as window trim, windowsills, doorframes, cornice, and banding.

Turbidity barrier: A floating geotextile material that minimizes sediment transport from a disturbed area adjacent to or within a body of water.

Turning radius: The pavement or ramp width necessary to permit a vehicle to complete a turning maneuver.

Two-way: A roadway or aisle on which traffic moves in the opposite, yet parallel, direction.

Underground utility facilities: Communications and power lines installed below the ground surface within road rights-of-ways or easements.

Understory tree: See *Tree, understory.*

Use: The specific purpose(s) for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use, change in: Substitution of one thing for another specifically regarding use of land or use of a building.

Use, conforming: Any use of a structure or land that is a permitted or approved provisional or special use in the district in which the structure or land is situated and which conforms to the regulations of that district and all other regulations as adopted by the City.

Use, discontinued: A use that is interrupted or in which there is a break in continuity regardless of the intent of the owner or operator.

Use, legal nonconforming: A use that lawfully occupied a building or lands at the time this LDC was adopted and that does not conform to the use regulations of the district in which it is located.

Use, nonconforming: The use of a building, structure, or parcel of land not in compliance with the regulations as adopted by the City.

Use, principal: The main or primary purpose for which a structure or lot is designated, arranged, or intended, or for which it may be used, occupied, or maintained under this LDC.

Use, public: The use of land, water, or building by a municipality, public body or board, commission, or authority, or federal, state, or county government, or any agency thereof for a public service purpose.

Use, semipublic: Includes churches, museums, and organizations operating as a nonprofit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational, conservation, and neighborhood associations, and cultural activities.

Use, service: An establishment where the principal use is the provision of services for individuals, business, and government establishments, and other organizations; as opposed to the selling of goods or merchandise. This term includes automotive services, business services, major vehicle service, and

personal services, but does not include retailing uses, restaurants, residential social service facilities, or any industrial uses.

(1) *Service, automotive:* Where the provision of services is focused on the repair and maintenance of motor vehicles. Examples of automotive services include detailing, mechanical or interior repair, tune-ups, tire sales and service, and stand-alone car washes, and similar uses.

(2) *Service, business:* Where the provision of services is focused on support to professional office establishments. Some examples include copy centers, secretarial service, computer rental-repair service, internet service, and similar uses.

(3) *Service, major:* Vehicle or machinery service activities that do not meet the definition of automotive service shall be classified as major service. Examples include bus, truck or train terminal/maintenance facilities, commercial or industrial machinery repair shops, and body and paint shops.

(4) *Service, personal:* A service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances. Some examples include barbershops, beauty shops, dance studios, funeral homes, pet grooming, laundromats, dry cleaners (drop-off and pick up only), health and fitness clubs, caterers, window tinting, video tape/disc rentals, consumer goods rental and service centers, and similar uses.

Use, temporary: A use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period.

Utility agreement: A written agreement between the City and a property owner that establishes the terms and conditions pursuant to which the City will provide water and/or wastewater service.

Utility facilities or *utility installations:* By way of illustration and not limitation, all equipment, fixtures, pumps, lines, mains, manholes, lift stations, pumping stations, laterals, service connections, and any and all appurtenances thereto together with all real property, easements and rights-of-way necessary to provide water and wastewater service to property whether located on-site or off-site.

Variance: A modification of the strict terms of the regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulation would result in unnecessary and undue hardship. As used in this regulation, a variance may be authorized only for area and size of structure, size of yards, open spaces, and flood damage protection regulations. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.

Variance, floodplain: Relating to flood damage protection, this term means a grant of relief from the requirements of Section 10.02 or the flood resistant construction requirements of the Florida Building Code that permits construction in a manner otherwise prohibited by Section 10.02 or the flood resistant construction requirements of the Florida Building Code.

Vegetation: Plant material, including trees, shrubs, groundcover, and vines, that are either existing or planted on a site.

Vehicle: Any device or conveyance for transporting persons or property over the public streets, including, but not limited to, any automobile, motorcycle, motor truck, trailer, van, semi-trailer, tractor-trailer combination, commercial vehicle or trailer, recreational vehicle or trailer, golf cart, and boat or boat trailer but it shall not include tractors, construction equipment or machinery, or any other device used to perform a job except as stated above.

Vehicle fueling position: A location next to a pump island at a service station or convenience store where a single vehicle obtains fuel simultaneously while other vehicles are being fueled. Typically, one fuel dispenser will provide two vehicle fueling positions located on opposite sides of the pump island.

Vehicle repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Vehicle sales: The sale of new and used motor vehicles.

Vehicular use area (VUA): Any area used by vehicles for driving or parking except public thoroughfares, including but not limited to areas for parking, display, storage or traverse of any and all types of motor vehicles, bicycles, watercraft, trailers, airplanes or construction equipment.

Veranda: A large, open porch, usually roofed and partly enclosed, as by a railing, and often extending across the front and sides of a house.

Vested development: A project that has received an entitlement to develop due to a City issued development order or permit for the project, such as a site plan approval or building permit or which meets the legal requirements for vesting. Such a project, having satisfied the City's concurrency requirements, shall be permitted to develop as per the terms of the development order or permit application. Should the development program of a "vested development" project be substantially modified in terms of density, intensity or facility impact from that development program described in the original permit application or development order, the project will lose its vested rights and be obliged to undergo a concurrency review per Chapter 7.

A project may also be a vested development if the City issued a development order or permit such as site plan approval or a building permit for the project prior to November 16, 2008. Such a project is not required to meet the concurrency requirements of Chapter 7, unless the project is significantly changed in terms of its density, intensity, or facility impact subsequent to such effective date, as determined by the City, in which case it will lose its vested development status and be obliged to undergo a review as per Chapter 7.

Vested rights: The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this Code.

Wall offset: A ledge or recess in a wall formed by a reduction in wall thickness above.

Wall (when referred to as a fence): An artificially constructed vertical barrier that is typically solid and constructed of stone, brick or masonry erected to enclose, restrict access to, screen, or separate areas.

Wastewater: A combination of any type of the water-carried wastes from residences, business buildings, institutions, industrial establishments, any and all other customers facilities, together with such ground, surface and stormwater as may be present, but does not mean or include hazardous or toxic wastes.

Wastewater system: As used interchangeably, means any and all wastewater or wastewater collection, transmission, treatment and disposal facilities currently owned, managed, controlled, or otherwise used or hereafter owned, operated, managed, controlled, or otherwise used by the City. Such system includes any and all improvements, extensions or additions thereto hereto constructed or acquired either form the proceeds of bonds or from any other sources, together with all property, real, personal or mixed, tangible or intangible, currently or hereafter owned, operated, managed, controlled, or otherwise used by the City in connection therewith.

Waterbodies: Fresh and saltwater canals, ditches, lakes, marshes, rivers, swamps, and swales in the City.

Watercourse: A natural or artificial channel in which a flow of water occurs either continually or intermittently.

Watercraft: Any craft, vessel, or boat used or capable of being used as means of transportation on or under the water including watercraft such as houseboats and other watercraft not used primarily for transportation.

Water or *waters in the state:* Any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state. [F.S. § 373.019 (22).]

Water distribution system:

(1) Water mains.

(2) Sub mains.

(3) Transmission.

(4) Storage and pumping facilities.

(5) Valves.

(6) House services.

(7) Meters.

(8) Other appurtenances.

Water system: As used interchangeably, means any and all water production, transmission, treatment, and distribution facilities currently owned, operated, managed, controlled, or otherwise used or hereafter owned by and/or operated by the City. Such system includes any and all improvements, extensions, or additions thereto hereafter constructed or acquired either from the proceeds of bonds or from any other sources, together with all property, real, personal, or mixed, tangible or intangible, currently or hereafter owned, operated, managed, controlled, or otherwise used in connection therewith.

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.

Water use zone: A grouping of spray, sprinklers, or micro irrigation emitters so that they can be operated simultaneously by the control of one valve according to the water requirements of the plants used and soil conditions.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for conveying groundwater levels or other characteristics, providing cathodic protection or providing a method of injecting water into the aquifer system from above the earth's surface.

Wellfield: A tract of land that contains a number of existing or proposed wells for the purpose of supplying public potable water.

Wellhead: The specific location of a well.

Wellhead protection zone: An area surrounding a public supply well or group of wells that has or have been established where special protective measures or land use activities are restricted for purposes of protecting the quality of water contributing to public supply well(s). The following wellhead protection zones have been established:

(1) *Primary wellhead protection zone:* The innermost protective zone around a wellhead as defined by a 500-foot radius from a wellhead.

(2) *Secondary wellhead protection zone:* A delineated area around favorable potable water production areas for the Floridan and intermediate aquifer as determined by the Land Use Administrator.

Wetland: Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress

domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands is delineated pursuant to Sections 62-340.100 through 62.340.550, FAC as ratified by F.S. § 373.4211 (Subsection 40C-4.021(30), FAC).

Wetland buffer: See *Buffer, wetland*.

Wetland quality assessment method: According to the Uniform Mitigation Assessment Method (UMAM), a score is determined by calculating the average of the three quality assessment criteria: Location and Landscape Support, Water Quality, and Community Structure (Chapter 62-345, FAC). The score will range from zero to one.

Wetland systems, named: The following wetland and surface water systems shall be designated named wetland systems:

(1) Graham Swamp.

(2) Long Creek.

(3) Pellicer Creek.

(4) Hulett Branch.

(5) Hulett Swamp.

(6) Pringle Branch.

(7) Pringle Swamp.

(8) Styles Creek.

(9) Hominy Branch.

(10) Big Mulberry Branch.

(11) Gore Lake.

(12) Black Branch.

(13) Black Branch Swamp.

Wheel stop: A bumper or block placed at the head of a parking stall to restrain the vehicle from moving or overhanging any pedestrian access way.

Wing: A part of a building projecting from and subordinate to a central or main part.

Wireless communication facilities: Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other personal wireless communications, as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or antenna array, transmission cables, feed lines, equipment cabinets, towers, cabling, antenna brackets, and other such equipment. The following shall be deemed a wireless communication facility: new, replacement, or existing towers, government-owned towers, modified towers, collocation on existing towers or base stations, attached concealed and non-concealed antenna, dual purpose facilities, DAS, small cell, concealed towers, and non-concealed towers, so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Xeric: Native plants as well as other trees, shrubs, ground covers, and vines proven to survive only on natural rainfall after a sufficient plant establishment period.

Yard: The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot lines and building line.

Zero lot line: An arrangement of development on adjoining lots in which the required side yard offsets is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than

the sum of the required offsets. No building or structure shall be closer to a lot line than five feet, unless it abuts the lot line and provided with an access easement of five feet on the adjoining lot or abuts a building or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district. All required building codes shall be adhered to (i.e. firewalls, etc.).

Abbreviations

/ = per	ad = advertisement	max. = maximum	min. = minimum
% = percent	ac. = acre; acres	' = foot; feet	ft. = foot; feet
" = inch; inches	ht. = height	sf = square foot; square feet	sq. ft. = square foot; square feet
n/a = not applicable	gal. = gallon(s)	pop. = population	*FS = Florida Statutes*
FAC = Florida Administrative Code		CMS = Concurrency Management System	

(Ord. No. 2009-26, § 97, 12-15-09; Ord. No. 2012-3, § 6, 5-1-12; Ord. No. 2013-9, § 3, 11-19-13; Ord. No. 2015-08 , § 4, 7-21-15; Ord. No. 2016-4 , § 1, 3-15-16; Ord. No. 2016-6 , § 2, 11-1-16; Ord. No. 2017-19 , § 2, 10-17-17; Ord. No. 2018-02 , § 6(Att. B), 2-6-18; Ord. No. 2018-13 , § 3, 4-17-18; Ord. No. 2018-21 , § 4, 10-2-18; Ord. No. 2018-24 , § 3, 11-6-18; Ord. No. 2020-09 , § 3, 8-18-20; Ord. No. 2021-22 , § 3, 10-5-21)

Additional Amendments from September 8 City Council Workshop		
Section	**Comment**	**Response**
Section 2.05.02A	Neighborhood Meetings allow the residents to receive information and ask questions about projects.	Staff proposes the following amendment to Section 2.05.02. Neighborhood meeting requirements. A. Meetings required. Developers are required to hold a neighborhood meeting for the following application types: 1. Single-family and multifamily residential developments ~~of 40 units or more, unless waived by the Land Use Administrator~~. Developments pursuant to the Live Local Act shall not require a neighborhood meeting.
Table 3-2 Residential Zoning Districts - Use Table	Clarify that permitted uses listed for MPDs need to be consistent with criteria for MPDs found in Subsection 2.09.04	Staff has amended footnote 1 as follows: 1. Only if use is specifically mentioned within the MPD Development Agreement. Uses must be consistent with the criteria established for Master Planned Developments in Chapter 2.09.04.
Table 3-4 Nonresidential and Mixed Use Zoning District Use Table	Clarify that permitted uses listed for MPDs need to be consistent with criteria for MPDs found in Subsection 2.09.04	Staff has amended footnote 1 as follows: 1. Only if use is specifically mentioned within the MPD Development Agreement. Uses must be consistent with the criteria established for Master Planned Developments in Chapter 2.09.04.
Table 3-2 Residential Zoning Districts - Use Table	Provide for criteria in MPDs as to where Kennels and Pet Boarding are permitted.	Staff added footnote 3 as follows: [3]Only on residential lots of 2.5 acres or greater.
Table 3-4 Nonresidential and Mixed Use Zoning District Use Table	Provide for criteria in MPDs as to where Kennels and Pet Boarding are permitted.	Staff added footnote 6 as follows: [6]In Mixed Use MPDs permitted in residential lots only if lot/parcel is 2.5 acres or greater.
Chapter 14-Glossary	Define Data Center	*Data Center:* A facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:(a) A free-standing structure; or (b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment. *(Per Florida Statutes Chapter 373.203(3))*
Chapter 14-Glossary	Amend Definition of Kennels to be consistent with Code of Ordinances.	*Kennel: ~~Any place or premises where four or more canines or felines over four months of age are kept.~~ A shelter for housing of four or more animals, or an establishment for the breeding or boarding of animals.* *(1) Commercial kennel means any facility or business operation where one of more dogs or cats are kept, maintained, cared for or boarded overnight for remuneration.* *(2) Noncommercial kennel means the keeping of dogs, six months of age or older, on premises used for residential purposes, in excess of four animals.*

PART I. - REVIEW AUTHORITY AND ENFORCEMENT

Sec. 2.01. - Purpose and Intent.

The purpose of this Part is to establish the administrative structure for the implementation and enforcement of the Land Development Code.

Sec. 2.02. - Review Authorities.

The following review authorities are established to administer the provisions of this LDC under the authority prescribed by this LDC and Florida law.

2.02.01. *City Council.* In addition to any authority granted to the City Council by state law or the Code of Ordinances of the City of Palm Coast, the City Council shall have the following powers and duties with regard to this LDC:

A. To provide for the approval or denial of applications promoting orderly development consistent with the City's Comprehensive Plan and this LDC.

B. To provide for the approval or denial of subdivision plans and other development plans consistent with the Comprehensive Plan and this LDC.

C. To conduct public hearings as may be necessary in the discharge of its duties.

D. To amend this LDC, after review and recommendation of the Planning and Land Development Regulation Board.

E. To hear and decide appeals pertaining to decisions of the Planning and Land Development Regulation Board.

F. To set fees as necessary to implement the provisions of this LDC.

G. To assess enforcement penalties for failure to comply with this LDC.

H. To take such other action not delegated to decision-making and administrative bodies designated in this LDC, as the City Council may deem desirable and necessary to implement the provisions of this LDC and the Comprehensive Plan.

2.02.02. *Planning and land development regulation board.* Chapter 2, Article V, Division 5 of the City of Palm Coast Code of Ordinances establishes the Planning and Land Development Regulation Board. In addition to the membership and duties specified in the Code of Ordinances, the Planning and Land Development Regulation Board shall meet the following requirements:

A. *Membership.*

1. The members of the Planning and Land Development Regulation Board shall reside in the City.

2. At least one Planning and Land Development Regulation Board shall be appointed from each City Council district.

3. No Planning and Land Development Regulation Board member shall serve in office for more than two consecutive four-year terms. A member whose term expires may continue to serve until a replacement is appointed.

4. Membership shall be based on experience or interest in the field of planning and zoning and may include the following occupations, when feasible. In no event, however, shall the Planning and Land Development Regulation Board include more than two members from the same field:

a. An architect or a landscape architect;

b. An engineer;

c. A realtor or a developer;

d. An environmentalist; and

e. A lawyer.

B. *Removal from office.*

1. Planning and Land Development Regulation Board members shall serve at the pleasure of the City Council.

2. If a member of the Planning and Land Development Regulation Board is absent for three regularly scheduled meetings without being excused prior to said meeting by the chair or who misses a total of five meetings in any 12 consecutive months, said member shall forfeit his or her office and it shall be deemed vacant.

3. Any vacancy occurring during the unexpired term of office of any member shall be filled by the City Council for the remainder of the term.

C. *Powers and duties.* The Planning and Land Development Regulation Board shall have the following powers and duties:

1. Hear applications for Comprehensive Plan amendments, zoning map amendments, master planned developments, master plans, special exceptions, and variances.

2. The Planning and Land Development Regulation Board is hereby designated as the local planning agency as required by F.S. § 163.3174. The Planning and Land Development Regulation Board shall prepare, or cause to be prepared, the elements of the Comprehensive Plan as required in F.S. § 163.3177, and any other appropriate elements, and shall make recommendations regarding the Comprehensive Plan to the City Council. It shall have the general responsibility for the conduct of the Comprehensive Planning Program, monitoring and overseeing the effectiveness and status of the Comprehensive Plan, and recommending to the City Council such changes in the Comprehensive Plan as may, from time-to-time, be required. It shall perform any other duties assigned by the City Council and may prepare and recommend to the City Council any other proposals to implement the Comprehensive Plan.

3. The Planning and Land Development Regulation Board is hereby also designated as the land development regulation board in accordance with the provisions of F.S. § 163.3194. The Planning and Land Development Regulation Board shall develop and recommend to the City Council land development regulations that implement the Comprehensive Plan and amendments thereto for consistency with the Comprehensive Plan. Amendments to the Land Development Code that relate purely to technical matters shall be considered on the basis of the technical matters submitted only.

2.02.03. *Land Use Administrator.*

A. The Land Use Administrator shall review and act upon any and all applications for development orders and permits that are issued by any person or body other than the City Council or the Planning and Land Development Regulation Board in which cases the Land Use Administrator shall provide for reviews and recommendations as appropriate.

B. The Land Use Administrator is authorized to make necessary interpretations of this LDC and to interpret the permissible, prohibited, and special exception land uses listed in each zoning district upon a written request for an interpretation being submitted to the Land Use Administrator together with any prescribed fee. The request shall contain sufficient information to enable the Land Use Administrator to make the necessary interpretation.

C. The Land Use Administrator is authorized to interpret the zoning map and to act upon disputed questions of district boundary lines and similar questions upon an application for an interpretation being submitted to the Land Use Administrator together with any prescribed fee. The application shall contain sufficient information to enable the Land Use Administrator to make the necessary interpretation.

Table 2-1—Development Order Approvals

DEVELOPMENT LEVEL	DEVELOPMENT TYPE/INTENSITY	FINAL APPROVAL AUTHORITY
MINOR Tier 1: Nonresidential site plans up to 40,000 square feet of building and/or multi-family residential projects not to exceed 40 residential units	Administrative Deviation of Standards	Land Use Administrator [1]
	Nonstatutory Subdivisions	
	Preliminary and Final Plats (regardless of the number of units are Tier 1)	
	Technical Site Plans for Tier 1 developments; Tier 2 developments with an approved Master Site Plan; and Tier 3 developments with an approved Master Site Plan	
	Subdivision Master Plans for nonresidential and for residential up to 100 units	
	Developments pursuant to the Live Local Act regardless of size or number of units	
MODERATE Tier 2: Nonresidential site plans over 40,000 square feet of building up to 100,000 square feet of building and/or multi-family residential projects over 41 residential units not to exceed 100 units	Special Exceptions	Planning and Land Development Regulation Board
	Variances	
	Master Site Plans for Tier 2 Developments	
	Technical Site Plans for Tier 2 developments without a master plan	
	Nonresidential Controlling Master Site Plans for Tier 2 developments	
	Subdivision Master Plans for residential greater than 100 units	

MAJOR Tier 3: Nonresidential site plans over 100,000 square feet of building and/or multi-family residential projects over 100 residential units	Vested Rights Determinations	City Council
	Zoning Map Amendments/Master Planned Developments	
	Development Agreements	
	Master Site Plans for Tier 3 developments	
	Technical Site Plans for Tier 3 developments without a master plan	
	Nonresidential Controlling Master Site Plans for Tier 3 developments	
	Developments of Regional Impact or amendments to Developments of Regional Impact	

[1] The Land Use Administrator shall, on a regular basis, submit a report to the Planning and Land Development Regulation Board listing all minor level developments that have been approved during a specified period.

PART II. - DEVELOPMENT ORDERS AND AGREEMENTS—APPLICATIONS AND PROCEDURES

Sec. 2.03. - Purpose and Intent.

The purpose of this Part is to set forth the basic procedures and criteria to implement this LDC with regard to receiving, reviewing, and rendering decisions on applications for development orders, agreements, and amendments to the Official Zoning Map. These procedures shall be applied and interpreted in a manner recognizing both the legislative and quasi-judicial aspects of the local government decision-making process. The Land Use Administrator shall accomplish the administration of this LDC, but may delegate authority as deemed appropriate. The City will not establish procedures and administer policies inconsistent with the Comprehensive Plan, Code of Ordinances, and policies established by City Council.

Sec. 2.04. - Applicability.

No person shall undertake the development or subdivision of land within the corporate limits of the City except pursuant to a valid development order issued in accordance with all legal requirements. All development shall be consistent with the Comprehensive Plan. All development shall meet City requirements prior to the approval and issuance of any development order, unless specifically exempted as a condition of the development order. The requirements contained in this section, in addition to the specific requirements noted for each type of application within this Part, shall apply to all development orders.

2.04.01. *Development order required.* Development orders require different levels of approval depending on the intensity and type of project. Table 2-1 shows the level of approval required for each type of development activity. Before submitting a development order application for review and to determine which level an application falls into, the developer shall provide the Land Use Administrator with sufficient information to make a determination.

2.04.02. *Exceptions.* No development order shall be required when:

A. The application for development involves minor remodeling or new construction of a detached single-family dwelling or duplex residential building and it meets all the applicable LDC requirements and regulations. Such development may directly make

application for a building permit.

B. The development or redevelopment activity is included as part of a larger plan of development or a phased development for which a development order has been previously issued pursuant to this LDC.

C. Altering an existing building or structure so long as no increase is made to its nonresidential gross floor area, its use, its height, or the amount of impervious surface on the site.

D. Changing the use of a property/building provided that:

1. The new use is allowed in the applicable zoning district, and

2. The new use does not increase the density or the intensity of the development on the real property.

E. Erecting a sign or replacing protected trees on a previously developed site and independent of any other development activity on the site.

2.04.03. *Building permit required.* It shall be unlawful to change the use of an existing structure, modify an approved site plan, commence the clearing of land, excavations for, or the construction of any building or other structure, including accessory structures, or to store building materials, or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Land Use Administrator has issued a building permit authorizing such development. Review and approval of building permits shall be in accordance with Article 2, Chapter 15 of the City of Palm Coast Code of Ordinances.

(Ord. No. 2024-17, § 2, 11-12-24)

Sec. 2.05. - Development Orders and Agreements—General Requirements.

2.05.01. *General administrative principles.* The following principles apply to the development application process:

A. Copies of documents, reports, publications, administrative rules, and other similar matters that are referred to in the provisions of this LDC shall be filed and retained in the office of the City Clerk.

B. When state or federal codes are referenced in this LDC, the most recent enactment or amendment of that regulation shall apply.

C. When calculations are made in the course of the implementation of this LDC, numbers shall be rounded to the nearest whole number unless otherwise specifically stated in this LDC.

D. Fees called for in this LDC for the various applications and processes shall be established in a resolution adopted by the City Council; provided, however, that the Land Use Administrator may establish the appropriate fee for actions and activities not specifically set forth in a fee resolution after considering the range of fees set forth in the City Council's resolution and shall present proposed amended fee resolutions to the City Council, as needed, from time-to-time.

E. The Land Use Administrator is charged with promulgating the forms and procedures necessary to administratively implement this LDC.

F. Whenever a reference is made in this LDC to "the City" or "City staff" such reference shall mean the Land Use Administrator unless the context clearly indicates to the contrary.

G. The City shall adhere to the controlling requirements of state law relative to the processing, hearing and rendering decisions with regard to legislative and quasi-

judicial matters. The City shall approve development orders and deny development orders as appropriate and in recognition of the public's right and the rights of property owners to articulated decisions on land use matters.

H. Although a glossary of defined terms and various definitions of terms are set forth in Chapter 14, not all terms may be defined and, to that end, the City may refer to and rely upon definitions set forth in the Florida Statutes, the Florida Administrative Code, the Florida Building Code, or as found in the Merriam-Webster Dictionary in order to assist in the administration of this LDC.

I. The rendering of a decision shall mean the filing of a written development order or a written denial of a development order in the office of the City Clerk.

J. Upon a final decision made by the City Council after all internal appeals being timely filed and determined, applicants may seek timely appeals of actions in a court of competent jurisdiction.

K. A change of use shall require appropriate reviews and permitting if the proposed new use increases the density or intensity of the development on real property. A change of use occurs when an existing use or occupancy of land, or a building, is replaced by another use or occupancy.

2.05.02. *Neighborhood meeting requirements.*

A. *Meetings required.* Developers are required to hold a neighborhood meeting for the following application types:

1. Single-family and multifamily residential developments. Developments pursuant to the Live Local Act shall not require a neighborhood meeting.
2. Development of regional impact.
3. Master planned development.
4. Zoning map amendments.
5. Other projects as deemed necessary by the Land Use Administrator on a case-by-case basis based upon potential impacts to the City or abutting or proximate property owners.

The meeting shall be held at least 14 days prior to an application being heard in the first step of the review/approval process. The Land Use Administrator may waive the requirement for a neighborhood meeting if the project is part of a multiphase project for which meetings have been held previously. A request to waive the requirement for a neighborhood meeting must be made in writing to the Land Use Administrator and contain the reason(s) for the request.

B. *Notification required.* Neighborhood meetings shall be noticed to property owners owning property located within 500 feet of the boundary lines of the property proposed for development. The notice shall state the date, time, and location of the neighborhood meeting. A location map of the project location shall be included with the notification along with other documentation as requested by City staff. The notice shall be sent/postmarked at least 14 days prior to the neighborhood meeting. A copy of the notice shall be provided to the City.

C. *Meeting criteria.* The neighborhood meeting shall be held in the evening in a location of close proximity to the subject property that is capable of accommodating such meeting. The meeting shall not start earlier than 5:30 p.m. and shall not be scheduled on the same night as a PLDRB or City Council Regular meeting. The applicant shall conduct the meeting and provide necessary information and materials to attendees that address the proposed development. The applicant shall ensure that audio-visual equipment is adequate to assist in making sure that attendees may fully participate in

the proceedings. The applicant shall provide a sign-in sheet and take notes of public comments. A copy of the sign-in sheet and comments shall be provided to the City prior to the next step in the approval process.

D. *Post-meeting.* The applicant shall provide the following materials within 10 days after the neighborhood meeting:

1. A copy of the meeting notification.
2. A list of who was notified of the meeting.
3. A copy of all materials distributed at the meeting.
4. A list of names and addresses of attendees as provided on sign-up sheets from the meeting.
5. A summary of the issues raised by the attendees.
6. A description of how the proposal addresses the issues that were raised at the meeting.

E. *Additional meetings.* The Land Use Administrator may require that additional neighborhood meetings be held if the application is substantially modified from that which was presented at the previous neighborhood meeting.

2.05.03. *Public hearing notice requirements.*

A. All notices for vacating plats, variances, special exceptions, appeals (as applicable), and amendments to the Official Zoning Map or LDC, shall be published as required by state law and, where applicable, City regulations. If there is ever a conflict between the provisions of this LDC and state law relative to notices, the more stringent regulation shall apply.

B. Prior to the hearings provided for under this chapter, the applicant shall send notices, prepared by City staff, to all applicable property owners as outlined in Table 2-2. The names and addresses of the property owners shall be obtained by the applicant from the Flagler County Property Appraiser's Office. The notice shall be sent via certified mail and shall provide information as to the nature of the requested application and the date, time, and location of the public hearing. No other documents shall be provided within the envelope. The Land Use Administrator shall promulgate rules relating to whether the applicant or the City will be responsible for mailing the notices to the required property owners by certified mail and the costs relating thereto.

C. Abutting property means any property that is immediately contiguous to property that may be subject to a hearing or that is immediately across any road or public right-of-way from the property subject to such hearings.

D. Signs, as required, shall be posted in a conspicuous place on the subject property no later than the timeframe specified in Table 2-2.

E. At least ten calendar days prior to the required hearing, if applicable, the applicant shall submit an affidavit to the City stating that the notification requirements have been met in accordance with this section.

Table 2-2: Notification Requirements for Public Hearings

	Planning and Land Development Regulation Board (PLDRB)	**City Council Ordinance 1st reading**	**City Council Ordinance 2nd reading**	**Judicial or DCA**

Appeal Administrative Decision	N/A	N/A	N/A	N/A
Appeal PLDRB Decision	N/A	Applicant mails letters, if deemed applicable by the Land Use Administrator, at least 14 calendar days prior to hearing.	N/A	N/A
Vacating Plat	N/A	In accordance with Florida Statutes	N/A	N/A
Variance	Applicant mails certified letters to abutting property owners at least 14 calendar days prior to hearing.	N/A	N/A	N/A
Special Exception	Applicant mails certified letters to abutting property owners at least 14 calendar days prior to hearing.	N/A	N/A	N/A
LDC Amendment	Display ad published at least 14 calendar days prior to hearing.	Display ad published at least 14 calendar days prior to hearing.	Display ad published at least 14 calendar days prior to hearing/adoption	N/A
Zoning Map Amendment (owner initiated)	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing/adoption.	Petition shall be presented to the Circuit Court within 30 days of final action by City Council.

Zoning Map Amendment (City initiated, less than 10 acres)	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Signs posted at least 30 calendar days prior to hearing. Notification letters mailed at least 30 calendar days prior to hearing to each real property owner of parcels to be rezoned. Display ad published at least 14 calendar days prior to hearing.	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Petition shall be presented to the Circuit Court within 30 days of final action by City Council.
Zoning Map Amendment (City initiated, 10 or more contiguous acres)	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Signs posted at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing/adoption.	Petition shall be presented to the Circuit Court within 30 days of final action by City Council.
Development Agreement and Amendments[1]	N/A	In accordance with Florida Statutes	In accordance with Florida Statutes	In accordance with Florida Statutes
Comprehensive Plan Amendments	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	Applicant posts signs at least 14 calendar days prior to hearing. Display ad published at least 14 calendar days prior to hearing.	In accordance with Florida Statutes
DRI Amendments	Display ad published at least 14 calendar days prior to hearing.	Display published ad at least 14 calendar days prior to hearing.	Display ad published at least 14 calendar days prior to hearing.	In accordance with Florida Statutes

[1] This is not applicable to development agreements related to the zoning of property.

2.05.04. *Review procedures.* This section establishes the review process for development orders. More specific requirements for certain development orders are included in those particular sections within this Part.

A. *Owner; owner representative.* If an application relates to a specific real property, it shall be heard only if it is presented by the person(s) owning 51 percent or more of that land, or an authorized representative of the owner(s), or upon an administrative application by the City Council.

B. *Right of entry for survey, examination, and inspection.* An application submittal shall grant any person acting under the direction of the Land Use Administrator in the performance of functions and duties pursuant to this LDC to enter upon such land and make inspections, examinations, and surveys as necessary in its administration and enforcement.

C. *Preapplication meeting.* Prior to filing an application for development, an applicant desiring to develop or plat property within the City may schedule a preapplication meeting with the Land Use Administrator. The applicant shall submit a preapplication package that meets City requirements. Following the preapplication meeting, the applicant shall hold neighborhood meetings as required in this chapter prior to the first step in the review/approval process.

D. *Completeness review.* An application shall be submitted in accordance with City requirements. Minimum requirements for an application for a development order are posted on the City website. Compliance review will not commence until such time that the application is deemed complete by the Land Use Administrator (LUA).

1. Within 5 business days after receiving an application for approval of a development order, the Land Use Administrator (LUA) shall confirm receipt of the application using the contact information provided by the applicant.

2. The LUA will make a determination of completeness within 30 days from receipt of the application. If the application is deemed incomplete, it shall be returned to the applicant The applicant will be issued a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. and the same process followed until it is determined to be complete. When the Land Use Administrator has determined that an application is complete, correspondence will be sent to the applicant and the date of that correspondence will serve as the first day of the compliance review period.

3. For applications that do not require final action through quasi-judicial hearing or public hearing the LUA must approve, approve with conditions, or deny the request within 120 days after the application has been deemed complete. For applications that require final action through quasi-judicial hearing or public hearing the LUA must approve, approve with conditions, or deny the request within 180 days after the application has been deemed complete. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance.

4. The timeframes contained in this subsection restart if an applicant makes a substantive change to the application. As used in this subsection, the term “substantive change” means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

5. If the stated timeframes are not met by the LUA, the applicant may be issued a refund of the application fee, or portion thereof, as outlined in Florida State Statute 166.033 (4).

E. *Revisions to development order applications.* If an application is modified after submittal, the following requirements shall apply:

1. *Major modification.* A major modification of plans initiated by the applicant during the compliance review process that is not in response to City comments may be determined to constitute a new application submittal by the Land Use Administrator.

2. *Application/document changes.* Ownership and/or mortgage holder changes shall require a new signed application cover sheet with updated signatures and a new title opinion as well as additional information that may be required. Changes to the application may require additional review by the Land Use Administrator.

F. *Applications withdrawn, abated, and abandoned.*

1. *Withdraw.* Any application may be withdrawn, prior to any action required, at the discretion of the applicant upon written notice to the City. The withdrawal of an application shall not result in a refund of the application fee.

2. *Abated applications.* An application shall be abated when no activity occurs for six consecutive months. The Land Use Administrator shall issue a notice of abated application to the applicant. Any submittal after the issuance of a notice of abated application shall require the payment of an abated application fee and must comply with any amendments to this LDC or other applicable state regulations after the last review of the application.

3. *Abandoned applications.* An application shall be abandoned when no activity occurs for 12 consecutive months. The Land Use Administrator shall issue a notice of abandoned application to the applicant. Any submittal after the issuance of a notice of abandoned application shall constitute a new application.

G. *Applications for minor development—Land use administrator approval.*

1. Following a completeness determination as described in Sec. 2.05.04.D. the Land Use Administrator shall approve, approve with conditions, or deny the application for a development order within 120 days.

H. *Application for moderate and major development—Planning and land development regulation board or city council approval.* The review process for a moderate or major development shall include:

1. Following a completeness determination as described in Sec. 2.05.04.D., an application requiring final action through a quasi-judicial hearing or public hearing must be approved, approved with conditions, or denied within 180 days.

2. After verification that the application for a moderate or major development has complied with all applicable requirements of this LDC, the application shall be placed upon the next practicable agenda of the Planning and Land Development Regulation Board in accordance with published schedules and deadlines. After 60 days of application submittal the applicant may request the application be on the next appropriate agenda.

3. The Land Use Administrator shall forward the application, along with its recommendations, to the Planning and Land Development Regulation Board for consideration. Based on the application, the requirements of this chapter, and the recommendations of City staff, the Planning and Land Development Regulation Board may approve, approve with conditions, or deny a development order, or prepare recommendations for the consideration of the City Council if it involves a major development, as defined in Table 2-1.

4. If applicable, following review by the Planning and Land Development Regulation Board, the application shall be placed upon the next practicable agenda of the City Council. Based on the application, the requirements of this chapter and the recommendations of the Planning and Land Development Regulation Board, the

City Council shall approve, approve with conditions, or deny the application.

I. *Conditions and safeguards.* In granting any development order, the approving authority may prescribe appropriate conditions and safeguards in conformity with this LDC. The approving authority shall render a decision to either:

1. Approve the request as submitted; or
2. Approve the request with conditions; or
3. Deny the request.

Violation of conditions and safeguards made a part of the approval shall be a violation of this LDC.

J. *Development order denial.* In the event an application for a development order is denied, the City shall issue a denial development order citing the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the request for a development order or permit. The Land Use Administrator may provide comments and recommendations relating to applications prior to taking action to deny a development order.

K. *Due process.* The timeframe for City review, process, and public hearings for all accepted application types shall follow Florida State Statute 166.033 as provided in LDC Section 2.05.04.D. After 60 days of application submittal the applicant may request the application to be on the next appropriate agenda, if applicable.

L. *Independent review of applications.* The City may engage necessary technical consultants for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant.

2.05.05. *Review findings.* 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;

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

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

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; and

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

2.05.06. *Effect of development orders.* The issuance of a development order does not authorize the disturbance of any part of the subject property involved. A development order only authorizes the filing of an application for another development order or a building permit.

A. *Other permits required.* In addition to obtaining a development order from the City, the developer must also obtain all other applicable permits or exemptions, as may be required by law, pursuant to Florida Statutes Chapter 166.033.

B. *Valid period.* Development orders shall remain valid for a period of 12 months from the date of issuance. In the event the applicant provides documentation that federal and/or state permits are in the process of being obtained, the expiration date of the

development order may be extended in accordance with Subsection 2.05.06.E. However, a final plat development order shall remain valid until the subdivision or any part thereof is abandoned in accordance with City and state law.

C. *Commencement of construction pursuant to a valid building permit.* If construction on a site has commenced during the valid period of a final site plan development order and pursuant to a valid building permit, construction may continue after the development order expires as long as the building permit remains valid.

D. *Commencement of construction during valid period of a preliminary plat.* If construction of the required improvements in a subdivision has commenced during the valid period of a preliminary plat development order, the improvements may be completed in accordance with the approved development order beyond its valid period provided the final plat development order has been issued and the subdivision has a valid certificate of concurrency. Construction of the required improvements in a subdivision shall be completed or shall be guaranteed for completion pursuant to City requirements.

E. *Extension of a development order.* Within three months before the expiration of any development order, the developer may request an extension not to exceed 24 months provided the development has a valid certificate of concurrency. All requests shall be submitted to the Land Use Administrator in writing and shall state the reason(s) for the extension.

F. *Recording.* All development orders, except denial development orders, and any extension, or minor modification thereto, shall be filed with the City Clerk and recorded at the expense of the applicant.

2.05.07 *Modifications to an approved development order.*

A. The Land Use Administrator may approve minor technical modifications to an approved development order. In determining whether a proposed modification is minor, all of the following shall apply:

1. The proposed modification shall not adversely affect traffic circulation on or off-site.

2. The proposed modification shall not increase the density, intensity, or height of the approved development.

3. The proposed modification shall comply with all codes, rules, and regulations of the City and any other federal or state agency, and shall not require a variance.

B. Requests for modifications that do not meet the requirements in this subsection shall be reviewed by the applicable approval authority.

(Ord. No. 2024-12, § 2, 5-7-24; Ord. No. 2024-17, § 3, 11-12-24)

Sec. 2.06. - Official Zoning Map Amendments.

2.06.01. *Purpose.* This section is established to provide for zoning map amendments, as may be necessary or desirable from time-to-time, through a review by the Planning and Land Development Regulation Board and the City Council.

2.06.02. *Applicability.* An application to amend the Official Zoning Map (rezoning) may be filed by the Land Use Administrator, the City Council, the Planning and Land Development Regulation Board, the property owner(s), or agent of the property owner(s) representing 51 percent or more of the property involved.

2.06.03. *Review findings.* 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.

B. Its impact upon the environment or natural resources.

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

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

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

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

G. Whether it accomplishes a legitimate public purpose.

2.06.04. *Frequency of application.* A property owner shall not initiate action for the same rezoning affecting the same parcel of land more often than once every 24 months following denial or approval.

2.06.05. *Recording amendments to the official zoning map.* The Land Use Administrator shall update the Official Zoning Map as soon as possible after amendments are adopted. Amendments to the Official Zoning Map shall identify the official action by which such amendment was made, the date of such action, and the area involved.

Sec. 2.07. - Special Exception.

2.07.01. *Purpose.* The purpose of this section is to establish procedures for the review of uses that would not normally be appropriate within a zoning district, but if subject to appropriate limitations, conditions, and safeguards, would promote the public health, safety, welfare, convenience, and comfort.

2.07.02. *Applicability.* The special exception process shall be limited to those uses noted as special exception uses in Chapter 3 or Chapter 4. Uses determined by the Land Use Administrator under Subsection 3.01.07 to require a special exception shall utilize the special exception process. Uses requiring a super majority vote of the City Council pursuant to Subsection 3.01.06 shall utilize the special exception process, with the Planning and Land Development Regulation Board providing a recommendation based on this section to the City Council for final approval by resolution.

2.07.03. *Review findings.* No application for a special exception use shall be approved unless the Planning and Land Development Regulation Board finds that the request meets the findings listed in Subsection 2.05.05 and the following:

A. Is consistent with the specific requirements for that particular use as set forth in this LDC;

B. Is compatible with the surrounding neighborhoods and promotes the value of surrounding land, structures, or buildings. Compatibility shall be reviewed in light of the following components:
   1. Architectural design;
   2. Fencing and screening, landscaping;
   3. Noise reduction, sign, and light control;
   4. Storm drainage, sanitation collection;
   5. Police and fire protection;
   6. On and off-site traffic control;
   7. Off-street parking and loading; and
   8. Other matters relevant to assuring that the proposed development site fosters desirable conditions and compatibility with the existing environment.

2.07.04. *Effect of a special exception.*

A. *Effective date.* In accordance with Subsection 2.05.01.I, the rendering of a decision shall mean the filing of a written development order or a written denial of a development order in the office of the City Clerk.

B. *Special exceptions run with the land.* Special exceptions are not personal in nature and shall run with the land. However, a special exception shall be approved only on the basis of the development plan submitted with the application, and shall be valid only for the location and area shown on the approved development plan which shall include a floor plan, if applicable.

C. *Activating a special exception.* Approval of the special exception shall give the applicant authority to submit an application for development permits and/or other appropriate approval. Where the special exception approval does not require development permits, the applicant shall provide written evidence to the City that the activity granted has been initiated within the time prescribed by the City, or that right or privilege shall expire.

D. *Expiration or Abandonment of Special Exception Uses.* If a special exception does not begin to serve the purpose for which it was granted within 12 months from the date of rendition it shall expire. Provided, however, that the Planning and Land Development Regulation Board may establish a shorter or longer period of time for a special exception to commence. In addition, the Land Use Administrator may extend the special exception for up to an additional 12-month period of time if the applicant can demonstrate good faith reliance. Good faith reliance may include, but is not limited to, the securing of any required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds in reliance on the approved special exception.

E. *Amendments.* Minor amendments not altering the intent and purpose of the approved special exception may be approved by the Land Use Administrator after such departmental comment as he or she deems appropriate. Amendments to an approved special exception, which the director deems to be major, shall require the submittal of an application and compliance with the review procedures as set forth in this section and as otherwise provided in this chapter.

Sec. 2.08. - Subdivision of Land.

2.08.01. *Purpose.* The purpose of this section is to determine when platting is required and to establish a review process consistent with F.S. ch. 177. It is not the intent of this LDC to prohibit the metes and bounds conveyance of real property, but it is the intent of this LDC to ensure compliance with the provisions of State Statutes.

2.08.02. *Applicability.*

A. *Platting required.* It shall be a violation of this LDC for anyone who is the owner or agent of the owner of any land to transfer, sell, or offer to transfer or sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without having a plat recorded in accordance with the requirements of this section and state requirements. Subdivisions are classified as:

1. *Statutory.* The division of a parcel of land, whether improved or unimproved, into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions, and replats.

2. *Nonstatutory.* The following activities qualify as nonstatutory subdivisions:

a. The combination or reconfiguration of previously platted lots or portions of

such lots where the total number of lots is not increased and the resultant lots comply with City requirements.

b. The public acquisition by purchase, acceptance of deed or dedication, or exercise of the right of eminent domain of strips of land for the widening or opening of streets, or acquisition of property for public purposes or public utilities.

c. The division of land into no more than three lots, parcels, tracts, tiers, blocks, units, or any other division of land, said resulting lots to be 20 acres or more in size, provided that:

(1) Said division of land does not create a new street.

(2) Each resulting lot, tract, or parcel shall have access to a public street and no public improvement may be dedicated including, but not limited to, any dedication of rights-of-way, easement, or physical improvement of any kind intended for public use.

(3) Each lot, tract, or parcel shall meet or exceed the minimum requirements of the zoning district in which it is located adjacent to the public street.

(4) The owner of the subject property shall not be allowed to further subdivide under this section.

d. The division of a platted lot, parcel, or tract in single ownership into not more than three lots, where no street right-of-way dedication is involved and where the lots are equal to or exceed the standards of the LDC.

e. The original parcel to be considered must have been lawfully created.

B. *Single sites not requiring platting.* No platting shall be required for development within an individual lot, parcel, or tract, provided that such lot, parcel, or tract meets all of the following requirements:

1. Has a property identification number(s);

2. Was lawfully established by the governing authority at the time it was created; and

3. Complies with the minimum lot area requirements of this LDC, or is a legally existing nonconforming lot.

2.08.03. *Nonstatutory land subdivision review procedures.* The application shall be processed administratively in accordance with review procedures and requirements for development orders established in Section 2.05.

2.08.04. *Statutory land subdivision review procedures.* The subdivision of land that does not qualify as nonstatutory subdivision shall meet the requirements of this section after a Subdivision Master Plan approval has been granted as outlined in Section 2.10.

A. *Preliminary plat.*

1. *Review procedures.*

a. At an applicant's risk, an application for preliminary plat approval may be submitted after the subdivision master plan is in substantial compliance.

b. The application shall be processed in accordance with Section 2.05. Once the application is deemed compliant, a development order shall be issued by the approving authority.

B. *Final plat.*

1. *Review procedures.*

   a. Following the issuance of a preliminary plat development order, the applicant may submit a complete application for a final plat approval on a form provided by the City.

   b. The application shall undergo a completeness and compliance review as outlined in Section 2.05 and F.S. ch. 177.

   c. The Final Plat application is reviewed administratively and approved by the Land Use Administrator (LUA).

2.08.05. *Effect of plat approval.*

A. *Effect of preliminary plat approval.* Upon issuance of the preliminary plat development order, the developer may elect to commence construction of the subdivision and apply for a final plat development order. If the developer elects to commence construction prior to or concurrently with final plat review, the developer shall attend a preconstruction meeting as outlined in Chapter 9, Part I, and provide the following documentation and materials:

   1. All required permits from federal, state, county, and regional agencies.

   2. Commitment letters from the providers for essential services (i.e. electric, telephone, cable, etc.) that adequate service will be available at the time of impact.

   3. Performance guarantee (in the amount established by the City) for the installation of public improvements that have not been constructed. Such estimate shall include, but not be limited to, landfill costs. An itemization shall be provided showing improvements that have been installed and all outstanding required improvements.

   4. A statement within the preliminary plat development order noting the developer's intent or a letter authorizing the commencement of construction pursuant to the approved construction plans.

B. *Effect of final plat approval.*

   1. The execution of the plat by the Land Use Administrator shall be deemed to be the execution of a development order.

   2. All recording fees, documents, and Mylar (original plat) shall be submitted to the Land Use Administrator. The Land Use Administrator shall then transmit the required fees and documents to the Clerk of the Circuit Court for recordation in accordance with F.S. ch. 177. Executed plats must also be filed with the City Clerk.

2.08.06. *Vacating plats.* The owners of any land subdivided into lots may petition the City Council under the provisions of F.S. ch. 177.101, to remove (vacate and abandon) the existing plat, or portion of a plat, from the official records of the City of Palm Coast. The application shall undergo a completeness and compliance review as outlined in this chapter. Once the application is deemed compliant as determined by the Land Use Administrator, it shall be scheduled before the City Council for consideration. The execution of a resolution by the Mayor shall be deemed to be the execution of a development order.

(Ord. No. 2009-26, §§ 2, 3, 12-15-09)

Sec. 2.09. - Master Planned Developments.

2.09.01. *Purpose.* The purpose of this section is to establish review requirements for approval of master planned developments, which typically include both a zoning map amendment and a

development agreement. This section also addresses the procedures for approving major amendments to approved master planned developments.

2.09.02. *Applicability.* The requirements of this section apply to any proposed rezoning to the Master Planned Development District. Rezoning to the Master Planned Development District shall be a voluntary procedure to be pursued at the option of the applicant, pursuant to Section 2.10. The City may, at the request of the applicant, initiate such rezoning on privately owned property. The approval of the master planned development rezoning rests with the City Council pursuant to the requirements of Section 2.10.

2.09.03. *Review procedures.*

A. *Unified control.* No application for a master planned development shall be considered until the applicant furnishes all necessary documents and information, as may be required, to provide the City with sufficient evidence that the applicant is in complete, unified, and otherwise unencumbered control of the entire area of the proposed master planned development, whether the applicant be an individual, partnership, corporation, other entity, group, or agency. The applicant shall provide to the City all necessary documents and information that may be required to assure the City that the development project may be lawfully completed according to the plans sought to be approved.

B. *Master planned development site plan.* Review and approval of a master planned development site plan shall be the same as for a moderate or major development site plan, whichever is applicable, pursuant to Section 2.05.

C. *Master planned development agreement.* Review and approval of the Master Planned Development Agreement shall be the same as for a Development Agreement pursuant to Section 2.14.

D. *Bonds.* The City Council shall include in the Master Planned Development Agreement requirements for bonds (or appropriate alternatives) for improvements conditioned upon the satisfactory and timely completion of facilities in the development plan, for the benefit of purchasers from the applicant, when the development time limits and phasing schedule do not preclude the sale of individual units prior to the completion of such facilities.

2.09.04. *Review findings.* 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, and the development standards listed in Subsection 3.03.04 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.

B. Consistency with the general intent of the LDC.

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

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

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.

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

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

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.

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

J. Impact upon the environment or natural resources.

K. Impact on the economy of any affected area.

2.09.05. *Effect of master planned development approval.* Approval of a Master Planned Development Plan and Master Plan Development Agreement gives the applicant the authority to proceed with a site development plan and plat applications for review.

A. *Duration and extension of development agreement.* For the duration and extension requirements of a development agreement, refer to Section 2.14.

B. *Amendment to a master planned development agreement.*

1. A request for an amendment to an approved master planned development master plan and/or agreement shall be supported by a written statement demonstrating the reasons the revisions are necessary or desirable. The Land Use Administrator may require additional documentation as part of the amendment application.

2. Amendments to an approved Master Planned Development site plan or agreement for the developed portions of the property may only be initiated by:

a. The property owner, for an amendment to the master planned development applicable to only a single lot or building site; or

b. Petition by the owners of more than 50 percent of the property in the Master Planned Development District for an amendment to a master planned development that involves multiple owners; or

c. City Council, where necessary to preserve the health, safety, and welfare of the property owners in the master planned development.

3. Minor (de minimis) changes, no more than five percent increase in density or intensity, which do not affect the intent or character of the development, may be approved by the Land Use Administrator.

2.09.06. *Variances in master planned development districts.* Because the specific development standards of the Master Planned Development District are contained in the approved Master Planned Development Agreement for each planned development, and because the development plan normally takes into account those matters which might otherwise be the subject of variance review, modifications to approved development plans by variance shall be prohibited unless otherwise specifically provided for in the Master Planned Development Agreement.

2.09.07. *Status of previously approved PUD, PRD, VGC-1, VGC-2 and GCC plans.*

A. Any active or completed Planned Unit Development (PUD), Planned Rural Development (PRD), Village Center (VGC-1, VGC-2), or Golf Course Community (GCC) project approved prior to the adoption of this Code shall continue to be governed by the approved development plan and any development agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. Any time limitations to which the approved PUD, PRD, VGC-1, VGC-2, or GCC plan may be subject shall also continue to apply. Minor (de minimis) changes of no more than five percent increase in density or intensity, which do not affect the intent or character of the development, may be approved by the Land Use Administrator.

B. Whenever any application is made to substantially modify an approved PUD, PRD, VGC-1, VGC-2, or GCC plan, as determined by the Land Use Administrator, or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the Master Planned Development zoning district and shall comply with the provisions of this section. Substantial modifications to an approved development plan or agreement include, but are not limited to change that affects the intent and character of the development, intensity, density, land use pattern, the location, or dimensions of major streets, or similar substantial changes.

Sec. 2.10. - Master Plans.

2.10.01. *Purpose.* The master plan review process is intended to provide a review of the basic development concepts without significant engineering design, prior to proceeding with final plat and technical site plan approval.

2.10.02. *Applicability.*

A. *Master site plan.* A master site plan review is optional for all moderate and major site plans that include residential, nonresidential, and mixed use development occurring on various contiguous sites or outparcels to ensure that development takes place in a coordinated and efficient manner.

B. *Subdivision master plan.* A subdivision master plan is required prior to a preliminary plat application, unless waived by the Land Use Administrator.

C. *Nonresidential controlling master site plan.* A nonresidential controlling master site plan is optional for all site plans meeting the criteria set forth in Section 4.15.

2.10.03. *Review procedures.* A master plan review shall be processed in accordance with Section 2.05 and Table 2-1.

2.10.04. *Review criteria.* Master site plans shall be reviewed to ensure conformance with this Code. However, the following criteria shall be considered when reviewing master plans:

A. Logic of design.

B. Internal consistency.

C. Impact on neighboring sites.

D. Internal vehicular and pedestrian connectivity.

E. Consolidation of utilities and facilities, including stormwater, parking, signage, etc.

F. Public benefit derived from the project.

2.10.05. *Effect of master plan approval.*

A. Approval of a master plan development order authorizes an applicant to continue with the preliminary plat or technical site plan review process.

B. The approved Nonresidential Controlling Master Site Plan Development Order shall act as the controlling document for the development specifying, but not limited to, location of primary buildings and outparcels, landscape buffers, master stormwater, drainage, access drives, parking, and pedestrian facilities. However, site plans and preliminary plats can allow up to a 25 percent accumulative design change from the master plan. No deviation from LDC requirements may be approved during the City staff review process.

Sec. 2.11. - Technical Site Plan.

2.11.01. *Purpose.* The site plan review process set forth in this section is intended to ensure that

site development, including mixed use development on a single site, takes place in an orderly and efficient manner through a process that provides adequate review based on the size and complexity of the proposed development.

2.11.02. *Applicability.* The purpose of final site plan review is to ensure compliance with all development regulations. Therefore, the level of detail shall be that of construction plans and technical specifications. The review is based not only on conformance to Code, but also conformance with an approved master plan, if applicable.

2.11.03. *Review procedures.* Site plan review shall be processed in accordance with Section 2.05.

2.11.04. *Effect of site plan approval.* Approval of the construction plans and technical specifications represents the final development order. Therefore, approval of a Site Plan Development Order authorizes an applicant to apply for a building permit.

Sec. 2.12. - Variance.

2.12.01. *Purpose.* This section is established to provide standards and procedures for the granting of variances from the provisions of this LDC through review by the Planning and Land Development Regulation Board when it finds that there are conditions peculiar to the property that creates undue construction or development hardships in complying with this LDC.

2.12.02. *Applicability.*

A. *Authorized variances.* The variance procedures contained in this section shall apply to the development standards set forth in the following portions of this Code:
   1. Chapter 1, Section 1.10—Nonconformities.
   2. Chapter 3—Zoning, Uses, and Dimensional Standards.
   3. Chapter 4—Conditions for Limited Specific Uses and Activities.
   4. Chapter 5—Transportation, Connectivity, Access, and Parking.
   5. Chapter 10—Environmental and Cultural Resource Protection.
   6. Chapter 11—Tree Protection, Landscaping, Buffers, and Irrigation.
   7. Chapter 12—Signs and Advertising.
   8. Chapter 13—Architectural Design Regulations.

B. *Prohibited variances.* A variance shall not be granted under any of the following circumstances:
   1. A variance that would permit an inconsistency with the Comprehensive Plan.
   2. A variance to permit a use, expressly or by implication, prohibited in the zoning district.
   3. A variance to permit a development density or intensity not generally allowable in the zoning district.
   4. A variance in connection with any use or activity that has been approved as a special exception, if within the area covered by the special exception approval.
   5. A variance that would permit a new nonconforming use of neighboring lands, structures, or buildings.
   6. A variance that would violate requirements or regulations of other departments or agencies.

7. A variance that would violate specific prohibitions (for example, hours of operation), or procedural requirements.
8. A variance based on purely economic considerations.

2.12.03. *Review findings.* In addition to the findings listed in Subsection 2.05.05 for all development orders, variance applications shall be reviewed based on the following:

A. *All variances.* No application for a variance shall be approved unless the Planning and Land Development Regulation Board finds that the following standards are met, recognizing that the applicant bears the burden of proof.

1. Special conditions and circumstances exist which are peculiar to the land, use, or building involved and which are not applicable to other lands, uses, or buildings in the same zoning district; and
2. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and
3. Literal interpretation of the provision of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this LDC and would work unnecessary and undue hardship on the applicant; and
4. The variance is the minimum relief necessary that will make possible the reasonable use of the land or building; and
5. The granting of the variance will be in harmony with the general intent and purpose of this LDC and that such variance will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare or injurious to other property in the area.

B. *Alternative criteria for specific variances.* There are alternative variance criteria for specific uses within this LDC that shall be adhered to. Such uses are as follows:

1. Marinas—Refer to Chapter 4.
2. Flood Damage Protection—Refer to Chapter 10.
3. Wellhead Protection—Refer to Chapter 10.

2.12.04. *Effect of variance approval.*

A. Approval of a variance application shall give the applicant authority to submit an application for development plan review and/or other appropriate approval. The Planning and Land Development Regulation Board may, within the action for which the variance is required, prescribe a reasonable time limit for which the approved request shall begin, be completed, or both. Unless prescribed as a condition of approval, there is no time limit for a variance.

B. A variance shall be approved only on the basis of the development plan submitted with the application and shall be valid only for the area of variance shown on the approved development plan. No approved variance shall be construed to be a general modification of the requirements of this LDC in any area outside the area of variance shown on the approved development plan.

Sec. 2.13. - Administrative Deviation of Development Standards.

2.13.01 *Purpose.* This section is established to provide a process for granting administrative deviation with the application of certain standards of this LDC. The process is specifically intended to promote high standards of site design, and to provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where

standards are modified.

2.13.02. *Applicability.*

A. The Land Use Administrator may approve an administrative deviation of standards to grant relief from any of the following requirements of this Code, up to a maximum reduction of five percent of the standard:

1. Distance between structures.

2. Parcel dimensions (not area).

3. Setbacks.

B. The Land Use Administrator may grant a deviation in order to protect a specimen or historic tree, in which case one parking space or two percent of the total parking requirements, whichever is greater, may be eliminated.

C. The Land Use Administrator may also grant an administrative deviation of standards to the site planning or development standards of this LDC in compliance with this section, based on the finding that the waiver is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act.

2.13.03. *Review procedures.* Administrative deviations of development standards are classified as minor development orders and shall be reviewed as specified in Section 2.05. However, the Land Use Administrator may choose to refer the application to the Planning and Land Development Regulation Board for hearing and decision in the same manner as provided for Variances in Section 2.12.

2.13.04. *Review findings.* The Land Use Administrator may approve an administrative deviation of standards only after first making all of the following findings, in addition to those listed in Subsection 2.05.05:

A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Code deprives the property of privileges enjoyed by other properties in the vicinity and within the same zoning district;

B. The approval of the administrative deviation of standards includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

C. The administrative deviation is consistent with any applicable specific plans in place for the subject property.

Sec. 2.14. - Development Agreements.

2.14.01. *Purpose.* This section is established to outline provisions relating to development agreements, which require approval by the City Council.

A. A development agreement may be entered into by an applicant and the City Council to provide for matters that relate to the unique conditions of the real property to be developed, the relationship between the public and private aspects of the development, or other terms and conditions that are not typical of a routine development order. Development authorized by a development agreement may be phased. The development agreement may provide that the entire development or any phase thereof shall be commenced or completed within a specific period of time.

B. Statutory development agreements may be entered into under the authority of the Development Agreement Act as codified in F.S. ch. 163 and processed in accordance

with the requirements of state law.

C. Nonstatutory development agreements may be entered into under the authority of the home rule powers of the City of Palm Coast under Article VIII, Section 2 of the Constitution of the State of Florida and F.S. ch. 166.

D. A development agreement shall be required for the development of property designated a Master Planned Development Zoning District on the Official Zoning Map, but the agreements shall not be statutory.

E. A development agreement is transferable if the land and structure(s) continues to be used for the purposes for which it was issued. No person (including successors and assigns of the person who obtained the development agreement) may make use of the land except in accordance with the conditions and requirements of the development agreement. The provisions of the development agreement run with and burden the real property to which it relates until released or amended in accordance with formal action of the City of Palm Coast. All development agreements shall require mortgagees to subordinate any mortgages on the property.

F. Duration and extension. The negotiated Master Plan Development Agreement which results from a master planned development application process shall have a maximum duration of five years or be phased to ensure that development under a Master Plan Development Agreement proceeds in good faith and the development of the master planned development is not abandoned and is not suspended in a manner which is adverse to the public interest. Upon the five-year term being completed or a phase of the master planned development not being developed in accordance with the phasing schedule set forth in the Master Plan Development Agreement, the City Council may, after obtaining a recommendation from the Planning and Land Development Regulation Board, extend the term of the Master Plan Development Agreement or the master planned development phase. In the interim, no development may be continued or permitted relative to the master planned development. A property owner may initiate a request for an extension prior to expiration.

Sec. 2.15. - Vested Rights Determination.

2.15.01. *Purpose.* This section is established to provide standards and procedures for the issuance of vested rights determinations by the City Council. No applicant claiming that the LDC as applied to a particular property constitutes or would constitute a permanent taking of private property or an abrogation of vested rights, may pursue such claim in court or before a quasi-judicial body unless the applicant has first exhausted the administrative remedies herein. The application shall set forth the facts upon which the claim is based and shall be accompanied by all contracts, letters, appraisals, reports, or other documents upon which the applicant's claim is based.

2.15.02. *Applicability.* The owner, or owners of real property, may request a determination of vested rights by filing a complete application with the Land Use Administrator on a form provided by the City.

A. The application shall provide a sworn statement to be executed by all owners of the real property or an authorized agent that all information set forth on the application is true and correct.

B. The Land Use Administrator shall screen each application for a vested rights determination to determine whether the application is technically complete. If not technically complete, the application shall be promptly returned to the applicant. A technically incomplete application shall be returned to the applicant with written notification of the deficient items. If a response is not submitted to the City within a time specified by the City, the application shall be deemed abandoned.

2.15.03. *Review procedures.* Vested rights determinations are classified as major development orders and shall be reviewed as specified in Section 2.05. In addition, the following procedural requirements apply.

A. The City Council shall hold a public hearing and determine whether or not it has been clearly and convincingly demonstrated that the real property subject to the application has vested status. The City Council may refer the matter to the Planning and Land Development Regulation Board for an advisory opinion and review, or to a special master or hearing officer for findings of fact relative to the matter, or may make both such referrals.

B. At the hearing or hearings to which the matter has been referred, the applicant shall present all of the evidence in support of the application. The technical rules of evidence in judicial proceedings shall not be applicable, but all testimony given shall be under oath. The applicant shall have the burden of proof.

C. After making a final determination of vested rights status, the City Council shall provide the applicant with a written order setting forth the determination of vested rights status. If the City Council determines that vested rights exist and that development may proceed, the applicant shall have the right to rely upon such written notification that the real property is vested, and the determination that the real property is vested shall be final and not subject to appeal, revocation, or modification. Thereupon, permits may be granted consistent with that decision.

D. The City Council's decision to deny vested rights status shall be final, subject to appeal in accordance with state law.

(Ord. No. 2009-26, §§ 4, 5, 12-15-09)

Sec. 2.16. - Appeals.

2.16.01. *Appeal of administrative decision of the land use administrator.* Any person aggrieved by an administrative decision rendered by the Land Use Administrator regarding the provisions of this LDC may appeal such decision to the Planning and Land Development Regulation Board. The appeal shall be initiated within 15 calendar days of the rendering of the administrative decision by filing an appeal with the Land Use Administrator. Failure to file an appeal within the timeframe specified and exhaust all administrative remedies provided for in this LDC shall constitute a waiver of all rights to appeal the determination by the Land Use Administrator.

A. *Submittal.* A request for a hearing before the Planning and Land Development Regulation Board for an appeal of any determination made by the Land Use Administrator with regard to the administration of the uses and development regulations of this LDC shall be made as follows:

1. A completed appeal form and related fee shall be filed with the Land Use Administrator. Such application shall state the grounds for review of the decision. Any additional grounds may not be stated at the appeal hearing.

2. The appeal form shall be accompanied by such other materials and drawings as needed by the Planning and Land Development Regulation Board to clearly understand the substance of the appeal.

B. *Review procedures.* The application shall be submitted to the Planning and Land Development Regulation Board, which shall review the application and either grant or deny the request in accordance with the following:

1. In exercising the powers granted, the Planning and Land Development Regulation Board may, in conformity with the provisions of this LDC, reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determinations of the Land Use Administrator.

2. Any petition for a hearing before the Planning and Land Development Regulation Board may be withdrawn prior to action thereon by the Planning and Land Development Regulation Board at the discretion of the applicant upon written notice to the City. The withdrawal of an application shall not result in a refund of the application fee.

3. When considering an appeal all of the following factors, at a minimum, shall be evaluated:
    a. Whether the action requested in the appeal is consistent with the Comprehensive Plan; and
    b. Whether the action requested in the appeal complies with all relevant and appropriate portions of this LDC; and
    c. Whether there was an error of fact or law in the decision of the Land Use Administrator.
4. At the conclusion of the appeal hearing, the Planning and Land Development Regulation Board shall issue a final decision on the appeal.

2.16.02. *Appeal of planning and land development regulation board decision.*

A. *Public notice requirements.* Notification shall be in accordance with Section 2.05, if applicable.

B. *Submittal.* Within 30 calendar days of the rendering of a decision by the Planning and Land Development Regulation Board, an appeal may be filed with the City Clerk by the owner, an abutting property owner, or the Land Use Administrator. An application together with a fee as established by resolution shall be required.

C. *Review procedures.* The application shall be forwarded to the City Council and, if applicable, after due public notice, for a public hearing to consider the application. The public hearing shall be a de novo hearing and shall be conducted in accordance with the following:

1. Hearing steps.
    a. Preliminary matters.
        (1) The Mayor shall read the case title.
        (2) Disclosure by City Council members of ex parte communications, if any.
        (3) Swearing in of appellant, City staff, and all witnesses collectively. The swearing in of witnesses may be left to the discretion of the Mayor with the concurrence of the appellant.
    b. City staff's presentation.
        (1) City staff's opening statement.
        (2) Calling of witnesses and presentation of evidence by City staff.
        (3) Cross-examination after each witness, if so elected.
    c. Appellant's opening statement.
        (1) Calling of witnesses and presentation of evidence by appellant.
        (2) Cross-examination after each witness, if so elected.
    d. Public input. Testimony and presentation of evidence by the public with alternating speakers in support of and in opposition to the appeal and cross-examination after each witness, if so elected.
    e. Closing argument by appellant.
    f. Closing argument by City staff.
    g. Rebuttal argument by appellant, if so elected.

h. Discussion by City Council of the evidence presented as it applies to the requirements of the City of Palm Coast Code of Ordinances and applicable law.

i. After deliberation, a motion should be made which would presumably either:

AFFIRM THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I

move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to affirm the Planning and Land Development Regulation Board's action: (list factors)"; or

REVERSE THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD'S ACTION: "I

move that the City Council find that the following facts presented and reviewed here are competent substantial evidence to reverse the Planning and Land Development Regulation Board's action: (list factors)."

2. In the event the applicant is the appellant, the applicant, or City staff as determined by the Land Use Administrator, shall send a letter to the property owners abutting subject property advising them of the date and time of the meeting.

3. In the event that an abutting property owner is the appellant, this person will act as spokesperson or appoint a representative. In this case, a special letter will be sent to the applicant stating that an appeal has been filed and that they or their representative will be called upon to act as an opposition spokesperson.

4. In accordance with Subsection 2.05.01.I, the rendering of a decision shall mean the filing of a written development order or a written denial of a development order in the office of the City Clerk.

5. Unless the order specifically states it is an order without prejudice, it is rendered with prejudice.

D. *Rehearing.*

1. If it is alleged that the Planning and Land Development Regulation Board or City Council, as the case may be, has overlooked or misapprehended some facts or points of law, a rehearing of any decision of the Planning and Land Development Regulation Board or City Council may be granted by the Planning and Land Development Regulation Board or City Council either on the motion of any member voting on the prevailing side, or on the motion of any person aggrieved by its decision. That motion shall be in writing, shall be filed with the Land Use Administrator within ten working days after rendition of the decision, and shall state its grounds.

2. If the Planning and Land Development Regulation Board or City Council decide to grant a rehearing, the movant shall notify by certified mail or hand delivery upon the City Clerk and all abutting property owners previously notified of the hearing, together with a notice stating the date, time, and place it will be orally presented to the Planning and Land Development Regulation Board or City Council.

3. The Planning and Land Development Regulation Board or City Council shall not rehear applications based upon the same facts or issues, but rather on new evidence not heard before or new law.

(Ord. No. 2009-26, §§ 6—9, 12-15-09)

Sec. 2.17. - Lot Binding, Unbinding, and Vacation of Easements.

2.17.01. *Short title/legislative findings and intent.* This section shall be known and may be cited as the "Palm Coast Lot Binding and Unbinding and Vacation of Easements Ordinance."

2.17.02. *Binding of lots.* A common owner of two or more adjoining subdivided lots or portions of subdivided lots may make application to the City for approval of the lots being bound for development purposes. No more than four lots may be bound together by the process set forth in this section. Lot binding, as set forth in this section, may be permitted solely for purposes of compliance with the land development regulations of the City as set forth in the City's Land Development Code.

2.17.03. *Application process.*

A. The owner of adjoining lots shall present a proposed lot binding agreement or an agreement that provides for the unbinding of lots which contains a full and complete legal description of all subdivision lots proposed to be bound together or unbound from one another to the City Manager or designee.

B. Each lot binding agreement shall provide, at a minimum, the following:

1. That the real property described shall be retained in and shall remain as a single, integral parcel, and shall not be sold or otherwise disposed of, or encumbered, in lesser constituent parcels.

2. That the agreement shall be binding upon all successors, heirs, executors, administrators or assigns of the owner and shall be a covenant running with the land.

C. Agreements unbinding lots shall be in a form approved by the City Manager after consultation with the City Attorney. Applications to unbind lots shall not create a nonconformity in accordance with Section 1.10.

2.17.04. *Approval authority.* The City Manager or designee, upon submittal of all appropriate information in accordance with the provisions of this section and upon making a finding that there are no easements that require vacation may approve the binding and unbinding of lots in accordance with this section; or if the City Manager or designee may determine that City easements required to be released, abandoned or vacated can be released abandoned or vacated in accordance with the provisions of Subsection 2.17.05. City Council shall approve the binding or unbinding of three or more lots.

2.17.05. *Effect of existence of easements.*

A. If private or public easements require release, vacation or abandonment at the time that the proposed binding lot agreement is approved, the owner shall present all documents needed to accomplish the release, vacation and abandonment. Documentation that any private easements have been released or relocated shall be provided to the City Manager or designee.

B. The City Manager or designee is hereby delegated the authority to release, vacate and abandon any public easements along any common lot line if it is determined that the City no longer needs the public easement and that any then current users of the public easement have no objection to the action or if a conditional action can facilitate the use of any required public easement. Said public easements may only be released, in accordance with this section if it is found that the lot owner has made an application for a building permit to construct a structure upon the easement.

C. The City Manager or designee may require the granting of easements or the imposition of other conditions as may be necessary prior to the approval of the binding or unbinding of lots.

2.17.06. *Fees.* The City Council may establish application fees from time-to-time relating to the

provisions of this section by adoption of a resolution that may be part of a general City fee resolution relating to diverse actions and activities of the City.

2.17.07. *Recording of agreements.*

A. Each approved lot binding or unbinding agreement together with the action releasing, vacating, abandoning, or granting any easement(s) shall be recorded in the Official Records of Flagler County (land records) at the expense of the owner.

B. After recordation, copies of the recorded lot binding or unbinding agreement and action relative to the easement(s) shall be provided by the owner to the City Manager or designee at the cost of the owner for recordation in the City's records. No such action shall take effect until recorded in the City's records.

(Ord. No. 2004-10, §§ 1—7, 5-4-04)

Editor's note— Inasmuch as Ord. No. 2004-10 was inadvertently omitted during the original codification of the Land Development Code, and at the discretion of the editor, the provisions of said ordinance have been designated as Section 2.17.

Chapter 3 - ZONING, USES, AND DIMENSIONAL STANDARDS

Sec. 3.01. - In General.

3.01.01. *Establishment of zoning districts.* The City of Palm Coast, Florida is hereby divided into the following zoning districts. Each zoning district allows a set of uses that are consistent with its purpose and also a set of land development regulations designed to achieve the purpose of the district.

A. AGR—Agriculture District

B. EST-1; EST-2—Rural and Suburban Estate Districts

C. SFR-1; SFR-2; SFR-3; SFR-4; SFR-5—Single-Family Residential Districts

D. DPX—Duplex Residential District

E. MFR-1; MFR-2—Multifamily Residential Districts

F. MHD—Mobile Home District

G. MPD—Master Planned Development District

H. COM-1; COM-2; COM-3—Commercial Districts

I. OFC-1; OFC-2—Office Districts

J. IND-1; IND-2—Industrial Districts

K. PSP—Public/Semipublic District

L. P&G—Parks and Greenways District

M. PRS—Preservation District

3.01.02. *Official zoning map.*

A. *Zoning district boundaries.* The boundaries of the zoning districts are hereby established and shall be delineated on the Official Zoning Map for the City. The Map shall be kept on file in the offices of the City Clerk and shall be the official record of the zoning designation of properties within the City.

B. *Establishment of the Master Planned Development (MPD) zoning district.* This chapter establishes the Master Planned Development (MPD) zoning district to replace the following mixed use zoning districts: Village Center (VGC-1 and VGC-2), Golf Course Community (GCC), Planned Unit Development (PUD) and Planned Rural Development (PRD). These former mixed use zoning districts are now referenced in this Code as "former VGC-1," "former VGC-2," "former GCC," "former PUD," and "former PRD," and will remain on the Official Zoning Map; however, these districts are depicted by a hatch pattern that identifies them as "former" zoning districts. The map legend shall state that these hatched pattern zoning districts were designated prior to the adoption of the current Official Zoning Map, in effect as of November 16, 2008, and that after this date no parcels of land may be rezoned to any of the zoning districts designated as "former."

3.01.03. *Adoption, identification, and amendments.* The following shall apply to adoption and amendments to the Official Zoning Map:

A. The City of Palm Coast Official Zoning Map shall be adopted by ordinance of the City Council after considering the recommendations of the Planning and Land Development Regulation Board.

B. If, in accordance with the provisions of this LDC and F.S. ch. 163 , changes are made in district boundaries or other matter portrayed on the City of Palm Coast Official Zoning Map, such changes shall be entered on the Official Zoning Map after enactment of the amending ordinance.

C. Change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this LDC or in F.S. ch. 163 . Any unauthorized change shall be null and void and have no force or effect.

D. Regardless of the existence of purported copies of the Official Zoning Map that may from time-to-time be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

E. Unless a prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment, in the office of the City Clerk.

3.01.04. *Future land use map—Zoning district compatibility.* All development in the City shall be consistent with the Comprehensive Plan and the Future Land Use Map (FLUM). Each future land use category contains a set of zoning districts that may be permitted within its boundaries. No property shall be rezoned unless it is to a district that is compatible with the future land use designation of the site. The following table correlates individual zoning districts with the compatible future land use categories.

Table 3-1: Future Land Use Map/Zoning District Compatibility

FLUM Land Use Category	Zoning Districts Permitted
Low-Density Residential	SFR-2, SFR-3, SFR-4, SFR-5, EST-1, EST-2, DPX, and MPD
Residential	SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, EST-1, EST-2, DPX, MFR-1, MFR-2, MHD, PSP, P&G, PRS, and MPD
Institutional	OFC-1, MPD, PSP, P&G, and PRS
Mixed Use	SFR-1, SFR-2, SFR-3, SFR-4, SFR-5, EST-1, EST-2, DPX, MFR-1, MFR-2, MHD, COM-1, COM-2, COM-3, OFC-1, OFC-2, IND-1, PSP, P&G, PRS, and MPD
Industrial	OFC-1, COM-2, COM-3, IND-1, IND-2, MPD, PSP, P&G, and PRS
Greenbelt	EST-1, EST-2, AGR, P&G, PSP, PRS, and MPD
Conservation	PRS
Development of Regional Impact	As approved by the Development of Regional Impact.
Master Planned Mixed Use	MPD

3.01.05. *Rules for interpretation of district boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the City of Palm Coast Official Zoning Map, the following rules shall apply and shall be implemented by the Land Use Administrator:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines or parcel lines shall be construed as following such lot lines or parcel lines.

C. Boundaries indicated as approximately following City Limits shall be construed as following the City Limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the rails of the main line.

E. Boundaries indicated as following shorelines shall be construed to follow the mean high water line, and in the event of change in the shoreline shall be construed as moving with the line.

F. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

G. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed.

H. Where physical features such as streets, railroad lines, rivers, streams and such, existing on the ground are at variance with those shown on the City of Palm Coast Official Zoning Map, or in other circumstances not covered above, the Land Use Administrator shall make a written interpretation of the district boundaries.

I. The Land Use Administrator may require that a professional survey be submitted prior to making a boundary determination.

3.01.06. *Uses not permitted in the city.* The following uses may be permitted by a super majority vote of the City Council subsequent to an affirmative or negative recommendation by the Planning and Land Development Regulation Board. This is due to their potential incompatibility with current development trends in the City, their potential deleterious effects upon the public health, safety, and welfare, and the potential likelihood that they will create nuisances and significant adverse impacts upon adjacent land uses. The list is not all-inclusive and other uses found by the Land Use Administrator to be similar in nature and character to the listed uses shall also require approval by the City Council in the aforementioned manner.

Asphalt Manufacturing Plants

Animal Feed Lots and Livestock Operations

Bottle Clubs

Bulk Fuel Depot or Oil Refineries

Data Centers

Deep Well Injection of Waste Products

Dog Farms

Hog and Poultry Farms

Incinerator Plants

Junkyards, Salvage Yards

Motor Vehicle Race Tracks

Paper and Pulp Mills

3.01.07. *Uses not listed in this chapter.* The listing of permitted principal uses, special exception uses, accessory uses and limited uses in a zoning district is not meant to be all-inclusive, nor is the list of uses that are not permitted intended to be all inclusive. Uses not specifically listed shall be reviewed by the Land Use Administrator to determine if the proposed use is similar in nature and character to others listed in the zoning district. The North American Industry Classification System manual, as amended, shall serve as a general guideline in making this determination. Based on the determination, the proposed use shall be classified in the same manner as those similar uses listed in terms of it being permitted as a principal, special exception, accessory, or limited use. The Land Use Administrator may also determine that other uses are not permitted on the basis that they are not similar in nature or character to the other uses listed in the zoning district. Determinations may be appealed in accordance with the appeal procedures established in Chapter 2.

(Ord. No. 2016-4 , § 2, 3-15-16)

Sec. 3.02. - Residential Zoning Districts.

3.02.01. *Purpose of districts.*

A. *Agriculture Zoning District (AGR).* The purpose of the Agriculture District is to provide areas for limited agricultural, farming, and silviculture uses. The development of detached single-family dwellings and accessory uses, including home occupations common to rural areas, is also permissible.

B. *Suburban and Rural Estate Zoning Districts (EST-1 and EST-2).* The purpose of the Estate Districts is to provide areas for detached single-family dwellings and accessory uses on estate-sized lots to create very low-density neighborhoods in suburban and rural areas.

C. *Single-Family Residential Zoning Districts (SFR-1, SFR-2, SFR-3, SFR-4, and SFR-5).* The purpose of the Single-Family Residential Districts is to provide areas for detached single-family dwellings and accessory uses in low to medium density residential neighborhoods.

D. *Duplex (DPX).* The purpose of the Duplex District is to provide areas for two-family residential structures, combined with single-family and attached homes, in medium-density residential neighborhoods.

E. *Multifamily Residential Zoning Districts (MFR-1 and MFR-2).* The purpose of the Multifamily Residential Districts is to provide areas for attached housing, and medium to high-density apartments or condominiums. These districts also provide opportunities for assisted living or nursing homes and townhouse development.

F. *Mobile Home Zoning District (MHD).* The purpose of the Mobile Home District is to provide areas for detached mobile or manufactured home dwellings in low to medium density manufactured/mobile home parks or master planned residential subdivisions.

3.02.02. *Residential Districts—Allowable Uses.* The following table contains a list of uses allowed in each district, and specifies if they are permitted by right (P) or if they require special exception approval (S) in accordance with Chapter 2. Uses permitted only as accessory to a principal use are noted with an (A). All uses marked with an (L) have additional limitations specific to that use listed in Chapter 4.

Table 3-2. Residential Zoning Districts—Use Table

USES	SFR-1	SFR-2	SFR-3	SFR 4 & 5	EST-1	EST-2	AGR	DPX	MFR 1 & 2	MHD	MPD [1]
RESIDENTIAL											
Adult Family Care Home	P	P	P	P	P	P	P	-	-	-	P
Assisted Living Facilities	-	-	-	-	-	-	-	-	P	-	P
Boarding and Rooming Houses	-	-	-	-	-	-	-	-	S	-	P
Cluster Development **(L)**	P	P	P	P	P	P	-	P	-	-	P
Community Residential Homes (1-6 persons) **(L)** [2]	P	P	P	P	P	P	P	P	P	P	P
Community Residential Homes (7-14 persons) **(L)** [2]	-	-	-	-	-	-	-	-	P	-	P
Duplex **(L)**	-	-	-	-	-	-	-	P	-	-	P
Family Child Day Care Home, Small	P	P	P	P	P	P	P	-	-	-	P
Family Child Day Care Home, Large	-	-	-	-	S	S	P	-	S	-	P
Farm Worker/Labor Housing	-	-	-	-	-	S	P	-	-	-	-
Mobile Home Parks **(L)**	-	-	-	-	-	-	-	-	-	P	-
Mobile / Manufactured Home Subdivision **(L)**	-	-	-	-	-	-	-	-	-	P	-
Multifamily Dwellings **(L)**	-	-	-	-	-	-	-	-	P	-	P
Neotraditional Development **(L)**	P	P	P	P	-	-	-	-	P	-	P

Nursing Homes	-	-	-	-	-	-	-	-	P	-	P
Recovery Residence (1-10 persons) (L)	P	P	P	P	P	P	P	P	P	P	P
Recovery Residence (11-20 persons) (L)	-	-	-	-	-	-	-	-	S	-	P
Single-Family Detached Dwelling Units	P	P	P	P	P	P	P	P	-	-	P
Townhouses **(L)**	-	-	-	-	-	-	-	P	P	-	P
NONRESIDENTIAL											
Adult Day Care Centers	-	-	-	-	-	-	-	-	S	-	P
Agriculture, Silviculture, and Other **(L)**											
Agricultural Uses, bona fide uses (except feedlots)	-	-	-	-	-	S	P	-	-	-	-
Animal Husbandry	-	-	-	-	-	S	S	-	-	-	-
Aviaries	-	-	-	-	-	A	A	-	-	-	-
Crop Production	-	-	-	-	-	P	P	-	-	-	-
Equestrian Activities and Uses	-	-	-	-	-	P	P	-	-	-	P
Farm Animals (other than horses)	-	-	-	-	-	S	P	-	-	-	-
Forestry (Logging/Timber Tract Operations, plant nurseries)	-	-	-	-	-	-	P	-	-	-	-
Horses	-	-	-	-	P	P	P	-	-	-	P

Silviculture	-	-	-	-	-	-	P		P	P	P
Sod Farms	-	-	-	-	-	-	P	-	-	-	-
Bed and Breakfast Inns	-	-	-	-	S	S	S	-	S	-	P
Cemeteries **(L)**	-	-	-	-	-	S	P	-	-	-	P
Child Day Care Centers	-	-	-	-	-	-	-	-	S	-	P
Home Based Businesses **(L)**	A	A	A	A	A	A	A	A	A	A	A
Kennels and Pet Boarding[3]	-	-	-	-	-	-	P	-	-	-	P
Marina (Noncommercial) **(L)**	A	A	A	A	A	A	A	A	A	A	A
Marina (Commercial) **(L)**	S	S	S	S	S	S	S	S	S	S	P
Mining and Soil Extraction **(L)**	-	-	-	-	-	-	S	-	-	-	-
Public Parks and Recreational Facilities	P	P	P	P	P	P	P	P	P	P	P
Pump Stations and Well Sites	P	P	P	P	P	P	P	P	P	P	P
RV Parks and Camps **(L)**	-	-	-	-	-	-	S	-	-	-	P
Schools, Elementary and Secondary (public and private, including charter schools) **(L)**	P	P	P	P	P	P	P	P	P	P	P
Short-term Vacation Rental[4]	P	P	P	P	P	P	P	P	P	P	P
Veterinary Clinics and Services	-	-	-	-	-	S	P	-	-	-	P
Wholesale/Retail Fertilizer Sales	-	-	-	-	-	-	P	-	-	-	-
Wireless Communication Facilities **(L)**	L	L	L	L	L	L	L	L	L	L	L

Footnotes for Table 3-2:

[1] Only if use is specifically mentioned within the MPD Development Agreement. Uses must be consistent with the criteria established for Master Planned Developments in Chapter 2.09.04.

[2] Community Residential Homes are regulated by Florida Statute 419.001. Large Community Residential Homes having a number of residents between 7-14 are also subject to proximity regulations within the statute. Community Residential Homes due to the occupancy number of beds may have additional requirements under Florida Building Code comparatively to Single-Family Residential homes.

[3] Only on residential lots of 2.5 acres or greater.

[4] Short-term Vacation Rentals are subject to the requirements of Chapter 17, Article V of the Code of Ordinances.

3.02.03. *Residential Districts—Dimensional Standards.* Section 3.03 and Section 3.04 establishes additional standards for selected residential districts. The following table contains the dimensional standards for the various uses allowed in each residential district:

Table 3-3: Residential Zoning Districts—Dimensional Standards

Standard	SFR-1	SFR-2	SFR-3	SFR-4	SFR-5	EST-1	EST-2	AGR	MHD	DPX	MFR-1	MFR-2
Minimum Lot Size	6,000 sq. ft.	7,500 sq. ft.	10,000 sq. ft.	12,000 sq. ft.	20,000 sq. ft.	1.0 acre [1]	2.5 acres [1]	5 acres [2]	4,000 sq. ft	9,000 sq. ft. [3]	2,500 sq. ft. [3]	2,500 sq. ft. [3]
Minimum Development Site Size	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 acre	N/A	3 acres [4]	4 acres [4]
Minimum Lot Width [5]	50'	60'	80'	80'	100'	100'	150'	200'	40'	30'/80 [6]	25'/100' [6]	25'/100' [6]
Maximum Density (units per acre) [7]	7.0	5.0	4.0	3.0	2.0	1.0	0.4	0.2	8.0	8.0	8.0	12.0
Minimum Living Area (square feet)	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	600	800 [12]	650	650
Minimum Front Setback [8]	20'	20'	25'	25'	25'	25'	25'	50'	10'	25'	25'	25'
Minimum Rear Setback [8]	10'	6.5'	10'	15'	20'	25'	25'	50'	10'	10'	20'	20'
Minimum Rear Street Setback [8]	15'	15'	15'	15'	15'	20'	25'	25'	10'	15'	25'	25'
Minimum Interior Side Setback [8]	5' [9]	7.5'	7.5'	7.5'	10'	10'	15'	25'	5'	7.5' [9]	10' [9]	10' [9]

Minimum Street Side Setback [8]	15'	15'	20'	20'	20'	20'	25'	25'	10'	20'	20'	20'
Maximum Impervious Surface Ratio (ISR) [10]	0.75	0.75	0.70	0.70	0.50	0.50	0.50	0.25	0.70	0.70	0.70	0.70
Maximum Building Height [11]	35'	35'	35'	35'	35'	35'	35'	35'	35'	35'	50'	60'

Table 3-3 Footnotes:

[1] Residential lots in the EST-1 and EST-2 Districts shall have a contiguous upland area of at least 12,000 square feet. Residential lots utilizing well or septic systems shall have a contiguous upland area of at least one acre.

[2] Residential lots in the AGR District shall have a contiguous upland area of at least 20,000 square feet. Residential lots utilizing well or septic systems shall have a contiguous upland area of at least one acre.

[3] Minimum lot size 4,000 sq. ft. per lot for a legally divided duplex lot. Minimum lot size is shown for a townhouse lot in the MFR Districts.

[4] Minimum size for a manufactured/mobile home park in the MHD District and for multifamily development sites in the MFR-1 and MFR-2 Districts.

[5] Fifteen percent wider width required for corner lots. See Chapter 9 for subdivision design standards. In no event shall lot frontage on a street or access easement be less than 20 feet.

[6] Twenty-five-foot minimum lot width for townhouse lots; 100-foot minimum lot width for multifamily development sites. Thirty-foot minimum lot width per lot for a legally divided duplex lot. Eighty-foot minimum lot width for a detached single-family dwelling on a lot in the DPX District.

[7] See Section 3.05 regarding density calculation methodology.

[8] See Section 3.05 for setback determinations and setback requirements for multistory developments adjacent to residential zoning districts and wireless communication facilities and equipment compounds.

[9] The minimum interior side yard setback for townhouses shall be zero feet. Detached single-family dwellings in the existing subdivisions that were zoned for detached single-family dwellings in the former TWN District shall be zero feet on one side and a minimum distance of 15 feet between each dwelling unit.

[10] See Section 3.05 for ISR calculation methodology.

[11] See Subsection 3.04.04 for height restrictions within the Palm Coast Parkway Overlay Zone.

[12] The minimum living area requirement noted is per unit for a duplex. A single-family dwelling on a duplex lot must meet a minimum requirement of 1,200 square feet for living area.

(Ord. No. 2009-26, § 10, 12-15-09; Ord. No. 2015-9 , § 3, 8-4-15; Ord. No. 2018-02 , § 3, 2-6-18)

Sec. 3.03. - Nonresidential and Mixed Use Zoning Districts.

3.03.01. *Purpose of districts.*

A. *Neighborhood, General, and High Intensity Commercial Zoning Districts (COM-1, COM-2, and COM-3)*

1. The purpose of the COM-1 (Neighborhood Commercial) District is to provide areas for limited commercial and office uses developed at a neighborhood scale to meet the day-to-day retail and service needs of nearby residents.

2. The purpose of the COM-2 (General Commercial) District is to provide areas for general commercial and office uses to meet the community-wide demand for retail, services, business, and employment opportunities.

3. The purpose of the COM-3 (High Intensity Commercial) District is to provide areas for the most intensive commercial uses including, but not limited to, those that focus on automobile sales and service, outdoor storage, and heavy traffic.

B. *Limited and General Office Zoning Districts (OFC-1 and OFC-2).*

1. The purpose of the OFC-1 (Limited Office) District is to provide areas for limited office development. This district is primarily intended to provide office support to larger institutional uses, such as medical offices surrounding hospitals. This district also allows for limited service and retail uses to meet the needs of office workers.

2. The purpose of the OFC-2 (General Office) District is to provide areas for various types of office uses, such as office parks, corporations, and other business and employment centers. This district also permits limited service and retail uses to meet the needs of office workers.

C. *Master Planned Development Zoning District (MPD).* The purpose of the Master Planned Development District is to provide areas where a variety of uses are mixed together in master planned developments and communities. This district utilizes cohesive architectural themes and emphasizes accessibility for pedestrians and bicyclists. Regulations for this district are intended to promote flexibility and creative land use planning and design concepts. The Master Planned Development District replaces the Village Center (VGC-1 and VGC-2), Golf Course Community (GCC), Planned Unit Development (PUD), and Planned Rural Development (PRD) zoning districts. Projects developed or approved within these former districts are bound to their respective Development Agreements and the uses that were formerly allowed in those districts; however, substantial revisions to a Development Agreement, as described in Subsection 2.09.07, will require an application under the terms and procedures of the Master Planned Development District and/or a rezoning. Subsection 3.03.04 establishes the development standards for the Master Planned Development District.

D. *Light and Heavy Industrial Zoning Districts (IND-1 and IND-2).*

1. The purpose of the IND-1 (Light and Warehousing Industrial) District is to provide areas for restricted industrial and warehouse uses of low to moderate intensities with minimal potential for off-site impacts. This district utilizes performance standards to ensure that impacts are controlled.

2. The purpose of the IND-2 (Heavy Industrial) District is to permit a wide range of intensive industrial uses, which include, but are not limited to, those that are major users of water, produce greater amounts of hazardous and regulated waste, storage of significant amounts of chemicals, produce air emissions, or substantially impact the landscape through mining and soil extraction. This district utilizes performance standards to ensure that impacts are controlled to protect the public health, safety, and welfare.

E. *Public/Semipublic Zoning District (PSP).* The purpose of the Public/Semipublic District is to provide areas for government owned facilities, religious institutions, civic buildings, community club facilities, educational/vocational facilities, nonprofit organization facilities, and essential

public services including, but not limited to, transit facilities, water and sewer utility plants and related facilities, and electrical power substations.

F. *Parks and Greenways Zoning District (P&G).* The purpose of the Parks and Greenways District is to provide areas for various parks including active recreational facilities as well as passive open spaces that provide for recreational opportunities. This district also includes areas for historical sites, outdoor museums, golf courses, driving ranges, and associated facilities.

G. *Preservation (PRS).* The purpose of the Preservation District is to provide for the protection of valuable and unique natural resource areas. This district allows minimal development for the purpose of providing public accessibility and basic facilities only.

3.03.02. *Nonresidential and Mixed Use Districts—Allowable Uses.* The following table contains a list of uses allowed in each district, and specifies if they are permitted by right (P) or if they require special exception approval (S) in accordance with Chapter 2. Uses permitted only as accessory to a principal use are noted with an (A). All uses marked with an (L) have additional limitations specific to that use listed in Chapter 4.

Table 3-4. Nonresidential and Mixed Use Zoning Districts—Use Table

Specific Use Type	**COM-1**	**COM-2**	**COM-3**	**OFC-1**	**OFC-2**	**IND-1**	**IND-2**	**PSP**	**P&G**	**PRS**	**MPD**[1]
Civic, Nonprofit and Institutional											
Civic Uses: town hall, libraries, museums	P	P	P	P	P	S	-	P	-	-	P
Civic Uses: police, fire, postal service	P	P	P	P	P	P	S	P	-	-	P
Civic Clubs and Fraternal Organizations (L)	P	P	P	P	P	-	-	P	-	-	P
Hospice Services	S	P	P	S	P	-	-	P	-	-	P
Hospitals	-	P	P	-	P	-	-	P	-	-	P
Houses of Worship/Religious Institutions (L)	P	P	P	P	P	-	-	P	-	-	P
Nonprofit Organizations, (e.g., Humane Societies) (L)	P	P	P	P	P	-	-	P	-	-	P
Eating, Drinking and Entertainment											

Adult-Oriented Businesses (L)	-	-	-	-	-	-	P	-	-	-	-
Drinking Establishments (without outdoor entertainment) (L)	-	P	P	-	-	-	-	-	-	-	P
Drinking Establishments (with outdoor entertainment) (L)	-	S	P	-	-	-	-	-	-	-	P
Beer, Wine, and Liquor Stores (L)	P	P	P	P	P	-	-	-	-	-	P
Cafeterias, Coffee and Donut Shops, Snack Bars, Sandwich Shops, Delicatessens, Bakeries	P	P	P	P	P	S	-	P	-	-	P
Microbreweries, Micro Distilleries (L)	-	S	P	-	-	P	-	-	-	-	P
Mobile Food Dispensing Vehicle or Temporary Commercial Kitchens (L)	A	PA	PA	-	-	PA	-	A	A	-	PA
Performing Arts Facilities (e.g. dinner theaters)	S	P	P	-	-	-	-	P	-	-	P
Pizza Delivery Establishments and Takeout Places	P	P	P	P	P	S	-	-	-	-	P
Restaurants, Fast Food (L)	-	P	P	-	-	-	-	-	-	-	P
Restaurants, Sit-Down	P	P	P	P	P	-	-	-	-	-	P
Educational Facilities											
Elementary/Secondary Schools (public and private) (L)	P	P	P	P	P	-	-	P	-	-	P
Colleges/Universities	S	S	P	S	P	-	-	P	-	-	P

Industrial Uses (L)											
Manufacturing, Heavy (L)	-	-	-	-	-	S	P	-	-	-	P
Manufacturing, Light (L)	-	-	-	-	-	P	P	-	-	-	P
Material Recovery Facilities (e.g. recycling centers)	-	-	-	-	-	P	P	-	-	-	P
Mining and Soil Extraction (L)	-	-	-	-	-	-	S	-	-	-	-
Laboratories											
Medical and Diagnostic Laboratories	S	P	P	P	P	P	-	-	-	-	P
Dental Labs	P	P	P	P	P	-	-	-	-	-	P
Multiuse Building (L)	P	P	S	P	P	-	-	-	-	-	P
Office, Medical and Professional											
Banks and Credit Unions	P	P	P	P	P	-	-	-	-	-	P
Building Contractors	-	S	P	S	P	P	-	-	-	-	P
Mail Order Facilities	P	P	P	P	P	P	-	-	-	-	P
Medical and Professional Offices	P	P	P	P	P	-	-	-	-	-	P
Outpatient Care Facilities	P	P	P	P	P	-	-	-	-	-	P
Pharmacies [2]	-	P	P	P	P	-	-	-	-	-	P
Scientific and Technical (e.g. architects, engineers, design, programming, and consulting)	P	P	P	P	P	S	-	-	-	-	P

Temporary Employment Agencies and Management Services	P	P	P	P	P	-	-	-	-	-	P
Veterinarians (without kennels/post-operative care only)	P	P	P	P	P	-	-	-	-	-	P
Recreation and Tourism											
Bed and Breakfast Inns	P	P	P	-	-	-	-	-	-	-	P
Electronic Game Promotion Establishments	-	S	P	-	-	-	-	-	-	-	P
Golf Courses, Driving Ranges, and Country Clubs	-	-	-	-	-	-	-	-	P	-	P
Hotels	-	P	P	P	P	-	-	-	-	-	P
Marinas (Commercial) (L)	P	P	P	P	P	P	P	P	S	-	P
Motels	-	P	P	-	-	-	-	-	-	-	P
Public Parks and Recreation Facilities	P	S	S	S	S	S	S	P	-	P	P
Recreation, Indoor	P	P	P	-	-	-	-	-	-	-	P
Recreation, Outdoor	-	S	P	-	-	-	-	P	P	S	P
RV Parks and Camps (L)	-	-	-	-	-	-	-	-	P	-	P
Shooting and Target Ranges (indoor)	-	-	S	-	-	P	-	-	-	-	P
Stadiums and Athletic/Sports Arenas	-	-	P	-	-	-	-	P	-	-	P
Residential											

Assisted Living Facilities, Nursing Homes	P	P	P	P	P	-	-	P	-	-	P
Caretaker's Dwellings	-	S	S	-	S	S	S	S	S	S	P
Community Residential Homes (7 to 14 residents)	-	-	-	-	-	-	-	-	-	-	P
On-site dwelling units for agents or employees of principal use.	-	-	-	-	S	-	-	S	S	S	P
Dormitories	S	S	S	-	-	-	-	S	-	-	P
Live Local Mixed-Use Residential Developments[3]	P	P	P	P	P	P	P	P	-	-	P
Retail Sales and Services											
Art Dealers	-	P	P	P	P	-	-	-	-	-	P
Automotive Parts (e.g. accessories and tires)	-	S	P	-	-	P	-	-	-	-	P
Building Material Stores (paint, hardware)	P	P	P	-	-	P	-	-	-	-	P
Clothing and Accessory Stores (e.g. shoes and luggage)	P	P	P	S	P	-	-	-	-	-	P
Retail (L)	P	P	P	-	-	-	-	-	-	-	P
Florists	P	P	P	P	P	-	-	-	-	-	P
Food and Beverage Stores (supermarkets and specialty foods)	P	P	P	P	P	-	-	-	-	-	P
Furniture and Home Furnishings Stores	P	P	P	-	P	P	-	-	-	-	P

Home Improvement Centers	-	P	P	-	-	P	-	-	-	-	P
Large-Scale Retail Centers (L)	-	P	P	-	-	-	-	-	-	-	P
Lawn and Garden Equipment and Supplies Stores	P	P	P	-	-	P	-	-	-	-	P
Model Home Centers (L)	P	P	P	P	P	-	-	-	-	-	P
Pet (domestic) Stores	P	P	P	-	-	-	-	-	-	-	P
Plant Nurseries	P	P	P	-	-	-	-	-	-	-	P
Photo Finishing	P	P	P	P	P	-	-	-	-	-	P
Small Box Discount Stores [4]	-	P	P	-	-	-	-	-	-	-	P
Sporting Goods, Hobby, Book and Music Stores	P	P	P	P	P	-	-	-	-	-	P
Used Merchandise Stores	S	P	P	-	-	-	-	-	-	-	P
Service, Business											
Printing and Publishing	S	P	P	S	P	P	S	-	-	-	P
All other business services	P	P	P	P	P	P	P	-	-	-	P
Service, Personal											
Adult Day Care Centers	P	P	P	P	P	-	-	-	-	-	P
Bail Bonding	-	S	P	-	-	-	-	-	-	-	P
Child Day Care Centers	P	P	P	P	P	-	-	-	-	-	P
Funeral Homes	S	P	P	S	P	-	-	-	-	-	P

Tarot Card, Psychic, and Palm Readings	-	S	P	-	-	-	-	-	-	-	P
Tattooing, Body Piercing, and other Body Art	-	P	P	-	-	-	-	-	-	-	P
All other personal service uses	P	P	P	P	P	P	-	-	-	-	P
Service, Major											
Data Centers[5]	-	-	-	-	-	-	-	-	-	-	-
Heavy Construction and Land Excavation Contractors	-	-	-	-	-	P	P	-	-	-	P
Kennels and Animal Boarding[6]	-	S	P	-	-	P	-	-	-	-	P
Landscaping Services	P	P	P	-	-	P	S	-	-	-	P
Machine Shops and Tool and Die	-	-	-	-	-	P	P	-	-	-	P
Repair Services for Commercial and Industrial Machinery and Equipment	-	S	P	-	-	P	P	-	-	-	P
Truck Stops	-	-	S	-	-	P	P	-	-	-	P
Training Facilities											
Automobile Driver Schools	P	P	P	P	P	-	-	P	-	-	P
Technical/Trade Schools	P	P	P	P	P	P	S	P	-	-	P
Trucks and Heavy Equipment Driving Schools	-	-	P	-	-	P	P	P	-	-	P
Utilities and Public Works											
Dredge Spoil Disposal	-	-	-	-	-	-	-	S	-	-	-

Landfills (for nonhazardous, organic debris or construction debris only)	-	-	-	-	-	-	-	S	-	-	-
LP Gas Dealer and Bulk Storage	-	S	P	-	-	P	S	-	-	-	P
Municipal Pump Stations and Well Sites	P	P	P	P	P	P	P	P	P	S	P
Park and Ride Facilities	-	-	-	-	-	-	-	P	-	-	P
Power Generation and Distribution (electric and gas) Facilities	-	S	S	S	S	P	P	P	-	-	P
Public Works Facilities	-	-	-	-	-	P	P	P	-	-	P
Passenger Transit or Rail Stations	P	P	P	P	P	P	P	P	-	-	P
Vertiports for VTOL and eVTOL aircraft[7]	-	P	P	-	P	P	P	P	-	-	P
Solid Waste Transfer Stations	-	-	-	-	-	-	S	S	-	-	P
Wastewater Treatment Facilities	-	-	-	-	-	-	-	S	-	-	P
Water Supply Plants	-	-	-	-	-	-	-	S	-	-	P
Wireless Communication Facilities (L)	L	L	L	L	L	L	L	L	L	L	L
Vehicle Sales, Rental, Service, and Repair											
Automotive, Recreational Vehicle, and Boat Dealers	-	S	P	-	-	P	-	-	-	-	P
Car Washes	-	S	P	-	-	-	-	-	-	-	P

Commercial & Industrial Machinery & Equipment Rental and Leasing	-	S	P	-	-	P	P	-	-	-	P
Convenience Stores with Fueling Facilities (L)	P [3]	P	P	-	-	-	-	-	-	-	P
Motor Vehicle Towing Services	-	-	S	-	-	P	P	-	-	-	P
Motorcycle Dealers	-	P	P	-	-	P	-	-	-	-	P
Quick Lubrication or Tire Replacement Shop	-	P	P	-	-	P	-	-	-	-	P
Service Stations	P	P	P	-	-	P	-	-	-	-	P
Taxi and Limousine Services	P	P	P	-	-	-	-	-	-	-	P
Vehicle Rental/Leasing	-	S	P	-	-	P	-	-	-	-	P
Vehicle Repair	-	S	P	-	-	P	-	-	-	-	P
Warehousing											
Miniwarehouses, Office Warehouses and Self-Storage	-	S	P	-	-	P	-	-	-	-	P
Warehouse/Distribution Facilities (≥50,000 sq ft)	-	-	S	-	-	P	P	-	-	-	P
Warehouse/Distribution Facilities (<50,000 sq ft)	-	S	P	-	-	P	P	-	-	-	P

Footnotes for Table 3-4:

[1] Only if use is specifically mentioned within the MPD Development Agreement. Uses must be consistent with the criteria established for Master Planned Developments in Chapter 2.09.04.

[2] A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school. F.S. § 381.986 .

[3] New developments pursuant to the Live Local Act shall be authorized in accordance with Section 4.23, until the sunset of the Live Local Act on October 1, 2033, or as amended. Live Local Act developments shall be considered conforming after the sunset of the Act, as long as they maintain their affordability compliance as outlined in Section 4.23.

[4] If subject property is within 500 feet of any residential property, a special exception for the use is required in accordance with Section 2.07 Special Exceptions.

[5] Data Centers require a super-majority vote of the City Council pursuant to Section 3.01.06. In the event that the City Council approves a Data Center, it shall require a closed-loop cooling system, be limited to a zoning district of IND-1 or IND-2, and subject to meeting the Industrial Use Performance Standards of Section 4.14.02.

[6] In Mixed Use MPDs permitted in residential lots only if lot/parcel is 2.5 acres.

[7] Vertical Takeoff and Landing (VTOL) and Electronic Vertical Takeoff and Landing (eVTOL) aircraft takeoff and landing sites are known as vertiports. The locational siting and design of vertiports are subject to meeting requirements established by FDOT and the FAA, as amended. The operations for said aircraft shall meet any adopted FDOT or FAA regulations, as amended.

3.03.03. *Nonresidential and Mixed Use Districts—Dimensional Standards.* The following table contains the dimensional standards for the various uses allowed in each nonresidential and mixed use district. The following subsections contain additional standards for the various nonresidential mixed use districts.

Table 3-5. Nonresidential and Mixed Use Zoning Districts—Dimensional Standards

Zoning District Standard	COM-1	COM-2	COM-3	OFC-1	OFC-2	PSP	IND-1	IND-2	P&G	PRS	MPD
Minimum Lot Size	20,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	1 acre	N/A	N/A	N/A
Minimum Lot Width [1]	100'	100'	100'	100'	100'	100'	100'	150'	N/A	N/A	N/A
Maximum Impervious Surface Ratio (ISR)	0.70	0.70	0.70	0.70	0.70	0.70	0.70	0.65	0.20	0.05	N/A [2]
Maximum Floor Area Ratio (FAR)	0.30 [3]	0.40	0.50	0.40	0.40	0.30	0.35	0.35	0.10	N/A	0.55
Maximum Building Height [4]	50'	100'	75'	75'	100'	100'	65'	65'	35'	35'	100'
Interior Side and Rear Setbacks [5]	10'	10' [6]	10' [6]	10'	10'	10'	10'	15'	5'	5'	N/A
Minimum Building Setbacks from Streets:											
Arterial/Collector Road [7]	25'	25'	25'	25'	25'	25'	25'	35'	35'	35'	N/A
Local Road	20'	20'	20'	20'	20'	20'	25'	35'	10'	10'	N/A

Footnotes for Table 3-5:

[1] In no event shall the lot frontage on a street or access easement be less than 20 feet.

[2] See Subsection 3.03.04 for open space requirements.

[3] The gross floor area of a neighborhood shopping center shall not exceed 50,000 square feet.

[4] See Subsection 3.04.04 for height restrictions within the Palm Coast Parkway Overlay Zone. Additional height is permitted for appurtenances in the IND-2 District, as required by federal and state regulatory agencies. See Chapter 13 for additional restrictions on building height that may be applicable.

[5] See Section 3.05 for setback determinations and setback requirements for multistory developments adjacent to residential zoning districts and wireless communication facilities and equipment compounds. Fifteen percent wider width required for corner lots. See Chapter 9 for subdivision design standards. In no event shall lot frontage on a street or access easement be less than 20 feet. Minimum setback requirement is 25 feet when abutting the SFR, DPX, EST, AGR, PRS, and P&G Districts.

[6] A zero-foot interior side setback is permitted for a large-scale retail center with an approved master plan.

[7] Building abutting any specific arterial or collector road listed in Table 11-5 of Chapter 11 require a 35-foot setback to accommodate the landscape buffer.

3.03.04. *Master Planned Development (MPD) Zoning District Development Standards.* Requesting a rezoning to the Master Planned Development District is a voluntary process commenced by an applicant proposing a master plan for a unique, individually planned development which would not otherwise be permitted in any of the zoning districts established by this chapter. An application for rezoning to a Master Planned Development District shall show that the planned development will produce a functional, enduring, and desirable environment, with no significant adverse impacts to adjacent properties.

A. *Purpose.* The purpose of the Master Planned Development District is to provide opportunities for innovative planning and design. Although greater flexibility is given within this district, procedures are established in this subsection to ensure that master planned developments are consistent with sound and generally accepted land development practices and that added benefit is accrued to the community. Approval of a Master Planned Development Agreement will be based on the finding that the submittal results in one or more of the following:

1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the master planned development zoning approval; and/or
2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the master planned development zoning approval.

B. *Intent.* The intent of the Master Planned Development District is to:

1. Encourage efficient land development through the use of innovative land use planning.
2. Encourage a more compatible and harmonious development of contiguous lands.
3. Permit the combining and coordinating of architectural styles, building forms, and building relationships within a development.
4. Provide for the planning, review, and approval of one or a combination of residential, commercial, industrial, recreational, and public land uses and structures that results in an organized development.

5. Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site circulation, ingress, and egress than is permitted under conventional zoning and subdivision regulations.

6. Preserve to the greatest extent feasible environmental assets and natural amenities such as scenic and functional open space areas.

7. Establish specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary for the protection of the public health, safety, or welfare, or for the protection or preservation of lands either internal or external to the planned development.

C. *General requirements.*

1. *Comprehensive plan consistency.* The master planned development shall be consistent with the Comprehensive Plan. A Master Planned Development District is allowed within all Comprehensive Plan Future Land Use Map categories.

2. *Other ordinances.* All building and housing codes of the City are applicable to the Master Planned Development District; however, requirements for dimensional standards, parking, open space, and other land use regulations established in the master planned development plan may differ from those specific to the zoning district in which the development is located to achieve a higher level of quality. Special exceptions and variances are, therefore, not applicable to master planned development plans.

D. *Permitted uses, densities, and intensities.* All principal and accessory uses permitted within the Master Planned Development District, as provided for in Tables 3-2 and 3-4, noting that these uses are not meant to be exclusive, uses not listed in this chapter pursuant to Section 3.01.07 may be requested. All uses requested within a Master Planned Development District are subject to approval by the City Council based on consistency with the Comprehensive Plan and compatibility with the surrounding areas. The maximum gross residential density or nonresidential intensity permitted within any proposed master planned development shall not exceed the density or intensity permitted within the Comprehensive Plan Future Land Use Map category where the particular master planned development is proposed.

E. *Development standards.* All development standards including, but not limited to, lot sizes, setbacks, lot coverage, building height, lighting, architecture, landscaping, recreation, and open space shall be specified in the Master Planned Development agreement.

F. *Compatibility standards.* In order to ensure compatibility of the master planned development the following shall apply whenever the proposed development abuts a single-family detached residentially zoned development:

1. Residential lot arrangement at the master planned development property line(s), including width, depth, and area shall be consistent with the average width, depth, and area of the abutting existing neighborhood with a variation of no more than 25 percent less than the average;

2. Residential and nonresidential building height adjacent to residential zoning districts shall comply with the requirements of Chapter 13.

3. Nonresidential delivery and loading areas, dumpsters, and mechanical equipment shall be located away from property lines abutting residential areas.

4. Development shall be generally consistent with the Architectural Design Regulations contained in Chapter 13.

G. *Perimeter buffer requirement.* Whenever a master planned development abuts existing developments with lower density or intensity land uses, the City Council may impose perimeter buffer requirements in excess of the minimum requirements established in Chapter 11 in order to protect the privacy of existing adjoining uses including, but not limited to:

1. Structures, buildings, and streets located at the perimeter of the development shall be permanently screened in a manner that sufficiently protects the privacy and amenities of the adjacent existing uses.

2. Increased setbacks from the perimeter line may be imposed to protect privacy of adjacent existing uses.

H. *Vehicular and pedestrian access and parking.* The master planned development shall be designed in a way that integrates pedestrian, bicycle, and vehicular traffic circulation systems into the surrounding community. The development shall provide for safe and convenient access to public uses, common areas, and other community services, facilities, and activities located both within the proposed development and beyond its boundaries.

1. All uses within the master planned development shall have access to a public street either directly or indirectly via a private approach road, pedestrian way, court, or other area dedicated by a common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road. The City shall be allowed access on privately owned roadways, easements, and common open space to ensure the police and fire protection of the area, to meet emergency needs, to conduct City services and services of exclusive franchises, and to generally ensure the health and safety of the residents of the master planned development.

2. Vehicular access from individual lots or dwelling units onto arterial or collector streets within or adjacent to the development is discouraged.

3. Adequate parking and loading shall be provided in general conformance with regulations established in Chapter 5. However, the minimum number of parking spaces required may be modified, based on evidence that other standards would be more reasonable. A decision to reduce the number of parking spaces shall be based on technical information provided by a qualified consultant that verifies the reduction will not impair the functioning of the development or adjacent developments.

I. *Open space requirement.* A master planned development shall give priority to preservation and interconnection of wildlife corridors and wildlife preservation areas, including below grade crossings, if necessary. Open space should, to the maximum extent possible, preserve the most important environmental features on the site in their natural state or restrict these areas for passive outdoor recreational purposes only.

Master planned developments within a Development of Regional Impact are exempt from the open space requirements of this section, provided that the master planned development must comply and be consistent with the development of regional impact development order.

1. *Minimum required open space.* A master planned development shall be required to provide open space totaling 40 percent of its gross area. For a development with residential uses, at least 25 percent of the total required open space shall be common areas accessible to the public. Additional open space shall be, where possible, located and designed to achieve the following:

   a. Provide areas for informal recreation and pathways;

   b. Connect to adjacent open space, parks, bike paths, or pedestrian paths;

   c. Provide natural greenbelts along roadways; and

   d. Buffer adjacent land uses where appropriate.

2. *Open space requirement flexibility.* As an alternative to meeting the open space percentage noted above, an applicant may propose alternative solutions such as, but not limited to, green building principles, land donation, or other mechanisms that would justify the lower percentage.

3. *Permitted uses of open space.* For the purpose of this section, open space does not equate to pervious areas. Therefore, the following uses as permitted within the required open space area:

   a. Pervious areas including, but not limited to, conservation of natural, archeological, and historical resources; and woodlands, wetlands, ponds, lakes, wildlife corridors, landscape, and similar environmental or conservation-oriented areas.

   b. Walking or bicycling trails or paths paved with pervious or semipervious materials.

   c. Passive recreation areas such as playgrounds which meet the following standards:

      (1) Such areas do not exceed ten percent of the required open space; and

      (2) Such areas are located outside any conservation areas that include wetlands that qualify as moderate and optimal in Chapter 10.

   d. Easements for drainage and underground utility lines.

   e. Stormwater retention and detention ponds.

   f. Golf courses, disc golf, or similar open field based recreational areas.

4. *Prohibited uses of open space.*

   a. Roads and parking lots.

   b. Buildings, structures, and other impervious surfaces, except as necessary for residential walkways connecting to public sidewalks.

5. *Common open space and improvements.* All common open space, as well as public and recreation facilities shall be specifically included in the development plan and Master Planned Development Agreement.

   a. Common improvements associated with residential uses, including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of completed residential units in the master planned development. Therefore, recreational facilities must be permitted and under construction prior to the issuance of the 25th permit of the units for which the improvements are intended.

   b. Public improvements must be backed by performance bonds issued to the City in a form and quantity acceptable to the Land Use Administrator. The Land Use Administrator must approve the bond prior to the issuance of the first residential permit.

   c. Improvements may be completed in phases as long as the capacity of the improvement is capable of serving the associated phase of development.

6. *Conveyance and preservation of open space.* Open space shall be preserved in perpetuity based upon the type of space and the user, as follows:

   a. Common open space, proposed for use of the master planned development owners and residents, shall be conveyed to a homeowners association or to a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of the lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The conveyance shall be recommended to the City Council by the Planning and Land Development Regulation Board and shall be in a form approved by the City Attorney.

b. Open space associated with natural features including, but not limited to, wetlands and other environmentally sensitive areas shall be preserved in perpetuity via a conservation easement on a form approved by the City that shall be recorded with the Flagler County Clerk.

7. *Maintenance of common areas, stormwater conveyance system, and open space.* Homeowners or Property Owners Association Bylaws shall be required for a master planned development project and shall identify the party(ies) or person(s) responsible for maintaining the common areas, stormwater conveyance system, and open space, including multiuse trails open to the public.

J. *Existing golf course communities.* Existing golf courses communities located within the former Golf Course Community (GCC) District seeking to add residential units must comply with the standards established for the Master Planned Development District. In addition, the development shall utilize the following guidelines in order to minimize adverse impacts on any abutting single-family residentially zoned areas.

1. Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e. side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.

2. Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.

3. Multifamily uses shall be surrounded by fairways, clubhouse, and/or other golf course facilities to buffer single-family areas within the same development. The multifamily uses shall not be located within 150 feet from any existing, platted lots located within a residentially zoned area.

K. *Master planned development review and approval process.* The application for a master planned development and the rezoning, along with the required Master Planned Development Agreement, shall be submitted and approved in conformance with Chapter 2.

(Ord. No. 2009-26, §§ 11, 12, 12-15-09; Ord. No. 2012-3, § 2(Exh. 1), 5-1-12; Ord. No. 2015-08 , § 2, 7-21-15; Ord. No. 2015-9 , §§ 2, 4, 8-4-15; Ord. No. 2017-19 , § 3, 10-17-17; Ord. No. 2018-02 , § 4, 2-6-18; Ord. No. 2020-09 , § 2, 8-18-20)

Sec. 3.04. - Overlay Zones.

3.04.01. *Purpose and intent.* The intent of this section is to establish certain overlay zones within which special development restrictions are imposed. The land uses permitted within the underlying zoning districts remain undisturbed by the creation of the overlay zone.

3.04.02. *Wetland Probability zone.*

A. *Purpose.* The purpose of the wetland probability zone is to designate areas within the City containing significant wetland areas. The wetland probability zone is synonymous with the previous name wetland overlay zone.

B. *Delineation of wetland probability zone boundaries.* The wetland probability zone boundaries delineate areas in which aerial maps, the Future Land Use Map, or other sources of conceptual wetland mapping information indicate that the subject parcel or lot appears to meet at least one of the following conditions:

1. More than 50 percent of the land area within the parcel or lot contains wetlands as defined and protected under Chapter 10.

2. The parcel or lot contains wetlands that are part of a protected environmental or resource corridor or an integrated, non-isolated wetland system.

3. The location of the wetlands on the parcel or lot is situated in such a manner that the property's future development may be substantially restricted.

C. *Restrictions to future development within a wetland probability zone.* Although the wetland probability zone designation is an indication that a property's future development may be restricted due to the presence of wetlands, the designation itself does not entail any specific development regulations. Upon determination of the jurisdictional wetlands boundary by the St. Johns River Water Management District or other government designated entities and the application of Chapter 10, the parcel or lot is permitted to develop in accordance with the prescribed standards of its zoning district.

D. *Preserved wetland areas.* Preserved wetland areas may be used on a parcel or lot to meet setback requirements, to provide credit toward meeting landscape requirements, and to provide pervious area. Twenty-five percent of preserved wetland areas may count in the gross acreage used to calculate residential density in accordance with Section 3.05.

E. *Wetlands impacts.* The wetland probability zone designation neither precludes impacts to wetlands nor does it provide justification for wetland impacts. Chapter 10 contains the City's regulations regarding wetland impacts.

3.04.03. *Gateway Overlay Zone.*

A. *Purpose.* The purpose of the gateway overlay zone is to establish provisions that enable development of a unique hub located within the City's State Road 100 Community Redevelopment Area. This shall be accomplished by implementation of land development criteria promoting redevelopment that provides consistent landscape and architectural standards compatible with the approved Town Center Development of Regional Impact. At the same time, the City recognizes that there are existing uses, both nonresidential and residential, within the gateway overlay zone that need to remain as viable properties during the interim period before redevelopment can occur. The gateway overlay zone is intended to:

1. Ensure the roadways develop into a cohesive, scenic gateway;

2. Provide uniform design standards to establish high quality development;

3. Prevent disjointed, disorganized development caused by unplanned and uncoordinated uses, buildings, and structures; and

4. Maintain and enhance property values.

B. *Description of district.* The boundary of the gateway overlay zone is delineated on the Official Zoning Map and is generally described as being bounded on the west by Bulldog Drive, on the north by the northerly property lines of the Midway Park First Addition Subdivision and southeasterly to the northern lot lines of Whispering Pines Subdivision; on the east by the east lot lines of Whispering Pines Subdivision; and on the south by the northerly right-of-way line of State Road 100.

C. *Site planning guidelines.* Site design shall specifically address the creation of an attractive, safe, and functional urban environment. The requirements contained in Chapter 13 relating to general architectural design shall apply to lands within this overlay zone as well as the following guidelines, which are unique to this zone.

1. *Building design, layout, and orientation.*

a. Buildings shall be organized to create or strengthen view corridors to significant natural or man-made features.

b. Building siting and orientation shall create a healthier pedestrian environment designed within the existing urban framework and linked to outdoor spaces including parks, plazas, and walkways.

c. When two or more buildings are proposed on a single lot of record, the primary building shall be oriented to face the public right-of-way.

d. Buildings shall be oriented to maximize pedestrian access and views of significant natural or man-made features, even if there is a primary façade on the public right-of-way.

e. Building orientation and massing should relate to nearby buildings and to the urban context, with off-street parking areas located to the sides and rear of the site.

f. In order to provide a unified design with the main structure and enhance the visual impact of outparcels on a site, all exterior façades of the outparcel buildings shall be considered primary façades and shall employ architectural and landscape design treatments similar to or compatible with the primary building and anchor tenant.

g. Secondary building entrances shall be considered when parking is located to the rear of the building to provide direct service and customer access to the store from parking areas as well as improve circulation between the parking lots and the street. Architectural embellishments, awnings, landscaping, and directional signage shall be used to mark the secondary entrance, and the design and building materials of the rear of the building shall be consistent with the front facade.

h. Corporate building design that is typically read as signage or branding is discouraged.

2. *Vehicular and pedestrian access and parking.*

a. Vehicular connection between the buildings, including the main structures and outparcels, is required to provide for safe and convenient vehicular movement within the site.

b. Interconnection of pedestrian walkways with the main structure and adjacent outparcels is required. Pedestrian walkways that are incorporated into parking areas or roadways shall be distinguished as such through the use of different materials.

c. The site plan shall be integrated with adjacent parcels to provide a logical, safe, and harmonious system of roadways and interconnecting bike paths and sidewalks.

d. Parking areas shall be designed to avoid the appearance of a large expanse of pavement, and shall be conducive to safe pedestrian access and circulation.

e. Joint or shared parking and cross-access are encouraged to create physical and visual linkages and to create more developable areas for commercial, institutional, and amenity uses.

3. *Maintenance and service areas.*

a. All maintenance and service areas shall be located in the rear of the buildings or, if a rear location is not possible, such areas shall be screened from public view.

b. Efficient access shall be provided to service drops and maintenance or trash collection areas.

D. *Building design.*

1. Building height shall not exceed 45 feet.

2. Buildings shall have architectural features and patterns that provide visual interest from the perspective of pedestrians and motorists. Buildings shall include substantial variation in

mass, such as articulation of vertical and horizontal planes, particularly in primary building facades.

3. Building facades shall be designed to avoid visual monotony. Landscaping may be employed to enhance the architectural features, but shall not be used in lieu of the following:

   a. Facades shall not exceed 30 horizontal feet and ten vertical feet without incorporation of two of the following elements:

      (1) A change in plane, such as an offset, reveal, or projecting rib. Such plane projections or recesses may include, but are not limited to, columns, planters, arches, and voids and shall be a minimum of 12 inches in depth, applied to at least 20 percent of the building length;

      (2) Control and expansion joints constitute a blank wall, unless used in a decorative pattern with varied materials or textures and spaced a maximum of ten feet on center. Relief and reveal depth shall be a minimum of three-quarters of an inch;

      (3) Architectural details, such as raised bands and cornices;

      (4) Awnings; or

      (5) Change in color and/or texture (banding alone does not constitute a change in color or texture).

   b. Facades that extend for more than 100 feet in length shall incorporate, in addition to two of the above requirements, at least one of the following elements:

      (1) A change in plane, such as an offset, reveal, or projection rib a minimum of 12 inches in depth, with a maximum spacing of 100 feet between features;

      (2) Prominent public entrance defined by substantive architectural features; or

      (3) Change in building material, such as split face block.

4. Facade treatments for primary and secondary facades shall include the following:

   a. Primary facades shall have at least two of the following elements for at least 60 percent of the width of the facade:

      (1) Public entrances;

      (2) Arcades or other roof treatment such as shutters or secondary roofs to provide pedestrian shade and facade interest;

      (3) Windows;

      (4) Awnings, associated with windows or doors; or

      (5) Foundation plantings adjacent to the building with a minimum width of five feet.

   b. Secondary facades shall incorporate two of the following design elements for primary facades:

      (1) The first floor of all buildings, including structured parking, shall be designed to encourage pedestrian-scale activity;

      (2) Overhangs/awnings shall be no less than five feet deep to protect pedestrians from inclement weather;

      (3) The highest point of a first floor awning on a multistory building shall not be higher than the midpoint between the top of the first story window and the second story windowsill;

(4) Accessory structures including, but not limited to, carwash buildings and gas station/convenience store canopies, shall have the same architectural detail, design elements, and roof design as the primary structure; or

(5) All additions, alterations, and accessory buildings shall be compatible with the principal structure in design and materials.

5. Fenestration details such as windows, awnings, covered arcades, sills, shutters, relieves, trims, pilasters, accent tiles, quoins, reveals, cornices, arches, and decorative vents shall be provided along a minimum of 60 percent of the façade length of the front elevation. If a side or rear elevation is contiguous to a public street or residential use, 40 percent of the elevation must have fenestration details.

6. Entrances.

a. Primary customer entrances shall face a public street. Buildings larger than 30,000 square feet located on corner lots shall provide customer entrances on both streets, or a corner entrance. Additional entrances are encouraged facing parking lots, plazas, lake fronts, and adjacent buildings. When a property is adjacent to multiple public streets, the street that carries the greatest volume of traffic is the preferred orientation for the main entrance.

b. A primary and a secondary entry feature design element listed below shall be provided at each customer entrance:

(1) *Primary.*

• Canopies, porte-cochere, or porticos.

• Wall recess or projection a minimum of 12 inches in depth.

• Covered arcades, a minimum of eight feet clear in width.

• Peaked roof forms.

• Arches, columns, or pilasters.

• Landscape planters a minimum width of five feet.

(2) *Secondary.*

• Overhangs, cornices, and eaves.

• Decorative moldings or trims around windows and doors.

• Covered public outdoor patio or plaza incorporated with entry area which is not part of a tenant space.

• Special pavers, bricks, decorative concrete, or similar marked pavement treatment.

• Architectural details, such as tile work or moldings.

• Landscape planters a minimum width of five feet.

7. *Roofs.*

a. Buildings shall have a recognizable top consisting of but not limited to: cornice treatments, roof overhangs with brackets, steeped parapets, and richly textured materials. Color bands, typically used for advertising, are prohibited.

b. A primary roof is the portion of the roof that covers the main area of the building. A secondary roof is the portion of the roof covering smaller extensions of the structure. A primary and a secondary roof design element, selected from those listed below, shall be incorporated into the design:

(1) *Primary.*

• Articulated parapet—The highest point of the parapet shall not at any point exceed 15 percent of the height of the supporting wall.

• Pitched roof with minimum 12 inches overhanging eaves.

• Three or more roof plane breaks or slopes per facade elevation.

• Any combination of the above.

(2) *Secondary.*

• Decorative roof details, such as dormers, cupolas, rafter tails, balconies, terraces, or exposed beams.

• Three-dimensional cornices with decorative moldings.

• Pediments, porticos, architectural features at entryways, or decorative towers.

E. *Pedestrian amenities.*

1. Where development abuts a collector or arterial road, walkways a minimum of five feet in width shall be provided from each adjacent perimeter public sidewalk to all customer entrances. Where development abuts a local road, walkways a minimum of four feet in width shall be provided from each adjacent perimeter public sidewalk to all customer entrances. All such walkways shall include the following:

a. One native canopy tree for each 30 linear feet with a maximum spacing of 50 feet between trees; trees may be massed to enhance views, create public spaces or otherwise improve the overall appearance of the project; and

b. A bench every 200 feet between the public right-of-way and the front customer entrance.

2. Walkways traversing vehicular use areas shall be accented with special pavers, bricks, decorative concrete, stamped concrete, or similar decorative pavement treatment consistent with the Town Center Development of Regional Impact theme.

3. Bicycle parking/storage shall be provided in accordance with Chapter 5.

F. *Service, utility, display, and storage areas.* In addition to the service, utility, display, and storage requirements of Chapter 13, developments within this district shall also meet the following requirements:

1. All utilities shall be located underground;

2. Outdoor storage of materials is prohibited;

3. Outdoor display of merchandise is permissible if the merchandise is related to the business occurring on the property, does not affect pedestrian and vehicular circulation, and can be stored either inside the building or in an area screened from public view when the business is not open; and

4. Vending machines located outside of buildings or structures are prohibited.

G. *Site lighting.*

1. Site lighting shall be provided along all streets, sidewalks, parking lots, steps/ramps, plazas, and other areas of high pedestrian use.
2. Light fixtures shall be spaced in a manner to provide soft and uniform illumination for a given area or corridor.
3. Light fixtures shall be consistent with Town Center Development of Regional Impact theme, style, materials, scale, proportion, color, and location.
4. Building lighting shall consist of light fixtures mounted on or near the building.
5. Areas to be lit shall have a system of hierarchy or priority to establish which elements or areas will have the most emphasis in regard to lighting intensity and color. High design areas such as building facades, entries, and walkways shall receive the highest priority.
6. Landscape lighting shall be of low-level illumination with tones and colors that enhance the look of the plant material. Fixtures and light source shall be concealed.
7. Light pole maximum heights: parking lots and access drives—30 feet; pedestrian walkways, terraces, plazas—20 feet.
8. Illumination shall be limited to the site and shall not cause glare or visual disturbance to adjacent properties.
9. Flood lighting, beacon, or search lights, except as limited by state of Florida or federal law, or drop lens fixtures are prohibited.
10. Animated lighting is prohibited.
11. See Chapter 9 for further site lighting criteria.

H. *Landscape standards.* The requirements contained in Chapter 11 shall apply to lands within the gateway overlay zone. Quercus virginiana (live oak) shall be used as the street tree where properties abut State Road 100.

I. *Signage.* The provisions of Chapter 12 shall regulate all signs in the gateway overlay zone; however, off-site signs are prohibited.

3.04.04. *Palm Coast Parkway Overlay Zone.*

A. *Purpose.* The purpose of the Palm Coast Parkway overlay zone is to impose additional standards for new construction of nonresidential and multifamily development within its boundaries. The Palm Coast Parkway overlay zone is intended to:

1. Provide for additional access management controls to ensure that Palm Coast Parkway develops into an attractive functional roadway corridor meeting the needs of vehicles and pedestrians; and
2. Prevent disjointed, disorganized development caused by unplanned and uncoordinated building layout and design.

B. *Description of district.* The boundary of the Palm Coast Parkway Overlay Zone is delineated on the Official Zoning Map and is generally described as the corridor along Palm Coast Parkway between U.S. Highway 1 east to the Hammock Dunes Toll Bridge.

C. *Site plan submittal requirements.* Development within the overlay zone shall be subject to review and approval as outlined in Chapter 2.

D. *Site planning guidelines.* Site design shall specifically address the creation of an attractive, safe, and functional urban corridor. The requirements contained in Chapter 13 relating to general architectural design shall apply to lands within this overlay zone.

1. Building design, layout, and orientation.

2. Vehicular and pedestrian access and parking.

3. Mechanical equipment, utilities, and storage areas.

E. *Building height.* The maximum height permitted within the Palm Coast Parkway overlay zone is 50 feet, inclusive of all appurtenances, except for wireless telecommunication facilities.

F. *Landscape standards.* The requirements contained in Chapter 11 shall apply to lands within this overlay zone. Quercus virginiana (live oak) shall be used as the street tree.

G. *Signage.* The provisions of Chapter 12 shall regulate all signs in the Palm Coast Parkway overlay zone; however, off-site signs are prohibited.

3.04.05. *Airport Area Economic Development Incentive.*

A. *Purpose.* The Palm Coast/Flagler County Airport Area Master Plan proposes specific areas for targeted economic development called Economic Development Areas (EDA). The Airport Area Economic Development Incentive specifies allowable uses and development standards for each EDA. These uses and standards are intended to encourage the development of targeted businesses and other industries at specific locations. The Airport Area Economic Development Incentive can be applied to three distinct areas, which are expected to develop with different intensities and development patterns: EDA-1, EDA-2, and EDA-3 (see Exhibit A to Ord. No. 2009-17).

In order to encourage the desired development to occur within the EDAs specific location-based incentives have been developed. Property-owners (agents) that seek development approval through the Master Planned Development (MPD) rezone process may apply for the location-based development incentives. In addition to the location-based incentives, MPD projects located within the EDAs may also apply for performance-based bonuses. This section (1) introduces the EDA areas and the associated location-based incentives, (2) outlines the processes to access the location-based incentives and (3) introduces performance-based development bonuses that may be available to qualifying development.

Portions of EDA Areas 1, 2, 3 are currently outside City boundaries. Airport Opportunity Areas A and C are currently outside the City boundaries.

B. *Economic development areas.*

EDA #1 is located adjacent to the southeast side of the airport between the airport's boundary and Seminole Woods Boulevard. EDA #1 is intended to provide for industrial and office development that is compatible with the continuing operation and expansion of the Flagler County Airport.

EDA #2 is located on the north side of Seminole Woods Boulevard. EDA #2 is intended to provide for compact mixed-use development. This area shall be developed as a neighborhood center characterized by employment and retail opportunities. Development shall emphasize pedestrian connectivity to the surrounding residential areas and established neighborhoods.

EDA #3 is located between I-95 and Old Kings Highway. EDA #3 is intended to attract larger corporate office development and foster the development of a campus-like corporate park or an industrial park. Potential users include corporate offices, hotels, higher-density residential, and support uses that benefit from the close proximity to, and with high visibility from, Interstate 95.

C. *Opportunity Areas A and C.*

Opportunity Area A is located on SR 100 north of the airport and across from Palm Coast's State Road 100 Community Redevelopment Area and the Gateway Overlay Zone. This area is located within Flagler County, is approximately 30 acres, and has commercial zoning. This site was identified as Opportunity Area A in the 2009 Palm Coast/Flagler County Airport Master.

Opportunity Area C is located on SR 100 north of the airport and across from Palm Coast's State Road 100 Community Redevelopment Area and the Gateway Overlay Zone. This area is approximately 81 acres, located within Flagler County and has PUD zoning. This site was identified as Opportunity Area C in the 2009 Palm Coast/Flagler County Airport Master Plan.

D. *Applicability.* The development incentives and development standards contained in this section shall apply to all new development and redevelopment of sites within the EDAs and Opportunity Areas A and C. The incentives and standards are intended to encourage targeted industry development within the EDAs to promote superior site and building design, and improve the functional arrangement of buildings and site components, such as parking, utilities, loading, and service areas and promote a shared vision and compatible built environment as it relates to the SR 100 corridor, which includes the City of Palm Coast's Community Revitalization Area (CRA), Gateway Overlay Zone and Towncenter Master Planned Development (MPD) related-development on the northern side of SR 100.

E. *Approval process.* Owners of property within the EDAs have the option of developing under two scenarios as follows:

1. *Current zoning based (entitlement) development.* Applicants have the option of developing their properties subject to the zoning classification of the property. Properties developed based on their current zoning are not eligible for any incentives.

2. *Rezone to Master Planned Development (MPD).* Rezone the property to MPD which will qualify the property for incentives as follows:

   a. Location-based incentives detailed in Subsection E.

   b. Performance-based incentives that are outlined in Subsection F.

F. *Location-based development incentives.* In order to encourage economic development and job creation at the Economic Development Areas and implement the economic development objectives of the Palm Coast/Flagler County Airport Area Master Plan, the following location-based incentives may be utilized by development reviewed through the MPD process. Note that incentives may restrict building height and/or open space in certain areas. The existing zoning development thresholds are shown to illustrate the Overlay areas' incentives.

Economic Development Area 1

	Current Zoning Thresholds				
	City of Palm Coast			**Flagler County**	
Regulations	PSP	COM-2	IND-1	IND-PUD	Incentives*
Open Space	30%	30%	30%	(1)	30%
Height	100' [2]	100' [2]	65' [2]	(1) [2]	100' [2]
FAR	.30	.40	.35	(1)	.50

(1) To be determined during the development agreement approval process.

(2) Must comply with the Airport Approach Hazard Overlay and FAR 77 requirements.

* Location-based incentives available only through development participating in MPD process.

Economic Development Area 2

Regulations	Flagler County Current Zoning Thresholds			Incentives*	
	AC	**NRC PUD**	**PUD**	**Mixed Use and Non-Residential**	**Residential**
Open Space	75%	(1)	(1)	40% area wide	40% area wide
Height	No Max. [2]	(1) [2]	(1) [2]	75' [2]	45' [2]
Res. Density	1 unit/20 acres	1 unit/acre	1 unit/acre	12 units/acre	10 units/acre
FAR	N/A	(1)	(1)	.50	N/A
ISR	.25	(1)	(1)	.60	N/A

(1) To be determined during the development agreement approval process.

(2) Must comply with the Airport Approach Hazard Overlay and FAR 77 requirements.

* Location based incentives available only through development participating in MPD process.

Economic Development Area 3

Regulations	Flagler County Current Zoning Thresholds	Incentives*

[redacted]	AC	[redacted]
Open Space	75%	40% per site
Height	No Max.	100' [1]
Res. Density	1 unit/20 acres	Min. 8 to Max. 12 units/acre
FAR	N/A	.55
ISR	.25	.60

(1) To be determined during the development agreement approval process.

* Location based incentives available only through development participating in MPD process.

G. *Performance based development bonuses.* Performance-based development bonuses may be available for projects that are located within one of the EDAs and that are also utilizing the MPD approval process. These additional bonuses are meant to complement any financial or other incentives that may have been offered by the City to attract targeted developments to the economic development areas and do not exclude the use of additional incentives. These additional incentives shall be based on specific project design and/or satisfaction of other performance criteria as stipulated by the City through the use of a development agreement. Approval of the bonus, including terms and conditions shall be negotiated by the applicant with the City, on a case-by-case basis. Any potential incentives, developed during the negotiations with City, shall be detailed in an associated development agreement. Final approval of the development agreement and the potential use of incentives that may be utilized by the applicant will be at the discretion of the City Council.

1. *Non-residential intensity (floor area ratio-FAR) bonus.*

   a. Developments that incorporate the use of green building practices (as identified by the United States Green Building Council and/or the Florida Green Building Coalition including but not limited to, green roofs, energy efficient windows, solar energy, reused or recycled materials, renewable materials, use of grey water, etc.) in the design and materials of a building, and can demonstrate a significant energy and water consumption reduction may receive a maximum increase of 0.25 FAR.

   b. The use of shared parking helps reduce the amount of paved surface in the case of surface parking, or building mass in the case of structure parking. Therefore, mixed-use projects within the EDA overlay using the shared parking standards would be eligible for an increase of 0.25 FAR.

2. *Open space requirement reduction bonus.*

   a. Stormwater management facilities are considered "open space" for the purpose of meeting the open space requirement. Combining such facilities with neighboring properties may decrease the need for buffers around ponds. Therefore, the use of shared or off-site stormwater management facilities for multiple developments may

allow for a reduction in the open space requirement of the master plan development by up to five percent.

b. Developments within the EDA overlay may reduce the open space requirement by a maximum of five percent if the development incorporates the use of a permeable or semi-permeable surface for parking spaces. The amount of permeable/semi-permeable surface shall be no less than the proposed reduction in open space. In no case shall stormwater requirements be reduced. Stormwater management facilities shall meet all applicable City and St. Johns River Water Management District rules and regulations.

3. *Parking space requirement reduction bonus.* The City encourages development design and use concepts that provide transportation alternatives that may reduce the dependence on and the use of automobiles. The use of Transportation Demand Management (TDM) practices in the design and construction of development projects may qualify a project for a reduction in minimum parking space requirements by a maximum of ten percent. TDM practices and facilities include but are not limited to:

- Inclusion of employee drop-off and pick-up areas in the development;
- Inclusion of cab (taxi) stand areas in the development;
- Inclusion of on-site, employee service facilities such as, daycare facilities, cafeterias, etc., in the development;
- Inclusion in project design and development of improved connections to planned or existing bike or pedestrian paths to the facility;
- Provision of bicycle storage facilities (racks/lockers) and changing facilities for employees (locker rooms and showers); and
- Inclusion in project design and development of facilities to accommodate planned or existing mass transit (buses). This may include, but is not limited to, bus turnouts, bus shelters, bus lanes, and park and ride lots.

4. *Setback requirement reduction bonus.* The minimum required setbacks may be reduced by a maximum of five feet for the front setback and two feet for the rear and side setbacks if additional landscaping (must exceed 20 percent of the required plant material and provide a variety of species) is provided within the required buffer yards. Setback reductions are not available for parcels local on the following roadways: Seminole Woods Boulevard, Belle Terre Boulevard, and Old King's Road.

5. *Green development LEED certification (fee refund).* The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council (USGBC), provides a suite of standards for environmentally sustainable construction. The Florida Green Building Coalition (FGBC) also offers Green Building certification. If a completed project receives a LEED certification from the USGBC, the developer may request a refund up to 60 percent of the associated Rezoning Application Fee and Technical Site Plan Application Review Fee. The applicant shall provide the City acceptable documentation of the project receiving LEED certification from the USGBC. If a completed project receives a Green Building certification from the FGBC, or an equivalent certification (such as the National Association of Home Builders National Green Building Standards), the developer may request a refund up to 40 percent of the associated Rezoning Fees and Site Development Review Fees. The applicant shall provide the City acceptable documentation of the project receiving LEED certification and Green Building certification

from the USGBC and the FGBC respectively, or documentation of an equivalent certification. The development agreement associated with the MPD project seeking this refund must contain language stating that the developer will be seeking said refunds upon completion of the project and after issuance of the certificate of occupancy.

Specifically for Opportunity Areas A and C, state and federal wetland permitting standards shall be considered as acceptable documentation to verify compliance with the City's ULDC and Comprehensive Plan.

(Ord. No. 2009-17, § 3(Exh. A), 7-21-09; Ord. No. 2015-9 , § 2, 8-4-15; Ord. No. 2018-14 , § 3(Exh. A), 5-15-18)

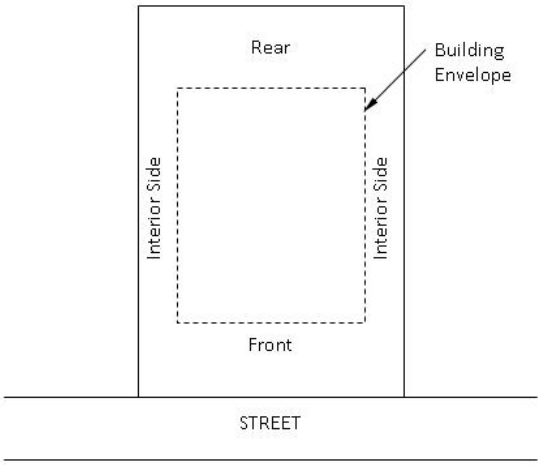
Sec. 3.05. - Interpretations.

3.05.01. *Lot width and frontage.* Lot frontage shall be measured along the front property line, while lot width shall be measured along the front setback line.

3.05.02. *Building setbacks.* Building setbacks shall be measured from the property line or, if applicable, from the edge of a private street or the boundary line of an access easement located on the subject property to the wall of the building. The required building setbacks determine the building envelope. In no event shall a structure encroach within an easement, inclusive of eaves, unless specifically approved by the Land Use Administrator.

A. *Determining building setbacks.* Front, side, and rear yard setbacks shall be determined based on the following. In cases of uncertainty, the Land Use Administrator shall determine the setbacks based on the following guidelines:

1. The front yard setback shall be considered that portion, typically along the lot's narrowest part, which abuts the street or roadway where access is provided. Consideration shall be given to a structure's orientation in making a front yard setback determination (i.e. the front of a building faces the front of the lot).
2. The rear yard setback typically runs parallel to the front yard setback and does not connect to the front yard setback.
3. The side yard setbacks connect the front and rear setbacks and are perpendicular to them on square or rectangular lots.
4. Front setback on flag lots shall be measured at lot width and the lot frontage shall be determined on a case-by-case basis with consideration to surrounding property and dwelling unit orientation.


Rear
Building Envelope
Interior Side
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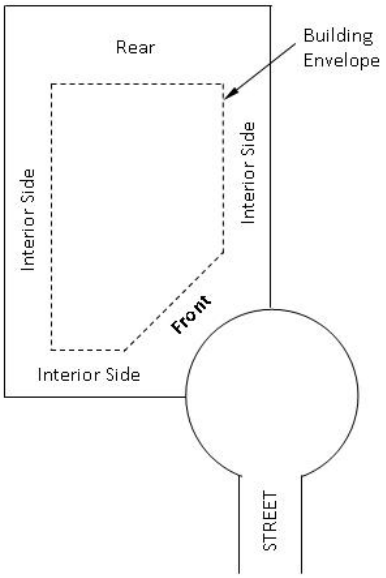
Front
STREET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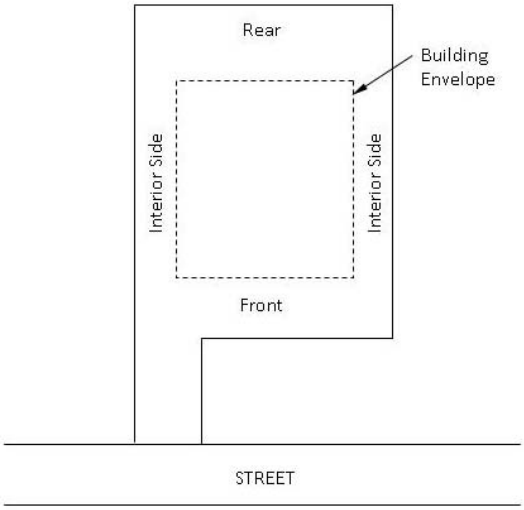
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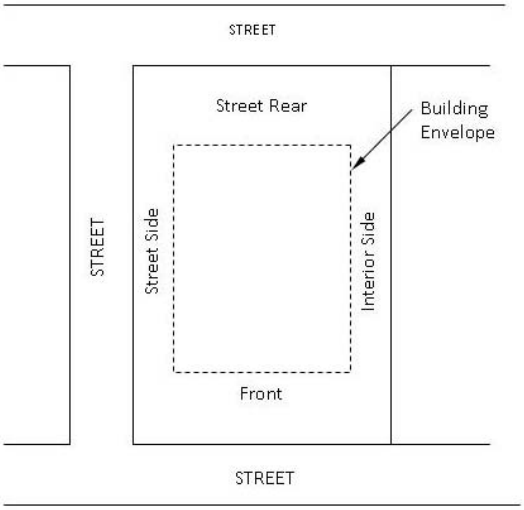
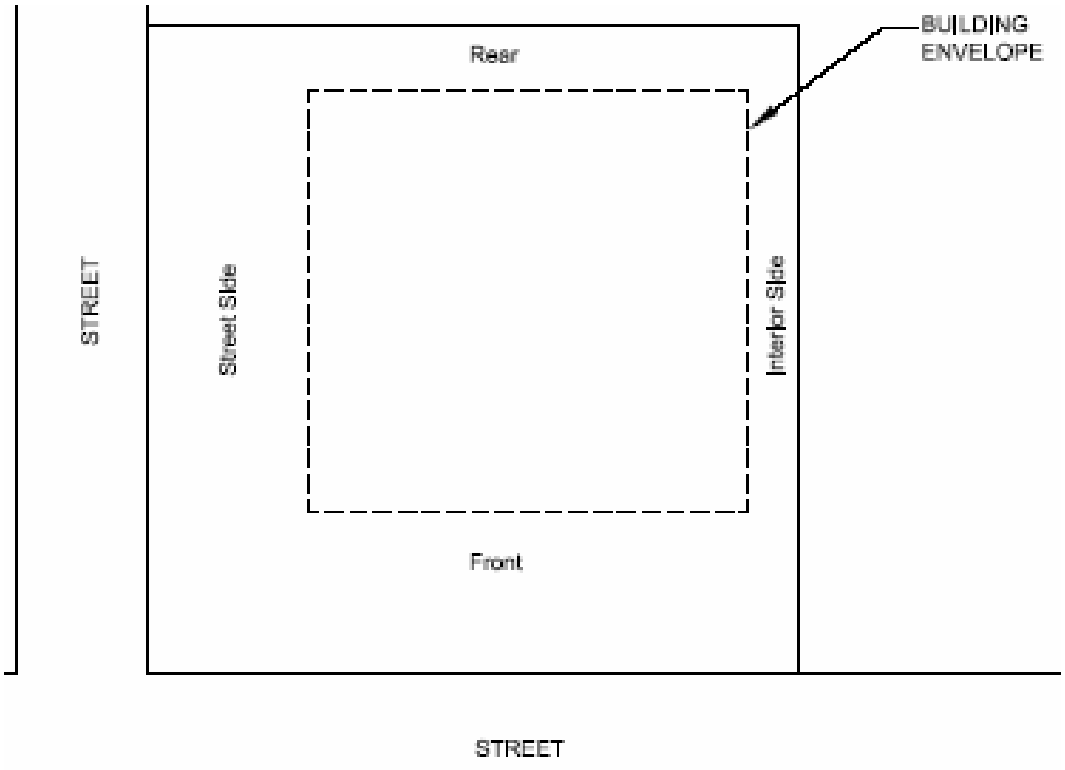

STREET
Street Rear
Building Envelope
STREET
Street Side
Interior Side
Front
STREET



B. *Permitted improvements within the required building setbacks.* The following improvements are permitted within the required setbacks (outside of the building envelope):

1. Man-made landscape features not exceeding three feet in height, including related minor structures described in Section 11.03 of Chapter 11.
2. Parking areas and associated driveways that provide access to a garage, provided such parking area or driveway shall not encroach into a drainage easement or required landscape buffer.
3. Private sidewalks and walkways provided they do not exceed six feet in width for detached single-family residential units and duplex units.
4. Concrete pads 100 square feet or less.
5. Signs.
6. Minor utility installations including, but not limited to, fire hydrants, electrical and telephone boxes, and backflow prevention mechanisms. Some of these features may require screening in accordance with Chapter 11.
7. Aboveground mechanical equipment such as, but not limited to air conditioning units, permanently installed generators, and pool pumps and shall be screened in accordance with the requirements of Chapter 11; provided, that equipment installed in a front setback area shall be done so only in the event that it is infeasible to install on the sides or rear of the property and shall be as close to the principal structure as allowed by Florida Building Code.
8. Cantilevered patios, porches, and decks as well as sills, cornices, chimneys, flues, eaves, or other roof overhangs may extend a maximum of 30 inches into a setback area, but are prohibited within easements.

9. Sheds per Section 4.01 in Chapter 4.

C. *Additional setbacks for multistory buildings.* Additional setbacks for multistory buildings adjacent to a single-family residential zoning district shall be required for compatibility purposes. Any multistory building adjacent to a single-family zoning district shall provide an additional setback minimum of ten feet for each story above the first story.

D. *Waterline setbacks.* Stormwater retention facilities, canals, or other water features may be located on the lot or parcel. In these circumstances, the Land Use Administrator may determine that it is applicable to measure the setback from the bulkhead, water line, or mean high water line rather than the lot or parcel line.

E. *Reduction for public purpose.* When an existing setback on a developed lot or parcel is reduced due to the conveyance of land to a federal, state, or local government for a public purpose, the minimum setback requirement of the zoning district shall be reduced by the amount conveyed, up to a maximum of 50 percent of the setback requirement.

F. *Wireless communication facilities and equipment compounds.* Wireless communication facilities and equipment compounds shall have the same setback requirements as the zoning district in which they are located but no less than ten feet; shall have a minimum distance of 150 feet from all off-site residential zoned property, residential dwelling unit and the rights-of-way of Palm Coast Parkway, Belle Terre Parkway, Belle Terre Boulevard, and Old Kings Road.

3.05.03. *Calculating densities and intensities.*

A. *Residential densities.*

1. The determination of the maximum number of residential dwelling units or lots permitted on a residentially zoned parcel shall be calculated based upon the gross upland acreage in the predevelopment condition (i.e. prior to the property being subdivided into lots).

2. Twenty-five percent of wetland and/or imperiled upland habitat areas preserved from the predevelopment condition may be counted as "net upland acreage" in determining the maximum number of units as discussed in Paragraph A above. To be counted as preserved area, a wetland and/or imperiled upland habitat must be placed in a conservation easement, a separate conservation tract, or otherwise perpetually protected in the post development condition.

3. Application of the density/intensity calculations provides only a theoretical maximum dwelling unit or lot yield. It does not guarantee that the development will be approved to attain the maximum lot yield. Application of other development standards may substantially decrease the lot yield.

B. *Nonresidential intensities; impervious surface ratios; floor area ratio.*

1. In calculating impervious surface ratios or floor area ratios an applicant may get credit for an off-site drainage facility site. The amount to be credited shall be proportional to the size of the site in relation to all the sites served by the same facility.

2. Lots served by a master stormwater management system, where drainage facilities under common ownership are located off-site, may count a portion of the off-site drainage lot, tract, or parcel in calculating impervious surface ratios or floor area ratios. The portion of the off-site drainage property that is counted shall be in direct proportion to the size of the subject lot as compared to all of the lots being served.

C. *Densities and intensities in mixed use districts.* In zoning districts that allow mixed uses, the same land area shall not be counted for the purpose of both residential density and nonresidential intensity. The calculation methodology used shall be as defined by administrative rule.

3.05.04. *Recreation level of service.* All residential projects of 25 units or more shall provide recreational land to meet the level of service standard adopted in the Recreation and Open Space Element

of the City's Comprehensive Plan, except for nursing homes and assisted living facilities or other residential care facilities. Recreational facilities must be permitted and under construction prior to the issuance of the permit for the 25th unit for residential projects.

(Ord. No. 2009-26, § 13, 12-15-09; Ord. No. 2015-9 , § 5, 8-4-15)

Sec. 4.23. - Affordable Housing Mixed-Use Residential Development Standards.

4.23.01. Zoning applicability. Applications for the development of property pursuant to the Live Local Act shall require the site to be zoned for commercial, industrial, mixed use, or portions of Master Planned Developments that allow for commercial, industrial, or mixed uses pursuant to Florida Statutes Section 166.04151(7) as amended. Additional properties eligible for live local developments regardless of the underlying zoning district shall include properties that are owned by either the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development. For properties not owned by the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development shall require the site to be zoned as permitted under Table 3-4 found under Section 3.03.02. Properties developed as a house of worship seeking to apply for a live local development shall be at least three (3) acres in size. If the City designates less than 20 percent of the land area within its jurisdiction as commercial or industrial, it must authorize a proposed development pursuant to the Live Local Act only if the proposed development is a live local mixed-used residential development (see glossary).

4.23.02. *Use of property.* Live local developments shall maintain the project as a live local mixed-use residential development and shall rent and hold available for rent no fewer than 40 percent of the dwelling units as affordable as defined in § 420.0004, Florida Statutes for rent exclusively to eligible households for the affordability period. The project shall have at least 65 percent, but no more than 70 percent of the buildable area of the property must be for residential purposes and at least 10 percent of the buildable area of the property must be for commercial or industrial use reflective of the underlying zoning district's permitted uses. In the event that the project is for a vertically mixed-use development, then the non-residential component of the project may be 33 percent of the buildable area to facilitate vertically stacking non-residential and residential uses.

4.23.03. *Development standards.* Live local mixed-use residential developments shall be subject to the requirements of the Land Development Code unless otherwise modified below:

A. Developments may utilize up to the maximum density allowed by any zoning district within the city.

B. Developments may utilize up to 150 percent of the maximum allowed floor area ratio of any zoning district within the city.

C. Developments may utilize the city's maximum allowed building height within one mile of the development. The additional setbacks for multistory buildings requirement found under Section 3.05.02(C) does not apply to developments made pursuant to the Live Local Act.

1. If the development is adjacent to a single-family residential development on two or more sides with at least 25 contiguous single-family homes, the maximum height for the development is restricted to 150 percent of the highest adjacent building, the zoning district's defined maximum height, or three stories, whichever is higher, not to exceed 10 stories.

D. Developments shall submit the residential and non-residential portions of the project concurrently within the same application to ensure the mixed-use nature of the project. If the development is phased, the non-residential portion of the project shall be constructed prior to the residential portion.

E. Developments may use vertical or horizontal mixed-used developments; however, vertically mixed-used developments are not permitted in IND-1 or IND-2 zoning districts due to potential life-

safety issues that may be present when having permitted industrial uses and residential uses in the same building.

F. The development shall provide a perimeter landscape buffer as required in Section 11.03 based on its zoning district. Horizontally mixed-use developments shall provide a minimum of an internal D, E, or F landscape buffer in-between residential and nonresidential uses.

G. The non-residential component of a development shall be a principal use of the underlying zoning district and shall be designed so that it could be developed without a live local residential portion. The nonresidential component shall not be an accessory use to the residential use (such as a leasing office, but not limited to other accessory uses related to the management of a multifamily residential development).

H. A mixed-use development that includes an adult-oriented business or miniwarehouses, office warehouses and/or a self-storage facility as its nonresidential component shall be prohibited.

I. The non-residential portion of a mixed-use development shall be integrated with the residential component of the project through use of sidewalks and internal roads. The non-residential and residential components of the project shall share the same access as for the project, provided the project may require more than one point of access in accordance with Section 5.02.04.

J. Loading and unloading and refuse collection areas servicing the non-residential uses of a mixed-use development shall be located to provide the least impact to any adjacent residential community.

K. Developments that are within a one-quarter mile of a transit stop or within 600 feet of an area with available surplus parking consisting of on-street, parking lots, or parking garages that can be utilized to meet the needs of the development the minimum parking requirements are eligible for a 20 percent reduction to its parking requirements. Provided that any available surplus parking utilized is memorialized by a shared parking agreement.

L. Proposed developments on property owned by the City, County, or school district must be party to the application. If the City, County, or school district do not authorize the application then the proposed development shall not be processed.

M. Proposed developments on property that is owned by a religious institution shall be required that the religious institution is party to the application and that the house of worship on site has existed for a minimum of 10 years. Any house of worship must continue to operate on the property after the proposed development is constructed.

4.23.04. *Exemptions.*

A. The Live Local Act does not apply to properties within one-quarter mile of a runway or its extension for 10,000 feet.

B. Areas subject to land development regulations, which existed prior to July 1, 2026, that are intended to retain the open character of land, including, but not limited to, areas required for a development to meet open space or recreational level of service requirements, or park land.

C. Any portion of a property encumbered by a recorded conservation easement.

4.23.05. *Affordability period.* The affordable residential portion of the development shall be subject to a minimum affordability period of 30 years from the date of its issuance of a certificate of occupancy.

4.23.06. *Land use restriction.* Prior to the issuance of a building permit for a live local project, the property owner shall execute and deliver to the City, a land use restriction agreement (LURA) provided by the City that details the affordable housing conditions, restrictions and compliance for the development including the City' s monitoring requirements. Furthermore, as a prerequisite to the issuance of a certificate of occupancy, the LURA shall confirm the affordability period, any conditions, and restrictions of the development, and shall be recorded in the public records of Flagler County, Florida at the sole expense of the property owner.

4.23.07. *Owner responsible for income verification.* For each affordable unit, the property owner shall be responsible for accepting rental applications and determining and verifying the adjusted gross income of prospective tenants to ensure such tenants qualify as an eligible household. Adjusted gross income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received by the household during the 12 months following the effective date of determination. The property owner shall submit an annual report to the City as provided in the LURA.

4.23.08. *Affordable units must be comparable in quality to the market-rate units.* The affordable units shall be intermixed with, and not segregated from any market rate units within the live local project. At all times, the affordable units must be at least reasonably comparable in terms of size, features, and number of bedrooms to the market rate units. Eligible households shall not be excluded from using common area amenities within the project.

4.23.09. *Required recordkeeping.* The property owner of a live local development shall maintain complete and accurate income records pertaining to each eligible household occupying an affordable unit. These records must be updated annually and shall be maintained for at least ten years following the date of each such record. At a minimum, property owner shall maintain the following records for each occupied affordable unit:

A. An eligible household's complete application for tenancy and related information including the name of each household member, proof of identity, and employment, income, and asset information for each household member;

B. A copy of the lease agreement listing the term of tenancy, the rent, and identifying each tenant residing in the affordable unit;

C. Verification that the household is an eligible household as defined herein; and

D. Verification that the eligible household's rent is affordable as defined herein.

4.23.10. *Annual reporting requirements.* The property owner of a live local development shall provide an annual report to the City by September 30 of each year. The annual report shall provide the following information regarding each affordable unit:

A. Unit address;

B. Number of persons residing in each affordable unit;

C. The adjusted gross income of the persons residing in the affordable unit;

D. The monthly rent charged;

E. Any other information reasonably required to ensure compliance with the Live Local Act and requested by the City.

4.23.11. *Monitoring and inspection.* The property owner of a live local development shall permit the City to inspect all records, including but not limited to financial statements and rental records, pertaining to the affordable units within the development upon reasonable notice and shall submit to the City such documentation as required by the City to document compliance with the Live Local Act. The City may, from time to time, make or cause to be made inspections of the affordable units and development rental records to determine compliance with the Live Local Act. The City shall notify the owner prior to scheduled inspections, and the owner shall make any and all necessary arrangements to facilitate the City's inspection.

(Ord. No. 2024-17, § 5, 11-12-24)

Sec. 4.01. - Accessory Structures.

This section provides additional specific development standards for accessory structures within the City.

4.01.01. *General provisions for accessory structures.*

A. *Location.* Accessory structures, other than fences or as otherwise specified in this Code, shall not be located in public drainage or utility easements or within the required building setbacks. In addition, all accessory structures, other than fences, walls, arbors, trellises, detached garages, and aboveground mechanical equipment pursuant to Section 3.05.02, or as otherwise specified in this Code, shall be located behind the front and side street building facades of the principal structure. However, on corner lots, swimming pools and their enclosures, may be located in front of the side street building facade but shall meet the front yard setback requirements in lieu of the side street setback. Screening accessory structures with a fence or foundation plants (may be required in Chapter 11) when facing a right-of-way, golf course, canal, or other similar highly visible area.

B. *Construction and occupancy.* Permits for accessory structures shall not be issued until a permit has been issued for the principal structure. Seawalls are not considered accessory structures and building permits for these facilities may be issued in advance of the principal structure in accordance with City regulations.

C. *Architecture.* Refer to Chapter 13 for design standards.

D. *Accessory Structure Maximum Size.* Unless otherwise stated within this Section, the maximum size of a residential accessory structure shall not exceed 50 percent of the living area of the principal dwelling unit; provided that this requirement shall not apply to agricultural buildings constructed on an EST1, EST2 or AGR zoned property.

E. *Accessory Structures not listed in this Chapter.* The accessory structures listed in this section are not meant to be all-inclusive. Structures not specifically listed shall be reviewed by the Land Use Administrator to determine if the proposed use is similar in nature and character to others listed in the section. Based on the determination, the proposed structure shall be classified in the same manner as those similar structures listed in terms of it being permitted as an accessory structure. The Land Use Administrator may also determine that other structures are not permitted on the basis that they are not similar in nature or character to the other structures listed in the zoning district. Determinations may be appealed in accordance with the appeal procedures established in Chapter 2.

4.01.02. *Fences and walls.*

A. *General requirements.*

1. *Setbacks, orientation, and placement.*

a. Fences shall be installed with the finished side facing the exterior of the property.

b. No fence or wall shall interfere with drainage on a site.

c. Fences and walls may be located within an easement as long as they do not interfere with utilities; provided, however, such structures are subject to removal and replacement at the property owner's expense by the requesting utility agency.

d. Fences and walls in front of the front building facade of residential dwellings shall only be permitted in the AGR, EST-1, and EST-2 Districts.

e. Refer to Chapter 11 for applicable buffer and screening requirements for fences and walls.

f. Decorative walls and solid fences are permissible surrounding the perimeter of a development that is at least five acres in size.

g. Gates are considered parts of fences and walls and are regulated accordingly. Gates shall not open or swing onto neighboring properties.

2. *Height.*

a. The maximum height shall be measured from finished grade to the top of the fence or wall. The finished grade shall not be altered to increase fence height and where a berm is constructed, the height of the berm over the finished grade shall be included in determining fence height. Decorative wall columns and occasional architectural embellishments to fences may extend up to 12 inches above the maximum height permitted.

b. The maximum height of any fence or wall located in interior side or rear yards behind the nearest front building facade shall be six feet.

c. A fence or wall on a residential lot located to the rear of the principal structure and within 20 feet of a saltwater waterway is limited to a height of four feet, except in the following situations:

(1) An open fence is allowed to a height of six feet.

(2) A fence or wall enclosing a pool deck that is setback at least 7.5 feet from the side property lines and at least 15 feet from the saltwater waterway is allowed to a height of six feet.

d. Within the EST Districts, the maximum height of any fence or wall in front of the front building facade or located in a street side yard shall be a maximum of four feet.

e. Fences immediately surrounding civic, public, or private recreational sports playing fields located on lots over one acre in size may be constructed to a maximum height of 12 feet and hooded backstops for diamond sports may be increased to a maximum height of 28 feet, with approval of the Land Use Administrator.

3. *Design and Materials.*

a. Fences shall be constructed utilizing rot-resistant material for any part of the fence coming in contact with the ground. All fences shall be constructed of customary fencing materials and finishes. Wood and vinyl fences shall meet the color standards of Section 13.02.06.B.1. or be finished in a wood stain or simulated wood finish in a non-prohibited color as outlined in Section 13.02.06.B.3. Fences constructed of treated lumber may remain unfinished.

b. Chainlink, aluminum (except for decorative aluminum fences), or similar fences shall be prohibited in yards fronting along arterial and collector roadways.

c. Chainlink, aluminum, or similar metal fences shall be black or bronze in color, except that aluminum fences may also be white in color. Chainlink fences shall not have slats, fabric or similar types of screening materials attached to them.

d. Walls shall be made of the following materials:

(1) Brick, Norwegian brick, jumbo brick or stone.

(2) Split-faced block or finished masonry walls where block seams are not visible. Finished masonry walls shall also include a tile, brick, or decorative trim at or near the top of the wall.

(3) Wrought iron or aluminum fence in combination with brick, jumbo brick, or finished masonry columns.

(4) Pre-cast concrete having a simulated wood stone or brick pattern.

(5) Other materials as approved by the Land Use Administrator.

e. Walls shall have columns spaced as follows:

(1) Twenty-foot maximum spacing on walls 100 linear feet, or less.

(2) Thirty-foot maximum spacing on walls 101—200 linear feet.

(3) Forty-foot maximum spacing on walls over 200 linear feet

f. No barbed wire, razor wire, or electrically charged fence shall be erected, unless otherwise specified in this section. Broken glass, steel spikes, or other sharp objects intended to restrict access along the top edge of a fence or wall are prohibited.

g. Chicken wire, field fences, and other similar fence types are prohibited, except in the utilization of bona-fide agricultural purposes in the AGR and EST-2 Districts.

B. *Nonresidential districts.*

1. Setbacks may be required between fences or walls to property lines in order to provide landscape buffers in accordance with the requirements of Chapter 11 or in the event that a proposed fence is located within sight triangles or in a manner that obstructs visibility to vehicular traffic. In either case the Land Use Administrator shall determine the appropriate distance to setback the proposed fencing or walling.

2. Within the IND, COM, PSP Districts and nonresidential portions of Master Planned Developments, the following shall apply:

a. Fences and walls may exceed maximum permitted height by up to two feet if they are part of an approved or required landscape buffer meeting the requirements of Chapter 11.

b. Fences or walls needed to provide extra security or safety may exceed maximum permitted height by up to two feet, with an additional 18 inches of barbed wire or other material upon approval by the Land Use Administrator.

C. *Special provisions for subdivision entrance features.*

1. Fences and walls used as decorative features at subdivision entrances may exceed maximum permitted heights by up to four feet upon approval by the Land Use Administrator. This measurement shall exclude decorative wall columns, which may extend a maximum of 12 inches beyond the top of the wall or 18 inches above the height of a wall framing an identification sign. Light fixtures may extend up to 42 inches above the height of the wall.

2. Entrance walls and landscaping shall be located within a designated easement, tract, or common area.

3. Wall jogs and spanned footer intervals shall be used, where possible, to avoid existing trees. Buffer width requirements may be waived to the extent necessary to protect the specimen trees.

4. The main entrance wall shall be landscaped in accordance with Chapter 11.

5. Only perimeter fences and walls may exceed maximum permitted height by up to two feet if they are part of an approved or required landscape buffer meeting the

requirements of Chapter 11, or to address significant differences in grading between the subdivision or adjacent property.

D. *Special provisions for fences and walls in the AGR Districts.* Fences used to contain farm animals or to separate crops relative to bona fide agricultural uses are exempt from this section.

4.01.03. *Garages, attached and detached.*

A. *General requirements.*

1. Enclosed garages shall be constructed in association with the construction of all detached single-family residential units, duplexes, and townhouses.

2. Garages shall not be converted into any other use, unless another garage is constructed in compliance with this Code.

3. Garage units for multifamily projects shall be provided for a minimum of one-third of the proposed multifamily units.

4. Garages shall not exceed 20 feet in height.

5. Carports shall be prohibited in all residential districts except for developments in the MHD District.

B. *Attached garages.*

1. Shall not exceed 50 percent of the total living area of the principal dwelling unit.

C. *Detached garages.*

1. Detached garages are permitted in all zoning districts; however, in the MHD District special exception approval is required.

2. Shall not exceed 50 percent of the total living area of the principal dwelling unit.

D. *Garages in neotraditional developments.* For garage requirements in a neotraditional development, refer to Section 4.08.

4.01.04. *Generators, permanently installed.* The following standards shall apply to all permanently installed generators:

A. Generators within the required front and street side yard shall be screened by either a fence or a vegetative screening.

B. Generators may be operated for testing purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. and 6:00 p.m.

C. A maximum of one generator is allowed per single-family, duplex, or townhouse residential dwelling unit and one generator is allowed per multiple family building.

D. Generators shall be set back a minimum of ten feet from the rear property line in all zoning districts.

E. Generators shall be set back a minimum of three feet from the side interior property line(s) in all zoning districts, but shall not be located within an easement.

4.01.05. *Residential docking facilities along saltwater and freshwater canals (and intracoastal waterway, as applicable).*

A. *Prohibitions.*

1. Under no circumstances shall a vessel docked or moored off a residential docking facility be used as a live aboard watercraft.

2. Accessory structures and concrete decks are prohibited along a seawall or in the rear easements and setbacks of property along waterbodies.

B. *General standards.*

1. *Drainage rights-of-way.*

a. Any groundcovers disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to prevent erosion.

b. Drainage rights-of-way shall not be filled in such a way as to reduce the cross-sectional area used for flow of stormwater.

2. *Dredging and spoil management in saltwater canals.* Dredging activities shall be conducted by a qualified contractor and consistent with the applicable best management practices concerning dredging operations and performed only after approval by the Land Use Administrator. Dredging activities shall be accomplished in conformance with existing permits.

3. *Safety.*

a. All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.

b. To eliminate potential waterbody contamination, all structures shall be constructed with materials that do not result in contamination.

c. The City shall require removal of derelict vessels and lifts consistent with City standards.

4. *Roofs.*

a. Roofs over docks and lifts shall be a maximum height of 13 feet above seawall cap for saltwater canals and above the deck for freshwater canals.

b. Roofs shall be constructed with the same material and color as the principal structure adjacent to the waterbody, with the exception that tile or metal roofing is not required on a residential docking facility; however, the color shall still match the color of the principal structure.

c. All roofs shall be "Hip" style roofs.

d. All roofs shall be constructed with a minimum 4½:12 pitch.

e. For roofed structures on freshwater canals, the size of a roof shall not be greater than 12 feet by 14 feet and the roof overhang shall not exceed two feet.

f. The maximum length of roofs located over a dock slip, dock lift, or water on saltwater canals shall be 26 feet of dock roof for the first 60 feet of property frontage, plus four feet of roof length for every five feet of property frontage thereafter, not to exceed 46 feet. Roof length for property with a frontage less than 60 feet shall be determined by the Land Use Administrator on a case-by-case basis based on generally accepted planning practices.

C. *Saltwater canal single-family residential docking facilities.*

1. *Placement of docking facilities.* The location of docks, lifts, and boathouses within the navigable waters of the City shall be determined on an individual basis, with visual impact, navigational use, and aesthetic quality of prime concern.

2. *Single pilings.* Single pilings or "dolphins" are prohibited, except for installation alongside a seawall or bulkhead.

3. *Setbacks and size.*

   a. The minimum setbacks from a projection of the side property line to the structure shall be a minimum of ten feet. Other setbacks may be considered by the Land Use Administrator based upon lot size, location, easements, existing structures, and navigation.

   b. The length of all docks, inclusive of all components, shall not exceed 65 percent of the property frontage along the canal. The size of the vessel and location of adjacent docks shall be considered to ensure that the vessel does not interfere in any manner with the navigation of ingress and egress. Setbacks may be increased or decreased for lots less than 60 feet in width or lots that have a storm drainage easement.

   c. Vessels shall be docked/moored parallel to the property line/seawall. Docks/moorings perpendicular to the property line/seawall are prohibited.

   d. Other than cantilevered safety walks, all dock walkways shall be no less than three feet or greater than six feet. The maximum width for docks, including boatlifts, shall be determined based on the width of the waterbody as described in Table 4-2. Dock width shall be measured at right angles from the boundary of the waterbody at the proposed structure location.

Table 4-2. Maximum Dock Widths for Saltwater Canals

Waterbody Width	Maximum Dock Width
Less than 100 feet	12 feet
100 feet or greater	16 feet

4. *Floating docks.*

   a. Floating docks shall not exceed a length of 20 feet as measured parallel to the canal frontage.

   b. Floating docks may be used in conjunction with permanent docking structures but must meet the criteria established herein.

5. *Boatlifts within canal areas.*

   a. All boatlifts, inclusive of all components, shall be mounted or installed within the 12 feet or 16 feet dimension allowed for structures in the waterbody.

   b. Boatlifts on waterfront lots with dimensions less than 60 feet of water frontage or lots with unusual conditions are not allowed unless granted an administrative waiver by the Land Use Administrator. The location of easements, culvert pipes, and navigability are unusual conditions that may be considered.

6. *Cantilever safety walk extensions.* Cantilever safety walk extensions may be approved by the Land Use Administrator based upon the following criteria:

   a. The length of a cantilever safety walk extension shall be the minimum necessary to access the watercraft.

b. Cantilever safety walk extensions shall not extend more then 12 inches beyond a 12-foot boat slip or lift and pilings.

D. *Freshwater canal residential docking facilities.*

1. Docks and decks over the waterbody shall meet the Florida Department of Environmental Protection minimum clearance requirements.

2. Structures shall not project into the waterbody more than eight feet from the shoreline at normal water level.

3. No permanent source of electrical power, water, telephone, gas, or other items requiring piping or cable shall be extended onto the drainage rights-of-way.

4. Floating docks are not permitted.

5. Roofed structures shall not contain enclosed sides including, but not limited to, solid material, screening, or clear plastic.

4.01.06. *Seawalls and revetments.*

A. *Permit required.* A building permit shall be obtained prior to commencement of new construction and reconstruction or repair of seawalls and revetments. Seawalls and revetments shall be constructed in accordance with the following requirements.

B. *Prevent soil erosion, runoff and debris.*

1. Prior to construction of a seawall or revetment on undeveloped property, the following actions shall be taken to prevent soil erosion and protect the waterbody from runoff and debris:

a. Only the minimum area necessary for access and construction of the seawall or revetment and backfill shall be cleared.

b. A minimum 15-foot wide buffer of natural vegetation shall be preserved along each side lot line starting at a point ten feet from the waterfront.

c. Access to the waterfront shall be limited to an area no wider than 15 feet located in the interior of the lot.

d. A 30-foot wide buffer shall be preserved along all property lines abutting a street right-of-way except for the area cleared for the access point. Tree protecting barricades shall be erected around the perimeter of the buffer areas that are to remain.

2. Prior to construction, reconstruction, or repair of a seawall or revetment, a floating turbidity barrier shall be installed to prevent siltration into the canal until the slopes are stabilized. The ends of returns and the backside of the seawall or revetment shall be sodded or stabilized with other appropriate vegetation a minimum of five feet from the edge of the structure, or stabilized with erosion control devices, to prevent siltration on adjacent properties or into the canal.

3. Prior to the reconstruction or repair of existing seawalls and revetments, backfill shall be deposited behind the seawall in order to establish a swale not less than five feet from the seawall to collect any eroded material before it reaches the canal.

a. Construction and vegetative debris on the site shall be continually removed throughout the construction activities and when construction is complete.

b. When construction is complete, all cleared areas shall be sodded with native or water-conserving turf grasses. It shall be the responsibility of the lot owner to insure sodded areas are watered until established.

C. *Violations.* It is prohibited and unlawful:

1. To allow material to be deposited or to erode into any waterbody and fail to remove it.
2. For a contractor to fail to backfill bulkheads within 30 days after construction or repair of the bulkhead.

D. *Exceptions to violations.* The following are exceptions to the violations listed above:

1. Temporary waterbodies created to hold runoff water during construction.
2. Special exceptions granted by the City on applications where sufficient reason and safeguards are shown to protect the public interest.

E. *Vertical seawalls.* The following establishes criteria for construction, repair, and replacement of vertical seawalls in all saltwater canals in the City.

1. Vertical seawalls shall have reinforced concrete cap, with top of cap to be set at elevation two and one-half feet, North American Vertical Datum (NAVD 1988), above mean sea level (1929 NAVD) or match abutting existing caps. Cap height exposed face shall be 12 inches.
2. Vertical seawalls shall be located at and along the property line common with the waterbody or approved otherwise by other agencies.
3. The materials for all vertical seawalls shall be reinforced concrete or vinyl.
4. Vertical seawalls shall be grey in color. No painted surfaces are permitted.

F. *Landscape.* Any groundcover disturbed in the drainage rights-of-way during construction or maintenance activities shall be promptly replaced and properly maintained by the abutting property owner to stabilize the soil and prevent erosion.

G. *Safety.* All structures and associated facilities shall be properly constructed and secured to prevent potential hazards from floating into the waterbody.

4.01.07. *Sheds, gazebos, and pergolas.*

A. *Permitted locations and size.*

1. Only one shed, not to exceed 200 square feet, shall be allowed per lot.
2. The shed, gazebo, or pergola shall not be located in front of the building line of the principal structure.
3. A shed, gazebo, or pergola 100 square feet and less may be located up to five (5) feet from an abutting interior side or rear property line. A shed, gazebo, or pergola exceeding 100 square feet shall meet the rear property setback and shall meet the interior side setback requirements of the district. Any shed, gazebo, or pergola shall meet the street side setback, if applicable.

4. In no event shall a shed, gazebo, or pergola, or any part thereof, be permitted within an easement or buffer. B. *Height.* The maximum building height for any shed, gazebo, or pergola shall be 12 feet.

4.01.08. *Swimming pools.*

A. *General.*

1. Lights used to illuminate any swimming pool shall be arranged and shaded to reflect light away from adjoining properties.
2. All swimming pools, hot tubs, and spas shall be enclosed by a permanent full screen enclosure or with a permanent wall or fence of a least four feet in height. Any solid roof

covering for a swimming pool, hot tub, or spa shall adhere to the setbacks of the principal structure.

B. *Setback requirements.*

1. Setbacks for pools with decks shall be measured from the outer edge of the pool deck.
2. Setbacks for pools without decks, including above-ground pools, shall be measured from the outer walls of the pool.

4.01.09. *Clotheslines.*

A. All clotheslines must be located behind the dwelling and shielded as much as practical from view of any street.

B. Outdoor revolving umbrella style or 'T' posts are acceptable.

C. Attaching clotheslines to trees is prohibited.

4.01.10 *Playsets and Playhouses.*

A. *General.*

1. Playsets, playhouses, and similar uses shall be permissible as an accessory use in residential zoning districts and shall be located rearward of the rearmost façade of the principal structure.
2. Playsets, playhouses, and similar uses shall not include electrical or plumbing installations.

B. *Setbacks and Height.*

1. Playsets, playhouses, and similar uses 100 square feet or less may be located up to five (5) feet from an abutting interior side or rear property line. Playsets, playhouses, and similar uses exceeding 100 square feet in size shall meet the applicable setback requirements of the district. In all cases playsets, playhouses, and similar uses shall meet the street side setback, if applicable.
2. Playsets, playhouses, and similar uses shall not exceed 12 feet in height from finished grade.
3. In no event shall a playset or playhouse, or any part thereof, be permitted within an easement or buffer.

(Ord. No. 2009-26, §§ 14—25, 12-15-09; Ord. No. 2015-08 , § 3, 7-21-15; Ord. No. 2015-16 , § 2, 12-1-15)

Sec. 4.02. - Adult Entertainment and Sexually-Oriented Businesses.

4.02.01. *Applicability.* This section applies to businesses that provide entertainment or offer sexually-oriented material or activities as their primary or dominant theme and whose intended market is persons 18 years of age or older. Businesses that market sexually-oriented material include, but are not limited to, the following:

A. Adult book and video stores.

B. Adult motels.

C. Adult performance establishments.

D. Adult theaters.

4.02.02. *Compliance with City and State Law.* Adult entertainment and sexually-oriented businesses shall comply with Chapter 16, Article III in the City of Palm Coast Code of Ordinances and F.S. ch. 847 .

4.02.03. *Adult entertainment and sexually-oriented facility design standards.* Each adult entertainment establishment and sexually-oriented business licensed to operate in the City shall comply with the following standards in addition to the architectural standards set forth in Chapter 13 and all other applicable provisions of the Land Development Code:

A. *Building design.*

1. The building shall not exceed 3,000 square feet of gross floor area.
2. The maximum building height shall be 35 feet.
3. There shall be separate entrances for employees and customers, which shall be labeled as such. Both entries shall occur at the rear or back of the building rather than in front whenever practicable, as determined by the Land Use Administrator, based upon generally accepted land use principles and the configuration of the particular parcel.
4. Off street parking shall comply with requirements in Chapter 5.

B. *Signage.* Signs shall be subject to the requirements of Chapter 12.

C. *Existing buildings.* Each adult entertainment establishment and sexually-oriented business desiring to locate in an existing building shall comply with all design standards requirements as set forth in this section.

Sec. 4.03. - Agricultural Uses.

4.03.01. *Bona fide agricultural uses.*

A. *License required.* All bona fide agricultural uses shall obtain a license from the Department of Agriculture if required by law.

B. *Odor; dust.* All agricultural uses shall be operated so no odor or dust producing substance or use, except in connection with cultivation of permitted uses, is conducted within 100 feet of the property line adjacent to a parcel or lot located within the SFR or MFR Districts.

4.03.02. *Equestrian uses.*

A. *Number of horses.* A maximum of one mature animal and offspring less than one year of age shall be permitted per acre of property.

B. *Riding facilities.*

1. No structure housing the animals shall be located any closer than 50 feet of the property line adjacent to any residentially zoned parcel. This perimeter setback shall be increased to 100 feet for riding arena facilities with outdoor lighting and seating.
2. Riding trails may be permitted within any required buffer.

4.03.03. *Mining and soil extraction.*

A. *General requirements.*

1. Appropriate measures must be utilized to prevent fugitive dust from the excavation and haul truck traffic. All roads shall be maintained and free of sand and other related construction debris.
2. If applicable, St. Johns River Water Management District permits are required for dewatering or surface water discharge activities.

3. Perimeter buffering shall be utilized to limit visibility and noise of operation from adjacent land uses as appropriate, which may include fencing, earthen berms, existing vegetation, installed vegetation, or a combination thereof.

4. The City may set hours of operation to minimize adverse impacts to adjacent land uses so as not to produce a public nuisance. Excavation and haul traffic may only occur during daylight hours.

5. Appropriate fencing or security measures shall be provided to safeguard the site from unauthorized entry.

6. Reclamation of excavation sites shall resemble a natural system to the greatest extent feasible in accordance with federal and state requirements.

B. *Soil extraction.* For purposes of this section, soil extraction shall mean public or private commercial activities specifically undertaken for the primary purpose of excavating clean fill (i.e. clay, sand) from upland sites to be removed for the purpose of being utilized for an offsite project. This excludes installation of utilities, stormwater facilities, wetlands, and excavating, grading, filling, and moving of earth in conjunction with the installation of infrastructure to serve a subdivision or activities undertaken in conjunction with improvements approved as part of a development order. Soil extraction facilities shall demonstrate compliance with the following minimum setbacks measured from the edge of the excavation pit or area:

1. One hundred feet from the project perimeter and increased to 200 feet abutting any property zoned SFR, MFR, or MHD.

2. Minimum excavation setback of 25 feet, with an average setback width of 50 feet, from optimal wetlands; an average setback width of 25 feet, but no less than 15 feet from moderate and minimal wetlands; and a setback of 75 feet from a named wetland system, creek, river, saltwater canal, freshwater canal, or other open drainage feature or other surface water of the City.

C. *Mining.* For purposes of this section, mining operations shall include facilities that require a permit from the Florida Department of Environmental Protection, Bureau of Mining and Reclamation. Mining operations shall demonstrate compliance with the following requirements:

1. *Setback requirements.* Mining facilities shall include the following minimum setbacks measured from the edge of the excavation area:

a. Two hundred fifty feet from the project perimeter and increased to 500 feet abutting any property zoned SFR, MFR, or MHD.

b. Minimum excavation setback of 25 feet, with an average setback width of 50 feet, from optimal wetlands; an average setback width of 25 feet, but no less than 15 feet from moderate and minimal wetlands; and a setback of 75 feet from a named wetland system, creek, river, saltwater canal, freshwater canal, or other open drainage feature or other surface water of the City.

2. *Blasting.* No blasting shall be conducted within the City unless it can be demonstrated that said activity is being undertaken in a manner that in no way adversely affects the health, safety, and welfare of the residents and businesses within the City.

4.03.04. *Aviaries.* An aviary shall comply with all applicable state regulations. The following general requirements apply:

A. Minimum setback from any residentially zoned property shall be 100 feet from the property line. Otherwise, the structure shall be located no closer than 50 feet from any property line.

B. Reasonable precautions shall be taken to prevent an environment suitable for pathogens that cause public health hazards such as psittacosis, cryptococcosis, and histoplasmosis. Occurrence

of any of the aforementioned illnesses to the property owner or an occupant of the property shall be reported by the property owner to the Flagler County Health Department.

Sec. 4.04. - Alcoholic Beverage Sales.

Refer to Chapter 7, Article I and Article II in the City of Palm Coast Code of Ordinances.

Sec. 4.05. - Cemeteries.

Within the zoning districts permitting cemeteries, the following regulations shall apply:

A. No graves or burial lots/sites shall be located closer than 40 feet from all rights-of-way and no closer than ten feet from all other boundary lines of the subject property.

B. Adequate means of ingress and egress for vehicles shall be provided within the site in order to provide an easy flow of traffic while funeral processions are entering or leaving the site.

Sec. 4.06. - Community Residential Homes and Recovery Residences.

4.06.01. Community residential homes shall meet the requirements of F.S. ch. 419.

4.06.02. Recovery Residences. Additional limitations specific to uses listed. No building or structure or part thereof shall be erected, altered or used, or land or water used, in whole or in part, for other than as a conditional use with approvals subject to the provisions of this ordinance:

Recovery residence.

A. Recovery residence in single-family zoning district, except as required by Chapter 419, Florida Statutes, only with the following characteristics:

1. In accordance with FS.Ch.419, the community residential home that is located less than 1000 linear feet from the closest existing community residential home or recovery residence. Distance is measured from the nearest lot line of the entire parcel of the proposed Recovery Residence to the nearest lot line of the entire parcel of the closest existing recovery residence; and/or

2. Would be occupied by no more than ten residents; and

3. Duplex Properties can only occupy one side of the residence; and

4. The operator or applicant has been granted all available licensing or certification by the State of Florida known as Florida Association of Recovery Residences (FARR) to operate the proposed recovery residence, and

5. A recovery residence that has been denied an license or certification by the State of Florida or had a license or certification suspended, or is denied recertification or renewal of its license is not allowed in the City of Palm Coast and must cease operation and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or its recertification was denied.

B. Recovery residence in multi-family zoning district. Except as required by Chapter 419 Florida Statutes only with the following characteristics:

1. In accordance with FS.Ch.419, the community residential home that is located less than 1200 linear feet from the closest existing community residential home or recovery residence. Distance is measured from the nearest lot line of the entire parcel of the proposed Recovery Residence to the nearest lot line of the entire parcel of the closest existing recovery residence; and

2. Would be occupied by up to 20 residents occupying a maximum of 3 contiguous dwelling units within the same multifamily complex; and

3. The operator or applicant has been granted all available licensing or certification by the State of Florida known as Florida Association of Recovery Residences (FARR) to operate the proposed recovery residence, and
4. The operator or applicant has been granted all available licensing or certifications by the State of Florida to operate the proposed Recovery Residence,
5. A recovery residence that has been denied a license or certification by the State of Florida or had a license or certification suspended, or is denied recertification or renewal of its license is not allowed in the City of Palm Coast and must cease operation and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or its recertification was denied.

C. Recovery Residence Procedure

The purpose of a reasonable accommodation request is to modify a specific City of Palm Coast requirement to ensure an individual with a disability and/or handicap have equal opportunity to use and enjoy a dwelling, building or structure, or to provide accessibility in another manner. This policy implements the procedure of the City of Palm Coast, Florida (“City”) for processing reasonable accommodation requests to its Code of Ordinances, Unified Land Development Regulations, rules, policies, and procedures for persons with disabilities and/or handicaps as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. Section 12131 et seq.) ("ADA"). For purposes of this procedure, a "disabled" individual or person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled or a provider of services to the disabled qualifying for a reasonable accommodation may request a reasonable accommodation with respect to the City's Code of Ordinances, its land use or zoning laws, and/or rules, policies, practices and/or procedures, as provided by the FHA and the ADA pursuant to the procedures set forth herein.

1. Provide a Reasonable Accommodation application (see exhibit “A”) including the following:
    a. Certification from FARR showing the level of care approved.
    b. Occupancy Permit including following:
        i. A Dimensioned Life Safety Plan prepared in accordance with the Florida Fire Prevention Code and Life Safety Code.
        ii. Proof of Insurance
        iii. As per Section 397.487(6), Florida Statutes, a copy of the level 2 background screenings for all owners
2. Procedures for issuance. No Recovery Residence license shall be issued or granted unless:
    a. An application is filed with the City of Palm Coast an Occupancy Care Home forms provided for that purpose, and
    b. There has been a site inspection by the City of the applicant's premises, and
    c. The planning and zoning division has reviewed and approved the zoning use classification, and
    d. The City has verified compliance with all applicable laws and regulations, and
    e. Payment of the recovery residence occupancy license fee, to be established by resolution of the City Council, shall be required prior to the issuance of the license, and
    f. Obtain a City of Palm Coast Business Tax Receipt.

g. Obtain a certificate of occupancy and/or change of use prior to issuance of community residence or recovery community license. Any community residence or recovery community that is required to obtain a certificate of occupancy and/or change of use pursuant to the Code of Ordinances must do so prior to the issuance of a license.

h. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, the address of recovery residence. The recovery residence license shall be posted in a conspicuous place at or near the entrance inside the recovery residence so that it may be easily read at any time by an inspector.

3. Grounds for denial. The Director of the Department of Community Development or designee, as appropriate, shall have the authority to deny an application for a community residence or recovery community license on the following grounds:

a. That the applicant has failed to disclose or has misrepresented a material fact, or any information required in the application.

b. That the applicant is desiring to operate a recovery residence which does not comply with the City's Land Development Code.

c. That the applicant has failed to obtain a certificate of occupancy and/or change

of use, if required.

d. That the certificate of occupancy or change of use for the proposed location has been denied, suspended, or revoked for any reason.

e. Applicant's noncompliance with specific provisions of federal, state, city or county ordinances, with respect to the specific use, and the applicant.

f. Fails to obtain said approvals prior to issuance of a license; or

g. Has violated such specific provisions.

h. The applicant has violated any provision of the Code of Ordinances or Land Development Code and has failed or refused to cease or correct the violation within (30) days after notification thereof.

i. The applicant failed to permit inspection by the City; or

j. Or as otherwise provided in the Code of Ordinances.

k. The operator or applicant has not been granted all available licensing or certification by the State of Florida.

4. Any person whose application has been denied as provided herein shall have the right to appeal to the City Manager explaining in detail the nature of the appeal and the grounds on which it is based. This written appeal must be received by the City Manager no later than three business days after the Director Community Development designee, determination.

5. Any person whose application has been denied as provided herein shall have the right to appeal to the City Council explaining in detail the nature of the appeal and the grounds on which it is based. This written appeal must be received by the City Clerk no later than three business days after the City Managers written response.

6. Any recovery residence shall permit officers or agents of the City of Palm Coast to inspect, from time to time on an occasional basis, the recovery residence for the purpose of ensuring compliance with all applicable regulations pertaining to recovery residences. A licensee's knowing or intentional refusal to permit such an inspection shall constitute a violation of this section for purposes of license denial, suspension, and/or revocation. This section shall be

narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this article, but not to authorize a harassing or excessive pattern of inspections.

7. Each license shall remain valid for a period of one (1) calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application or renewal.

8. A licensee shall not transfer license to another, nor shall a licensee operate a recovery residence under the authority of a license at any place other than the address designated in the recovery residence license application.

D. Revocation.

1. The city shall revoke a recovery residence license if it determines that:

a. The license holder has failed to disclose or has misrepresented a material fact or information required by this article in the application;

b. The license holder does not operate in the manner described in the application or has changed the operation without authorization through approval of a new license;

c. The certificate of occupancy for the location has been denied, suspended or revoked for any reason;

d. In the event of a conviction of any owner, operator, manager, supervisor, or any employee acting at the direction or with the knowledge of the owner, operator, manager, or supervisor, by a court of competent jurisdiction, for the violation of any criminal statute committed in conjunction with the facility operation;

e. The license holder has violated any provision of or failed to maintain compliances with the City Code and has failed or refused to cease or correct the violation after notification thereof;

f. The holder of the license, or the holder's designated manager, operator, or supervisor, refuses to permit an authorized City inspector to inspect the premises during normal business hours for a regular inspection or for the purpose of investigating a complaint which has been filed against the operation.

g. The licensee has knowingly engaged in or allowed possession, use, or sale of controlled substances on the premises.

h. The operator or facility has been denied license or certification by the State of Florida, or license or certification is suspended, or is denied recertification or renewal of its license is not allowed in the City of Palm Coast and must cease operation and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or its recertification was denied.

2. Suspension and Revocation procedure. The procedure for suspension and revocation of a license shall be as follows:

a. If at any time the City of Palm Coast determines that the recovery residence is operating in any manner in violation of federal, state, county or city law or harmful to the public health, safety or welfare the city may file a notice of violation, through the special master process in the manner provided for by F.S. Ch. 162, and Chapter 17 of the Code of Ordinances.

b. If a license is revoked the applicant(s) may not apply for another license until one (1) year from the date of the effective date of the revocation, unless the basis for the revocation has been corrected or abated.

c. If a license is suspended for a specific period of time, the license shall remain suspended until the basis for the suspension has been corrected and the suspension period has expired.

E. Non-conforming Use and Structures.

Any nonconforming use of a building or land may be continued subject to the following conditions and requirements:

Requirements for nonconforming recovery residences. A recovery residences located in the City of Palm Coast as of the date of adoption of this Ordinance that does not currently have all available licenses, certifications or recertification designated from the State of Florida within 9 months after the adoption of this Ordinance shall no longer constitute a legal nonconforming use and must cease operation by the date that is exactly 9 months after the adoption of this Ordinance or within 60 days of the date on which all available certification, recertification, or the required license is denied, whichever date comes first. Such a recovery residences must either return residents to their families or relocate them to safe, secure housing within 60 days of the date on which all available certification, recertification, charter, or license is denied or by the date that is exactly 9 months after the adoption of this Ordinance, whichever date comes first. The number of occupants of a Recovery residence may not exceed the maximum number allowed under this Code of Ordinance or the number authorized under the Recovery residence's state certification or license, whichever is less.

Sec. 4.07. - Convenience Stores with Fueling Stations.

4.07.01. *Special exception required.* In the COM-1 District, a special exception for the use is required in accordance with the procedure as outlined in Chapter 2 if subject property is within 500 feet of any residential property.

4.07.02. *Fueling positions limitations.*

A. Within the COM-1 District, fueling stations are limited to a maximum of eight fueling positions.

B. Within the COM-2 District, fueling stations are limited to a maximum of 24 fueling positions.

4.07.03. *Design and installation requirements.*

A. All pump islands and canopies shall be set back a minimum distance of 20 feet from all perimeter property lines, but increased to 50 feet from property lines abutting areas zoned SFR, EST, MFR, and MHD.

B. On-site circulation shall be designed to:

1. Minimize conflicts between pedestrians and vehicles and between parked and moving vehicles;

2. Facilitate movement by tanker trucks and the safe unloading of fuels; and

3. When stacking lanes are required for car washes or drive-through facilities, stacking lanes shall be separated from parking areas and drives by using painted lines, pervious islands, landscaped islands, and/or decorative pavement.

C. All fuel dispensers shall be set back a minimum of 24 feet from any other fuel dispenser located on parallel pump islands, as well as located a minimum of 20 feet from any other fuel dispensers located along the same line of vehicular flow. Such distance shall be measured from center of fuel dispenser to center of fuel dispenser.

D. At least one-half of the required parking spaces shall be directly adjacent to the principal building.

E. All gasoline tanks shall be installed underground. Upon the discontinuance of any gasoline pump island, the fuel storage tanks shall be removed.

F. The maximum canopy clearance shall be 15 feet.

G. The Land Use Administrator may allow a maximum of 50 percent of the fueling position spaces to count toward the number of required parking spaces.

H. Lighting standards.

1. Exterior lighting shall be the minimum necessary to provide security and safety as determined by the Land Use Administrator. No more than 2.0 foot-candles of light are permitted at any property line.

2. Direct lighting sources shall be shielded or recessed. Light fixtures under a canopy shall be flush mounted. Lights shall not be mounted on the top or sides of the canopy. Drop type fixtures are prohibited.

3. The sides of the canopies shall not be illuminated, unless the illumination is part of a permitted sign.

4.07.04. *Accessory restaurant.*

A. A restaurant accessory to a convenience store shall be allowed as long as it does not exceed 30 percent of the gross floor area of the convenience store.

B. Parking for the restaurant shall be subject to the shared parking facilities requirements contained in Chapter 5.

C. An accessory restaurant with drive-through shall be subject to the drive-through facilities requirements contained in Section 5.04.11.

Sec. 4.08. - Development Options.

4.08.01. *Cluster residential developments.*

A. *Purpose and intent.* The purpose of clustering or grouping residential buildings and associated permitted accessory structures is to encourage the most efficient and cost effective use of land and public facilities. In order for the cluster development option to be approved, the site plan must be shown to:

1. Provide a significant amount of the site for protected open space;

2. Protect environmentally sensitive areas of a development site and permanently preserve open space, historical, cultural, or other significant buildings, and/or land and natural features;

3. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;

4. Decrease or minimize nonpoint pollution impacts by reducing the amount of impervious surfaces in site development;

5. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets, and by utilizing the site's natural drainage patterns; and

6. Provide opportunities for social interaction and walking and bicycling in contiguous open space areas.

B. *Applicability and general provisions.*

1. A residential cluster development is optional and shall be permitted as of right in any residential zoning district, except in the Agriculture, Multifamily, and Mobile Home Districts.

2. All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in a cluster development.

C. *Specific provisions.* The following provisions shall apply to any residential cluster development, regardless of the general requirements of the applicable residential zoning district:

1. *Dimensional requirements.*

a. *Minimum size.* Minimum gross size of a cluster development shall be five acres.

b. *Width.* The minimum lot width shall conform to the requirements for the SFR-1 District.

c. *Setbacks.* The minimum setbacks shall conform to the requirements of the SFR-1 District.

d. *Height.* The height of buildings shall be a maximum 35 feet.

e. *Impervious surface ratio.* The maximum impervious surface ratio is 0.75.

2. *Perimeter buffer.* A minimum 20-foot buffer shall be located between the cluster development and any existing residential zoning district with the exception of an adjacent residential zoning district having the same density and height.

3. *Open space.*

a. At a minimum, 40 percent of gross acreage of the site shall be conveyed as common open space. However, when calculating the open space, the land area devoted to public or private vehicular streets shall not be included.

b. Open space areas shall be designated as "cluster open space" and shall indicate whether public or private on the plat.

c. The appropriateness of accessory structures will be reviewed by the Land Use Administrator and considered in terms of their enhancement of the cluster open space.

d. Accessibility to open space. The usability of cluster open space intended for recreation or public use shall be determined by whether it is contiguous and by the size, shape, topographic, and location requirements of the particular purpose proposed for the open space. Cluster open space shall be easily accessible to trail users including, but not limited to, elderly and handicapped persons, be integrated to form unbroken trail linkages between uses within the subdivision, and take advantage of opportunities to establish off-site linkages to nearby land uses, sidewalks, bikeways, and greenways.

e. Preservation of open space. Open space shall be preserved in perpetuity by use of conservation easements, deed restriction, or other means acceptable to the City.

4.08.02. *Duplex residential developments.* Duplex dwelling units under single ownership may be converted so that each unit can be owned separately utilizing one of the following processes:

A. Duplex structures may be converted to the condominium form of ownership upon approval by the Land Use Administrator. Condominium association documents shall be provided that include ownership and maintenance of common areas and utility facilities.

B. Duplex sites may be subdivided into two separate lots in accordance with Chapter 2 review procedures as long as the individual lots meet the dimensional standards of the district.

4.08.03. *Manufactured/mobile home parks.*

A. *General requirements.*

1. *Minimum size of park; permitted location.* A manufactured home park shall have a minimum of two and one-half acres. Manufactured home parks will only be permitted in the MHD District.

2. *Plans and specifications required.* Complete plans and specifications of all manufactured/mobile home parks shall be submitted to the Land Use Administrator.

B. *Development criteria.*

1. *Setbacks.* No manufactured/mobile home or attached structure shall be located closer than 25 feet to the property lines of the manufactured home park or a public right-of-way. Requirements for each manufactured/mobile home space are as follows:

   a. Front yard required—Minimum of 20 feet.

   b. Side yard required—Minimum of five feet.

   c. Rear yard required—Minimum of 15 feet.

2. *Private streets.* No manufactured/mobile home in a park shall be allowed direct access to a public street. All lots in a manufactured home park must have access from a private street that shall comply with regulations established in Chapter 5.

3. *Buffering.* A manufactured/mobile home park shall comply with Type "A" Buffer Design Standards established in Chapter 11.

4. *Recreational area required.* Manufactured home parks with ten or more units shall retain an area of not less than five percent of the gross site area devoted to recreational facilities provided in an area accessible to all property owners.

5. *Utilities.* Each manufactured home shall be independently served by separate electric, gas, and other utility services.

6. *Off-street parking.* A minimum of one off-street parking space shall be required for each manufactured home.

7. *Fences.* If the manufactured/mobile home park management allows fences for individual lots, these fences shall comply with regulations established in Section 4.01.

8. *Storage of recreational vehicles.* Storage of recreational vehicles, boats, and boat trailers shall be allowed only on sites reserved for such storage within the manufactured/mobile home park.

9. Residential Manufactured buildings meeting the requirements of Chapter 553 of Florida Statutes shall be permitted within a manufactured/mobile home park or subdivision.

4.08.04. *Multifamily residential buildings.* The following standards apply to multifamily buildings:

A. Multifamily buildings shall be setback a minimum distance of five feet from vehicular use area.

B. There shall be a minimum distance of ten feet between buildings.

4.08.05. *Multiuse buildings.* Multiuse buildings allow residential living quarters within the same buildings as offices or retail establishments, are permitted in the OFC-1, OFC-2, COM-1, COM-2, and MPD Districts, and require special exception approval in the COM-3 District. The following standards apply to multiuse buildings:

A. Nonresidential uses shall be located on the first floor of the building and residential units shall be located above the nonresidential use.

B. The mixture of nonresidential and residential uses within the multiuse building shall be designed to minimize, to the greatest extent practicable, the potential detrimental influence of nonresidential uses on the residential uses including, but not limited to, the location of entranceways and the use of soundproofing materials to minimize noise intervention between uses.

4.08.06. *Neotraditional development.*

A. *Purpose and intent.* The purpose of a neotraditional development is to provide areas for detached single-family dwellings, duplexes, townhouses, and accessory uses in medium density neighborhoods featuring traditional design concepts and architectural themes. Features may

include front porches, reduced setbacks, detached garages, alleyway access, narrower rights-of-ways, and shared parks and open spaces readily accessible to pedestrians and bicyclists. In order for the neotraditional development option to be approved, the site plan must be shown to:

1. Encourage walking and bicycling to reduce the need for local automobile trips by providing trails, bike paths, and other forms of walkable interconnectivity within and to adjacent uses.
2. Establish a specific neighborhood identity that shall consist of an overall architectural theme. Architectural themes may consist of, but not be limited to, the following:
    a. Florida vernacular.
    b. Cape cod.
    c. Mediterranean.
3. Preserve natural features and scenic areas and provide a range of residential and open space land uses within close proximity to one another within the neighborhood.
4. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets.

B. *Applicability and general provisions.* A neotraditional development is optional and shall be permitted as a right in any residential zoning district, except in the Estate, Agriculture, and Mobile Home Districts. All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in a neotraditional development.

C. *Specific provisions.*

1. *Dimensional requirements.*
    a. *Minimum size.* Minimum gross size of a neotraditional development shall be five acres.
    b. *Width and depth.* No minimum width or depth of a lot shall apply except where abutting a development with lower density, in which case the widths/depths shall conform as closely as possible to the abutting development.
    c. *Setbacks.* No minimum setbacks shall apply; however, each lot shall conform as closely as possible to the setbacks established for the underlying zoning district and allow for parking and accessory structure requirements.
    d. *Height.* The height of buildings shall be in accordance with that of the underlying zoning district.
    e. *Impervious surface ratio.* A higher ISR shall be allowed, if determined appropriate by the Land Use Administrator; however, each lot shall conform as closely as possible to the ISR established for the underlying zoning district.
    f. *Backyard area.* Each residential dwelling unit shall have a backyard, or courtyard area.
2. *Single-family residential unit requirements.*
    a. Single-family residential units, inclusive of required porches, shall be constructed along the front setback line.
    b. Single-family units shall have an attached front porch oriented with a minimum width of 12 feet and a minimum depth of six feet.
3. *Garages.*
    a. Garages shall be separated from the main dwelling unit by a minimum distance of 12 feet, with the exception of a connecting breezeway, with a maximum width of four feet.

Other than the breezeway, the garage and main dwelling unit shall be detached structures.

b. Garages shall have a maximum building footprint of 500 square feet and a maximum height of 24 feet.

c. Garage doors shall be oriented for access from a rear alley or a side street may provide an alternative access for corner lots.

4. *Vehicular and pedestrian access.*

a. Sidewalks or pedestrian paths, bicycle paths, or bicycle lanes and vehicular streets shall connect all uses.

b. A minimum of 80 percent of all streets shall connect at both ends to other streets at an intersection.

c. All paths or trails including, but not limited to, bicycle paths or lanes, shall interconnect to form a continuous network throughout the site and to paths or trails linked to adjacent neighborhoods.

d. Vehicular gates are prohibited on all streets, except alleys serving residential uses.

5. *Neighborhood parks.*

a. Neighborhood parks shall be located and distributed so that 100 percent of all dwelling units are located within 1,320 linear feet from a park or other recreation area.

b. The minimum pervious area of a park shall be 50 percent.

c. For pedestrian access, a minimum of 25 percent of an activity-based neighborhood park perimeter shall abut a street, excluding alley.

6. *On-street parking.*

a. On-street parallel parking shall be required on the local residential streets.

b. Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of ten feet.

c. Each parking space shall be clearly delineated by pavement striping per City standards.

d. Between every five parallel parking spaces, a vehicular use area island shall be required per City standards.

e. Parallel parking spaces shall be located no closer than 28 feet from the last stall to the intersection.

4.08.07. *Townhouse residential developments.* The following standards apply to townhouse buildings:

A. A minimum of three attached units and a maximum of eight attached units per building are permissible.

B. If rear alleyway access is provided, it is permissible to construct attached garages and detached garages that meet the standards of the neotraditional development option (refer to Section 4.08). In these cases, the rear setback may be decreased to five feet.

Sec. 4.09 - Reserved.

Editor's note— Ord. No. 2018-21 , § 2, adopted Oct. 2, 2018, repealed § 4.09 which pertained to drive-through facilities, and derived from Ord. No. 2009-26, § 26, adopted Dec. 15, 2009. See § 5.04.11 for similar provisions.

Sec. 4.10. - Educational Facilities, Private.

A. *Setbacks.* The front, rear, and side yard setbacks shall be the same as those required for the specific district, except that when adjacent to a residential land use or zoning district there shall be a 20-foot minimum building setback.

B. *Off-street parking and loading—School bus and vehicular drop-off facilities*. Facilities must be provided for off-street bus and private vehicle loading and unloading of students. Use of the street right-of-way may be allowed if a license agreement is executed with the City.

Sec. 4.11. - Garage and Yard Sales.

Refer to Chapter 16, Article V in the City of Palm Coast Code of Ordinances.

Sec. 4.12. - Home-based Businesses.

4.12.01. *Purpose and intent.* The purpose and intent of this section is to provide regulations for home-based businesses that are consistent with all provisions of F.S. § 559.955, as may be amended. The provisions of F.S. § 559.955 are incorporated into this section as if fully laid out herein, may be enforced pursuant to the City's Code of Ordinances: Chapter 2 - Article V and shall prevail in the event of a conflict with this section.

4.12.02. *Home-based Business Criteria.* A home-based business must operate, in whole or in part, from a residential property and must meet the below criteria:

A. *Employees.* The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

B. *Parking and storage.*

1. Parking and/or storage shall comply with all the residential property requirements of the Land Development Code based on the underlying zoning district; and
2. The need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. No more than two dedicated parking spaces for the home-based business are permitted; and
3. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence; and
4. Not create noise, vibration, glare, fumes, odors, dust, or smoke that is detectable to the normal senses at the lot line or beyond the exterior of any common walls; and
5. No heavy equipment, as defined in F.S. 559.955(3)(b) shall be visibly stored on the property as viewed from either the street or a neighboring property.

C. *Use of Premises.*

1. As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property; and
2. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood; and

3. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property; and

4. The activities of the home-based business are secondary to the property's use as a residential dwelling.

D. *Compliance with other laws, rules, and regulations.*

1. The business activities shall comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted; and

2. All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids. Any local regulations on a business with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids may not be more stringent than those that apply to a residence where no business is conducted; and

3. Use of the residential property for a home-based business must comply with all other applicable regulations for the zoning district.

E. *Exceptions.* This section does not supersede, amend or modify the following:

1. Any current or future declaration or declaration of condominium adopted pursuant to chapter 718, cooperative document adopted pursuant to chapter 719, or declaration or declaration of covenant adopted pursuant to chapter 720; and

2. Local laws, ordinances, or regulations related to transient public lodging establishments, as defined in s. 509.013(4)(a)1., that are not otherwise preempted under chapter 509.

4.12.03. *Home-based Business application procedures.*

A. *Application.* Applications for home-based businesses shall follow the same procedures for acquiring a business tax receipt as outlined in the City's Code of Ordinances: Chapter 16 – Article II – Local Business Tax Receipts and shall be filed on a form provided by the City. The Land Use Administrator may request additional information to ensure that all application materials are sufficient to review the request.

4.12.04. *Inspection and revocation.*

A. *Inspections.* A home -based business inspection may be conducted by the City following the issuance of a development order for a home -based business.

B. *Violations and revocation.*

1. The Code Enforcement Board shall determine violations, fines, or penalties for violations of this Code relating to home-based businesses. Such violations shall be treated as an unpermitted use within the zoning classification. The Code Enforcement Board shall have the authority to revoke development orders for home-based businesses.

Sec. 4.13. - Houses of Worship/Religious Institutions, Civic Clubs/Fraternal Organizations, and Nonprofit Organizations.

Houses of worship/religious institutions civic clubs/fraternal organizations, and nonprofit organizations shall be allowed as specified in Table 3-4. The following conditions shall apply to these uses:

4.13.01. *Master plan for long range development.* When submitting an application to expand an existing or construct a new house of worship/religious institution, a master plan for long-range development shall be submitted, including future plans for accessory uses such as educational facilities, gymnasiums, or similar facilities.

4.13.02. *Size limitations in the COM-1 District.* Within the COM-1 District, new or expanded houses of worship/religious institutions, civic clubs/fraternal organizations, and nonprofit organizations shall not exceed 30,000 square feet of gross floor area.

Sec. 4.14. - Industrial Uses.

4.14.01. *Industrial use classifications.*

A. *Heavy Industrial (IND-2) uses.* Heavy industrial uses shall include any facility that meets at least one of the following criteria:

1. Emits 500 pounds or more per year of lead or lead compounds; or
2. Emits 100 tons per year or more of any one regulated pollutant (PM10; nitrogen oxides; sulfur dioxide; carbon monoxide; volatile organic compounds; and lead) subject to regulation under F.S. ch. 403 ; or
3. Emits ten tons or more per year of any one hazardous air pollutant (HAP) as defined by Chapter 62-210, Florida Administrative Code; or
4. Emits 25 tons or more per year of any combination of hazardous air pollutants as defined by Chapter 62-210, Florida Administrative Code; or
5. The facility would require a major source Title V air permit as required by the requirements under F.S. ch. 403 ; or
6. Bulk storage of hazardous or regulated chemicals in excess of 25,000 gallons (excluding diesel and unleaded gasoline fueling facilities exclusively utilized for fueling of vehicles, public water/wastewater treatment and emergency generators); or
7. Large quantity generators of hazardous waste as regulated under Chapter 62-730, Florida Administrative Code; or
8. The following industrial uses are presumed to be considered heavy industrial based upon the above criteria: air curtain incinerators; asphalt plants; concrete batch plants; fabrication facilities (involving open air grit blasting or open air painting); phosphate/nitrate fertilizer manufacturing facilities; fiberglass products manufacturing facilities; explosive storage and or manufacturing facilities; biohazardous waste incinerator, pesticide formulation facilities; scrap yard/shredding facilities; soil remediation facilities; bulk solvent chemical storage and or processing facilities; paint/ink manufacturing facilities; secondary metals recovery or manufacturing facilities; chrome plating facilities; asbestos products fabricators; manufacturer, livestock importing/exporting facilities; and those uses listed in the IND-2 District outlined in Chapter 3, Table 3-4.

This list is not all-inclusive and other uses may be considered heavy industrial based upon the above criteria as determined by the Land Use Administrator.

B. *Light Industrial (IND-1) uses.* All other manufacturing, processing, and assembly activities not meeting one of the heavy industrial criteria listed in this Code shall be presumed to be light industrial, including those uses listed in the IND-1 District outlined in Chapter 3, Table 3-4.

C. *Approvals; permitting.* Approvals, permits, or other forms of written assurances from appropriate federal, state, or local agencies that the use is likely to meet or exceed the specified standards for dust emissions, water consumption, air quality, hazardous, and regulated waste management set forth in Chapter 10 shall be considered competent and substantial presumptive evidence that the use complies with these zoning performance standards for permitting.

4.14.02. *Industrial use performance standards.* Manufacturing, processing, and assembly operations shall meet the following performance standards. Proof of compliance shall be provided stating that all required permits for particular discharges can and will be met. All necessary environmental permits shall be obtained. Table 4-5 depicts the required performance standards for heavy industrial and light industrial and warehousing uses:

Table 4-5: Performance Standards for Industrial Uses

	Light Industrial & Warehousing (IND 1)	**Heavy Industrial (IND 2)**	**Application Requirements**
Lighting	Lighting shall be in accordance with Chapter 9 of the LDC	Lighting shall be in accordance with Chapter 9 of the LDC	Detail lighting plan
Sound Measured from property line	Residential: 60 dBA (7AM—10PM)	Residential: 60 dBA (7AM—10PM)	Statement of compliance
	Residential: 60 dBA (10PM—7AM)	Residential: 60 dBA (10PM—7AM)	
	Commercial: 65 dBA (7AM—10PM)	Commercial: 65 dBA (7AM—10PM)	
	Commercial: 60 dBA (10PM—7AM)	Commercial: 60 dBA (10PM—7AM)	
	Industrial: 75 dBA (7AM—10PM)	Industrial: 75 dBA (7AM—10PM)	
	Industrial: 75 dBA (10PM—7AM)	Industrial: 75 dBA (10PM—7AM)	
Water Consumption	Consumptive Use Permit specifically approved by SJRWMD	Consumptive Use Permit specifically approved by SJRWMD	SJRWMP CUP permit submittal
Hazardous/Regulated Waste Management	New Large Quantity Generators of hazardous waste as regulated under Chapter 62-730, F.A.C., as amended are prohibited	All hazardous waste generators shall comply with State and Federal regulations	List of potential waste generated and anticipated amounts.

	New chemical containment areas to provide appropriate secondary containment	New chemical containment areas to provide appropriate secondary containment	Statement of compliance
	BMPs developed to prevent potential discharges of regulated substances	BMPs developed to prevent potential discharges of regulated substances	Submittal of BMP plan.
Electrical/Electromagnetic Interference	Use shall not cause, create or contribute Electrical/Electromagnetic Interference to adjacent properties	Use shall not cause, create or contribute Electrical/Electromagnetic Interference to adjacent properties	Statement of compliance
Air Quality	General Title V or non-Title V	Major Source Title V Permit under F.S. ch. 403 as amended	FDEP permit submittal
	Emits < 500 pounds per year of lead or lead compounds	Emits > 500 pounds per year of lead or lead compounds	FDEP Annual Operating Reports/Permits
	Emits < 100 tons per year of any regulated pollutant	Emits > 100 tons per year of any regulated pollutant	FDEP Annual Operating Reports/Permits
	Emits < 10 tons per year of any one HAP	Emits > 10 tons per year of any one HAP	FDEP Annual Operating Reports/Permits
	Emits < 25 tons of any combination of HAPs	Emits > 25 tons of any combination of HAPs	FDEP Annual Operating Reports/Permits
	BMPs to control dust	BMPs to control dust	
	Airborne discharges shall be minimized so as not to cause or contribute to an objectionable odor to adjacent residential areas	Airborne discharges shall be minimized so as not to cause or contribute to an objectionable odor to adjacent residential districts	Statement of compliance
	Regulated Pollutants shall meet federal and State air quality standards	Regulated Pollutants shall meet federal and State air quality standards	FDEP Annual Operating Reports/Permits/Monitoring
Storage of Hazardous or Regulated Chemicals	< 25,000 gallons permissible	Storage of Hazardous or Regulated Chemicals permissible	FDEP Registration/Inventory; Submittal of SPCC Plan

Fire Prevention Standards	Fire suppression devices shall be installed in accordance with City requirements	Fire suppression devices shall be installed in accordance with City requirements	Site plan and description of fire prevention measures with Fire Marshal/City approval
New Septic Systems	Not permissible	Not permissible	NA
Radioactive Materials	Fixed nuclear density gauges with sources exceeding 50 mCi prohibited	Fixed nuclear density gauges permissible	BRC radioactive material license and protection plan submittal
	Source material other than medical applications uses prohibited	Source material with BRC approval	BRC approval and documentation of RSO and authorized user

Note:

Regulated pollutants = shall consist of PM10, nitrogen oxides, sulfur dioxide, carbon monoxide, volatile organic compounds, lead.

HAP (Hazardous air pollutant) = As defined by Chapter 62-210 F.A.C. as amended.

BRC = Bureau of Radiation Control

RSO = Radiation Safety Officer

Sound = The standards set forth shall not apply to emergency warning devices, lawn care equipment, or construction operations.

Storage of Hazardous or Regulated Chemicals = Aboveground and underground storage tanks regulated by FDEP and utilized for vehicular purposes are permitted in IND-1 and IND-2.

Sec. 4.15. - Nonresidential Controlling Master Site Developments.

4.15.01. *Purpose and intent.* The purpose and intent of this section is to provide standards for a nonresidential controlling master site development. The standards will ensure internal consistency and compatibility with the character of the surrounding neighborhood. Elements of compatibility include the fundamental development pattern of the surrounding neighborhood, predominant building type, and features of site design, scale, and dimensions.

4.15.02. *Applicability.* Nonresidential controlling master site developments and large-scale commercial centers shall comply with the requirements of this section. Such developments shall be planned as a unit and at a minimum, include the following:

A. Shared parking and driveways.

B. Master stormwater facilities.

C. Master drainage system.

D. Pedestrian and vehicular connectivity between sites, structures, and uses.

E. Owners association.

F. Applicable to moderate and major development.

4.15.03. *Development standards.* In addition to the development requirements set forth in this Code, the following requirements apply to nonresidential controlling master site developments:

A. *Building setbacks.*

1. Buildings and ancillary structures within a nonresidential controlling master site development are encouraged to be constructed up to the interior lot line provided a plat has been recorded.
2. Reserved.
3. Setbacks shall be measured from project exterior boundary.

B. *Parking lot orientation.* No more than 60 percent of the off-street parking area for the entire property shall be located between the principal building(s) and the street unless the principal building(s) and/or parking lots are screened from view by abutting development (within outparcels) and additional tree plantings and/or berms.

C. *Pedestrian access.*

1. Continuous internal pedestrian walkways, no less than five feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, taxi stands, street crossings, building, and store entry points and shall feature adjoining landscaped areas that include trees, shrubs, benches, flowerbeds, groundcovers, or other such materials for no less than 50 percent of their length.
2. Sidewalks, no less than five feet in width, shall be provided along the full length of each building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of each building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
3. Internal pedestrian walkways shall provide weather protection features such as awnings or porticos within ten feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
4. All internal pedestrian walkways shall be distinguished from driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

D. *Public amenities.* A nonresidential controlling master site development shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

1. Patio or seating area.
2. Pedestrian plaza with benches.
3. Transportation center.
4. Window shopping walkways.
5. Outdoor play area.
6. Kiosk area.
7. Water feature.
8. Clock tower.
9. Steeple.

10. Other such focal features or amenities that, in the judgment of the Land Use Administrator based on generally accepted planning principles adequately enhance such community and public spaces.

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

E. *Outdoor storage, trash collection, and loading areas.*

1. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.

2. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public or street, public sidewalk, or internal pedestrian way.

3. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping. This is to ensure that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

4. Areas not enclosed for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors, and designs of screening walls or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

5. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all requirements as outlined in this Code.

F. *Architecture.* All nonresidential controlling master site developments shall comply with architectural standards established in Chapter 13. In addition, the applicant shall provide, upon request, alternative designs or prototypes in addition to any typical corporate prototype. Alternative designs shall be provided to reflect the local character of the surrounding areas. Design templates may include, but not be limited to, Art Deco, Mediterranean, Main Street, and Green Design.

4.15.04. *Wall signage.* Signs shall be consistent and complementary in style, color, and materials to the style, color, and materials of the principal structure. Refer to Chapter 12 for sign requirements.

4.15.05. *Maintenance of property; abandonment.* During any period of vacancy following relocation of the business and prior to reuse, the vacant building shall meet the following standards:

A. All exterior surfaces shall be maintained and in good repair.

B. The exterior walls shall be maintained free from holes, rotting materials, and graffiti.

C. Roofs and buildings shall be maintained in structurally sound, safe, and weather tight conditions.

D. Window glass shall be in place and maintained in a safe and weather tight condition.

E. The grounds shall be maintained and free of trash, stored materials, inoperative or unlicensed vehicles, and equipment.

F. Accessory structures, such as fences, walls, signs, accessory buildings, or other physical improvements, shall be maintained in a safe condition and free of graffiti.

G. Outdoor sales may be permitted on a case-by-case basis in accordance with this chapter.

H. Outdoor security lighting shall be maintained and operated.

I. Landscaping shall be watered, pruned, and weeded as necessary.

(Ord. No. 2009-26, §§ 27—30, 12-15-09)

Editor's note— Ord. No. 2009-26, § 27, adopted December 15, 2009, changed the title of Section 4.15 from "Large-scale commercial center" to "Nonresidential controlling master site developments."

Sec. 4.16. - Marinas.

4.16.01. *General.* Except as expressly set forth in this section, no application shall be approved by the Land Use Administrator and a permit issued unless the application conforms to the requirements of this Code, and the application fees have been paid.

4.16.02. *Applicability.* When permitted as an accessory use, the marina shall be accessory to a developed use on any waterway within the district. Marinas shall be allowed as specified in Table 3-2 and Table 3-4 and subject to the following standards:

A. *Compliance with federal and state laws.* All marina facilities shall comply with all applicable federal and state laws, rules, and regulations including, but not limited to, the requirements and permits of the Florida Department of Environmental Protection, St. Johns River Water Management District, and the Army Corps of Engineers. Verification that all necessary permits and/or required studies have been obtained shall be submitted to the City prior to commencing construction activities.

B. *Live aboard watercraft prohibited.* Under no circumstances shall a vessel docked or moored off the pier at a noncommercial marina be used as a live aboard watercraft.

4.16.03. *Permit required.* Any person or entity must be issued a marina facility permit before operating a marina facility within the City.

A. Marina facility permit applications shall be considered and acted upon by the Land Use Administrator and, if applicable, the Planning and Land Development Regulation Board, subject to the terms and conditions of this Code. Marina facility permits, when approved, shall be approved in the form of a development order which may be subject to such terms and conditions as the Planning and Land Development Regulation Board or Land Use Administrator may deem appropriate consistent with the provisions of this Code. Except as provided in this section, no person may cause, suffer, or allow construction of a marina facility without first obtaining a permit from the City. Except as provided in this Code, and after issuance of a permit or permit amendment to the marina facility, no person may cause, suffer, or allow the operation of a marina facility without first obtaining from City staff a final inspection and authorization to begin operation of the marina facility as described in this Code.

B. Except as otherwise expressly stated in this Code, any person who is required by this Code to obtain a marina facility permit or permit amendment shall demonstrate compliance with the performance standards set out in this Code.

C. A person who already has a permit for a marina facility may commence emergency reconstruction of damaged marina facilities without first obtaining a permit amendment from the City, provided that written notice of the commencement of reconstruction activities is provided to the City within 72 hours of commencement of reconstruction. Within 30 working days of commencement of reconstruction, the marina facility owner shall submit an application for a marina facility permit amendment.

4.16.04. *Review authority.*

A. *Application submittal.* An application for a marina facility permit may be submitted on a form provided by the City and shall include such information as the Land Use Administrator may determine necessary.

B. *Land use administrator.* The Land Use Administrator shall perform the technical review for all marina facilities and shall have the authority to approve issuance of development orders for all noncommercial marina facilities.

C. *Planning and land development regulation board.* The Planning and Land Development Regulation Board shall receive recommendations from the Land Use Administrator for commercial marina facilities. The Planning and Land Development Regulation Board shall have the authority to approve issuance of development orders for all commercial marinas.

4.16.05. *Location and configuration.*

A. *General location standards.*

1. No marina facility shall be permitted to be located or configured to extend into navigable waters of the City to such a distance that it would constitute a navigation hazard or a flood control hindrance or would unreasonably infringe upon public legal use of and access to the water surface.

2. Marina facilities shall not be so located or configured in such a way as to potentially displace boating traffic into shallow areas.

3. In accordance with the City's wetland protection regulations and through avoidance and minimization strategies, proposed marina facilities shall demonstrate that impacts to wetlands have been avoided and/or minimized to the maximum extent practicable.

4. A marina facility site may be approved only when the applicant has demonstrated that the location has adequate depths to accommodate the proposed watercraft use. All marina facilities access shall be through existing channels or through areas greater than three feet in water depth at mean low water. If existing channel or through areas contain less than three feet of low mean water depth and dredging is required, the applicant must demonstrate that the initial dredging operations are necessary and measures were taken to avoid and minimize, to the extent practical, negative impacts to environmental resources of the City including, but not limited to, water quality, threatened and endangered species, fish, and wildlife habitat. The issuance of permits to the applicant from the Army Corps of Engineers and the St. Johns River Water Management District or Department of Environmental Protection shall satisfy the requirements of this provision.

B. *Setback requirements.* Marina facilities shall include the following minimum setbacks for structures located over or on the water surface and related facilities:

1. *Adjoining properties.* A 50-foot setback shall be established from the riparian property line of adjoining waterfront properties for marina facilities located on the Intracoastal Waterway. A 25-foot setback shall be established for other navigable waters of the City.

2. *Public water supply wells.* No commercial marina facility or marine service station shall be located within 500 feet of an existing public water supply well that is licensed and operated in accordance with all applicable law.

3. *Designated swim areas.* No marina facility structure shall be located on or over the water surface within 100 feet from any existing City designated swim area.

4. *Residentially designated property.* No commercial marina building or structures, or marine service station, shall be located within 100 feet of a residential property line, unless otherwise specified within this section of the Code.

C. *Property ownership.*

1. Marinas shall be located on and over the navigable waters of the City that are owned, leased, or otherwise controlled by the applicant, or marina owner, or operator and shall not materially and significantly interfere with established legal rights and privileges of an adjoining property owner including, but not limited to, those conveyed through covenants, deed restrictions, easements, court judgments, or other legally binding documents.

2. The applicant or marina facility owner or operator shall provide the name and address of the owner of the lot or parcel including, but not limited to, that portion of the lot or parcel under the water surface. The applicant shall provide, at a minimum, the following documentation:

   a. An affidavit, in a form prescribed by the City, stating that the applicant owns, leases, or otherwise controls the lot or parcel over which the marina will be located.

   b. If the applicant, or marina facility owner or operator, and the property owner are different individuals or entities, documentation, such as a lease, easement, or other deed-recorded instrument, supporting applicant's claim that the applicant has the authority from the property owner to locate the marina on or over the lot or parcel.

   c. Other documentation, if required by the City, to demonstrate ownership or control, which may include a title opinion from an attorney or a title insurance commitment, if such ownership or control is questioned. Any such title opinion shall state that the attorney has reviewed the chain of title or other appropriate documents and finds that, in the attorney's professional opinion, the applicant is the owner or has the legal right to construct a marina facility on or over the lot or parcel in question.

3. Dock or slips associated with a noncommercial marina facility shall only be sold, leased, used, or otherwise conveyed to residents of the residential development associated with the noncommercial marina. Deed restrictions acceptable to the Land Use Administrator, shall be required to ensure that residents will be subject to restrictions prohibiting residents from improperly using any dock slips or the marina facility and further obligating the residents observance of all rules and policies established by this Code. Deed restrictions shall require that the marina facility be private and that ownership of the marina facility slips, at a minimum, be restricted to residents. Applicable deed restrictions shall require language that prohibits any rental of dock slips by the residents to the public at large. Unit owners may lease their slip(s) to tenants or other unit owners.

4. Docks or slips as an accessory use in the SFR, DPX, EST, AGR, and MPD zoning districts shall not be sold, leased, used, or otherwise conveyed to anyone other than the owner of the lot, parcel, or tract. If the dwelling unit is leased or rented, the dwelling unit is required to be registered with the City in which the dock or slip is automatically included as part of the registered dwelling unit as the dock or slip is an accessory use to the dwelling. Owners of the dwelling unit shall be held responsible for any vessel moored, docked, and/or stored at the dock or slip.

4.16.06. *Protection of water quality.*

A. *Water exchange and flushing action.* The following requirements apply to all marina facilities:

1. Site and design the marina facility such that wind and currents will aid in flushing of the site or renew its water regularly.

2. Site and design the marina facility such that the bottom of the marina facility and the entrance channel are not deeper than adjacent navigable water unless it can be demonstrated that it will not negatively impact flushing and water quality standards.

3. Design marina facilities with as few segments as possible to promote circulation within the basin.

4. Design and locate entrance channels to promote flushing.

5. Establish two openings, where appropriate, at opposite ends of the marina facility to promote flow through currents; provided, however, that when the establishment of two openings is not practical, as determined by the Land Use Administrator, and adequate flushing action is demonstrated to the Land Use Administrator for the proposed number of slips, two openings shall not be required.

6. Consider other design alternatives in poorly flushed waterbodies (e.g. open marina basin over semi-enclosed design) to enhance flushing.

7. Land surface drainage patterns shall be designed with swales, contours, shallow depressions, or other acceptable water retention and treatment standards, to minimize direct runoff in surface waters.

8. The dredging of new channels to provide marine facility access to a site may be permitted if an applicant can demonstrate to the Land Use Administrator that such activities will improve or maintain surface water quality and flushing and will not cause a safety hindrance to navigation.

B. *Dredging and spoil management.*

1. An applicant must provide a description of the measures taken to avoid and minimize impacts to submerged aquatic vegetation. Submerged aquatic vegetation means shoal grass, paddle grass, star grass, Johnson's seagrass, sago pondweed, clasping-leaved pondweed, widgeon grass, manatee grass, and turtle grass. Appropriate location and complementary design of the dock facility may be necessary to protect shoreline and aquatic vegetation. Mitigation shall be consistent with federal and state regulations.

2. Dredging activities shall be conducted by a qualified contractor familiar with the applicable best management practices concerning dredging operations. All dredging activities shall obtain all necessary permits from the Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Army Corps of Engineers or any other agency with applicable jurisdiction.

3. As part of the application for marina facilities, a dredging maintenance plan shall be submitted to the City. The plan shall describe best management practices, projected amount of dredge materials, and spoil disposal. The plan shall describe anticipated maintenance dredging activities and anticipated maintenance dredging intervals.

4. Dredging shall be prohibited in those special and Outstanding Florida Waters as provided for by the state unless specifically authorized by the Florida Department of Environmental Protection, the St. Johns River Water Management District, or the Army Corps of Engineers.

5. Dredge spoil shall be disposed of in upland areas as approved by applicable federal, state, and local agencies.

6. Designed engineering controls shall be utilized for marina facilities parallel to the Intracoastal Waterway to minimize maintenance dredging unless it can be clearly demonstrated to the Land Use Administrator that the proposed marina facility will not require excessive maintenance dredging. For the purposes of this Code, excessive maintenance dredging means maintaining adequate water depth at the marina facility by the use of maintenance dredging more than one time in a one-year period. In lieu of requiring engineering controls, the owner or applicant may require the utilization of shallow drafting boats. For the purposes of this Code, shallow drafting boats are designed and approved to draft less than two feet of water.

C. *Erosion, shoaling, and shoreline stabilization.*

1. Applicants proposing a marina facility must address existing and future erosion or shoaling in the proposed design. Each development order will have a general condition, which

requires the applicant or owner to utilize appropriate erosion control practices and to correct any current or future adverse erosion or shoaling problems.

2. To help prevent shoreline erosion, facilities adjacent to the Intracoastal Waterway shall stabilize the shoreline through the construction of a coquina rock revetment or other suitable material running the length of the shoreline. The revetment work shall occur above the mean high waterline. If necessary, submerged bulkheads shall be installed parallel to the Intracoastal Waterway to alleviate shoreline erosion and prevent excessive shoaling.

4.16.07. *Design of marina facilities.*

A. *Dimensional standards.*

1. The width of a marina facility, inclusive of all structures, shall not exceed 75 percent of the width of the owner's waterfront property line. Newly created shoreline associated with internal basins may be fully developed with marina facilities provided additional marina facilities are not developed in areas along the Intracoastal Waterway abutting a newly created internal basin. Existing vegetative and environmental features of the area immediately abutting the Intracoastal Waterway shall be preserved to the greatest extent feasible in accordance with the City's tree preservation regulations.

2. Total dock surface area shall not exceed ten square feet per linear foot of the applicant's waterfront property line. Calculations for dock surface area shall include gazebos, access walkways, platforms, catwalks, and other associated water-dependant structures. This standard may be increased to 12.5 square feet per linear foot of the owner's waterfront property line if it can be demonstrated to the Land Use Administrator that the additional coverage results in an improved structural or safety design without adverse environmental impacts.

3. Marina facility structures shall not extend further waterward from the edge of the Federal channel of the Intracoastal Waterway than as permitted by the Army Corps of Engineers or other relevant regulatory authority.

4. Walkways shall be constructed above the water level at all times and shall be structurally sound. Main walkway widths shall be a minimum of four feet wide. If significant pedestrian traffic is likely, the width shall be a minimum of six feet. Finger walkways shall be a minimum of three feet wide. Specific areas shall be designated and constructed to ensure handicap accessibility. Where practicable, dock and decking design and construction shall ensure penetration of light sufficient to support existing shallow water habitats.

5. No marina facility structure shall, at any time, extend to a height of more than 20 feet above the mean high water line. Boathouses within a marina facility shall not exceed 13 feet above the top of adjacent bulkhead or revetment and shall not exceed 18 feet above mean sea level (1929 NGVD).

6. Proposed marina facilities and associated structures shall be constructed in a visually pleasing manner as determined by the Land Use Administrator based upon generally accepted planning principles with the existing terrain and vegetation. Structures shall obstruct as little as reasonably practical scenic views from the shoreline or other navigable waters of the City. Long unbroken extensions of line shall be avoided by alleviating long monotonous structures through architectural design and by separating watercraft slips. A 15-foot no slip buffer shall be required for every 20 watercraft slips.

7. Architectural design shall consider pedestrian access to the shoreline area of the Intracoastal Waterway. Design standards shall include, but are not limited to, step-ways as well as the incorporation of raised spans in the dock design.

8. Boathouses within a marina facility shall utilize "hip" roofs and shall not be enclosed or contain walls. All marina facilities that include slips shall be consistent by either having all

slips that contain boathouses or no slips that contain boathouses. Roofs for boathouses shall be of the same material and color. Roofs for any purpose other than for a boathouse or slip, excluding gazebo type structures, may be permitted by the Land Use Administrator using the same criteria as applicable for variances.

9. Fairways shall accommodate a minimum fairway width of one time the length of the longest boat slip.

10. Channel entrances and the channel leading to a marina facility shall provide safety and ease of passage and to promote flushing. Exclusive of any docks or berths, channels and channel entrances shall be at least 40 feet wide or four times the beam of the widest watercraft berthed in the marina facility unless an adequate channel traffic control program is provided.

B. *Vehicular watercraft launching ramps.*

1. Vehicular launching ramps shall be properly placed and designed to ensure minimal impact on aquatic and terrestrial resources.

2. Vehicular launching ramp slopes shall be designed and constructed between 12 and 16 percent above the waterline and 15 to 20 percent below the waterline at mean high water.

3. If practical, launching ramps shall be paved to approximately five feet below the extreme low tide and contain a gravel shelf at the end of the ramp.

4. For safety purposes, a pier or similar structure shall be provided adjacent to the ramp for boarding and holding a boat while launching. If feasible, piers or similar structure should be provided on both sides of the ramp.

5. To provide adequate traction for vehicles, the surface of the ramp shall be scored or patterned. Deep grooves in concrete should be perpendicular to the slope of the ramp to provide adequate traction for vehicular traction.

6. Ramps shall be adequately maintained and kept free of algae growth and siltration.

7. Adequate safety lighting and appropriate warning signs are required.

C. *Safety design standards and certification.*

1. All marina facilities shall be designed and maintained in such a manner as to ensure public safety.

2. Fire suppression devices and other associated firefighting facilities shall be installed. Accommodations shall be made and approved by the Land Use Administrator to provide appropriate accessibility for firefighting response teams. Marina facilities shall be constructed in such a manner that would not increase the risk of fire to nearby residential dwellings or that would reasonably be deemed to cause an increase in fire insurance premiums of nearby structures.

3. All permit and permit amendment applications for construction or modification or expansion of a marina facility must contain a signed certification from a professional engineer or architect authorized to do business in the state of Florida. The certification must state that the civil, structural, electrical, mechanical, plumbing, and other associated systems of the marina facility are designed to ensure public safety and comply with the most recent editions of the following codes: Florida Building Code, National Electrical Code, Fire Prevention Code, and National Fire Protection Association.

4. Upon completion of construction, expansion, or modification of a marina facility, the applicant shall submit follow-up certifications (as-builts) signed by the engineer, architect, and/or master electrician stating that the construction, expansion, or modification was completed in

accordance with above-referenced publications and plans submitted to and approved by the City.

5. With respect to the electrical requirements only, in lieu of an engineer's certification, a master electrician may design and certify the electrical installations and systems of a marina facility as complying with the most recent editions of the National Electrical Code.

4.16.08. *Performance standards.* All marina facilities shall be designed, constructed, and operated to protect the natural resources of the City and prevent wastewater and other pollutants from entering water. Except as otherwise expressly stated in this Code, any person who is required to obtain a marina facility permit or permit amendment shall demonstrate compliance with the performance standards set out in this section.

A. *Natural resource analysis statement.*

1. *All marina facilities.* An applicant for a marina facility permit shall prepare and submit as part of the application a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize potential environmental impacts. The applicant shall use the results of the natural resource analysis statement to design and operate the marina facility with the least amount of environmental impact reasonably achievable. The applicant is encouraged to consider for inclusion those best management practices listed below after each specific impact, but may include alternative best management practices that are comparable to those listed.

   a. Solid waste collection and disposal.

   b. Litter and debris collection and disposal.

   c. Watercraft cleaning.

   d. Source pollution control.

2. *Noncommercial marinas.* An applicant for a noncommercial marina permit shall prepare and submit as part of the application, a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize such impacts:

   a. Watercraft sewage management.

   b. Hazardous material storage.

3. *Commercial marinas.* An applicant for a commercial marina permit shall prepare and submit as part of the application, a natural resource analysis statement, which shall describe the following specific impacts listed below and further identify those best management practices that will be implemented by the applicant to minimize such impacts. Upon two years following application approval and construction, a commercial marina shall pursue a "Clean Marina" designation from the Department of Environmental Protection, Clean Marina Program.

   a. Watercraft sewage management.

   b. Hazardous material storage and pollution prevention.

B. *Threatened and endangered species.* All marina facilities shall comply with all applicable laws, rules, regulations, and Ordinances that relate to the protection of endangered or threatened species or species of special concern or which otherwise protect fish and wildlife.

C. *Dockmaster.* All commercial marina facilities shall provide for a dockmaster. All noncommercial marina facilities that include greater than 40 slips shall provide for a dockmaster. The purpose of the dockmaster is to oversee the proper usage of the facility and to ensure compliance with the applicable provisions and requirements of this section.

D. *Marine service station.* Marine service stations shall be permissible in commercial marinas in compliance with the following provisions:

1. All construction, components, and operational maintenance standards of marine service station fuel systems shall comply with all federal, state, and local regulations and be constructed in a manner to avoid spills. If a spill occurs, it shall be promptly reported in accordance with all federal, state, and local requirements.

2. Provide fueling stations with spill containment equipment, adequate supply of absorbent materials, and other necessary equipment to clean up any minor spills that may occur.

3. Promote the use of oil-absorbing materials in the bilge areas of all watercraft with inboard engines. Encourage the examination of these materials at least once a year and replace as necessary. Provide receptacles to recycle materials, if possible, or dispose of them in accordance with all applicable disposal laws, rules, and ordinances.

E. *Risk management for marina facilities.*

1. *Fire hazards.* No activity shall be conducted, and no materials will be stored of such a nature, or in such a manner, so as to constitute a fire hazard. When an activity is being conducted which could constitute a fire hazard, it shall be the responsibility of the party involved to have proper fire protection on the site as determined by the City Fire Marshal.

2. *Hurricane contingency plan.* Marina facilities shall prepare and make available a hurricane contingency plan, which shall include those methods to be taken to secure property and facilities at a marina facility. Commercial marinas shall provide educational materials that include procedures for securing of watercraft for those who own or rent space at the commercial marina.

3. *Lighting.* Marina facilities shall be continuously lighted from sunset to sunrise and during periods of restricted visibility.

a. The minimum safety lighting shall adequately define the presence of all structures located on or over the water surface.

b. When possible, lighting shall be so located and configured or shielded so as not to present a hazard to navigation and to minimize ambient light pollution.

c. Marina facility lighting shall be wired with a photo-electric cell-operated switch so that the lights will automatically operate.

d. All watercraft proceeding within the marina confines shall be at "idle speed - no wake", meaning a very slow speed whereby the wake or wash created by the watercraft would be minimal, and shall adhere to any limits related to manatee protection areas.

e. Personal throwable flotation devices shall be readily available on the marina facility at intervals of every 100 feet at the marina facility. Ladders shall be installed in appropriate locations and intervals to provide emergency access to the surface water within a marina facility.

F. *Prohibited acts.*

1. It is prohibited and unlawful for a watercraft to transmit stray electrical current. Compliance with this requirement will be deemed satisfied when the electrical resistance is more than 1,000 ohms as measured between the water adjacent to the watercraft and all of the three alternating current conductors at the dock end of the shore power cord. This cord, at the time of measurement, must be connected to the watercraft's alternating current terminals. The watercraft's alternating current circuit shall be switched to the "on" position and connected as for normal dockside operation.

2. If a watercraft is found by a certified electrical contractor or a certified marina electrical contractor to be producing stray current, notice shall be given to the owner and a reasonable amount of time provided to correct the problem. Notwithstanding the foregoing, the marina owner or operator or the dockmaster shall have the authority to disconnect the watercraft from shore power immediately if the level of stray current being produced poses a real and immediate threat to personal safety or the rapid corrosion of the watercraft and/or its neighboring watercraft/structures. If the watercraft is unplugged upon discovery of the stray current, every effort will be made to promptly notify the watercraft's owner as to the action taken. The dockmaster, however, shall assume no liability whatsoever for any losses or damage suffered from the denial of shore power to a watercraft producing stray current. If the problem is not corrected in a reasonable amount of time, the dockmaster will have the right to disconnect the watercraft from shore power until corrective action is taken. If the licensee reconnects the watercraft without being fixed, for any other purpose than stray-current testing, the dockmaster may deny use of shore power. Continued reconnection to shore power, if the watercraft's ground fault has not been corrected, may result in the cancellation of the berth license agreement. Shore power cords shall be of the three wire type including a functioning ground wire with insulation types SO, ST or STO and with a wire thickness in accordance with all applicable building and safety codes. Cords that are found to be a significant hazard to personal safety shall be unplugged immediately.

3. It is prohibited and unlawful to carry, store, or transfer either gasoline or diesel onto any dock of any marina facility, except for less than 25 gallons of premixed outboard motor fuel. All other fueling shall be accomplished at a marina service station or other appropriate location.

4. It is prohibited and unlawful for an owner, operator, or person in command of any watercraft to operate or allow such watercraft to be operated within a marina facility at a speed in excess of posted limits, or in any reckless or negligent manner. Watercraft operators and owners shall be responsible for any damage or injury produced by their creation of an excessive wake within a marina facility.

5. It is prohibited and unlawful to tie up, moor, or operate a watercraft in a marina facility area in such a manner as will prevent or obstruct the passage of other watercrafts or voluntarily or carelessly sink any watercraft in any channel, or float loose timbers, logs, or piles in any channel in such a manner as to obstruct, impede, or create a menace to navigation.

6. It is prohibited and unlawful to swim, dive, water-ski, or skin dive within a marina area; provided, however, that a person may dive or skin dive for the purpose of bona fide scientific research, inspection of the marina or a watercraft, maintenance of a watercraft, or making of emergency repairs on any watercraft.

7. Live-aboard watercraft is prohibited and unlawful in a noncommercial marina facility.

8. It is prohibited and unlawful to discharge any human waste whatsoever, or any substance or material deleterious to fish, plant, or bird life from a watercraft except in a lawful manner. Waste of any nature may only be disposed of in accordance with law and it is prohibited and unlawful to dispose of waste in any manner contrary to law or in a manner that could reasonably result in adverse impact to natural resources or the public health, safety, or welfare.

9. It is prohibited and unlawful to allow a person to perform any work on, or provide any service to any licensee or watercraft within a marina for which such person receives a fee, compensation, or any other thing of value, unless such person has first paid the City's local business tax.

10. It is prohibited and unlawful to conduct any activity that endangers any endangered or threatened species or species of special concern or to threaten, harass, or endanger wildlife in a manner inconsistent with the provisions of federal and state law, regulations, or ordinances.

G. *Abandoned, derelict, and hazardous structures.*

1. No abandoned, derelict, or hazardous marina structures shall be allowed upon navigable waters of the City or shores of the City. Marina facility structures that are likely to damage private or public property or become a hazard to navigation shall not be permissible.

2. The owner, homeowners association, or other legal authority responsible for the marina facility shall be responsible for providing maintenance and repairs of the marina facility and associated structures. Structures that are found to be hazardous to the public health safety, and welfare or damaging to environmental resources, are subject to being removed following written notification by the City.

3. Refer to Palm Coast Code section entitled "Abandoned or Derelict Vessels."

4.16.09. *Inspections.*

A. *Right of entry.* Authorized agents, firefighting personnel, law enforcement officers, or employees of the City shall have the right to enter at all reasonable times in or upon any property, whether public or private, for the purpose of inspecting and investigating conditions relating to construction, modification, or operation of a marina facility or existing marina facility. The City shall not enter private property having management in residence without first notifying the management, or the person in charge at the time of the inspection, of their presence and exhibiting proper credentials. Authorized City employees shall observe the rules of the establishment being inspected concerning safety and fire protection. Nothing in this section, however, shall preclude a law enforcement officer from entering the property without notice to investigate suspected criminal activity as might otherwise be allowed under the laws of the State of Florida.

B. *Final inspection.* When a development order for a marina facility is issued in accordance with the requirements of this Code and upon completion of construction activities, the City will complete a final inspection of a marina facility to ensure that it is in compliance with all applicable regulations and construction standards, and is consistent with approved construction plans prior to operation. The following items shall be provided to the City prior to initiating a final inspection:

1. Four copies of as-builts;

2. Auto Cad format as-builts provided on a compact disc;

3. All original testing reports;

4. All federal, state, and other applicable permits or clearance letters; and

5. Certificate of completion from the engineer stating that the marina facility has been constructed per his/her signed and sealed construction plans.

4.16.10. *Exemptions.* The following are exempt from the provisions of Section 4.16:

A. Docks as an accessory use to a single-family home abutting a single-family lot.

B. Marina facilities existing, or which have not been constructed, but have received local governmental approval prior to August 19, 2008 shall be exempt from the provisions of this Code, but shall be subject to all other applicable permit requirements of any and all agencies with jurisdiction. Any modification to marina facilities to increase the existing number of slips will be subject to the provisions of this Code.

4.16.11. *Deviations and variances.*

A. *Deviations.* The Land Use Administrator may issue a deviation of up to five percent of any development standard contained herein if it is determined that the effect of the deviation is minimal or insignificant and meets the variance conditions in Subsection 4.16.11.B below. Any deviation request shall be submitted in writing and approval shall be issued in writing.

B. *Variance.* The Planning and Land Development Regulation Board shall have the power to grant a variance to the provisions of this Code where strict adherence to one or more of the standards would either: 1) result in an undue hardship demonstrated on the basis of an irregular or unusual shoreline configuration; or 2) result in marina facility design or placement which, for unintended or unanticipated reasons, does not meet the general purposes and intent of this Code. Variance requests shall be in accordance with requirements established in Chapter 2 and shall also be evaluated based upon their effects or impacts on:

1. State surface water quality standards;
2. Endangered and threatened species;
3. Navigability within the marina facility or the abutting waterbodies;
4. Abutting properties including, but not limited to, waterfront usability, views, or riparian rights;
5. The public health, safety, and welfare including, but not limited to, boater safety, the provision of fire safety mechanisms, and provision of adequate sanitary sewer facilities; and
6. The variance, if granted, shall not impair the overall purposes and intent of this Code.

(Ord. No. 2009-26, §§ 31—33, 12-15-09)

Sec. 4.17. - Outdoor Oriented Uses and Activities.

4.17.01. *Outdoor storage in SFR, EST, DPX, MHD, and MFR Districts.* Refer to Chapter 44, Article II in the City of Palm Coast Code of Ordinances.

Refer to Section 4.19 for temporary uses, i.e. special events, and seasonal promotions and sales.

4.17.02. *Outdoor storage in COM, OFC, PSP, IND, P&G, and PRS Districts.* Where outdoor storage is a principal permitted use or a regularly recurring accessory use (not including outdoor displays of merchandise) in nonresidential zoning districts the following requirements shall apply:

A. *Screening.*

1. Screening shall be attained through one of the following options:
   a. Landscape material in conjunction with a black vinyl chain link fence at least six feet in height, or more than six feet when used to screen shipping containers.
   b. Opaque fence or wall meeting the requirements outlined in Section 4.01.
   c. Architectural features consistent with all approved structures on site.
   d. An administrative waiver may be granted by the Land Use Administrator upon a finding that a natural buffer or wetland area adequately screens the area.
2. No merchandise, equipment, machinery, materials, motor vehicles, or other items (including shipping container storage areas) shall be stored above the height of the screening.

B. *Shipping container storage.* Temporary storage of shipping containers is allowed if storage is limited to a 90 calendar day period, with containers not to be replaced within 90 calendar days. Temporary areas used for shipping container storage shall be depicted on site plans. Containers shall be located a minimum of 20 feet from all building openings on a durable all weather surface and shall not be located where visible from any surrounding rights-of-way, in any driveways, fire lanes, pedestrian ways, or parking spaces required to meet the minimum standards for the site.

4.17.03. *Outdoor display of merchandise.*

A. *Outside displays.* Outside retail displays (not including seasonal promotions and sales—refer to Subsection 4.19.04) shall be permitted during normal business hours when located on the same lot as an existing retail business that is operating from an approved building provided that:

1. Outside displays are subordinate and accessory to the existing business;
2. Outside displays are conducted only by the owner or tenant leasing a unit on the site;
3. Outside displays are limited to the goods and services normally offered by the owner or tenant leasing a unit;
4. Outside displays are consistent with the zoning of that parcel;
5. Outside displays do not hinder required access to the site or create safety hazards;
6. Outside displays are located adjacent to the building and not located within any portion of the vehicular use area; and
7. The outside display area was depicted on a site plan.

B. *Vending machines.* A maximum of two vending machines per 100 feet of linear building frontage shall be permitted outside of commercial buildings provided they are located under roof, placed flush against a building wall, and do not obstruct pedestrian accessibility.

Sec. 4.18. - Recreational Vehicle Parks.

4.18.01. *Intent.* It is the intent of the City to provide for areas to be developed for the parking of recreational vehicles, travel trailers, motor homes, camping tents, and trailers occupied as a temporary living quarters in an environment that provides for recreational amenities and on-site conveniences. It is further intended that the individual spaces not be marketed or sold for individual ownership, but that the site be retained in a form of single or common ownership.

4.18.02. *Applicability.* The regulations in this section apply to all developments providing for the accommodation of transient recreational vehicles, camping tents, and trailers in zoning districts that allow such uses as permitted, limited, or special exception.

4.18.03. *Limitations.* Recreational parks are intended for temporary accommodations and shall not be developed for permanent residential use or for homesteading purposes. An occupant shall not remain in the same recreational park for a period exceeding six months in any 12-month period. Spaces shall be rented by the day, week, or month only.

4.18.04. *Permitted uses, facilities, and structures.*

A. Parking of recreational vehicles, travel trailers, motor homes, camping tents, cabins, trailers, and residential manufactured buildings pursuant to Florida Statute 553.382.

B. Recreational facilities including, but not limited to, community room or center, fields and courts, playgrounds, docks, swimming pools, boat-launching areas, picnic areas, beaches, amphitheaters, outdoor pavilions, and similar facilities.

C. Shower, restroom, laundry, and maintenance facilities.

D. A central clubhouse, which may include an office, restaurant, fitness center, general store, meeting/event space, and similar uses. These types of uses shall be available to guests but may be opened to the public.

E. Management office and manager or caretaker residence.

F. The only permitted enclosed storage structure and garage facilities are those associated with the park manager or caretaker residence.

G. Free standing screen rooms and/or cabanas may be permitted if such structures are totally independent from the recreational vehicle and shall be constructed in such a manner as not to impede the immediate removal of any recreational vehicle from its designated site.

H. Concrete slabs, decks, and patios may be permitted provided such facilities are detached and structurally independent from the accompanying recreational vehicles and in no way impede the immediate removal of recreational vehicles from the site.

I. An accessory storage area for registered recreational vehicles, boats on trailers, and utility trailers belonging exclusively to park guests, provided this area does not exceed 10 percent of the overall property area. Any such area is subject to screening from public rights-of-way as required by Section 5.04.10.

J. Pet-friendly amenities, including, but not limited to, dog parks, pet wash stations, and pet-friendly designated accommodation areas.

4.18.05. *Development standards.*

A. *Size.*

1. The minimum area for a recreational park shall be three acres.

2. The minimum recreational vehicle space size shall be 30 feet by 60 feet.

3. The minimum tent or camping site size shall be 500 square feet.

4. The minimum cabin or residential manufactured building site size shall be 1,500 square feet.

B. *Setbacks.*

1. All structures shall comply with the minimum building setback requirements of the zoning district upon which the subject property is located, except that no RV, cabin, residential manufactured building, or tent space site shall be located within 30 feet of the project's perimeter.

2. All commercial structures that are accessory to the principal use shall be oriented to the interior of the recreational park.

3. When a recreational vehicle park is adjacent to an existing platted single-family residential subdivision, a minimum perimeter buffer of fifty (50) feet shall be provided between the recreational vehicle park and the adjacent residential subdivision.

C. *Building height.* The maximum building height shall be 35 feet.

D. *Utilities.*

1. Central water and sewer facilities and electricity shall be provided except for primitive campgrounds designed for tents only.

2. Dumpsters for trash and recyclables shall be located no farther than three 300 feet from any individual site.

3. Unless every recreational vehicle site has a sanitary waste outlet, a central pump-out station shall be provided.

E. *Landscaping and buffers.* Landscaping and buffers shall be required as outlined in Chapter 11.

F. *Recreation areas.* There shall be at least one active recreational area comprising at least five percent of the total land area of the project. The recreation area shall be easily accessible to all occupants of the project. Such areas shall be easily accessible to all guests and shall

not include RVs, cabins, residential manufactured buildings, tent sites, street rights-of-way, buffer strips, or storage areas.

G. *Parking.*

1. Parking for individual sites is not required to be paved. However, sufficient space shall be provided at each site to accommodate at least one vehicle.

2. Off-street parking spaces meeting the parking requirements outlined in Chapter 5 shall be provided for all other uses within the recreational vehicle park.

H. *Access.*

1. The recreational vehicle park shall be located on an arterial or collector road. No entrance or exit to a recreational vehicle park shall be allowed through a residential district. Recreational vehicle parks with a combination of 100 or more recreational vehicle spaces, cabin spaces, or residential manufactured buildings shall provide a secondary access.

2. All accessory structures shall only be accessible from a street within the recreational park.

Sec. 4.19. - Temporary Uses.

The temporary uses included in this section are not meant to be all-inclusive or to address every type of use or special event that may occur from time-to-time. Uses and events not specifically included in this section shall be reviewed by the Land Use Administrator to determine if the proposed use or event is temporary and how it should be regulated. Determinations and requirements established by the Land Use Administrator may be appealed to the Planning and Land Development Regulation Board and the City Council in accordance with the appeal procedures established in Chapter 2.

4.19.01. *Construction trailers.* Construction trailers are permitted to provide contractors with a temporary shelter for office use, project management, and on-site storage of equipment in conformity with the following standards:

A. Only one temporary construction trailer per contractor for office use within the construction site is permitted. Additional trailers may be approved on a case-by-case basis as determined by the Land Use Administrator based upon clear evidence of necessity.

B. The placement of the trailer(s) on the site is subject to review and approval by the Land Use Administrator.

C. The trailer(s) shall be removed within three working days following the Land Use Administrator's acceptance of the construction completion.

D. Approved water and wastewater facilities shall be provided.

E. Pedestrian access shall be provided from the parking area to the office.

F. A fence or similar barrier shall be provided to prevent visitors and customers from entering the construction area.

G. Only one identification sign per trailer is permitted. The sign area shall not exceed six square feet.

4.19.02. *Model homes.*

A. *Intent and applicability.* This section is intended to ensure that impacts associated with model homes in residential zoning districts are temporary in nature and reasonably controlled. This section is applicable to model homes located in residential zoning districts and does not apply to model home centers located in commercially zoned areas.

B. *General.* The following are required prior to the issuance of a certificate of occupancy for a residential dwelling to be used as a model home:

1. City water and wastewater facilities shall be operating and accessible to the public.
2. Adequate fire protection shall be in place.
3. A stabilized access road shall be in place.

C. *Duration of use.* A residential dwelling unit may be used as a model for a maximum period of five years from the date the certificate of occupancy is issued. Any residential dwelling unit legally permitted as a model as of the effective date of this ordinance shall be permitted to remain as a model home until January 1, 2016.

Permitted and prohibited activities.

1. A model home may be used for activities typical to an "open house" for sale, including tours by a real estate agent and negotiation or execution of sales contracts for the sale of that builder's homes or products.
2. A model home shall not:
   a. Be used as a primary or secondary office for a homebuilder or real estate agent with regard to conducting business activities outside of those permitted above.
   b. Be used for storage of building materials.
3. The garage of the model home may be used as an office for sales staff if separate off-street parking is provided.
4. The garage must be equipped with a standard garage door, unless dedicated off-site parking is provided, excluding rights-of-ways.
5. If the space for the required garage has been converted to space for purposes other than a garage, the space must be converted back to a residential garage and equipped with a standard garage door prior to the sale and use as a dwelling unit.

D. *Hours of operation.* A model home may be open to the public during the following time periods:

1. *Monday through Saturday:* Between the hours of 9:00 a.m. and 6:00 p.m.
2. *Sunday:* Between the hours of 12:00 noon and 5:00 p.m.
3. *Holidays:* Between the hours of 10:00 a.m. and 5:00 p.m.

E. *Signage.* Refer to Chapter 12 in this Code.

F. *Lighting.* Lighting at the sites of model homes shall be limited to interior and exterior lighting normally associated with single-family residences. Exterior flood lights may not be used.

4.19.03. *Sales trailers and leasing offices.* Temporary sales and leasing offices for residential development are allowed in any residential zoning district. In addition to applicable zoning district regulations, a temporary sales and leasing offices must comply with the following standards:

A. The development plan for the residential development shall indicate the location of the temporary sales and leasing offices.

B. Only one sales trailer shall be allowed for every 200 lots or units.

C. Temporary sales and leasing offices proposing to operate for a period of six months or less shall be skirted and landscaped. In addition, temporary sales and leasing offices remaining for a period greater than six months shall be located on a concrete slab or stem wall and shall be skirted and landscaped. Temporary sales and leasing offices may be used for a

maximum period of two years from the date the certificate of occupancy is issued. The Land Use Administrator may grant a one-year extension.

D. Pedestrian access shall be provided from the parking area to the office.

E. Parking shall be provided on a paved surface and shall be designed to prevent the need to back onto a street right-of-way or pedestrian-way.

F. A fence or similar barrier shall be provided to prevent visitors and customers from entering the construction area.

G. Only one identification sign per office is permitted. The sign area shall not exceed six square feet.

H. Water and wastewater facilities shall be provided.

4.19.04. *Seasonal promotions and sales.*

A. *General requirements.* Seasonal and holiday related promotions and sales including, but not limited to, Christmas tree sales, pumpkin sales, fireworks, etc., may be permitted subject to the following:

1. The use is consistent with the zoning, development, and dimensional standards of that parcel;

2. If a tent, electric, or water is used, a building permit is required;

3. All local business license taxes shall be paid;

4. The use may be permitted for a maximum period of 45 consecutive days;

5. Written, notarized permission from all owners of record of the property, or authorized agent of the owner (must provide proof of being an authorized agent), shall be submitted to the City.

6. A plan shall be submitted illustrating the location of the space for the seasonal sale and depicting, at a minimum, the following:

a. Adequate and safe ingress and egress;

b. On-site parking availability; and

c. Sanitary facilities.

7. The use does not result in the reduction of any existing parking spaces to less than the minimum number of spaces required for the primary use.

B. *Determination of additional seasonal events.* The Land Use Administrator shall determine the types of event, other than those listed herein, that constitute a seasonal holiday related promotion or sale.

4.19.05. *Special events.* Refer to the City of Palm Coast Code of Ordinances.

(Ord. No. 2009-26, § 34, 12-15-09; Ord. No. 2010-13, § 2, 10-5-10)

Sec. 4.20. - Wireless Telecommunications.

4.20.01. *Legislative purposes.*

A. The legislative purposes of this section are to:

1. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communication facilities.

2. Minimize the impacts of wireless communication facilities on surrounding areas by establishing standards for location, structural integrity and land use compatibility.

3. Establish standards for preferred siting, design and screening by requiring consistency with the City's Wireless Master Plan, consistent with the Telecommunications Act of 1996, and Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act").

4. Encourage the use of public lands, buildings, and structures as locations for wireless telecommunications infrastructure thereby establishing more ability to manage selected sites identified in the City's Wireless Master Plan.

5. Encourage coordination and collocation of antennas on existing structures to meet coverage needs and promote the efficient use of existing infrastructure.

6. Accommodate the growing need and demand for wireless communications services in a manner that ensures the placement, construction or modification of wireless communication facilities complies with all applicable state and federal laws.

7. Ensure there is sufficient wireless infrastructure to support public safety communication services throughout the City, including times of evacuation and disaster response.

8. Encourage providers of wireless communication facilities to locate wireless communication facilities in areas where the need is demonstrated and planned for and adverse impacts on the community is minimal.

9. Respond to the rational policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.

10. Ensure that land use decisions are made in consideration of, and in compatibility with, the goals, objectives and policies of the City of Palm Coast Comprehensive Plan and its land development regulations as set forth in the Land Development Code (LDC).

B. It is the intent of this section that all actions of the City be consistent with controlling federal and state law.

C. The City Council of the City of Palm Coast hereby finds and determines that this section is consistent with the goals, objectives and policies of the City of Palm Coast Comprehensive Plan and other controlling law.

4.20.02. *Definitions.*

Ancillary structure means, for the purposes of this section, any form of development associated with a WCF including, but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; provided, however, specifically excluding equipment cabinets.

Antenna means any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to: telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectionerized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

Antenna array means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna element means any antenna or antenna array.

Anti-climbing device means a piece or pieces of equipment, which are either attached to an antenna support structure, or which are freestanding and are designed to prevent people from climbing the structure. These devices may include, but are not limited to, fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

Attached WCF means an antenna or antenna array that is secured to an existing base station with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached WCF is considered to be an accessory use to the existing principal use on a site.

Base Station means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein, or any equipment associated with a tower. "Base station" includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks).
3. Any structure other than a tower that, at the time the relevant application is filed with the City under this subsection, supports or houses equipment described in subsections (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with the City under this subsection, does not support or house equipment described in subsections (1) and (2) of this definition.

Breakpoint technology means the engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Collocation means to install, mount, maintain, modify, operate, or replace one or more wireless communication facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way. (F.S. § 337.401 (7)(b)7).

Combined antenna means an antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

Concealed means a tower, base station, ancillary structure, or equipment compound that is not readily identifiable as a wireless communication facility, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area. There are two types of concealed facilities:

1. Concealed base stations may include painted antenna and feed lines to match the color of a building or structure, faux parapets, windows, dormers, or other architectural features that blend with an existing or proposed [building] or structure.
2. Concealed freestanding towers which look like something else that is common in the region such as a church steeple, bell tower, clock tower, light standard, flagpole with a flag that is

proportional in size to the height and girth of the tower, or tree that grows naturally or is commonly found in the area.

Development area means the area occupied by a WCF including, but not limited to, areas inside or under the following: an antenna-support structure's framework, equipment cabinets, ancillary structures and accessways.

Eligible Facilities Request means any request for modification of an existing tower or base station that, in accordance with the definitions contained in FCC regulations codified at 47 C.F.R. § 1.40001, does not substantially change the physical dimensions of the existing support structure and is requesting:

1. Collocation of new transmission equipment;
2. Removal of existing transmission equipment; or
3. Replacement of existing transmission equipment.

Eligible support structure means any tower or base station that is existing at the time the relevant application is filed with the City under this subsection.

Environmentally Sensitive Lands are as provided in Chapter 10 of the Unified Land Development Code - Environmental and Cultural Resource Protection.

Equipment cabinet means any structure above the base flood elevation including, but not limited to, cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Equipment compound means the fenced area surrounding the ground-based wireless communication facility including, but not limited to, the areas inside or under the following: the tower's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

Equipment facility means a room, cabinet, shelter, pedestal, build-out of an existing structure, building, or similar structure used to house ancillary equipment for a communication tower or antenna. Each such cabinet, shelter, or building shall be considered a separate equipment facility.

Existing means a constructed tower or base station existing for purposes of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this subsection.

Expedited collocation application means collocation applications, or portions thereof, on towers or base stations, excluding collocations on a historic building, structure, site, object, or district, that meet the criteria set forth in F.S. § 365.172 (13)(a), as amended.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Feed lines means cables used as the interconnecting media between the transmission/receiving base station and the antenna.

Flush-mounted means any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Freestanding WCF or *collocations* means those where the antenna or antenna array is located on towers, concealed or nonconcealed, together with the ancillary structures, feed lines, equipment shelters, and other necessary facilities, which may be located either on or in the tower.

Geographic search ring means an area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Guyed structure (see tower). Guyed structures for new WCFs are prohibited within the City.

Handoff candidate means a wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Lattice structure (see Tower). Lattice structures for new WCFs are prohibited within the City.

Least visually obtrusive profile means the design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

Level I refers to a wireless communication facility permit subject to administrative review and approval by the Land Use Administrator or designee, with no public hearing requirement.

Level II refers to wireless communication facility permit subject to the special exception approval process set forth in Section 2.07 of the Land Development Code, except that the application review and approval timeframes set forth in Section 4.20.10 shall apply. New towers proposed in non-Wireless Master Plan Sites shall require Level II permits. All other installations only require Level I permits.

Micro Wireless Facility (see Section 42-103).

Modification means a modification of an existing tower or base station to increase the height, or to improve its integrity, by replacing or removing one or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this section or improve aesthetics or functionality of the overall wireless network.

Monopole structure (see Tower).

Non-concealed WCF means a wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

Personal wireless service means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

Public safety communications equipment means all communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the City and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Public View means a non-amplified visual range of site from rights-of-way, sidewalks, adjacent properties, or other publically accessible vantage points.

Radio frequency (RF) emissions means any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

Radio frequency (RF) propagation means wireless telecommunications signal service area as shown on maps.

Satellite Earth Station means a single or group of parabolic (or dish) antennas are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include, but is not limited to, the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Site means for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower, and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Small wireless facility (See Section 42-103).

Substantial Change means a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in subsections (1) through (4) of this definition.

Tower means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet. A tower may be concealed or non-concealed. Non-concealed towers include:

1. *Guyed structure* means a style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building. Guyed structures for new WCFs are prohibited within the City.

2. *Lattice structure* means a self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas. Lattice structures for new WCFs are prohibited within the City.

3. *Monopole structure* means a style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Transmission Equipment means equipment that facilitates transmission for any FCC- licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

WCF (see Wireless Communication Facility).

Wireless communication facility (WCF) means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other personal wireless communications, as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or antenna array, transmission cables, feed lines, equipment cabinets, towers, cabling, antenna brackets, and other such equipment. The following shall be deemed a wireless communication facility: new, replacement, or existing towers, government-owned towers, modified towers, collocation on existing towers or base stations, attached concealed and non-concealed antenna, dual purpose facilities, DAS, small cell, concealed towers, and non-concealed towers, so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Wireless communications means any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing devices described in Part 15 of the FCC's regulations (e.g., wireless internet services and paging).

Wireless Master Plan means the Wireless Telecommunications Master Plan developed and adopted by the City, as amended from time to time, to enforce applicable development standards, land development regulations, state law and federal law related to the deployment of wireless telecommunications infrastructure.

4.20.03. *Applicability.*

A. Except as provided in Section 4.20.04, the following shall apply to the development activities including, but not limited to, installation, construction or modification of the following wireless communications facilities:

   1. Existing towers.
   2. Proposed towers.
   3. Public towers.
   4. Replacement of existing towers.
   5. Collocation on towers and base stations.
   6. Attached WCF.
   7. Concealed WCF.

B. These regulations are subject to state and federal law limitations.

4.20.04. *Exempt installations.* The following uses are exempt from the provisions of this section notwithstanding any other provision of the City's land development regulations, but are subject to all applicable building code compliance and building permit reviews:

1. Non-commercial, amateur radio antennas as provided for in F.S. § 125.561 .
2. Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than 20 feet above grade in residential districts and 35 feet above grade in all other zoning districts.
3. A government-owned WCF, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City; except that such WCF must comply with all federal and state requirements. This exemption shall terminate upon the state of emergency ending.
4. A government-owned WCF erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
5. A temporary, commercial WCF, upon the declaration of a state of emergency by federal, state or local government, or determination of public necessity by the City, and approval by the City; except that such WCF must comply with all federal and state requirements. The exemption may be permitted by the City to continue to three months after the duration of the state of emergency.
6. A temporary, commercial WCF for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approved by the City, except that such WCF must comply with all federal and state requirements. Said WCF may be exempt for a period of up to one week after the duration of the special event.
7. Antenna support structures, antennas, and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the FCC shall be regulated in accordance with federal, state and other applicable regulations.

4.20.05. *Wireless Master Plan.*

A. The City has adopted a Wireless Master Plan by Resolution of the City Council. The Wireless Master Plan identifies existing or proposed City or publicly owned sites for wireless communication infrastructure and service.

B. Design standards for proposed towers in the Wireless Master Plan shall be consistent with this Ordinance and the Wireless Master Plan but may be further detailed and addressed through the required lease terms for use of any public property.

C. The Wireless Master Plan was adopted by the City Council by Resolution No. [2018-], as may be amended by City Council resolution hereafter. And, by this reference, the Wireless Master Plan is incorporated herein.

D. The Land Use Administrator or designee may waive application requirements in Section 4.20.09 for sites within the Wireless Master Plan. The applicable requirements are listed in Section 4.20.09.

E. If an applicant receives a permit to develop a site on City-owned property, the permit shall not become effective until the applicant and the City have executed a written agreement or lease setting forth the applicable terms and provisions.

F. No permit granted under this section shall convey an exclusive right, privilege, permit, or franchise to occupy or use the publicly owned sites of the jurisdiction for delivery of wireless communications services or any other purpose.

G. No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the agreement between the lessor and lessee.

H. Sites located within the Wireless Master Plan may utilize a standard landscape plan, approved by the Land Use Administrator or designee.

I. Sites within the Wireless Master Plan may utilize alternative compliance standards to access a WCF site, if approved by the Land Use Administrator or designee.

4.20.06. *Preferred siting locations.*

A. All new WCFs and any supporting structures, except for those proposed within the public rights-of-way, shall generally adhere to the following siting preferences, in order of preference:

1. City-owned property identified in the Wireless Master Plan;
2. Other public property identified in the Wireless Master Plan;
3. Other City-owned or public property not identified in the Wireless Master Plan;
4. Privately owned property not identified in the Wireless Master Plan.

B. If the proposed location for the new WCF is not consistent with the preferred hierarchy and the Wireless Master Plan, the applicant must file relevant information as indicated in Section 4.20.09 with the siting application including, at minimum, the following:

1. An affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the geographic preferences established in the wireless master plan, wireless master plan options are not technically feasible, practical or justified given the location of the proposed WCF;
2. An affidavit demonstrating that the proposed site will not adversely affect existing or future single-family uses or environmentally sensitive areas and is not contrary to the City's Comprehensive Plan and Unified Land Development Code; and
3. The existing land uses of the subject and surrounding properties within 300 feet of the proposed site.

C. This section shall not be interpreted to require applicants to locate on publicly-owned sites when lease negotiation processes are prohibitively lengthy or expensive relative to those of the private sector as determined by the Land Use Administrator or designee, based upon competent substantial evidence. The applicant is considered justified in selecting a lower-ranked privately-owned property option if the government entity fails to approve a memorandum of agreement or letter of intent to lease a specified publicly-owned site within 90 days of the application date or if it is demonstrated that the proposed lease rate for the specified public-owned site significantly exceeds the market rate for comparable privately-owned sites.

4.20.07. *Permitted uses.*

A. The placement, maintenance or modification of WCFs shall be permitted only in accordance with the wireless communication permit, and the land development requirements of this Code. The placement or maintenance of wireless communication facilities in the public rights-of-way shall comply with the regulations of Chapter 42 of the Code of Ordinances:

B. Applicable permits. All applications shall meet the review timeframes as shown in Section 4.20.10.

1. Level I wireless communication facility permit. All applicable non-exempt applications to place, maintain, modify, or collocate wireless communications facilities, not subject

to special exception use approval, shall be subject to administrative review and approval by the Land Use Administrator or designee, with no public hearing requirement.

2. Level II wireless communication facility permit. All applicable non-exempt applications to place, maintain, or substantially change wireless communications facilities that do not qualify for an administrative permit shall be subject to the special exception approval process set forth in Section 2.07 of the Land Development Code, except that the application review and approval timeframes set forth in Section 4.20.10 shall apply. New towers proposed in non-master planned sites shall require Level II permits. All other installations only require Level I permits.

3. Communications Rights-of-Way Permit. All non-exempt applications to place, maintain, modify, or collocate wireless communications facilities within the public rights-of-way shall be subject to the review and approval requirements set forth in Chapter 42, Code of Ordinances, and the applicable land development regulations set forth herein. Wireless communication facilities, other than small wireless facilities and micro wireless facilities, are prohibited within the public rights-of-way.

4. Eligible facilities requests. Any request for modification of an existing tower or base station involving collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not substantially change the physical dimensions of such tower or base station shall be reviewed and processed in accordance with the provisions set forth in Section 4.20.12.

C. Expedited collocation applications.

1. Expedited collocation applications for antenna on towers. In accordance with F.S. § 365.172 , collocation of antenna on towers, including nonconforming towers, are subject only to building-permit review, which may include a review for compliance with this section, if the applicants meet the following requirements:

   a. The collocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower; and

   b. The collocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment facilities and ancillary facilities, except as allowed under this section; and

   c. The collocation consists of antennas, equipment facilities, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennas placed on the tower and to its accompanying equipment facilities and ancillary facilities and, if applicable, applied to the tower supporting the antennas. Such regulations may include the design and aesthetic requirements but not procedural requirements, other than those authorized by this subsection, of the applicable land development code in effect at the time the initial antenna's placement was approved.

   Such collocations shall not be subject to the design or placement requirements of the land development code in effect at the time of the collocation that are more restrictive than those in effect at the time of the initial antenna placement approval, to any other portion of the land development code, or to public hearing review. Such collocation applications shall be decided by the Land Use Administrator or designee.

2. Expedited collocation applications for antenna on base stations. In accordance with F.S. § 365.172 , except for an historic building, structure, site, object, or district, the following collocation applications on all other existing base stations shall be subject to no more

than administrative review for compliance with this section and building permit standards if they meet the following requirements:

a. The collocation does not increase the height;

b. The collocation does not increase the existing ground space area, otherwise known as the compound, if any, approved in the site plan for the equipment facility and ancillary facilities.

c. The collocation consists of antennas, equipment facility and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure in effect at the time of approval of the structure, but not prohibitions or restrictions on the placement of additional collocations on the existing structure or procedural requirements, other than those authorized by this subsection at the time of the collocation application; and

d. The collocation consists of antennas, equipment facility and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with subsection (c), and were applied to the initial antennas placed on the structure and to its accompanying equipment facility and ancillary facilities and, if applicable, applied to the structure supporting the antennas.

3. If only a portion of the collocation does not meet the requirements of any of the above subsections, such as an increase in the height or a proposal to expand the ground space approved in the site plan for the equipment facility by more than 400 square feet or 50 percent, where all other portions of the collocation meet the requirements of this subsection, that portion of the collocation only may be reviewed as set forth in subsection (6) below. A collocation proposal under this subsection that increases the ground space area approved in the original site plan, for equipment facilities and ancillary facilities, by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall require no more than administrative review for compliance with the City's regulations; including, but not limited to, land development code and building permit review; provided, however, that any collocation proposal that increases the original compound size more than such greater cumulative amount shall be reviewed as if it were a new communications facility.

4. Any existing tower, including a nonconforming tower, may be structurally modified to permit collocation, or may be replaced through no more than administrative review and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if the replacement tower is a monopole tower, or if the pre-existing tower is a stealth tower, the replacement tower is a similar stealth tower.

5. The owner of the existing tower on which the proposed antennas are to be collocated shall remain responsible for compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development code to which the pre-existing tower must comply, including any aesthetic requirements, provided the condition or requirement is consistent with this subsection.

6. Collocations or portions of collocations that are not exempt from this section and do not fall under the provisions of subsections 4.20.07.C(1) through (4), shall be reviewed through a full permitted use review. Those located on historic structures or in historic districts, shall be reviewed through the review processes for historic structures or districts indicated in the LDC.

4.20.08. *Development standards.*

A. *General:*

1. All development standards and land development code regulations relating to the property upon which the WCF is located shall apply. Additionally, where permitted as provided in Section 4.20.07, the following development standards apply to all attached collocations and all new, modified, or combined WCF installations. Where any environmentally sensitive lands, historic or scenic overlay districts or corridor plans also apply, the most restrictive standards shall govern.
2. Cabinets shall be provided within the principal building, behind a screen on a rooftop or on the ground within the fenced-in and screened equipment compound. This is not required if out of the public view.
3. All equipment compounds shall be enclosed with a wood/brick/masonry fence or otherwise secured and screened with opaque landscaping. Fencing shall be subject to the requirements as outlined in the LDC.
4. WCF equipment compounds shall be landscaped as required in Chapter 11 of the LDC. Wireless Master Plan sites may utilize a standard alternative landscape plan approved by the Land Use Administrator or designee.
5. Attaching commercial messages for off-site and on-site advertising to a WCF is prohibited and unlawful. The placement of a religious symbol as part of the concealment of a WCF shall not be considered prohibited commercial messages or signage. The only signage that is permitted upon a tower, equipment cabinet, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). On permitted signs which are not located on a tower, cabinet or fence, a WCF may be concealed inside such signage, provided that all applicable standards for both the signage and the concealed WCF are met.
6. Lighting on WCFs, if required by the FAA, shall not exceed the FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA to minimize the potential attraction to migratory birds. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Any security lighting for on-ground facilities and equipment shall be in compliance with the LDC.
7. Each WCF and its equipment compounds shall be constructed and maintained in conformance with all applicable building code requirements.
8. Equipment compounds shall not be used for the storage of any excess equipment or hazardous waste (e.g., discarded batteries). It is prohibited and unlawful to allow an outdoor storage yard in a WCF equipment compound or to use the equipment compound as habitable space.
9. The WCF shall comply with all applicable federal, state and local regulations.
10. The WCF applicant shall comply with all applicable American National Standards Institute (ANSI) standards as adopted by the FCC.
11. Each WCF shall be designed to ensure that no sound emissions from machinery, alarms, bells, buzzers, or similar noise making devised are audible beyond the perimeter of the equipment compound and shall comply with the City of Palm Coast Code of Ordinances. Emergency backup power generators are allowed to operate in short term maintenance durations, and during power outages.

12. Building permits. A building permit shall be required for the construction, modification, and collocation of all WCFs, including any accessory structures or equipment, as provided in Section 4.20.07 above. A compliance letter from the State Historic Preservation Office of Cultural and Historic Programs of the Florida Department of State is a condition of receiving a building permit.

13. The WCF and its equipment compound shall be subject to the setbacks of the underlying zoning district. Antennas may extend a maximum of 30 inches into the setback. However, no antenna or portion of any structure shall extend into any easement.

B. *Attached WCFs:*

1. Attached WCFs may be permitted in all zoning districts. The top of the attached WCF shall not be more than 20 feet above the existing or proposed building or structure.

2. Feed lines and antennas shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed in order to blend with the existing structural design, color, and texture and in order to provide the least visually obtrusive profile.

C. *Freestanding WCFs:*

1. All new freestanding WCFs shall meet minimum lot size standards of the underlying zoning district and are subject to the LDC.

2. New freestanding towers shall be configured and located in a manner that shall minimize adverse effects including, but not limited to, visual impacts on the landscape and adjacent properties. New freestanding WCFs shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural design, height, scale, color and texture, and shall have the least visually obtrusive profile.

3. Grading shall be minimized and limited only to the area necessary for the new WCF as approved by the Land Use Administrator or designee.

4. All support structures shall be certified to comply with the safety standards contained in the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) Document 222-F, Structural Standards For Steel Antenna Towers and Supporting Structures, as amended, by a Florida professional engineer.

5. Freestanding towers may only be permitted as monopole towers. Guyed and lattice structures are prohibited, unless the applicant demonstrates to the City by clear and convincing evidence that monopole towers are not feasible to accommodate the intended uses. Freestanding monopoles are prohibited from single-family or multi-family residential districts unless the applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its service to the residential zone from outside of the district. The City shall cooperate to determine an appropriate location for the freestanding tower of an appropriate design within the residential district. The applicant shall reimburse the City for all reasonable costs incurred by the City for this cooperative determination.

6. The height of a new monopole tower shall not exceed the heights provided in the table below:

Freestanding Non-Wireless Master Plan Sites	
Zone	**Maximum Height WCF**

Single family Residential	Not permitted unless applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its service to the residential zone from outside of the district.
Multifamily Residential	Not permitted unless applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its service to the residential zone from outside of the district.
MPD	As determined by the MPD ordinance, unless within a Wireless Master Plan
All other districts	Up to 150 feet.
Wireless Master Plan Sites	
All districts	Up to 150 feet.

7. In calculating the height limit, above ground foundation shall be included, but lightning rods or lights required by the FAA that do not provide any support for antennas shall be excluded. If the freestanding WCF is located within the Wireless Master Plan, the maximum height may be up to 150 feet.
8. A freestanding monopole and its equipment compound shall be subject to the land development code regulations applicable to the underlying zoning district. The minimum setback distance for a freestanding tower shall be 150 feet from any residentially zoned or platted property. Freestanding monopoles are not allowed in residentially zoned or platted property. In the event of any conflict between this section and the Land Development Code, this section shall control.
9. New towers shall maintain a galvanized gray finish or other approved contextual or compatible color and provide the least visually obtrusive profile, except as required by Federal regulations. The level of required concealment for antenna placement shall be determined based upon the visibility and location of the proposed tower and the network objectives of the desired coverage area.
10. All new or modified freestanding WCFs shall be engineered to maximize collocation.

D. *Attached Collocation or Combined WCFs:*

1. An attached collocation or combined WCF shall not increase the height of an existing tower or base station by more than 20 feet, unless required by Federal law. The maximum total height shall be 150 feet.
2. The City may require new antenna to be flush-mounted or concealed on a case by case basis, if it is determined that a practical visual and aesthetic benefit can be achieved if in the public view. If the applicant demonstrates through RF propagation analysis that flush-mounted or concealed antennas will not meet the network objectives of the

desired coverage area, this requirement shall not apply. This provision does not apply to Wireless Master Plan Sites.

4.20.09. *Submittal requirements for Level I and Level II permits.*

A. *Application form.* Requests for Level I and Level II wireless communication permits shall be made only on application forms approved by the City. Applications shall contain all information required by this land development code and other City regulations, and shall be reviewed for completeness.

B. *Application materials.* In addition to the application materials specified in this code for the appropriate type of review, all applications shall provide sufficient materials (plans, graphics, narratives, or expert statements) to demonstrate compliance with all applicable requirements of this section.

1. Level I and Level II applications shall contain the following:

a. Application.

b. A site plan addressing the development standards of the LDC. If applicable, an application meeting the special exception requirements of Section 2.07 of the LDC shall be submitted.

c. An affidavit by a RF engineer demonstrating compliance with Section 4.20.05. If a non-master plan site is proposed, the affidavit must address why master plan sites are not technically feasible, practical or justified given the location of the proposed WCF communications facility.

d. FCC documentation including a copy of FCC license submittal or registration, and FCC license or registration.

e. Proposed maximum height of the WCF including, but not limited to, individual measurement of the base, the tower or base station, and lightning rod.

f. Photo-simulated post-construction renderings of the completed proposed tower, base station, equipment cabinets, and ancillary structures from locations to be determined during a mandatory pre-application conference. The renderings shall include proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples. The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from a maximum of four vantage points chosen by the City with consultation with the applicant.

g. If the proposed WCF is subject to FAA regulation, then, prior to issuance of a building permit, evidence of compliance with applicable FAA requirements under 14 C.F.R. § 77 et seq., as amended, together with any FAA "no hazard" determinations concerning the WCF (if applicable) shall be timely provided by the applicant to the City.

h. In order to facilitate the regulation, placement, and construction of WCFs and to ensure that all parties comply with the rules, regulations and applicable guidelines of the FCC, each owner of a WCF or applicant for a WCF shall provide an affirmative statement that it will comply with all applicable federal, state and local statutory and regulatory requirements.

i. For applications for new towers or other freestanding WCFs, as necessary to determine that there is no other existing structure that could reasonably be used for the placement of the proposed antennas, or for applications for new WCFs or attached collocations that increase the height of an existing structure, as needed to determine if the proposed height is necessary to provide the carrier's designed

service, materials detailing the locations of existing WCFs to which the proposed antenna will be candidate for placement, including, but not limited to, latitude and longitude of the proposed and existing antenna. This material is not required for Wireless Master Plan sites.

j. For applications for new towers or other freestanding WCFs, as necessary to determine that there is no other existing structure that could reasonably be used for the placement of the proposed antennas, a map showing the designated search ring. This map is not required for Wireless Master Plan sites.

k. With regard to attached collocations, attached and combined WCFs, the applicant shall also submit:

   i. Certification furnished by a Florida registered professional engineer that the WCF has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

l. With regard to freestanding concealed or non-concealed WCFs, and modification of WCFs, for non-Wireless Master Plan sites only, the applicant shall also submit:

   i. A report and supporting technical data demonstrating that all antenna attachments and collocations, including all potentially useable utility distribution poles or transmission towers and other elevated structures within the proposed geographic search ring, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons that existing facilities such as utility distribution poles and transmission towers and other elevated structures are not acceptable alternatives to a new freestanding WCF. The report regarding the adequacy of alternative existing WCFs or the mitigation of existing WCFs to meet the applicant's need or the needs of service providers indicating that no existing WCF could accommodate the applicant's proposed WCF shall demonstrate any of the following:

      a. No existing WCFs located within the geographic search ring meet the applicant's engineering requirements, and why.

      b. Existing WCFs are not of sufficient height to reasonably meet the applicant's engineering requirements, and cannot be increased in height.

      c. Existing WCFs do not have sufficient structural integrity to support the applicant's proposed WCFs and related equipment, and the existing WCF cannot be sufficiently improved.

      d. Other limiting factors that render existing WCFs unsuitable.

   ii. The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from four vantage points chosen by the City with consultation with the applicant, including the facility types the applicant has considered and the impact on adjacent properties including, but not limited to:

      a. Overall height.

      b. Configuration.

      c. Physical location.

      d. Mass and scale.

      e. Materials and color.

f. Illumination.

g. Architectural design.

This does not apply to Wireless Master Plan sites.

iii. If applicable, the applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed WCF on all adjacent properties assigned a residential land use designation or zoning district. This does not apply to Wireless Master Plan sites.

iv. A certification by a Florida professional engineer that the WCF has sufficient structural integrity to accommodate the required and a proposed number of collocations.

v. A certification by a Florida professional engineer specifying the design structural failure modes of the proposed WCF, if applicable.

vi. Identification of the proposed intended service providers of the WCF.

m. With regard to antenna element replacements.

i. Any repair or replacement of an existing antenna or antenna array with another of equal number that does not increase the number and/or size of transmission lines, and that is not readily discernibly different in size, type and appearance when viewed from ground level from surrounding properties, as reasonably determined by the City, and which will not alter the structural integrity of the support structure, is exempt from further review, provided that a notarized certification is submitted by a qualified technician stating that the replacement will not alter the structural integrity of the support structure and that any changes will not affect electrical specifications.

ii. For any repair or replacement of an existing antenna or antenna array on a WCF that changes the mechanical, structural or electrical specifications of the WCF, but does not increase the number and/or size of feed lines and does not increase the number and/or size of antenna elements to the existing WCF, the applicant must, prior to making such modifications, apply for a new building permit review for such requested changes, and, for structural changes to freestanding WCFs, shall provide, in addition to any other documentation necessary for building permit review, a stamped or sealed structural analysis of the existing freestanding WCF prepared by a Florida professional engineer indicating that the existing tower or base station as well as all existing and proposed appurtenances meets the City and Florida Building Code requirements (including, but not limited to, wind loading) for the tower or base station.

n. With regard to the replacement of or modification to an existing WCF, except a tower. The replacement of or modification to a WCF, except a tower, that results in a WCF facility not readily discernibly different in size, type and appearance, when viewed from ground level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the Land Use Administrator, are subject only to building permit review.

2. Level II applications.

a. A completed special exception approval application, and all items required pursuant to Section 2.07, including compliance with all applicable special exception requirements.

C. *Disclosure of ownership.* A notarized affidavit from all owners having a legal, equitable, or beneficial ownership interest in the tower or base station, or privately owned real property upon which a facility is or will be located or collocated, granting permission to the applicant to locate upon such real property, or attach to the tower or base station being collocated upon or attached to.

D. *Submission of fee.* All applications must be accompanied by the permit fee as established by resolution of the City Council.

4.20.10. *Application Review Process.*

A. *A pre-application conference is required.* To minimize issues related to permit application, prior to submitting materials for a permit application, an applicant must request a pre-submittal meeting with the Land Use Administrator or designee. The City shall undertake efforts to accommodate an applicant's request for a pre-application conference within ten business days of a request.

B. *Expert review.* The City may require that all wireless communications permit applications be reviewed by a third-party consultant or expert at the expense of the applicant for compliance with the requirements set forth herein. No permit shall be issued to any applicant that has not fully reimbursed the City for the third-party review fees, which shall be limited to the specifically identified reasonable expenses incurred in the review.

C. *Application Review Timeframes: "shot clock".* The City's action on proposals to place, maintain, modify, or collocate wireless communications facilities shall be subject to the applicable standards and timeframes set out in F.S. § 365.172 , 47 U.S.C. § 1455 (a) and Orders issued by the FCC, as same may be amended from time to time. All Federal and State "shot clock" timeframe guidelines that apply to any particular permit are hereby recognized by the City, and the City will make all reasonable efforts to comply. Except for eligible facilities request applications reviewed in accordance with Section 4.20.12, the following procedures apply to installation of a new WCF or modification:

1. Notification of completeness. The Land Use Administrator or designee shall notify the applicant within 20 business days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted in accordance with the requirements set forth above. However, such determination shall not be deemed as an approval of the application. Such notification shall indicate with specificity any deficiencies which, if cured, could make the application properly completed.

2. Expedited collocation applications. The City shall grant or deny each properly completed expedited collocation application for collocation based on the application's compliance with this section, applicable provisions of the City Code and any other applicable regulations, and within the normal timeframe for a similar building permit review, but in no case later than 45 business days after the date the application is determined to be properly completed. This timeframe shall not apply to lease negotiations for collocation on City-owned property.

3. All other applications. The City shall grant or deny each properly completed application for any other non-exempt WCF, including special exception approvals and collocations that do not qualify for an expedited collocation, based on the application's compliance with this section and any other applicable law, including but not limited to the City Code, and within the normal timeframe for a similar type of review, but in no case later than 90 business days after the date the City determines the application is completed. This timeframe shall not apply to lease negotiations for wireless communications facilities on City-owned property. Collocations located on historic base stations, or within a historic district, shall be reviewed through the review processes for historic structures or districts indicated in the LDC.

4. An application is deemed submitted or resubmitted on the date the application is received by the City. If the City does not notify the applicant in writing that the application is not completed in compliance with the City's regulations within 20 business days after the date the application is initially submitted or additional information resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted. However, the determination shall not be deemed as an approval of the application. If the application is not completed in compliance with the City's regulations, the City shall so notify the applicant in writing indicating with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, would make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the City shall notify the applicant, in writing, within the normal timeframes of review, but in no case longer than 20 business days after the additional information is submitted, of any remaining deficiencies that must be cured. However, if applicant does not cure the application deficiencies within 20 business days after receiving the notice of deficiencies, the application shall be considered withdrawn or closed unless an extension, due to reasonable circumstances, of the time to cure is requested by the applicant prior to the expiration of the 20-day period, and such extension is granted by the Land Use Administrator or designee.

5. The timeframes specified above may be extended, but in no case longer than 90 calendar days for collocations, and 150 calendar days for new installations, and only to the extent that the application has not been granted or denied because the City's procedures generally applicable to all other similar types of applications require action by the City Council or Planning and Land Development Regulation Board, and such action has not taken place within the specified timeframes. Under such circumstances, the City Council or Planning and Land Development Regulation Board, as applicable, shall either grant or deny the application at its next regularly scheduled meeting, or, otherwise, the application shall be deemed automatically approved; accordingly, the Land Use Administrator or designee may by letter to the applicant extend the timeframe for a decision until the next available scheduled meeting date of the City Council or Planning and Land Development Regulation Board as to whether to grant or deny an application for a permit. To be effective, a waiver of the timeframes set forth herein must be voluntarily agreed to by the applicant and the City. The City may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, the City may require a one-time waiver in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the City. Notwithstanding the foregoing, the City and an applicant may voluntarily agree to waive the timeframes set forth above.

D. *Appeals.* Any person aggrieved by an administrative decision rendered by the Land Use Administrator regarding the provisions of this Section 4.20 may appeal such decision to the Planning and Land Development Regulation Board in accordance Section 2.16.01 of the LDC.

4.20.11. *Interference with public safety communications.*

A. The City adopts a policy of requesting prior notification of activation or modification of WCF facilities as provided for in 47 C.F.R. § 22.973 and 47 C.F.R. § 90.675 and in accordance with those provisions, WCF providers shall notify the Land Use Administrator or designee prior to a new site activation or existing site modification and provide the information required by the federal regulations.

B. Whenever the City has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

1. The City shall provide notification to all WCF service providers operating within 5,000 feet of the public safety communications equipment at issue, in accordance with the procedures indicated in 47 C.F.R. § 22.972 and 47 C.F.R. § 90.674, using the website www.Publicsafety800mhzinterference.com. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in 47 C.F.R. § 22.972 and 47 C.F.R. § 90.674 and following the applicable FCC adopted Best Practices Guide, as may be amended or revised by the FCC from time-to-time.

2. If any WCF owner fails to cooperate with the City in complying with the owner's obligations under this section and if the FCC makes a determination of radio frequency interference with the City public safety communications equipment, an owner who fails to cooperate and/or the owner of the WCF which caused the interference, shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the City for all reasonable costs associated with ascertaining and resolving the interference including, but not limited to, any engineering studies obtained by the City to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in 47 C.F.R. § 22.972 and 47 C.F.R. § 90.674.

4.20.12. *Eligible Facilities Requests.*

A. *Applicability and Intent.* This section implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act") as interpreted by the Federal Communications Commission's ("FCC") Acceleration of Broadband Deployment Report and Order dated October 21, 2014, which requires local governments to approve any eligible facilities request for modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station. This section shall apply only to eligible facilities requests for an eligible support structure that is a legal conforming or legal nonconforming structure at the time a completed eligible facilities request is submitted to the City. To the extent that the nonconforming structures and use provisions of the City of Palm Coast LDCs would operate to prohibit or condition approval of an eligible facilities request otherwise allowed under this section, such provisions are superseded by this section. This subsection shall not apply to an eligible facilities request replacement of the existing tower or base station. This subsection shall also not apply where the WCF requested to be modified is located upon a City-owned structure, or upon non-right-of-way property which is either City-owned or City-leased.

B. *Sole and Exclusive Procedure.* Except as may otherwise be provided in this section, and notwithstanding any other provisions in the City Code, the provisions of this section shall be the sole and exclusive procedure for review and approval of an eligible facilities request which the applicant asserts is subject to review under the Spectrum Act. To the extent that other provisions of the City Code establish a parallel process for review and approval of a project application for a proposed eligible facilities request, the provisions of this section shall control. In the event that an application for a project approval includes a proposal to modify an eligible support structure, and the applicant does not assert in the application that the proposal is subject to review under Section 6409 of the Spectrum Act, such proposal shall not be entitled to review under this section and may be subject to review under other applicable provisions of the City Code.

C. *Application Requirements.* No eligible facilities request shall be deemed complete unless it is in writing, accompanied by the application fee, includes the required submittals, and is attested to by the authorized person submitting the application on behalf of the applicant. The application shall be submitted on a form prepared by the City. The applicant shall be obligated to demonstrate conclusively that the proposed modification satisfies the standards set forth herein and that the modification shall meet all applicable building codes.

D. *Review of Application.* The City shall review an eligible facilities request application to determine if the proposed modification is subject to this section, and if so, if the proposed modification will result in a substantial change to the physical dimensions of an eligible support structure.

E. *Timeframe for Review.* Within 45 calendar days of the date on which an applicant submits a request seeking approval under this subsection, the City shall approve, and may not deny, an eligible facilities request, unless it determines that the application is not covered by this section or proposes a substantial change to the physical dimensions of the eligible support structure.

F. *Tolling of Timeframe for Review.* The 45-day period begins to run when the application is filed with the Land Use Administrator or designee in person during the City's regular business hours, and may be tolled only by mutual agreement, or in cases where the City determines that the application is incomplete.

1. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 calendar days of receipt of the application, clearly and specifically delineating all missing documents or information.

2. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

3. Following a supplemental submission, the City shall have ten calendar days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the same procedure used for the first notice of incompleteness. Except as may be otherwise agreed to by the applicant and the City, second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

4. Notices of incompleteness from the City shall be deemed received by the applicant upon the earlier of personal service upon the applicant, three days from deposit of the notice in the U.S. Mail, postage prepaid, to the applicant, or by electronic mail if the applicant has agreed to receive notices in such a manner.

5. If after submittal of the application the applicant modifies the eligible facilities request, the modified application shall be considered a new application subject to commencement of a new application review period.

G. *Approval or Denial.* An eligible facilities request shall be approved, and an eligible facilities permit issued, upon determination by the City that the proposed modification is subject to this section and that it does not substantially change the physical dimensions of an eligible support structure. An eligible facilities request shall be denied upon determination by the City that the proposed modification is not subject to this section or will substantially change the physical dimensions of an eligible support structure.

H. *Denial.* A denial of an eligible facilities request shall be in writing and shall set forth the reasons for the denial.

I. *Remedies.* Applicant and City retain any and all remedies that are available at law or in equity and any action challenging a denial of an application or notice of a deemed approved remedy, may be brought in a court of competent jurisdiction within 30 days following the date of the denial or following the date of notification of the deemed approved remedy.

J. *Applicable Code Requirements.* Nothing in this section shall relieve the applicant from compliance with applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety. Any approved

eligible facilities request may be conditioned upon compliance with such codes and other laws.

K. *Expiration of Approval.* An approved eligible facilities request shall be valid for a term of 180 days from the date of approval or the date the application is deemed approved.

L. *Not Covered as an Eligible Facilities Request.* Should the City determine that an applicant's request is not covered by Section 6409(a) of the Spectrum Act, the presumptively reasonable timeframe under 47 U.S.C. § 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under 47 U.S.C. § 332(c)(7), pursuant to the limitations applicable to other reviews under that statute.

M. *Failure to Act.* In the event the City fails to approve or deny a request under this section within the timeframe for review, accounting for any tolling, the request shall be deemed granted. The application deemed granted does not become effective until the applicant notifies the City in writing after the review period has expired, accounting for any tolling, that the application has been deemed granted.

4.20.13. *Abandonment.*WCFs and equipment compounds shall be removed, at the owner's expense, within 180 days of cessation of use, unless the abandonment is associated with a replacement antenna structure as provided in Section 4.20.09, in which case the removal shall occur within 180 days of cessation of use. An owner may apply to extend the time for removal or reactivation by submitting an application stating the reason for such extension. The City may extend the time for removal or reactivation up to 90 days upon a showing of good cause. If the WCF or antenna is not removed in accordance with the requirements of this section, the City may give notice that it will contract for removal within 60 days following written notice to the owner. Thereafter, the City may cause removal of the WCF and equipment compound with all costs being borne by the owner. The City may record a lien against the property in the amount of all costs and expenses of the City. Upon removal of the WCF, the equipment compound and the foundations, including two feet below ground level, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current use of the land at the time of removal. The cost of rehabilitation shall be borne by the owner. Except as provided herein, the abandonment of WCFs within public rights-of-way shall be managed in accordance with the procedures set forth in Section 42-123, City Code of Ordinances. Any special exception approval for a WCF shall automatically expire 180 days from the date of abandonment without reactivation, or upon completion of dismantling and removal, whichever is first, or pursuant to the notice required by Section 42-123 of the City Code of Ordinances.

4.20.14. *Code enforcement.*

A. The City may enforce the provisions of this section in accordance with the provisions of applicable state law and pursue any and all available legal remedies.

B. The City shall engage in a program of periodic inspections to ensure continuing adherence to the standards of this section and to ensure that WCFs are being appropriately maintained.

4.20.15. *Compliance with state and federal regulations; preemption.* In implementing this section and the provisions set forth herein, the City shall comply with applicable state and federal regulations, and the provisions of this section shall be given force to the maximum amount and greatest extent permissible under state and federal law. Except as authorized pursuant to state and federal law, in the event of any conflict between the terms of this section and state or federal law, state and federal law shall control. In the event any provision of this section is specifically preempted, or judicially determined to be preempted by state or federal law, then the preempted provision shall automatically be deemed null and void and the superseding provision of state or federal law shall prevail.

(Ord. No. 2018-02 , § 5(Att. A), 2-6-18; Ord. No. 2020-11 , §§ 2, 3, 10-6-20)

Editor's note— Ord. No. 2018-02 , § 5(Att. A), adopted Feb. 6, 2018, changed the title of § 4.20 from "Wireless Communications Facilities" to read as herein set out.

Sec. 4.21. - Electronic Game Promotions.

4.21.01. *Purpose and intent.* In the interest of the public health, peace, safety, and general welfare of the citizens and inhabitants of the City of Palm Coast, this section is established to regulate the use of electronic means to effect giveaways through drawings by chance conducted in connection with the sale of a consumer product or service, sweepstakes, and game promotions.

4.21.02. *Separation requirements.* Establishments conducting electronic game promotions with electronic equipment on site shall not operate within 1,000 feet of a church, public park, or school, unless such establishment was in operation prior to the church, park, or school locating nearby. Distances shall be measured from property line to property line without regard to the route of travel. This subsection does not apply to de minimis activity establishments.

4.21.03. *Compliance with city and state law.* Electronic game promotions and de minimis activity establishments shall comply with Chapter 16, Article IX, in the City of Palm Coast Code of Ordinances and F.S. 166 .

(Ord. No. 2012-3, § 3, 5-1-12)

Sec. 4.22. – Mobile Food Dispensing Vehicles and Temporary Commercial Kitchens.

4.22.01. *Purpose and Intent.* The purpose of this section is to establish operational and zoning standards for Mobile Food Dispensing Vehicles and Temporary Commercial Kitchens (MFDV) in the City in effort to be compliant with Section 509.102, Florida Statutes. The standards within this section shall apply to MFDVs in the City of Palm Coast, with the following exceptions:

A. MFDVs associated with a special event in accordance with Chapter 28, Article II - Special Events of the City's Code of Ordinances.

B. MFDVs associated with catered private events on private land where no food product, sale, or service is made available to the general public.

4.22.02. *Zoning Applicability.* MFDVs shall be permissible as depicted under LDC Section 3.03 Table 3-4. MFDVs shall be prohibited in any other zoning district. MFDV parks as a principal use shall be permitted in COM-2, COM-3, IND-1, and MPDs as determined by their Development Agreements. MFDVs as an accessory use to sites with an existing principal use shall be permitted in COM-1, COM-2, COM-3, IND-1, PSP, P&G, and MPDs as determined by their Development Agreements. The utilization of an MFDV shall be considered a customary ancillary use of sites developed as a park, performing arts center, or athletic complex within the City.

4.22.03. *Site Plan Approval.* Proposed MFDV sites developed as a principal use shall require the approval of a Technical Site Plan in accordance with LDC Section 2.11. Sites developing as an accessory use, as allowed under Sec. 4.22.02, shall not require technical site plan approval. Rather, sites developing as an accessory use shall submit an application by the Property Owner or authorized agent on a form prescribed by the City. This application shall require a concept plan showing the location of MFDV operational area along with a statement that identifies the intended number of MFDV spaces, hours of operation, and frequency of operations.

4.22.04. *Indemnity.* MDFV sites that operate as a principal or accessory use shall submit an application by either the property owner(s) or their authorized agent. In the event that an agent other than

the property owner submits the application, a notarized authorization of owner(s) shall also be submitted. The applicant by means of the application shall indemnify, defend, and hold the City harmless against all liability, claims for damages, and suits for or by reason of any injury to any person, including death, and damage to any property, arising out of or in connection with the operation of a MFDV site.

4.22.05. *Development Standards.* Proposed MFDV sites shall be subject to these supplemental development standards in addition to meeting any other applicable sections of the LDC:

A. *Principal Use.* MFDV sites developed as a principal use shall provide permanent common facilities for the use of all mobile food vendors (MFV) and/or customers. These facilities shall be permanent to the site and include accessible restrooms, dining areas, and common private refuse collection on site. Common dining areas may be either indoors or outdoors, and if developed outdoors, outdoor lighting shall be provided pursuant to LDC Section 9.08. The site may develop small outdoor recreation areas (i.e. playgrounds, splash pads, etc.) as an ancillary use to a MFDV site subject to any applicable development regulations. The site shall provide a common parking area that is separated from the vending areas, dining areas, and any provided outdoor recreation.

B. *Accessory Use.* MFDV sites developed as an accessory use shall be limited to the zoning districts identified in Sec. 4.22.02 on property that is developed with an existing conforming principal use. MFDVs shall not operate on nonconforming lots. MFDVs operating as an accessory use shall not require additional parking areas, dining areas, or restroom areas outside of those required for the principal use. In no circumstances shall their usage reduce the available parking area for the principal use below the site's required parking.

C. *Operating Hours.*

1. *As a Principal Use.* MFVs shall not offer food product, sale, or service to the general public between the hours of 2:00 a.m. and 6:00 a.m. MFDVs are not required to be removed from the parcel during this time.

2. *As an Accessory Use.* MFDVs shall not operate between the hours of 2:00 a.m. and 6:00 a.m. MFDVs shall vacate an MFDV site outside of the principal use's operating hours. The provisions of this subsection shall have the following exemptions:

i. Any MFDV that is operated on the same premises as and by a separately licensed public food service establishment may operate during the same hours of operation as the separately licensed public food service establishment that operates such mobile food dispensing vehicle or temporary commercial kitchen.

ii. Nightly removal of a MFDV is not necessary if the mobile food dispensing vehicle or temporary commercial kitchen that is operated on the same premises as and by a separately licensed public food service establishment in conjunction with Subsection 509.102(3) Florida Statutes.

D. *On-site Locational Requirements.*

1. *General.* MFDV sites shall not impact easements, wetlands, required landscape or wetland buffers, threatened or protected species, drive aisles, pedestrian sidewalks/cross walks, emergency access, fire lanes, loading zones, public rights-of-way, or otherwise impede traffic patterns or ingress and egress to buildings and businesses. MFDVs shall be located on an impervious surface

2. *As a Principal Use.* Any ancillary recreational areas provided for MFDV sites developed as a principal use may be located on either a pervious or impervious surface and shall be enclosed by a perimeter fence in accordance with LDC Section 4.01.02 and buffered a minimum five (5) feet from any parking area or drive aisle.

3. *As an Accessory Use.* Operations of such an accessory use within a vehicular use area (such as a parking lot or internal drive aisle) shall provide on-site marking of the MFDV area with traffic cones a minimum of at least three (3) feet high every six (6) feet surrounding the area of operations. Traffic cones markings are not required in the event that the MFDV area is not in a vehicular use area on the site.

E. *Minimum Dimensional Requirements.*

1. *As a Principal Use.* MFDV sites developed as a principal use shall be limited as depicted in Table 4-7. Each MFDV operated as a principal use shall require its own space as provided in Table 4-7. Restrooms for MFDV sites developed as a principal use are required regardless of Florida Administrative Code 61C-4.010(8)(a), as that exemption is limited in scope for individual MFDVs operating in a temporary capacity and does not extend to a permanent MFDV site.

Table 4-7: Dimensional Requirements for MFDV sites developed as Principal Use.

Standard	Dimension
Minimum Lot Size	20,000 sq. ft.
Minimum Space per MFDV	500 sq. ft.
Minimum Space length per MFDV	25’
Minimum Space width per MFDV	20’
Maximum Number of MFDV Spaces	15
Minimum MFDV Space Setbacks from Property Boundaries	As required by the underlying zoning district or MPD Development Agreement.
Minimum Separation Between MFDV Spaces	10 feet
Minimum Parking	2 parking spaces per MFDV + 1 space per 75 sq ft of dining areas.
Minimum Seating Area	10 seats per MFDV
Maximum Seating Area	30 seats per MFDV
Minimum Restroom Requirements	Refer to Florida Building Code Assembly Occupancy group for minimum restroom requirements.

2. *As an Accessory Use.* MFDV sites developed as an accessory use shall be limited to sites developed with an existing conforming permitted principal use. Additionally, MFDV sites developed as an accessory use shall meet the minimum dimensional requirements

as depicted in Table 4-8. Each MFDV operated as an accessory use shall require its own space as provided in Table 4-8.

Table 4-8: Dimensional Requirements for MFDV sites developed as an Accessory Use.

Standard	Dimension
Minimum Lot Size	20,000 sq. ft.
Minimum Space per MFDV	500 sq. ft.
Minimum Space length per MFDV	25’
Minimum Space width per MFDV	20’
Maximum Number of MFDV Spaces	3
Minimum Setbacks from Property Boundaries	As required by the underlying zoning district or MPD Development Agreement.
Minimum Separation Between MFDV Space	10 feet

3. *Administrative Deviations.* Administrative deviations of these standards shall be subject to the approval of the Land Use Administrator pursuant to the following limitations and LDC Section 2.13. Deviations to the minimum width of an MFDV space shall be conditioned upon the space providing a minimum of a two foot increase to the minimum length of the MFDV space for every foot reduced as the minimum width is intended to provide an adequate safe space for customers to queue. Deviations increasing the maximum number of spaces shall require an increase of 10,000 sq. ft. to the minimum lot size for every additional space provided, not to exceed a maximum of five additional spaces. The minimum separation distance between MFDVs shall not be reduced, as that space is intended for fire separation purposes.

F. *Outdoor Dining and Signage.*

1. *As a Principal Use.* MFDV sites that are permitted as a principal use shall provide permanent dining areas as required in Table 4-7 above.

2. *As an Accessory Use.* An MFDV that operates as an accessory use within a vehicular use area shall not provide any outdoor dining areas, tents, or canopies. MFDVs that operate as an accessory use outside of a vehicular use area may provide temporary seating, tents, or canopies, that are removed when the MFDV ceases daily operations, subject to the approval of the property owner. Each MFDV shall be required to provide its own waste receptacle for customer use during its hours of operation. A MFDV shall be able to provide a temporary A-fame sign to be located no further than five feet from the MFDV for purposes of providing a menu board, pursuant to LDC Section 12.06.03. Any provided seating, tents, or canopies shall be fully enclosed within the approved MFDV space and setback at least five (5) feet from any adjacent vehicular use area.

G. *Fire Safety.* Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such

equipment or fire hydrants from being immediately visible and accessible. A clear and unobstructed path of a width at least eight (8) feet shall be provided and maintained for access to the fire department inlet connections. All MFDVs shall have a fully charged fire extinguisher located on the premises at all times during operations.

H. *Illicit Discharge.* MFDVs shall be prohibited from discharging fat, oil, grease, or wastewater into the sanitary sewer system. Spills of oil, fuel, coolant, or similar hazardous liquids shall be immediately contained and cleaned up to minimize potential environmental impacts. Such liquids shall be prohibited from being discharged into the sanitary sewer system. Any illicit discharge shall be reported to the City of Palm Coast.

I. *Limitations and Code Enforcement.* MFDVs authorized by this section shall meet the definition of "mobile food dispensing vehicle" or "temporary commercial kitchen" as defined by Section 509.102, Florida Statutes. Further, MDFVs authorized by this section shall meet the definition of a "public food service establishment" as defined in Section 509.013, Florida Statutes. This section shall not authorize mobile vendors that provide other non-food related services. Operating a MFDV site or MFDV within the City of Palm Coast without complying with the provisions established within this section or as exempted, in subsection 4.22.01 above, shall be subject to code enforcement action pursuant to Chapter 2 Article V Division 1 – Code Enforcement Board of the City's Code of Ordinances.

4.22.06 *Utilization MFDVs on City-Owned or Leased Land.* The City may permit the development of a MFDV site to allow for the limited operations of MFDVs on City-owned or leased land pursuant to the above regulations outside of an approved special event permit in accordance with Chapter 28, Article II – Special Events of the City's Code of Ordinances. The operations of such a site shall be established by City operating policies which may be amended from time to time.

Sec. 4.23. - Affordable Housing Mixed-Use Residential Development Standards.

4.23.01. Zoning applicability. Applications for the development of property pursuant to the Live Local Act shall require the site to be zoned for commercial, industrial, mixed use, or portions of Master Planned Developments that allow for commercial, industrial, or mixed uses pursuant to Florida Statutes Section 166.04151(7) as amended. Additional properties eligible for live local developments regardless of the underlying zoning district shall include properties that are owned by either the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development. For properties not owned by the City, County, school district, or a religious institution which has been developed with a house of worship for at least 10 years prior to the proposed development shall require the site to be zoned as permitted under Table 3-4 found under Section 3.03.02. Properties developed as a house of worship seeking to apply for a live local development shall be at least three (3) acres in size. If the City designates less than 20 percent of the land area within its jurisdiction as commercial or industrial, it must authorize a proposed development pursuant to the Live Local Act only if the proposed development is a live local mixed-used residential development (see glossary).

4.23.02. *Use of property.* Live local developments shall maintain the project as a live local mixed-use residential development and shall rent and hold available for rent no fewer than 40 percent of the dwelling units as affordable as defined in § 420.0004, Florida Statutes for rent exclusively to eligible households for the affordability period. The project shall have at least 65 percent, but no more than 70 percent of the buildable area of the property must be for residential purposes and at least 10 percent of the buildable area of the property must be for commercial or industrial use reflective of the underlying zoning district's permitted uses. In the event that the project is for a vertically mixed-use development, then the non-residential component of the project may be 33 percent of the buildable area to facilitate vertically stacking non-residential and residential uses.

4.23.03. *Development standards.* Live local mixed-use residential developments shall be subject to the requirements of the Land Development Code unless otherwise modified below:

A. Developments may utilize up to the maximum density allowed by any zoning district within the city.

B. Developments may utilize up to 150 percent of the maximum allowed floor area ratio of any zoning district within the city.

C. Developments may utilize the city's maximum allowed building height within one mile of the development. The additional setbacks for multistory buildings requirement found under Section 3.05.02(C) does not apply to developments made pursuant to the Live Local Act.

1. If the development is adjacent to a single-family residential development on two or more sides with at least 25 contiguous single-family homes, the maximum height for the development is restricted to 150 percent of the highest adjacent building, the zoning district's defined maximum height, or three stories, whichever is higher, not to exceed 10 stories.

D. Developments shall submit the residential and non-residential portions of the project concurrently within the same application to ensure the mixed-use nature of the project. If the development is phased, the non-residential portion of the project shall be constructed prior to the residential portion.

E. Developments may use vertical or horizontal mixed-used developments; however, vertically mixed-used developments are not permitted in IND-1 or IND-2 zoning districts due to potential life-safety issues that may be present when having permitted industrial uses and residential uses in the same building.

F. The development shall provide a perimeter landscape buffer as required in Section 11.03 based on its zoning district. Horizontally mixed-use developments shall provide a minimum of an internal D, E, or F landscape buffer in-between residential and nonresidential uses.

G. The non-residential component of a development shall be a principal use of the underlying zoning district and shall be designed so that it could be developed without a live local residential portion. The nonresidential component shall not be an accessory use to the residential use (such as a leasing office, but not limited to other accessory uses related to the management of a multifamily residential development).

H. A mixed-use development that includes an adult-oriented business or miniwarehouses, office warehouses and/or a self-storage facility as its nonresidential component shall be prohibited.

I. The non-residential portion of a mixed-use development shall be integrated with the residential component of the project through use of sidewalks and internal roads. The non-residential and residential components of the project shall share the same access as for the project, provided the project may require more than one point of access in accordance with Section 5.02.04.

J. Loading and unloading and refuse collection areas servicing the non-residential uses of a mixed-use development shall be located to provide the least impact to any adjacent residential community.

K. Developments that are within a one-quarter mile of a transit stop or within 600 feet of an area with available surplus parking consisting of on-street, parking lots, or parking garages that can be utilized to meet the needs of the development the minimum parking requirements are eligible for a 20 percent reduction to its parking requirements. Provided that any available surplus parking utilized is memorialized by a shared parking agreement.

L. Proposed developments on property owned by the City, County, or school district must be party to the application. If the City, County, or school district do not authorize the application then the proposed development shall not be processed.

M. Proposed developments on property that is owned by a religious institution shall be required that the religious institution is party to the application and that the house of worship on site has existed for a minimum of 10 years. Any house of worship must continue to operate on the property after the proposed development is constructed.

4.23.04. *Exemptions.*

A. The Live Local Act does not apply to properties within one-quarter mile of a runway or its extension for 10,000 feet.

B. Areas subject to land development regulations, which existed prior to July 1, 2026, that are intended to retain the open character of land, including, but not limited to, areas required for a development to meet open space or recreational level of service requirements, or park land.

C. Any portion of a property encumbered by a recorded conservation easement.

4.23.05. *Affordability period.* The affordable residential portion of the development shall be subject to a minimum affordability period of 30 years from the date of its issuance of a certificate of occupancy.

4.23.06. *Land use restriction.* Prior to the issuance of a building permit for a live local project, the property owner shall execute and deliver to the City, a land use restriction agreement (LURA) provided by the City that details the affordable housing conditions, restrictions and compliance for the development including the City' s monitoring requirements. Furthermore, as a prerequisite to the issuance of a certificate of occupancy, the LURA shall confirm the affordability period, any conditions, and restrictions of the development, and shall be recorded in the public records of Flagler County, Florida at the sole expense of the property owner.

4.23.07. *Owner responsible for income verification.* For each affordable unit, the property owner shall be responsible for accepting rental applications and determining and verifying the adjusted gross income of prospective tenants to ensure such tenants qualify as an eligible household. Adjusted gross income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received by the household during the 12 months following the effective date of determination. The property owner shall submit an annual report to the City as provided in the LURA.

4.23.08. *Affordable units must be comparable in quality to the market-rate units.* The affordable units shall be intermixed with, and not segregated from any market rate units within the live local project. At all times, the affordable units must be at least reasonably comparable in terms of size, features, and number of bedrooms to the market rate units. Eligible households shall not be excluded from using common area amenities within the project.

4.23.09. *Required recordkeeping.* The property owner of a live local development shall maintain complete and accurate income records pertaining to each eligible household occupying an affordable unit. These records must be updated annually and shall be maintained for at least ten years following the date of each such record. At a minimum, property owner shall maintain the following records for each occupied affordable unit:

A. An eligible household's complete application for tenancy and related information including the name of each household member, proof of identity, and employment, income, and asset information for each household member;

B. A copy of the lease agreement listing the term of tenancy, the rent, and identifying each tenant residing in the affordable unit;

C. Verification that the household is an eligible household as defined herein; and

D. Verification that the eligible household's rent is affordable as defined herein.

4.23.10. *Annual reporting requirements.* The property owner of a live local development shall provide an annual report to the City by September 30 of each year. The annual report shall provide the following information regarding each affordable unit:

A. Unit address;

B. Number of persons residing in each affordable unit;

C. The adjusted gross income of the persons residing in the affordable unit;

D. The monthly rent charged;

E. Any other information reasonably required to ensure compliance with the Live Local Act and requested by the City.

4.23.11. *Monitoring and inspection.* The property owner of a live local development shall permit the City to inspect all records, including but not limited to financial statements and rental records, pertaining to the affordable units within the development upon reasonable notice and shall submit to the City such documentation as required by the City to document compliance with the Live Local Act. The City may, from time to time, make or cause to be made inspections of the affordable units and development rental records to determine compliance with the Live Local Act. The City shall notify the owner prior to scheduled inspections, and the owner shall make any and all necessary arrangements to facilitate the City's inspection.

(Ord. No. 2024-17, § 5, 11-12-24)

Sec. 5.01. - Purpose and Applicability.

5.01.01. *Purpose.* The purpose of this chapter is to establish requirements for a transportation system that operates by moving people and goods efficiently, safely, and provides a balance between mobility and accessibility.

5.01.02. Applicability. All development shall provide transportation, access, parking, loading, stacking, bicycle (including E-bike and micromobility), and pedestrian facilities in compliance with the standards of this chapter. All facilities shall be maintained as long as the principal use continues.

(Ord. No. 2018-21 , § 3, 10-2-18)

Sec. 5.02. - Transportation and Connectivity.

5.02.01. *Streets.*

A. All proposed developments, except for sites developed with utility facilities such as cable substations, communication towers, etc., shall front on a paved street or paved access easement. This street, if not already paved, shall be paved by the developer from the entrance of the development to the nearest public paved street(s). The character, width, grade, and location of all streets shall conform to City standards and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Construction and material specifications for streets shall conform to the Florida Department of Transportation Standard Specifications for Road and Bridge Construction and the following:

1. The City Council may approve developer proposed private streets in residential areas via a plat approval. In such cases, all such streets shall meet all design and construction criteria of the City for public streets, and a condominium or homeowners association or equivalent shall be created with all duties and powers necessary to ensure perpetual maintenance of such private streets. All streets shall be constructed to the exterior property lines of the development unless they are permanently terminated by a cul-de-sac or an intersection with another street. Public streets shall not be gated.

2. City Council may approve developer proposed private streets in commercial or industrial areas via a plat approval. In such cases, all streets shall meet the design and construction criteria of the City for public streets unless overriding conditions, such as sharing entrances or parking areas, require different design criteria. A property owners' association or equivalent shall be created with all duties and powers necessary to ensure perpetual maintenance of such private streets.

B. The arrangement of streets in a development shall:

1. Provide efficient and orderly hierarchy of streets.

2. Conform to official plans and maps of the City.

3. Be integrated with the existing and planned street system of the surrounding area in a manner that is not detrimental to existing neighborhoods.

4. Ensure that the use of local streets by design discourages passby traffic.

5. Facilitate and coordinate with the future development of adjoining property of a similar character, and provide for local circulation and convenient access to neighborhood facilities.

6. Local streets shall be patterned in such a way that continuous traffic from a collector road to another collector or arterial road is discouraged. Local streets shall be designed not to function as a collector road.

7. Collector Roads shall not have residential driveway connections.

5.02.02. *Minimum right-of-way and pavement widths.* The following are the minimum right-of-way widths required for streets within the City. Developers shall dedicate sufficient land to meet the right-of-way requirement resulting from the development in accordance with a rational nexus and rough proportionality analysis. A cul-de-sac, even one with a minimally acceptable radius, does not preclude the developer from having a landscaped island within its center as long as the developer can demonstrate that the island does not impede safe turning movements for larger vehicles.

Table 5-1: Minimum Right-of-Way Width

Functional Classification	Minimum Right-of-Way (ft.)
Principal Arterial	200
Minor Arterial	120
Collector/Minor Collector	100/80
Local Streets	50

Note: The Land Use Administrator may approve, based upon sound and generally acceptable engineering practices and principles, narrower rights-of-way, provided utilities and sidewalks can be accommodated.

Table 5-2: Required Right-of-Way and Pavement Width

Street Type	Right-of-Way In Feet		Pavement In Feet	
	Urban	Rural	Urban	Rural
Local (> 75 lots)	50	80	24	24
Residential Up to 75 lots	50	70	24	24
Cul-de-sac (radius)	62	62	52	52

Note: The Land Use Administrator may approve, based upon sound and generally acceptable engineering practices and principles, narrower rights-of-way, provided utilities and sidewalks can be accommodated.

5.02.03. *Additional right-of-way.*

A. Within the area of the setbacks required by this Land Development Code, additional right-of-way may be required to promote public safety and convenience or to ensure adequate access, circulation, and parking based upon a rational nexus and rough proportionality analysis.

B. Whenever a street is programmed for improvement (in the adopted budget and the Capital Improvements Element of the Comprehensive Plan) and the need for the improvement is due to development being approved, as determined in a rational nexus and rough proportionality analysis, the owner of the proposed development must convey necessary right-of-way to the City.

C. Where a proposed subdivision or site development abuts an existing street of inadequate right-of-way, and the need for additional right-of-way is rationally related to the development being approved, the owner of the development must convey additional right-of-way based upon a rational nexus and rough proportionality.

D. All right-of-way dedications, except easements, shall be conveyed to the City by means of a warranty deed or dedication by plat, at the City's discretion. Easements shall be conveyed to the City in a form acceptable to the City.

E. All right-of-way dedications are subject to acceptance by the City Council and/or the Land Use Administrator.

F. The following requirements shall be adhered to regarding right-of-way for corner clip radius:

1. On any corner parcel with access to at least one adjacent road classified as a collector or above, additional right-of-way shall be dedicated to the City if needed to accommodate intersection radius improvements.

2. Property lines at street intersections shall be rounded with a minimum radius of 25 feet. A greater radius shall be required at an angle of intersection of less than 75 degrees, as determined by the Land Use Administrator based upon sound and generally accepted engineering practices and principles.

G. Right-of-way donations/dedications may be eligible for transportation impact fee credits if the donation or dedication is in accordance with City requirements.

5.02.04. *Connectivity and interconnectivity.*

A. When nonresidential developments are proposed to front on public streets, the City shall require the use of joint driveways and cross-access easements in order to minimize the number and maximize the spacing of access connections unless determined not feasible by the Land Use Administrator due to a unique configuration of the properties or substantial environmental constraints. Whenever cross-access corridors or coordinated or joint parking designs are provided to accomplish access management, each applicant for development approval shall provide such easements or agreements as may be necessary to ensure that adjoining properties shall be appropriately connected in order to implement a unified system allowing general cross-access to and from the other properties in the affected area. Such easements or agreements shall be recorded in the Public Records of Flagler County by the developer at developer's expense and shall constitute a covenant running with the land. When cross-access is provided to an undeveloped adjoining property, a temporary curb shall be provided at the end of the pavement to ensure drivers do not use the cross-access until the adjoining property is developed. Nonresidential developments shall provide a second means of ingress when required by the Florida Fire Prevention Code or this Code.

B. All new residential developments of more than 100 dwelling units, or which use as access a street that is 2,500 feet or more in length from another roadway, shall provide a minimum of two vehicular entrances from a public right-of-way, with at least one of the vehicular entrances connecting to a public collector or arterial road, but both directly connecting to a public road. For new residential developments exceeding 250 dwelling units must provide two paved vehicular entrances. A deviation to the requirement that at least one of the vehicular entrances connect to

a public collector or arterial road may be granted by the Land Use Administrator if it is determined by a traffic study administered by a licensed engineer that the additional traffic will not exceed the capacity of surrounding local streets at build-out of the surrounding area, or if the entrance connects to a private roadway meeting City standards, which then connects to a public roadway.

C. All developments shall provide for bicycle and pedestrian interconnectivity to promote the use of bicycles and walking and as a means to reduce traffic on collector and arterial roads.

D. All residential and nonresidential development that abuts an existing or proposed trail system shall provide pedestrian and bicycle links to the trail system unless it would not be safe.

E. All new roads, except those where bicyclists are unlawful, such as controlled access highways, shall be designed and constructed for the provision of bicycle access. Bicycle safe design practices shall be followed including, but not limited to, safe drainage grates, railroad crossings, smooth pavements, and signals responsive to bicycles. In addition, the desirability of adding facilities such as bicycle lanes, bicycle routes, shoulder improvements, and wide curb lanes shall be considered.

F. To the fullest extent practicable, all rural arterial and collector sections within one mile of an urbanized area shall be considered for the construction of paved shoulders five feet in width.

5.02.05. *Intersections.*

A. Streets shall intersect at an angle of 90 degrees, unless unique circumstances justify a lesser angle of intersection based upon sound and generally accepted engineering practices and principles.

B. Spacing of street intersections shall be determined based upon Florida Department of Transportation Access Management Standards and Classifications.

5.02.06. *Visibility at intersections.*

A. Sight triangles and sight distance requirements shall adhere to Section 11.03.01.L., including Table 11-3 - Sight Triangle Dimensions Along Driveways and Roadways.

B. Within that portion of a lot or parcel that lies within the sight triangle, as defined in Chapter 14, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially obstruct vision between a height of two feet to seven feet above the average grade at the centerline of the adjoining road.

C. Low-growing shrubs, annuals, and other lower growing vegetation may be utilized within sight triangles or other areas to ensure visibility is not reduced.

D. Trees may be permitted in the sight triangle, at the discretion of the Land Use Administrator, if the trees have a single-trunk and foliage is kept trimmed between two feet and seven feet in height.

(Ord. No. 2018-21 , § 3, 10-2-18)

Sec. 5.03. - Access.

5.03.01. *Vehicular access.*

A. Access management, location, design, and construction of driveway connections to the City's road network shall follow criteria and standard practices as established by the City, based upon Florida Department of Transportation's Access Management Standards and Classifications rules.

B. All development sites shall provide permanent access from a paved street to each lot or parcel within the development in accordance with City standards.

C. Cutting or altering a curb on a public street is prohibited without a permit issued by the City in accordance with Chapter 9.

D. In addition to City approval, approval from Florida Department of Transportation for state roads, or Flagler County for county roads, is also required for any access onto such roads.

E. All driveways shall be designed and constructed to comply with all drainage standards as outlined in Chapter 9 and shall be constructed utilizing an approved paving material in accordance with City standards.

5.03.02. *Pedestrian access.*

A. All development shall provide paved sidewalks, meeting the latest ADA (Americans with Disabilities Act) and City standards, whenever the development fronts on a collector or arterial street.

B. All proposed development fronting a local street shall provide a five-foot wide paved sidewalk(s) along the entire frontage with the local streets, except as outlined below, based on the following standards:

1. Where sidewalks are present along frontage with a local street, a five-foot wide paved sidewalk shall be provided connecting the existing sidewalk to the principal building(s). Where development has frontage on more than one local street, five-foot wide paved sidewalks shall connect the principal building(s) to each local street.

2. Where no sidewalks are present, a sidewalk shall be provided. The City shall determine the location and size of the sidewalk based on the characteristics of the right-of-way.

3. If the construction of a sidewalk is not currently feasible or practical, the Land Use Administrator may allow the developer to make a payment into the Palm Coast Sidewalk Improvement Trust Fund in lieu of sidewalk construction; however, the design and location of new sidewalk must be part of the subdivision or site plan. If sidewalk location is within private property then a legal instrument must be provided to have public access. The legal instrument can be provided in a plat as a right-of-way and/or access easement.

C. All new residential and nonresidential development adjacent to a proposed multi-use path, consistent with the Bicycle/Pedestrian Master Plan, shall provide a twelve-foot wide trail pathway (hard or soft surface per City standards) within the right-of-way or in an easement to provide for the extension of the trail system based upon a rational nexus and rough proportionality analysis.

D. Where development fronts on a collector or arterial road, a five-foot paved sidewalk shall be provided to connect the public sidewalk to the principal building(s) with the sidewalk being placed along the collector or arterial road. Where development fronts on more than one collector or arterial roadway, sidewalks shall connect the principal building(s) to each collector/arterial roadway. Five-foot paved sidewalks shall also be provided to connect to adjacent properties.

E. All new nonresidential and multifamily residential development shall provide safe and convenient pedestrian access and connectivity throughout the site. If necessary, such pedestrian access shall be within an easement consistent with Section 9.02.03E.

5.03.03. *Surfacing.* Access to any project or development shall require a hard surface driveway apron meeting City engineering standards connecting the driveway to the pavement of a public street.

5.03.04. *Single-family, duplex and townhouse driveway and garage standards.*

A. Parking spaces and garages for single-family, duplex and townhouse units shall be provided as follows with garages not counting towards minimum required parking spaces:

1. Single-family homes with less than 1,200 square feet in living area shall have at least a one-car attached garage and a permanent surface for two exterior parking spaces. Single-family

homes with at least 1,200 square feet in living area shall have at least a two-car attached garage unless an exception is specifically permitted by another provision of this Code.

2. Duplexes with less than 1,500 square feet in living area per unit shall have at least a one-car attached garage and a permanent surface for two exterior parking spaces per dwelling unit. Duplexes with 1,500 or greater square feet in living area per unit shall have at least a two-car attached garage per dwelling unit unless an exception is specifically permitted by another provision of this Code.

3. A townhouse with less than 1,500 square feet in living area shall have at least a one-car garage and a permanent surface for two exterior parking spaces. A two-car garage is required for a townhouse with 1,500 or greater square feet in living area.

4. Off-street parking is prohibited adjacent to either side of the dwelling, except when such parking space provides access to a garage.

B. Driveways for single-family, duplex and townhouse units shall be provided as follows:

1. Driveways shall be completely paved. However, on one-acre or larger lots, where the garage is located at least 100 feet from the right-of-way, the pavement area may be limited as follows: Only the 20 feet closest to the garage, the driveway apron area within the right-of-way, and other portions of the driveway that are visible from the right-of-way and within 100 feet of the right-of-way, are required to be paved. The unpaved driveway area shall be of a stabilized material that will support emergency vehicles and meet City standards, such as graded and compacted asphalt milling or similar material. Pervious and permeable pavers and pavement which meet City standards are allowed and are acceptable Green Building materials.

2. Garages must have a driveway extending for a minimum of 20 feet in front of each garage door. The driveway shall be at least the width of the garage door(s), with a minimum width of ten feet, to allow for safe access. For the 20 feet of the driveway that is closest to the garage, driveways for one and two-car garages shall have a minimum width of 16 feet, and driveways for three-car or larger garages shall have a minimum width of 24 feet.

3. Residential driveways entering the public right-of-way shall be a minimum of ten feet wide at the right-of-way line and 16 feet wide at the roadway edge. On corner lots, driveways shall not enter the right-of-way within 25 feet of where the two rights-of-way lines intersect.

4. Driveways shall either lead to a garage (standard driveway), or a circular driveway may be constructed. Except for corner lots, one approach of a circular driveway shall double as the standard driveway.

5. A standard driveway may also have a flare where the driveway widens to provide for an additional lane for vehicle parking. Additionally, standard driveways may have a turnaround so residents may avoid backing out onto the street. Turnarounds shall be located solely on the homeowner's property, except for radii, and not within rights-of-way. Turnarounds shall be a maximum of 9’ wide by 18’ long. In side yards, flares and turnarounds shall not encroach into side yard easements and shall not be located within five feet of side property lines.

6. Maximum driveway widths internal to the lot shall be 18 feet for circular driveways and turnarounds; and for standard driveways, including any flares, the internal widths shall be limited to 20 feet for a one-car garage, 36 feet for a two-car garage, 42 feet for a three-car garage, and 48 feet for a four-car garage. For circular driveways that merge with standard driveways, only the standard driveway area may exceed the maximum width of 18 feet.

7. The lot area in front of the home's building façade out to the front property line must have a minimum of 25 percent landscaped planting area.

8. Driveways, driveway aprons and culverts beneath driveways shall conform to City design and permitting standards.

9. Owners proposing to utilize pavers as pavement on the portion of the driveway in the City right-of-way shall execute a Right-of-Way Utilization Agreement prior to City final approval.

(Ord. No. 2009-26, § 35, 12-15-09; Ord. No. 2018-21 , § 3, 10-2-18)

Sec. 5.04. - Parking.

5.04.01. *Plan requirement.* Off-street parking, loading space, and drive-through facility plans shall be submitted and approved during the site plan review process as outlined in Chapter 2.

5.04.02. *Off-street vehicle parking.* Off-street parking and loading facilities shall be provided for any new use established, for any addition or enlargement of an existing use, or any change of occupancy or manner of operation that would result in additional parking. See Chapter 1 for nonconforming uses and the remodeling threshold. Additional parking may be required only for such addition, enlargement, or change, and not for the entire building or use, unless it is determined, based on the historical function of the use or similar such uses, there is a need for additional parking.

A. *Off-street parking spaces required.*

1. *Minimum number required.* The required number of off-street motor vehicle spaces and any special requirements that may apply are provided in Table 5-3. When the number of off-street spaces required by this Code results in a fractional space, the number shall be rounded to the nearest whole number. Where parking is based on seating on benches or pews, each 24 lineal inches of the bench/pew shall be considered one seat.

Table 5-3: Parking Ratios

NOTE: Unless otherwise noted, all square footages (s.f.) are based on the gross floor area of the unit or building.

Type of use	Minimum Number of Spaces
Adult entertainment	1 space per 100 s.f.
Assembly places (houses of worship/religious institutions, funeral homes, movie theaters, auditoriums, arenas, stadiums, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Banks and credit unions	1 space per 200 s.f.
Barber shops and beauty salons	1 space per 250 s.f.
Bowling alley	3 spaces per lane
Call centers and contact centers	1 space per 115 sq. ft.

Civic clubs and lodges (including civic membership organizations)	1 space per 3 seats plus 2 spaces per 100 s.f. of area devoted to public assembly without seats
Colleges, universities and business/technical schools	1 space per 3 on-site school population (students, faculty and staff but excluding online students)
Convenience store (with or without fueling stations)	1 space per 200 s.f. + 1 space per 2 seats for food patrons
Day care, child care, private schools (k-12)	2 spaces per employee on the largest shift. For private high schools, add 1 space per 2 students in 11th and 12th grade
Fitness center/health club/dance studio	1 space per 125 s.f.
Furniture/mattress store	1 per 700 s.f.
Gasoline service stations/vehicle service and repair facilities	1 space per 250 s.f. of area devoted to sales or customer lounges, plus sufficient area to accommodate vehicles at pumps without interfering with other parking, plus 3 spaces per service bay
Golf course	4 spaces per hole; plus 1 space per 250 s.f. of clubhouse
Golf driving range/putting greens	1 space per 2 driving tees/putting greens + parking for any structures
Golf, miniature	1.25 spaces per hole + parking for any structures
Grocery/supermarket [1]	1 space per 200 s.f.
Group lodging, including nursing homes, rest homes, convalescent homes, assisted care facilities, and other similar facilities	1 space per 2 beds or 0.75 space per unit

Home Improvement/Building Materials and Garden Centers [1]	3.5 spaces per 1,000 s.f.
Hospitals and other medical facilities providing overnight accommodations	2 spaces per bed
Hotels, motels, and other similar lodging and accommodations establishments, without restaurants or lounges open to the public	1.15 spaces per sleeping room
Hotels, motels, apartment hotels, and other similar lodging and accommodations establishments, with restaurants or lounges open to the public	1.15 spaces per sleeping room, plus parking required at 50% of normal rates for any restaurant or drinking establishment
Independent living units (associated with a continuing care retirement community)	1.25 spaces per unit
Industrial, manufacturing and production uses	1 space per 750 s.f.
Marinas	1 space per 3 boat berths (wet slip or dry storage)
Medical or dental offices, medical or dental laboratory, and medical clinics, and veterinary clinics	1 space per 250 s.f.
Mini-warehouse or self-storage facilities including boat and recreational vehicle storage	Minimum of four spaces required. Facilities providing more than 200 storage units require an additional 1 space per 50 units. (Storage units include both indoor storage units and outdoor RV/Boat storage spaces.)
Multi-family dwellings	1 space per efficiency unit 1.5 spaces per 1 bedroom 2 spaces per 2 bedrooms and over
Offices (general, professional, or government)	1 space per 250 s.f.

Plant nursery	1 space per 250 s.f. of building area + 1 space per 2,000 s.f. of display areas open to the public
Restaurants (with or without a drive-through), drinking establishments	1 space per 50 s.f. of areas open to the public + 1 space per 75 s.f. of outdoor eating/drinking areas
Shopping centers, discount superstores, and multi-tenant retail centers [1]	1 space per 250 s.f.
Retail including pharmacies and business services	1 space per 250 s.f.
Single-family dwelling, duplex, two-family and townhouse units	2 spaces per unit
Tennis, bocce ball, pickle ball, shuffleboard and racquetball facilities	1.5 spaces per court
Vehicle and boat sales/dealership	1 per 3,000 s.f. of open or enclosed sales area
Warehouse	1 space per 1,200 s.f.
[[1] An additional parking space equivalent is required for every 50 parking spaces for shopping cart storage for shopping center development exceeding 50,000 s.f.]	

2. *Uses not listed.* The required number of spaces for any use not specifically mentioned shall be the same as the use most similar to the proposed use, based on data provided by the Institute of Transportation Engineers in Parking Generation or similar studies.
3. *Multiple uses.* Except for a multi-tenant retail center or shopping center, where a combination of uses is proposed for development, parking shall be provided for each of the uses as prescribed by Table 5-3, unless a shared parking agreement acceptable to the City is reached by the property owner(s) (see Section 5.04.08).
4. *Maximum parking permitted.* For all land uses, except for single-family and two-family residences, the maximum permitted number of parking spaces shall not exceed 1.2 times the minimum parking required by this section unless the Land Use Administrator finds that exceeding the maximum is justified based upon sound and generally accepted land use planning practices and principles as demonstrated within a Parking Flexibility Study.
5. *Screening.* Screening is required for off-street parking spaces in accordance with Section 11.03.04.A.
6. *Internal parking lot landscaping.* For parking lot islands and their related landscaping requirements see Section 11.03.04.B.

B. *Flexibility.*

1. The Land Use Administrator may authorize an adjustment of up to 20% in the total parking requirements where it is demonstrated that the application of the parking ratios is inappropriate for a proposed use due to the mix of existing or proposed uses on the property. A request for adjustment may require the submission of a site plan, traffic and parking study, and floor plan, which address the rationale for reducing or increasing parking requirements. Considerations and approval shall be contingent upon the continued operation of like or similar uses as identified under the approved plan. A change in the use category of parking shall require separate consideration. Pervious surface materials may be utilized when increasing parking requirements, where feasible, and may include pervious pavement, brick pavers, or other permanent pervious materials supported by green building principles. Stabilized grass parking with paved parking aisles may be considered, where feasible, for periodic overflow parking. Reducing parking requirements may require additional pervious areas and adequate stormwater capacity to accommodate potential future parking spaces per Code.

2. The Land Use Administrator may approve de minimis variations of parking lot or design standards if it is determined that a substantial public benefit would be attained. The de minimis variance may include reducing the required number of parking spaces; public benefits may include: the use of alternative surface materials; or varying from design standards when specimen or historic trees can be saved, utility conflicts can be avoided, or where architectural aesthetics can be improved.

3. Up to 33 percent of required parking for not-for-profit and non-profit groups and civic clubs that only use the parking periodically (one day or less per week except for occasional special events), may be provided as stabilized grass parking, with approval of the Land Use Administrator, where those spaces are served by paved parking aisles and are generally located further from the use being served than the paved spaces. Landscaped islands are required with stabilized grass parking (see Section 11.03.04.B.3.b). Stabilized grass parking spaces shall be appropriately graded and computed as impervious areas for water management purposes, and stabilized grass parking spaces that are utilized more often than periodically as defined above shall be paved if required by the Land Use Administrator based on amount of use.

4. All of the overflow parking (parking that exceeds the minimum number of required spaces) for not-for-profit and non-profit groups and civic clubs that only use the parking on an occasional basis may be provided as stabilized grass parking and stabilized grass drive aisles, with approval of the Land Use Administrator, where those spaces are generally located further from the use being served than the required parking. Landscaped islands are required with stabilized grass parking spaces (see Section 11.03.04.B.3.b). Stabilized grass parking spaces and stabilized grass drive aisles shall be appropriately graded and computed as impervious areas for water management purposes.

C. *Location.*

1. Each off-street parking space shall be located on the site it services, unless provided otherwise in this Code.

2. Nonresidential off-street parking spaces and access ways shall not be located closer than eight feet from any side property line, unless both adjoining properties are part of a master plan, share an access way, or similar circumstances exist. The minimum queuing distance required from the property line along a right-of-way to the first parking space or parking aisle is: a) 20 feet along a local public roadway: b) 35 feet along a collector roadway: or c) 50 feet along an arterial roadway: unless the applicant demonstrates, based on a traffic study, that a reduced queuing distance will not pose a hazard or interfere with pedestrian and vehicle

traffic operations. However, traffic from a proposed development must not stack onto a public right-of-way during typical peak hour operating conditions.

3. All required parking stalls shall have direct and unobstructed access from a parking aisle.

D. *Off-street circulation.*

1. Internal circulation patterns, and the location and traffic direction of all access ways and parking aisles, shall be designed and maintained in accordance with accepted principles of traffic engineering and traffic safety, and clearly marked as required by the City.

2. Vehicular circulation shall be completely contained within the property and vehicles located within a portion of the development must have access to all other portions without using the adjacent street system.

E. *Parking facility design.*

1. All parking facilities shall be graded and provided with permanent storm drainage facilities meeting the construction specifications set by the City. Surfacing, curbing, and drainage improvements shall be sufficient to preclude the free flow of water onto adjacent properties or public streets or alleys, and to provide adequate drainage.

2. Reserved.

3. Any off-street parking facility shall have access ways of sufficient width to allow for two-way traffic, or one-way access ways that are connected to parking aisles, parking areas, or maneuvering areas in such a manner as to permit traffic to simultaneously enter and leave the property. An access way that is only wide enough for one-way traffic shall have signage designating it for one-way operation.

4. Single-lane one-way access ways shall be a minimum of 14 feet wide. Two-way access ways shall be a minimum of 24 feet wide, exclusive of any median. Required access way widths may be increased by the City based on vehicle types and numbers of vehicles expected to use the facility, or if the Fire Prevention Code justifies such increase based upon traffic engineering and safety considerations.

5. Parking spaces and parking aisles shall be designed in accordance with Table 5-4.

6. Applicants are encouraged to reduce paved areas by reducing the perpendicular depth of standard parking spaces to 18 feet of pavement with two feet of overhang area, subject to the following conditions:

a. Continuous curbing shall be used at the overhang.

b. The overhang will not interfere with the healthy growth of adjacent landscaping material.

c. Any abutting sidewalk is raised a minimum of six inches and is a minimum of seven feet wide. A sidewalk located at least two feet from the front of curb does not need to meet these standards.

Table 5-4: Parking Space and Parking Aisle Requirements

Parking Angle (degrees)	Standard Stall Width (feet)	Stall Depth Perpendicular to Aisle (feet)	Curb Length Parallel to Aisle (feet)	Parking Aisle Width One-Way Traffic (feet)	Parking Aisle Width Two-Way Traffic (feet)
0 (parallel)	10	10	23	12	24

45	9	21.2	12.7	14	24
60	9	22.3	10.4	18	24
90	9	20	9	24	24

Note: Parking spaces are measured from the centerline of painted stripe to edge of curb or center-line of painted stripe.

7. Parking stalls shall be delineated with a white pavement striping that is six inches wide.
8. Reserved.
9. For any nonresidential or multi-family use providing 50 or more spaces, a maximum of three for every 50 required spaces may be reduced in size and designed to accommodate parking for motorcycles. When provided, motorcycle parking shall be clearly identified by a sign, be at least 4.5 feet wide, surfaced with concrete, and have pavement striping. Motorcycle spaces may count towards required vehicular parking spaces.
10. All permanent off-street parking and loading and/or unloading areas except as permitted under Sections 5.04.02.B.3 and 5.04.02.B.4, shall be surfaced with brick, pavers, asphalt, or concrete, and all materials shall meet City design standards.

F. *Maintenance.*

1. All required parking facilities shall be properly maintained in perpetuity by the property owner or appropriate property owners association. Such facilities shall be used exclusively for the temporary parking of motor vehicles.
2. Parking facilities shall not be used for the sale, display, or storage of merchandise, for the storage or repair of vehicles or equipment, or activities other than providing public and employee parking, unless another activity was approved on the site plan.
3. All parking and loading facilities shall be properly maintained to ensure the desirability and usefulness of the facility, including maintenance of finished and stabilized surfaces, parking stripes and required signage. Parking stripes that are faded shall be repainted, and faded or missing required signage shall be replaced. Such facilities shall be maintained free of potholes, refuse, debris, or other accumulated matter and shall at all times be available for the off-street parking or loading use consistent with applicable development approvals.
4. Landscaping materials located within sight triangles shall be properly trimmed and maintained.

5.04.03. *Bicycle parking.*

A. All developments (except for single-family and duplex platted lots) requiring off-street parking shall provide parking for bicycles in accordance with the following standards:

1. Multifamily development shall provide bicycle parking spaces to the equivalent of ten percent of the required vehicular parking spaces.
2. Nonresidential developments shall provide bicycle rack spaces as follows:

Table 5-5: Bicycle Rack Ratios for Nonresidential Developments

Required Number of Automobile Parking Spaces	Minimum Number of Required Bicycle Rack Spaces
1—40	2
41—60	3
61—80	4
81—100	5
Over 100	5 plus 1 for each 20 automobile parking spaces over 100, provided that the maximum number of required bicycle spaces shall not exceed 20

B. Bicycle rack facilities shall meet the following standards:

1. Shall be designed to allow each bicycle to be secured against theft.
2. Shall be installed in a permanent manner to resist removal.
3. Shall be installed to resist damage by rust, corrosion, or vandalism.
4. Shall accommodate a range of bicycle shapes and sizes and allow easy locking without interfering with adjacent bicycles.
5. Shall not interfere with pedestrian or vehicular movement.
6. Shall be located within 200 feet of the building entrance(s) they are intended to serve.

5.04.04. *Parking lot lighting.* The lighting design for new and redevelopment sites shall meet the lighting requirements set forth in Chapter 9.

5.04.05. *Americans with Disabilities Act requirements for access and parking.* Accessible parking shall comply with Florida Department of Transportation Design Standards and Chapter 17 of the Florida Americans with Disabilities Act Architectural Barrier Removal and Compliance Manual, 2005 Edition, as amended. The total number of parking spaces required in this chapter includes the minimum number of accessible parking spaces required.

5.04.06. *Temporary parking.* The Land Use Administrator may require new nonresidential uses to provide a minimum of one and a maximum of two parking spaces for temporary pick-up and drop-off based on the size and use of the development. The temporary parking space(s) shall be located near the primary building entrance. Temporary parking shall count towards the total required parking spaces.

5.04.07. *Off-street loading or unloading space requirements.*

A. At the time of construction of any of the categories of buildings listed in Table 5-6, or at the time of structural alteration for an increase in their size or capacity, off-street loading and/or unloading spaces with adequate means of ingress and egress from a public street or access way shall be provided without interfering with the public use of streets, off-street parking spaces, or taxi stands. Off-street parking spaces shall not be used to meet off-street loading requirements.

B. The dimensions, design, and location of all off-street loading spaces shall meet the requirements as outlined in this Code.

C. Loading spaces shall not block streets, alleys, driveways, or sidewalks. Loading spaces shall not impair the movement of vehicles or pedestrians on streets, alleys, or sidewalks. Loading areas shall not use a public right-of-way or adjacent property as part of a maneuvering area, or use a public right-of-way or adjacent property as part of a temporary or permanent parking area for loading or unloading.

D. The minimum number of off-street loading and/or unloading spaces and the design shall meet the needs of the proposed use and reasonably expected future uses, and shall have the minimum dimensional requirements as displayed in the following tables:

Table 5-6: Loading or Unloading Space Requirements

Use Category	Floor Area in Square Feet	Number of Spaces Required
Retail Sales and Service, Restaurants, or Similar Uses	5,000—20,000	1
	20,001—50,000	2
	Each additional 25,000 square feet or major fraction thereof	1
Offices, Hotels, Hospitals, Nursing Homes, Adult Congregate Living Facilities, Multi-Family Project or Similar Uses	30,000—100,000	1
	Each additional 100,000 square feet or major fraction thereof	1
Arenas, Auditoriums, Stadiums, Convention Centers, Exhibition Halls, Museums, or Similar Uses	10,000—50,000	1
	50,001—100,000	2
	Over 100,000	4
Any Industrial Use and any Wholesale, Retail, and Nonresidential Storage Facility (Not Required for a Self-Storage Facility)	5,000—25,000	1
	25,001—55,000	2
	55,001—85,000	3

	Each additional 30,000 square feet or major fractions thereof	1

E. Every loading space shall demonstrate adequate turning radius and movement based upon the requirements of the delivery truck and meet the following minimum dimensions:

Table 5-7: Loading Space Dimensional Requirements

Length or Depth of Space	30 feet*
Width	12 feet
Height or Vertical Clearance	14 feet

* For tractor-trailer trucks, a 55-foot length is required. Retail and industrial buildings with 50,000 square feet of retail area or more shall have at least one loading space for tractor-trailer trucks, and buildings with 100,000 square feet of retail area or more shall have at least two loading spaces for tractor-trailer trucks, unless the applicant demonstrates a standard size loading space will suffice for one or both spaces based on the nature of the use(s).

F. Loading spaces for tractor-trailer trucks shall not be located within 100 feet of any residential use or zoning district boundary and these spaces shall be located to the rear of the principal structure and screened from view of the public right-of-way or access easement.

G. Uses not listed. The required number of loading spaces for any use not specifically mentioned above shall be the same as the use most similar to the proposed use, or be guided by requirements for such use in other jurisdictions, or by data provided by the Institute of Transportation Engineers, or other similar studies.

H. An adjustment in the loading requirements may be approved where it is demonstrated that the application of the loading ratios is inappropriate for a proposed use due to specific site or use conditions. The applicant must submit a site plan and operational analysis which address the rationale for reducing or increasing loading requirements. Approval shall be contingent upon the continued operation of like or similar uses as identified under the approved site plan. If there is a change in the use category of loading, a new application must be submitted.

5.04.08. *Shared parking and joint use of facilities.*

A. The Land Use Administrator may permit the required off-street parking spaces for a use to be shared as required parking spaces for another use upon finding that:

1. The shared parking spaces are in close proximity and readily accessible to the uses served thereby;
2. The uses served thereby have different peak periods or the required parking is excessive for one use; and
3. The design of the parking area in terms of traffic circulation, vehicular and pedestrian access, stormwater management, landscaping, open space preservation, and public safety meets the requirements of this Code.

B. A shared parking usage analysis shall be employed for calculating parking requirements for multiple uses.

C. Accessible spaces shall be based on the single use parking requirement. The shared parking methodology shall only reduce the general parking requirement.

D. Upon a finding by the Land Use Administrator that shared parking is appropriate, the Land Use Administrator shall issue a development order or approve an agreement for shared parking, which shall be recorded in the public records, and shall be enforceable by the City.

5.04.09. *Fleet storage.*

A. *General requirements.* In all zoning districts except industrial zoning districts or industrial type uses in the PSP Zoning District, the following requirements apply to the storage of five or more operable and inoperable motor vehicles which are owned (includes ownership under another corporate entity for which vehicles serve the business establishment located at the site) or leased by a business establishment located on the site on which the motor vehicles are located, excluding lawful and permitted businesses that inherently require the display of motor vehicles, trailers, heavy commercial vehicles, and construction equipment (i.e. automobile dealerships, tractor dealerships, etc.).

1. Areas specifically designated for fleet vehicles shall be screened from public view using a Tall Screen Planting described in Table 11-4 in this Code.

2. Fleet vehicle parking spaces and areas shall not be used to satisfy the required off-street parking for its land use as required in this Code.

3. It is prohibited and unlawful to park an inoperable motor vehicle for any part of a 24-hour period unless the motor vehicle is enclosed within a building or located within an opaque enclosure that is no less than six feet in height.

4. Fleet vehicles shall be used solely for the purpose of conducting activity associated with the business establishment (licensed by applicable federal, state, and local agencies) at the location where the motor vehicles are parked.

5. A business with fleet vehicles desiring to locate into an existing building in an appropriately zoned district shall establish a designated area for the fleet vehicles in compliance with this section if such area is not already established. A site plan shall be submitted to the Land Use Administrator to determine compliance.

B. *Exemptions.* This section does not apply to commercial motor vehicles parked during active loading and unloading for any part of a 24-hour period within areas designated as loading spaces on an approved site plan or to automobiles or sport utility vehicles.

5.04.10. *Boat and recreational vehicle commercial storage facilities.* Where boats or recreational vehicles are commercially stored outside, they shall only be stored on pavement located behind buildings or preserved wooded areas so they are generally hidden from the public rights-of-way, unless specifically permitted by Code.

5.04.11. *Drive-through facilities.*

5.04.11.01. *Location.*

A. A site that contains drive-through facilities shall be located on a collector or arterial road.

B. Drive-through facilities for an automated teller machine (ATM) shall only be located on sites with a financial institution; or, if within a multi-tenant retail center or shopping center, where the applicant demonstrates that the facilities will not interfere with the safe movement of traffic.

5.04.11.2. *Stacking lanes and spaces.*

A. All facilities providing drive-through service shall provide stacking lanes in compliance with the standards of this section. A stacking space shall be a minimum of ten feet in width and 20 feet in length, measured starting ten feet behind the pickup window.

1. Drive-through lanes must be clearly distinguished from parking aisles by acceptable pavement markings or pavement color.

2. On-site stacking spaces must accommodate stacking demand under the typical a.m., mid-day, and p.m. peak hour conditions of adjacent roadways.

3. A 12-foot wide paved bypass lane (11 feet if the stacking lane is increased to a width of 11 feet) shall be provided for drive-through facilities, unless the City determines the bypass lane is unnecessary due to unique site conditions.

B. Restaurants with drive-through facilities shall provide a minimum of nine stacking spaces. The bypass lane shall serve customers at least until they have traveled past the point where orders are taken.

C. Banks, financial institutions, dry cleaners, and pharmacies shall provide a minimum of four stacking spaces per lane; except for automated teller machines, which shall have three spaces per lane.

D. An automated car wash, and a manned or unmanned gatehouse or entry control structure, shall provide a minimum of three stacking spaces per service lane.

E. A six feet high solid decorative wall shall be provided along all property lines abutting lots or parcels zoned or used for residential purposes in order to block lights and noise from vehicles in the stacking lanes or drive-through facility.

F. Stacking lanes shall not be located within a designated delivery area or loading zone.

G. Within the OFC-1 District, drive-through facilities may have only a single lane with a single service window, unless the second lane is serviced by the same single window, or by an automated device (e.g., ATM).

H. Uses not listed. The required number of stacking spaces for any use not specifically mentioned shall be the same as the use most similar to the proposed use, or be guided by requirements for such use in other jurisdictions, or data provided by the Institute of Transportation Engineers in Parking Generation, or other similar studies.

I. The Land Use Administrator may determine an increase or reduction in the stacking requirements is required where it is demonstrated that the stacking number is inappropriate for a proposed use due to the property configuration, the specific nature of the use, or traffic flow patterns.

1. To request a modification, an applicant must submit a site plan and traffic study which address the rationale for reducing the stacking requirements.

2. Approval shall be contingent upon the continued operation of like or similar uses as identified under the approved site plan.

3. A change in the use category shall require a new application for modification.

(Ord. No. 2009-26, §§ 36—40, 12-15-09; Ord. No. 2012-3, § 4(Exh. 2), 5-1-12; Ord. No. 2018-21 , § 3, 10-2-18)

Sec. 7.01. - Purpose and Intent.

The purpose of this chapter is to implement the concurrency provisions of the Comprehensive Plan, as mandated by Section 163.3180, Florida Statutes, and the Florida Administrative Code. No development order or permit which contains a specific plan of development, including the densities and intensities of development, shall be issued except in accordance with this chapter.

Sec. 7.02. - Public Facilities.

The public facilities subject to concurrency and the regulations in this chapter include: transportation facilities, potable water, sanitary sewer, solid waste, drainage, schools, and parks and recreation.

Sec. 7.03. - Tracking and Reporting.

7.03.01. *Concurrency management monitoring system.* The City hereby establishes and shall maintain a concurrency management monitoring system which consists of an inventory of public facility capacity and a demand accounting system that reflects the current status and availability of public facilities. A status report on the concurrency management monitoring system shall be prepared by the City on annual basis.

7.03.02. *Concurrency baseline statement.*

A. The Land Use Administrator shall develop a concurrency baseline statement which shall be effective for one year after its issuance. Nothing herein precludes, however, the issuance and effectiveness of more frequent amendments to the concurrency baseline statement. The concurrency baseline statement is an assessment of public facility available capacity anticipated for the reporting period.

B. The available capacity reported for each public facility in the concurrency baseline statement shall be determined by using calculations from the concurrency management monitoring system and projections of public facility demand for vested developments. The public facility demand for vested projects shall be based upon a reasonable projection of the progress of each proposal or project, population projections, and other technical considerations, such as the practices and assumptions utilized in the Comprehensive Plan.

Sec. 7.04. - Concurrency Review.

7.04.01. *Applicability.* All proposed developments or improvements to property requiring a final development order, except those developments or improvements which are exempt, as outlined in Subsection 7.04.02, or vested by this chapter, shall be subject to concurrency review prior to the issuance of a final development order.

7.04.02. *Exemptions.*

A. Final development orders, including building permits, which permit or approve the following types of development, are exempt from concurrency review if the Land Use Administrator finds that no additional impact on public facilities is created:

   1. Approved development plans which are specifically exempted from or specifically determined to be vested from the concurrency requirements in the Comprehensive Plan, pursuant to applicable laws.

   2. Single-family and duplex residential lots platted as of November 16, 2008 are exempt from concurrency review.

   3. Modifications to residential dwellings that include additions, renovations, or reconstruction that do not increase the number of dwelling units on the site or approved for the property prior to the modifications.

4. Additions, renovations to, or reconstruction of, accessory dwelling units, garage apartments, or other similar accessory units on parcels properly zoned to allow the accessory dwelling units.

5. Public facilities such as City offices, community centers, fire stations, parks, police stations, water or sewer facilities, other public works, and other public facilities as determined by the Land Use Administrator.

B. A Development of Regional Impact that has been approved pursuant to Section 380.06, Florida Statutes, for which the development is proceeding in compliance with the conditions of the Development of Regional Impact approval, may be exempt from transportation concurrency as provided by the Development of Regional Impact Development Order, if the development meets all the requirements of Section 163.3180 (5), and this chapter.

C. Final development orders which permit or approve development that creates a de minimis impact, as defined by F.S. § 163.3180 , shall be exempt from concurrency review for transportation facilities.

7.04.03. *Deferral option.*

A. Any applicant for a final development order may elect to defer concurrency review until the time at which an application for the final development order preceding a preconstruction conference or the commencement of any construction activity is filed. The applicant shall execute an affidavit acknowledging that development rights have not been vested and that development on the subject parcel shall be required to undergo concurrency review in the future. Deferral of school concurrency review is determined by the Flagler County School District.

B. Reserved.

C. A deferral affidavit shall be submitted to the Land Use Administrator.

7.04.04. *Standards for review.*

A. The City shall not issue a final development order, or an extension or amendment to an approved development order, unless there is sufficient available capacity of public facilities to meet the established levels of service. The City shall not grant a final development order unless one of the following standards is met:

1. The necessary public facilities are available and in place at the time the development is authorized in accordance with the Comprehensive Plan; or

2. The development order is issued subject to the condition that the necessary public facilities will be in place when the impacts of the development occur; or

3. The necessary public facilities are under construction at the time the development is authorized; or

4. The necessary public facilities are guaranteed in an enforceable development agreement that requires that the public facilities will be in place, except transportation facilities, when the impacts of development occur and that the applicant or developer will pay a proportionate share of the costs incurred to fulfill the need for the facilities and services created by proposed development. The enforceable development agreement for improvements must be financially guaranteed by cash, letter of credit, or similar instrument approved by the Land Use Administrator on a form satisfactory to the City and issued by a financial institution acceptable to the City or Land Use Administrator; or

5. The final development order permits or approves development that is exempt from concurrency review as outlined in Subsection 7.04.02.

B. For transportation facilities, the facilities must be available, programmed, or contracted to be under construction within three years of the subject final development order, or consistent with

provisions of the Florida Administrative Code. The impact thresholds and spheres of influence for arterial and collector roads shall be consistent with sound and generally accepted engineering standards and principles. When transportation facilities or segments are identified as deficient through the Concurrency Management System, including transportation facilities maintained by the Florida Department of Transportation or another jurisdiction, the Proportionate Share Program as provided in Section 7.07 may satisfy this requirement.

7.04.05. *Application for concurrency.*

A. *General requirements.*

1. Applications for concurrency may be submitted at any stage of development, but may only result in the issuance of a certificate of concurrency when issued in conjunction with a final development order.

2. For the purpose of the concurrency review, the maximum density or intensity allowed under the future land use and zoning designation shall be used, unless the applicant provides a development scenario. If an applicant provides a development scenario, concurrency will be determined based upon that scenario and the density or intensity of the subject property can not be increased without a new concurrency review.

3. Methodologies consistent with sound and generally accepted engineering and planning practices and principles shall be utilized to determine the impacts of proposed development and their effect on the available capacity of public facilities.

B. *Traffic study requirements.* An application for concurrency must include a traffic impact analysis (traffic impact analysis is synonymous with traffic impact study). The traffic impact analysis shall be consistent with sound and generally accepted engineering and planning practices and principles. In addition, the applicant is required to meet with the Land Use Administrator before conducting the traffic impact analysis to discuss appropriate methodology and/or mitigation proposals to be included in the traffic impact analysis. At a minimum the traffic study shall:

1. Identify the land use type of the proposed development, based on a generally accepted land use classification system (e.g., the North American Industry Classification System, the Land-Based Classification Standards, and/or Institute of Transportation Engineers Trip Generation Manual);

2. If the proposed development consists of multiple land uses, the traffic study must reflect the aggregated demand for capital transportation improvements generated by each land use type within the proposed impact-generating development;

3. Identify additional new trips (PM Peak Hour), additional vehicles (PM Peak Hour), current capacity/volume of affected roadway(s) (PM Peak Hour), available capacity/volume of affected roadway(s) (PM Peak Hour) before the proposed development, estimated capacity/volume of affected roadway(s) (PM Peak Hour), after the proposed development is complete (may be shown in phases of development), anticipated turning movements (PM Peak Hour), and additional anticipated roadway(s) capacities/volumes or improvements that may be needed to accommodate a reduced level of service identified through traffic study analysis; and

4. Utilize the latest edition of the Institute of Transportation Engineers Trip Generation, 11th Edition or later.

The findings of a traffic study satisfying the above requirements, including approval by the Land Use Administrator regarding the acceptability of the proposed traffic study methodology, shall be considered valid and applicable for a period of one year after the date it was either received by the City.

(Ord. No. 2009-26, §§ 41—44, 12-15-09)

Sec. 7.05. - Certificate of Concurrency.

7.05.01. *General provisions.*

A. Certificates of concurrency may only be issued in conjunction with the issuance of a final development order.

B. Certificates of concurrency are not transferable to another parcel or parcels of real property. Certificates of concurrency shall benefit and run with the parcel of real property to which the application related subject to the limits prescribed in this chapter and shall contain detailed information relating to limitations on uses and development densities and intensities.

C. If an application for development is found to be exempt from the concurrency review of the Concurrency Management System review requirements of the Comprehensive Plan, this chapter, applicable requirements of the Florida Statutes, or state law, then, consistent with the provisions of this chapter, a certificate of exemption shall be issued without conditions being attached thereto.

D. If a parcel of real property is not vested by the concurrency provisions of the Comprehensive Plan, this chapter, or applicable requirements of the Florida Statutes, a certificate of concurrency shall be valid for so long as the underlying development order relating to the subject real property, or a subsequent development order issued during the good faith continuation of the development, is valid.

7.05.02. *Reservation of capacities.*

A. *Reservation process.* The purpose of the public facility capacity reservation process is to afford property owners and developers the assurance that adequate capacity for requisite public facilities will be available when needed for a particular project, and to provide a higher degree of certainty during the construction financing process. The reservation process requires the applicant to reserve public facility capacity at the time of issuance of the certificate of concurrency.

B. *Reservation fees.* Unless the applicant provides other assurances acceptable to the City that adequate public facilities will be available concurrent with the impacts of development (such as, by way of example, a binding development agreement), all facility reservation fees shall be paid prior to the issuance of a certificate of concurrency and before authorization of any construction, pursuant to the provisions of this chapter. For phased development, the binding development agreement shall include the number of phases, quantity of development associated with each phase, the timing of facility reservation fee payments, and provisions that ensure that development of each phase will not commence until the facility reservation fees have been paid. The applicant shall pay all facility reservation fees due at the time of, and as a condition precedent to, the issuance of a building permit relating to the project, with said fees being paid at the rate in effect at the time of building permit issuance. Each facility reservation fee shall be calculated on the same basis as the application for a certificate of concurrency. Said fees shall be paid as follows:

1. For each public facility, the facility reservation fee shall be an amount equivalent to the then applicable City impact fee. All impact fees shall be required to be assessed and paid as a condition of receiving a building permit pursuant to the impact fee rate schedules in effect at the time a building permit is issued. However, each facility reservation fee previously paid shall be credited towards the corresponding impact fee as a per unit fixed-dollar deduction from the applicable impact fees at the time of building permit issuance.

2. For reservation of roadway capacity, applicants may select to reserve capacity for a fixed period of time, the periods of time being from one year to three years with associated scaling based on amount of the reservation fees paid. The scaling amount to be paid to secure the reservation would be:

    33% of total impact fee amount for one-year reservation period;

67% of total impact fee amount for two-year reservation period;

100% of total impact fee amount for three-year reservation period.

The Developer shall be required to pay the remainder of the required total impact fee amount due at the time of, and as a condition to, receiving a building permit. The scaled reservation fees paid previously shall be credited toward the impact fee in effect at the time of the building permit, and shall be on a dollar-for-dollar basis.

3. For water and sewer services, the facility reservation fee shall be an amount equivalent to the then applicable capacity fees and on the basis of the rates then in effect pursuant to the applicable rules, regulations, and requirements.

C. *Refund of reservation fees.* If a final development order is not issued, expires, or is surrendered pursuant to an amending development order issued by the City or an amending development agreement, an applicant may request in writing, and the City shall issue, a refund of facility reservation fees, excluding the processing fee, if the appropriate following conditions are met:

1. For all public facilities (i.e., transportation facilities, solid waste facilities, sanitary sewer, potable water, drainage facilities, schools, and parks and recreation facilities), capacity shall be surrendered and thereupon a refund shall be made by the City at the earlier of either of the following events occurring:

   a. A determination has been made by the Land Use Administrator that such refund shall not require or result in the elimination, deferral, or delay of a project which is needed to maintain the adopted level of service of the Comprehensive Plan.

   b. Another development is paying like facility reservation fees for the public facilities associated with the development for which the facility reservation fees are requested to be refunded. Like facility reservation fees shall be deemed those fees associated with and collected from another development paying the same impact fees relating to the same impacts on concurrency public facilities.

D. *Subject to required permits.* All water and sewer reservations of capacity shall be subject to the issuance of all required permits from the Florida Department of Environmental Protection and any other applicable agencies.

E. *Vested developments.* If a development is vested under this chapter, the requirements relating to the payment of impact fees and connection fees shall fully apply. If the payment of connection fees for water and sewer service is required to reserve capacity, such payment must occur. Vested status does not guarantee the availability of water or sewer capacity.

7.05.03. *Expiration.* Reservations of a certificate of concurrency shall run with the life of the development order, unless otherwise noted in Subsection 7.05.02, Reservation of Capacities.

7.05.04. *Cease and continuance.* If a public facility to be provided by an applicant is not available at the time of the development's impacts, further development shall cease until all required public facilities are constructed. If a public facility to be provided by an applicant is included in a binding contract, but the construction is behind schedule, development may continue, but no releases for final electrical service or certificates of occupancy shall be issued until the facility has been accepted or approved by the City. If, however, a public facility is to be provided by the City and is not completed on time, development may continue within the conditions in the development order; provided, however, that certificates of occupancy or releases for final electrical service shall not be issued until potable water, sanitary sewer, and solid waste capacities are available.

Sec. 7.06. - Phasing of Vested Development.

A. Developments which have been granted development rights or have been determined to be vested shall be required by the Land Use Administrator to enter into a development agreement, if a similar

agreement has not been previously entered, which development agreement sets forth a reasonable schedule for the completion of development and, accordingly, the impacts upon public facilities.

B. Development agreements for vested developments should be entered prior to the preconstruction conference being held.

C. Each development phase shall begin on the date the preconstruction conference is held and shall terminate upon the issuance of a certificate of completion relating to a defined part of the overall development plan. The preconstruction conference for a subsequent phase must occur within two years of the issuance of the certificate of completion of the prior phase in order to retain vested status.

D. No phased development, except for Development of Regional Impacts, may have a build-out schedule exceeding 20 years.

Sec. 7.07. - Proportionate Share Program.

7.07.01. *Purpose and intent.* The purpose of this section is to establish a method to mitigate the impacts of development on transportation facilities by the cooperative efforts of the public and private sectors, and shall be known as the Proportionate Share Program.

7.07.02. *Applicability.* The Proportionate-Share Program shall apply to all developments in the City that impact a road segment or intersection in the Concurrency Management System, including transportation facilities maintained by Florida Department of Transportation or another jurisdiction that are relied upon for concurrency review, and that have been notified that a failure to achieve transportation concurrency on a roadway segment, segments, or intersection(s) exists. The Proportionate-Share Program does not apply to developments meeting the de minimis standards under F.S. § 163.3180 or to developments exempted from concurrency.

7.07.03. *General requirements.*

A. An applicant may propose satisfying the transportation concurrency requirements of the City by making a proportionate -share contribution, pursuant to the following requirements:

1. The proposed development is consistent with the Comprehensive Plan and this Land Development Code.

2. The 5-year Capital Improvement Program includes transportation improvement(s) that, upon completion, will mitigate additional traffic generated by the proposed development, as determined by the Land Use Administrator, and in accordance with the proportionate -share statute.

B. The Land Use Administrator may determine to allow an applicant to satisfy transportation concurrency through the Proportionate -Share Program by contributing to an improvement that, upon completion, will mitigate the impact of additional traffic generated by the proposed development, as projected by City staff, using best available data and methodologies, but is not contained in the Capital Improvement Program, where one of the following apply:

1. The City adopts, by resolution or ordinance, a commitment to add the improvements to the next 5-year Capital Improvement Program no later than the next regular update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Land Use Administrator and must be determined to be financially feasible. "Financially feasible" means that additional developer contributions, payments, or other funding sources are anticipated during a period not to exceed ten years, to fully mitigate the specified impact(s) on the identified transportation facility or facilities and in accordance with the proportionate -share statute.

2. If the Land Use Administrator determines that the funds in the Capital Improvement Program are insufficient to fully fund construction of a transportation improvement required by the Concurrency Management System, then a proportionate -share payment may be required for another improvement which will, as determined by the Land Use Administrator,

significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate -share component shall be adopted into the next 5-year Capital Improvement Program at the next annual Capital Improvement Element update.

C. Any improvement project proposed to meet the developer's -share obligation must meet generally accepted design standards applicable for the Florida Department of Transportation maintained roadways and/or City maintained roadways, whichever is applicable.

7.07.04. *Application process.*

A. The Land Use Administrator shall notify an applicant in writing if a failure to satisfy transportation concurrency requirements occurs. Upon receipt of such notice, an applicant may submit a proposed proportionate -share calculation to the Land Use Administrator for review.

B. Pursuant to F.S. § 163.3180 , proposed proportionate-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation. Improvements to non-Strategic Intermodal System Florida Department of Transportation maintained roadways shall likewise require Florida Department of Transportation review and approval.

C. The Land Use Administrator shall determine whether a proportionate -share calculation is sufficient and eligible and is consistent with professionally accepted engineering practices. Upon a finding of sufficiency, a proportionate-share agreement will be prepared between the City and the applicant. The agreement shall include, but not be limited to, the amount of payment, description of work, estimated construction costs using the projected future cost of the improvement (at the time payment is due) and data, and the timing of payment. All proportionate-share agreements are subject to approval by the City Council.

7.07.05. *Determining proportionate -share obligation.*

A. Proportionate share mitigation for concurrency impacts may include, but are not limited to, separately or collectively, private funds, contributions of land, and construction or contribution of transportation improvements.

B. A development shall be required to pay only its proportionate share. The calculated value of the proportionate share mitigation for the impacted transportation facilities shall not differ regardless of the method of mitigation.

C. The methodology used to calculate an applicant's proportionate share obligation shall be as provided for in F.S. § 163.3180, as follows:

Proportionate Share = Σ[[(Development Trips;sub*sub;)/(SV Increase;sub*\sub;)] x Cost;sub*sub;]-Impact Fee Credits*

Where:

Development Trips = those trips from the development that are assigned to roadway segment i and have triggered a deficiency per the Concurrency Management System;

SV Increase = Service volume increase provided by the eligible improvement to roadway segment i;

Cost = Adjusted cost of the improvement to segment i. Cost shall be based on the most recent cost and market data and shall include all improvements and associated costs, such as design, right-of-way acquisition, stormwater ponds, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred;

Impact Fee Credits = Used where applicable. More specifically, impact fee credits for the proportionate share obligation will be determined when the transportation impact fee

obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced based on the Proportionate Share Agreement as they become due, according to this Code. If the applicant's proportionate share obligation is less than the development's anticipated road impact fee for the specific stage or phase of the development under review, then the applicant or its successor must pay the remaining impact fee amount to the City pursuant to the requirements of the impact fee code. Any impact fee paid in excess of the impact fee obligation for the proposed development may be applied to the calculated proportionate-share amount.

D. *For the purposes of determining proportionate-share obligations, the Land Use Administrator shall determine improvement costs based upon the projected future cost of the improvement, as obtained from the Capital Improvement Program or another method approved by the Land Use Administrator. Cost for Florida Department of Transportation facilities shall be based upon Florida Department of Transportation cost estimates.*

E. *The City may accept rights-of-way dedication for all, or a portion of, the proportionate share payment. Credit for the dedication of the non-site related right-of-way shall be assigned a value by Land Use Administrator or, at the option of the applicant, by market value established by an independent appraisal approved by the Land Use Administrator prepared at no expense to the City.*

1. *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 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 to both parties. All appraisals must be consistent with generally accepted appraisal techniques, and the date of valuation must be the proposed date of transfer to the City.*

2. *The applicant shall supply to the City, a survey and legal description of the land and a certificate of title search of the land at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate share obligation for that development, then the applicant shall also pay or provide for mitigation of the difference.*

7.07.06. Impact fee credit for proportionate share mitigation.

A. Transportation impact fees shall be applied as a credit against proportionate share mitigation only if the proposed improvement is on the list of approved projects in the current 5-year Capital Improvement Program, or as amended by the next regular update, or in the first five years of the current 10-year Capital Improvement Program and the City's impact fee program. Credits may also be given to proposed improvement that will be incorporated into the next, or following, 5-year Capital Improvement Program. Impact fee credits shall be calculated at the same time as the applicant's proportionate-share obligation is calculated.

B. Any transportation impact fee credit based upon proportionate share contributions for a proposed development cannot be transferred to any other parcel or parcels of real property within the City.

7.07.07. *Appropriation of share revenues.*

A. Proportionate share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the Capital Improvement Program.

B. In the event a scheduled facility improvement is removed from the Capital Improvement Program, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor that would mitigate the impacts of development.

7.07.08. *Additional programs.* The City may utilize any program relating to concurrency as may be permitted by state law.

(Ord. No. 2009-26, § 45, 12-15-09)

Footnotes:

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Editor's note— Ord. No. 2018-24 , § 2, adopted Nov. 6, 2018, repealed ch. 9 and enacted new provisions to read as herein set out. Former ch. 9, §§ 9.01—9.07, pertained to similar subject matter, and derived from Ord. No. 2009-26, §§ 46—48, adopted Dec. 15, 2009.

Sec. 9.01. - General provisions.

9.01.01. *Purpose and intent.* The purpose of this section is to set forth engineering design regulations for residential and nonresidential uses as required in this Land Development Code. This section sets forth uniform regulations, requirements, and procedures to protect the health, safety, and welfare of the citizens and to assure quality of life to the citizens of the City. The Land Use Administrator may adopt technical manuals that relate to technical requirements pertaining to the City's water, wastewater, reclaimed water, drainage, street, and other systems.

9.01.02. *Applicability.* The design and construction requirements shall apply to:

A. Nonresidential and residential subdivision projects (applies to subdivisions with private or public roadway dedications);

B. Nonresidential and residential construction projects; and

C. City and other public agency owned projects.

9.01.03. *General requirements.*

A. *Utility lines.*

1. Utility lines for all new development projects shall be installed underground. Switchgear, pumps, transformers, and other appurtenances shall be allowed aboveground, but shall be shielded with landscaping as required in this Land Development Code. Connections from distribution lines, mains, and collectors in the public or utility rights-of-way or easements shall be placed underground.

2. All redevelopment projects shall relocate existing on-site overhead utility lines underground, within project limits. The Land Use Administrator may allow exceptions to this requirement if it is determined that such relocation is not feasible based upon the unique configuration of the real property.

3. For all new private and public development projects, underground communications conduit(s) shall be installed in accordance with City standards.

B. *Traffic control devices.* All traffic control devices shall meet the more stringent requirements of all of the following using the latest edition or publication: 1) the Manual on Uniform Traffic Control Devices, 2) Florida Department of Transportation Standard Technical Specifications for Road and Bridge Construction, 3) Florida Highway Administration Standard Highway Signs, and 4) Florida Department of Transportation Traffic Engineering Manual.

9.01.04. *Construction plans submittal requirements.*

A. Construction Plans and Calculations shall be prepared, signed, and sealed by a Florida Licensed Professional Engineer or other Licensed Professional qualified in the appropriate field for which the Construction Plans and Calculations are prepared. Plans and calculations shall be submitted for review in accordance with the City's Development Review Process.

B. The City shall establish submittal checklists relating to the required contents of all Development Review submittals. The checklists shall establish minimum requirements for the contents of Construction Plan and Design Document submittals. Additional information may be requested if

the City believes the information is reasonably necessary in support of drainage analysis; including maps, charts, tables, graphs, photographs, narrative descriptions, additional calculations, explanations, and citations to support references as deemed appropriate to communicate the required information for reasonable evaluation of the site.

C. Grading and drainage plans shall include existing and proposed contours at one-foot (min.) intervals with spot elevations as needed for clarity and to adequately depict drainage patterns.

D. Topographic survey for half of right-of-way adjacent to project for full length of frontage, including existing driveways and right-of-way intersections within 100 feet of site, showing drainage structures, signage, and utilities.

E. Section views of all proposed retention/detention ponds, swales, berms, etc. showing 25-year stormwater elevation and top of bank elevation.

F. Construction details for all proposed manholes, inlets, and other stormwater control structures.

G. Location, size, length, and elevations of all proposed piping systems and related control structures.

H. Erosion control plans shall be on a separate sheet with existing and proposed contours.

I. Legends shown with all abbreviations and symbols identified.

J. Copies of permits from all regulatory agencies having jurisdiction over the project (prior to commencement of construction).

K. Phasing of development. The phasing of development is allowed as part of approval of a site plan or a Subdivision Preliminary Plat in accordance with the following standards:

1. Phasing of approved development shall be in keeping with an approved phasing plat that shows phase boundaries and describes included development and improvements.

2. Each phase shall be designed and constructed to include all improvements and other aspects of development necessary to meet all requirements of the Code and all other applicable regulations. Each phase shall require a site development permit.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.02. - Platting requirements.

9.02.01. *Purpose.* The purpose of this section is to establish requirements for the subdivision of land in the City and to ensure compliance with F.S. Ch. 177 .

9.02.02. *Subdivision design standards.* In addition to the requirements stated in other sections of this Code, subdivisions shall be designed according to the following:

A. *Lots.* All lots shall conform to the dimensional, yard, and building setback requirements of the applicable zoning district development standards. In addition, the following requirements shall apply:

1. *Width.* Lots fronting on a curve (ie. cul de sac) shall have a minimum street frontage of 20 feet. The minimum lot width shall be measured at the front setback line. Corner lots shall be 15 percent greater in width than the minimum required width of interior lots.

2. *Depth.*

a. Corner lots shall be deep enough to accommodate the two required front yard setbacks.

b. Flag lots are prohibited.

3. *Orientation.* Residential lots shall be designed so vehicular ingress and egress to/from those individual lots is not provided from abutting limited access roadways or arterials.

B. *Permanent reference markers.* A registered land surveyor shall install permanent reference monuments, permanent control points, and state plane coordinates in accordance with State laws and professional standards. These must be inspected by the second party surveyor to certify they have been set in the field prior to final plat approval or recording of the mylar.

9.02.03. *Easements.*

A. *Drainage easements.*

1. Drainage easements of a width required for conveying and maintaining an adequate storm drainage system shall be provided. Minimum width for piped systems shall be 10 feet plus the pipe diameter plus 2 feet for each foot of depth below grade to the bottom of the pipe, and 15 feet for open channels plus channel width, measured from top of bank to top of bank. Where deemed necessary by the Land Use Administrator or designee, additional easements and increased width may be required along waterways, natural watercourses, canals, and drainage ways.

2. Whenever a subdivision lies wholly or partly in any area for which the City has adopted a drainage plan, and is traversed by a natural or designed watercourse for which such plan requires a drainage easement or right-of-way, such easement or right-of-way shall be set forth on the preliminary and final plat and shall be dedicated to the City for public use.

B. [*Stormwater storage facilities.*] Stormwater storage facilities shall be constructed to provide adequate access for maintenance. An access and maintenance easement of ten feet around the perimeter of wet ponds and five feet around the perimeter of dry ponds, measured from top of bank, shall be provided for detention facilities. Maximum grade for maintenance easement shall be ten percent. Easements for stormwater facilities shall be given to the City. The City may but is not obligated to inspect and maintain the facility and bill the development for the work done. Stormwater management facilities, as defined, such as ponds, lakes are prohibited to be included in a platted lot.

C. [*Stormwater management systems.*] Stormwater management systems must be designed to accommodate maintenance equipment access and to facilitate regular operational maintenance (such as underdrain replacement, unclogging filters, sediment removal, mowing, and vegetation control).

D. *Utility easements.* Utility easements for both underground and aboveground facilities shall be provided where required by the Land Use Administrator. Such easements shall have a minimum width of ten feet and shall normally be laid out on property lines. In all cases, such easements shall be dedicated to the perpetual use of the public. Where lots abut along a common property line, the easement may be centered along said common property line.

E. *Pedestrian paths and sidewalk easements.* Pedestrian easements or walkways shall be provided through the interior of lots where such easements are required by the Land Use Administrator. Pedestrian easements shall be at least eight feet wide, or walkway width plus two feet, whichever is greater, and shall be laid out along the side or rear property lines. In all cases, such easements shall be dedicated to the perpetual use of the public.

F. *Private easements.* Private easements (or spite strips) between the road and the subdivision boundary or between subdivision boundaries shall not be permitted unless conditions are established under which the adjacent parcel can be connected to the road or adjacent property.

G. *Easements and right-of-way maintenance.* The City will maintain only those easements, rights-of-way, and public sites which it accepts for maintenance.

H. *Vacation of easements.* An easement may be vacated by a replat of the plat in which the easement was dedicated, or via a resolution of the City Council, based on the best interests of

the public. The only easements eligible for vacation by resolution are easements which have been previously dedicated and accepted, such as with the approval of a plat. The applicant must submit recommendation letters from utility companies; and a survey and legal description of the area to be vacated; and must show that the easement should be vacated due to utility reroute, non-use of the easement, or that the easement is no longer needed for public purposes. The City can vacate only "public" easements located within the City which are dedicated to the City or to the public. Upon receipt of a vacation request, the City Clerk will publish a notice of public hearing, and shall notify property owners within the block where the easement is located of the public hearing by certified mail, return receipt requested. In addition, the applicant must post the notice at each end of the easement to be vacated, not less than 14 days prior to the public hearing. An affidavit of proof of posting must be submitted to the City Clerk not less than seven days prior to the hearing.

9.02.04. *Plat approval.* Prior to the City approval of a final plat, the developer must submit all required documents, recording costs, fees and provide a cost estimate as outlined in 9.02.05.A.1.

9.02.05. *Surety for subdivisions and site plan construction projects.* To ensure completion of public infrastructure improvements that are required as part of an approved site plan or final plat (E.g., streets, sidewalks, stormwater management facilities, potable water facilities, wastewater facilities, and streetlights), the developer shall execute performance and maintenance sureties that guarantee the required improvements against all defects in workmanship and materials, including failure to construct or to continue to construct in accordance with approved plans and specifications.

A. *Performance surety.*

1. *Plat and site plan performance surety amount.* A plat or site plan surety must be in the form of a cash bond, performance bond, or irrevocable letter of credit. The cost estimate amount of the surety shall be based on 120 percent of the sum of the following costs, as certified under seal by the project engineer of record:

   a. Required subdivision infrastructure improvements costs.

   b. Costs of all required improvements relating to road right-of-way.

   c. Costs of all required off-site infrastructure improvements.

   The amount of surety is subject to approval by the Land Use Administrator.

2. *Performance surety release.* The performance surety will remain in full effect until action is initiated in writing by the applicant and action has been taken by the city for the release.

B. *Maintenance surety.*

1. *Plats and site plans with public improvements maintenance surety.* A maintenance surety for public improvements shall be submitted upon release of the performance surety. The maintenance surety provides a guarantee that the required improvements were completed without defects in workmanship and materials. The term of this guarantee shall be one year from the date of acceptance, unless the Land Use Administrator specifies a longer time frame.

2. *Maintenance surety amount.* The amount of the maintenance surety shall be based on 20 percent of the entire actual/present day costs of construction, including the costs of materials and labor for installing the required public infrastructure improvements. Actual costs for installing required public infrastructure improvements shall be itemized by improvement type as certified under seal by the project engineer of record, and subject to approval by the Land Use Administrator.

3. *Maintenance surety release.* The maintenance surety will remain in full effect until action is initiated in writing by the applicant and action has been taken by the city for the release.

9.02.06. *Compliance with design requirements.* All land development improvements shall comply with all the requirements of this Land Development Code, including those which contain design and construction information for the following:

A. Horizontal and vertical dimensional design requirements.

B. Roadway, parking, and vehicle access ways.

C. Pedestrian pathways, sidewalks, and recreational trails.

D. Storm drainage, potable water, reclaimed water, and sanitary sewer infrastructure improvements.

E. Clearing, earthwork, and grading.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.03. - Construction and inspection requirements.

9.03.01. *Purpose.*

A. The purpose of this section is to establish requirements for the inspection of the construction of all site development improvements on both residential and non-residential projects. The construction inspection procedures set forth in this chapter and in the City Technical Standards Manual ensure conformity of construction with approved development orders, this Land Development Code, and any conditions of approval.

B. Separate construction inspection requirements for water and sewer improvements are established in Part II of this chapter. Inspections shall be performed as required by the Land Use Administrator.

9.03.02. *Commencement of construction.* Commencement of construction or disturbance of land of any type is prohibited unless:

A. A final development order is issued in conjunction with a site development permit or applicable building permits;

B. All requisite federal, state, county, and City site work permits for the project are obtained. Certification by the engineer of record, along with copies of all required permits, may be required by the Land Use Administrator.

C. A preconstruction meeting for the project is scheduled and held with the City, unless deemed unnecessary by the Land Use Administrator.

9.03.03. Commencement of construction on early start residential projects (as covered under F.S. 177.073) and/or early start nonresidential projects is prohibited unless:

A. A final development order is issued in conjunction with an early start site development permit.

B. FEDP water certification or partial certification for the project are obtained. Certification by the engineer of record is required.

C. All required city related checklist items are obtained.

9.03.04. *Types of inspections.*

A. The following construction inspections shall be held during the course of the construction of the project infrastructure:

1. Scheduled mandatory key checkpoint inspections.

2. Scheduled or requested minor inspections and field conferences.

3. Unscheduled site visits and inspections.
4. Stormwater Pollution Prevention Plan (SWPPP) Inspections.
5. All other inspections required by the governing contract for a specific project.
6. Scheduled final inspection for punch list work.
7. Scheduled re-inspection of punch list work.
8. Scheduled final inspection walkthrough, as required prior to the developer submitting a request for the following:
    a. Release of surety and acceptance by City of a maintenance bond.
    b. Acknowledgement of completion of required subdivision improvements to allow final plat recordation.
    c. Acceptance of roadways dedicated to the City.

9.03.05. *Privately owned bridges.* Privately owned bridges shall meet the design, construction, inspection, maintenance, and reporting criteria in accordance with the Florida Department of Transportation and federal standards.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.04. - Stormwater management requirements.

9.04.01. *Purpose.* The purposes of the stormwater management requirements are:

A. To provide for design criteria and construction requirements to achieve effective stormwater management.

B. To minimize adverse impacts of land development and related construction activities to property, environmentally sensitive areas, water bodies, and other natural resources.

C. To improve the public health, safety, and welfare by providing for the safe and efficient capture and conveyance of stormwater runoff.

D. To encourage and facilitate urban water resources management techniques including, but not limited to, the retention/detention of stormwater runoff and the enhancement of the environment.

E. To promote low impact development alternative designs and prevent loss of life and/or property due to flooding.

9.04.02. *Activities requiring a permit.* A St. Johns River Water Management District Environmental Resource Permit (ERP) is required for construction, operation, and maintenance of a stormwater management system that serves a project meeting any of the following thresholds:

A. Any project in, on, or over wetlands or other surface waters;

B. A total of more than 4,000 square feet of impervious or semi-impervious surface area subject to vehicular traffic;

C. A total of more than 9,000 square feet of impervious and semi-impervious surface area;

D. A total project area of more than five acres;

E. A capability of impounding more than 40-acre-feet of water;

F. Any dam having a height of more than ten feet, as measured from the lowest elevation of the downstream toe to the dam crest;

G. Any project that is part of a larger common plan of development or sale;

H. Any dry storage facility storing ten or more vessels that is functionally associated with a boat launching area; and

I. Any modification or alteration of a project previously permitted under pt. IV of ch. 373 , F.S.

9.04.03. *Minimum design standards and performance criteria.*

A. Design and Performance Criteria for Stormwater Management Systems shall meet the requirements as outlined in St. Johns River Water Management District (SJRWMD) Regulations, contained in the Applicant's Handbook Volume II (AH Vol II).

B. The Stormwater Management Plan shall, at a minimum, address the following:

1. Impacts to adjacent and downstream stormwater collection, conveyance, and storage systems resulting from increased runoff rate and/or volume from the project site.

2. Impacts to adjacent and upstream runoff contributing areas that may be hydrologically or hydraulically connected to the project.

3. Impacts to adjacent and downstream areas resulting from sediments and other pollutants that may be carried by stormwater runoff during and after construction.

4. Impacts to "Special Flood Hazard Areas" or "Volume Sensitive" areas associated with the project.

C. Stormwater Treatment and Attenuation.

1. Projects that discharge runoff to downstream areas that are not volume sensitive and have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood levels shall limit developed peak runoff rates to pre-developed runoff rates for the five-year, 24-hour and 25-year, 24-hour design storm events.

2. Projects that discharge runoff to downstream areas that are volume sensitive or do not have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood elevations shall provide detention for the 25-year, 96-hour discharge volume for developed conditions, such that the volume released from the project during the critical time period is not greater than the volume released during pre-developed conditions.

3. Projects that contribute to the City of Palm Coast Master Stormwater Management System, as defined in the Palm Coast Comprehensive Land Use Plan (CLUP) Volume 3, shall also be designed and constructed to limit developed runoff rates to pre-developed rates for the 100-year, 24-hour design storm event.

4. Projects that are constructed in phases shall meet the minimum design standards for each phase. No phase shall be dependent upon the construction of a future phase in order to meet these requirements.

5. Pond top of bank elevation shall be a minimum of twelve (12) inches above the maximum design storm elevation.

6. The Land Use Administrator (LUA) shall have the right to exempt any project from Section 9.04.03.C.1. and 2. above that discharges directly into the Intracoastal Waterway or Atlantic Ocean.

7. Stormwater system analysis shall include Pre-Development and Post-Development runoff hydrographs; routing the Post-Development runoff hydrographs through the stormwater storage system; and sizing of the storage system and discharge control structure(s) to meet the minimum requirements of this section. Stormwater discharge computations shall include storm frequency, storm duration, rainfall amount, rainfall distribution, hydrologic soil conditions, runoff coefficients, pond stage, storage, and discharge, changes in land use cover and slope conditions, off-site runoff contributing areas, time of concentration, tailwater

conditions, and any other changes in hydraulic, hydrologic, and topographic characteristics associated with the development.

8. Control devices that are designed to contain more than two-foot depth of water within the structure during the design storm and have openings greater than one-foot minimum dimension shall be restricted from public access.

9. All stormwater basin side slopes shall be stabilized by either vegetation or other biodegradable materials to minimize erosion and sedimentation of the basins.

10. Wet detention stormwater management systems shall provide a littoral zone in accordance with AH Vol II.

D. Soils Investigations.

1. A geotechnical report, prepared by a licensed engineer or other professional authorized to perform such work under Florida Statutes, shall be submitted for stormwater storage facilities, systems, or open channels used as a dry retention/detention facility designed to contain standing water for less than 72 hours after the occurrence of a rainfall event, or using infiltration to meet the requirements of this Code. The report shall contain a soil boring log, boring locations, and any parameters that may affect the design or recovery of the facility including, but not limited to: estimated seasonal high water table, hydraulic conductivity, and locations of confining layers.

2. For dry retention systems, soil borings shall be of sufficient depth to determine the wet season high water table and the permeability of the soils.

E. Water shall not be diverted into a natural buffer area for retention purposes where such water level change will adversely affect the health or survivability of retained trees.

F. It is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with this Land Development Code if all of the following are met:

1. The development is permitted by the St. Johns River Water Management District and the City;

2. The lowering of the water table has no adverse effect on wetlands and surface waters as defined in 62-340, F.A.C.; and

3. The lowering of the water table does not increase flows to the detriment of neighboring lands.

G. Where stormwater and other waters drain from lands outside the City, facilities within the City shall be designed in accordance with this Land Development Code, as if the entire area being drained was within the City.

9.04.04. *Limiting conditions.*

A. Before any offsite discharge from the stormwater management system occurs, the retention and detention storage must be excavated to rough grade prior to building construction or placement of impervious surface within the area served by those systems. Adequate measures must be taken to prevent siltation of these treatment systems, and control structures during construction or siltation must be removed prior to final grading and stabilization.

B. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with Section 9.04.06. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management

practices as necessary, in accordance with Section 9.04.06. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.

C. The stormwater management system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of the site infrastructure. The system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the stormwater management system to another responsible entity.

D. If the permitted stormwater management system was designed by a registered professional, within 15 days of providing the required as-built certification to the St. Johns River Water Management District, or 45 days after completion of the stormwater system (whichever occurs first), the permittee must submit to the City a copy of Water Management District Form No. 62-330.310 (1) (As Built Certification By a Registered Professional), signed and sealed by an appropriate professional registered in the State of Florida.

E. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.

9.04.05. *Collection and conveyance.*

A. Stormwater collection and conveyance systems shall be designed, as a minimum, to convey runoff resulting from the ten-year, 24-hour storm event. Collector roadway cross drains shall also be designed to convey the ten-year, 24-hour storm event.

B. Temporary roadway flooding shall not exceed an elevation that would permit flood water encroachment of more than one-half of a travel lane at the lowest elevation on the centerline profile of a roadway for the 25-year, 24-hour storm. Full recovery and use of the roadway must be available at the end of the design storm event.

C. Stormwater systems serving parking lots, or other non-residential property, shall be designed to collect and convey all stormwater flows into and through the system without creating adverse impacts to adjacent properties. The system shall recover from temporary ponding such that use of the parking area is available at the end of the storm event.

D. Minimum allowable pipe size for stormwater systems located within the City of Palm Coast right-of-way shall be 15 inches.

E. Design storm frequency for open channels shall be as follows:

1. Local roadway swales and ditches; ten-year storm event.
2. Collector roadway swales and ditches; ten-year storm event.
3. Outfall ditches and canals; 25-year storm event.

9.04.06. *Erosion and sediment control.*

A. Erosion and sediment control Best Management Practices (BMPs) shall be used during construction to retain sediment and turbidity on-site. These management practices shall be designed and certified by an appropriate licensed professional experienced in the fields of soil conservation or sediment/turbidity control according to specific site conditions, and shall be shown on the plans for the stormwater management system. The Permittee shall have a licensed professional provide the contractor, as part of the Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan (SWPPP), information pertaining to the construction, operation, and maintenance of the erosion and sediment/turbidity control BMPs.

B. Best Management Practices shall be designed in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (July 2013 or latest edition), and the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual (FDEP October 2018 or

latest edition), as both are amended, and shall be shown on the "Grading and Drainage Plan" or on a separate "Erosion Control Plan".

C. Any sedimentation leaving the site or impacting adjacent areas shall be halted immediately and the adjacent areas restored to pre-existing conditions. Restoration efforts shall be coordinated with FDEP or SJRWMD, as appropriate, to ensure that the restorative activities are consistent with the Statewide Environmental Resource Permitting (SWERP) rules.

D. All areas disturbed by authorized construction activities shall be sodded, hydro-seeded and mulched, or protected by other appropriate erosion control measures. Banks or berms having a 3:1 slope or steeper shall be sodded.

1. Within City ROW only sod shall be accepted along slopes.

E. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased.

F. Damage to private land, public rights-of-way, or other property shall be repaired prior to issuance of a certificate of occupancy or permit final. In case of damage to private property or to public rights-of-way, it shall be the joint and severable responsibilities of the permittee and contractor to make repairs as directed by the Land Use Administrator or designee.

9.04.07. *National Pollutant Discharge Elimination System Stormwater Program.*

A. The National Pollutant Discharge Elimination System (NPDES) Stormwater Program regulates construction activities that disturb one or more acres of land and discharge stormwater to surface waters of the state or into a Municipal Separate Storm Sewer System (MS4). An MS4 is a conveyance or system of conveyances such as roads with stormwater systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains. If a project is less than one acre, but part of a larger common plan of development or sale that will ultimately disturb one or more acres, permit coverage is also required.

B. NPDES Construction Generic Permit (CGP).

1. The operator is ultimately responsible for obtaining permit coverage and implementing appropriate pollution prevention techniques to minimize erosion and sedimentation from stormwater discharges during construction. The operator is the entity with sufficient authority to ensure compliance with the permit requirements. Typically, the operator is the owner, developer, or general contractor.

2. For construction projects where the operator changes, the new operator should obtain permit coverage at least two days before assuming control of the project, and the previous operator should file an NPDES Stormwater Notice of Termination (FDEP Form 62-621.300[6]) within 14 days of relinquishing control of the project to a new operator. The previous operator must meet the conditions to terminate coverage in accordance with Part VIII of the CGP.

C. Obtaining Coverage under the CGP.

1. Obtain and carefully read the CGP (available online at the Florida Department of Environmental Protection Website).

2. Develop a site specific SWPPP.

3. Complete in its entirety the application or Notice of Intent (NOI) (FDEP Form 62-621.300[4][b]).

4. Submit the NOI with the appropriate processing fee to the NPDES Stormwater Notices Center (Do not submit plans or a copy of the SWPPP when applying for coverage).

5. Provide a copy of the SWPPP and approved NOI to the City of Palm Coast (MS4 Operator).
6. Operators seeking coverage under the CGP must apply for permit coverage at least two days before construction begins.

D. SWPPP contents.

1. The SWPPP must identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharge associated with construction activity. In addition, the plan shall describe and ensure the implementation of BMPs that will be used to reduce the pollutants in stormwater discharge associated with construction activity and ensure compliance with the terms and conditions of the permit.
2. The SWPPP must be developed before an NOI is filed in order to receive CGP coverage, and must meet or exceed FDEP requirements. Also, beginning on the first day of construction activities, the SWPPP must be available at the location identified in the NOI.

   If the location on the NOI is not at the construction site, a copy shall be provided to the City as well as any inspection forms completed as part of the SWPPP.
3. A SWPPP should consist of a narrative and a site map. The CGP also requires a certification statement to be signed by the operator. The SWPPP must be developed and implemented for each construction site covered by the generic permit and must be prepared in accordance with good engineering practices.
4. The narrative report shall include a site description and, at a minimum, the following information about the site:
   a. Description of the construction activity;
   b. Intended sequence of major soil-disturbing activities;
   c. Total area of the site and total disturbance area;
   d. Description of the soils and estimate of the size of the drainage area for each discharge point;
   e. Latitude and longitude of each discharge point and the name of the receiving water for each discharge point; and
   f. Site map indicating drainage patterns and slopes, areas of soil disturbance, undisturbed areas, locations of BMPs, stabilization areas, surface waters/wetlands, and discharge points.
5. Each plan must include a description of the appropriate controls, BMPs, and measures that will be implemented at the construction site. The plan must clearly describe for each major soil-disturbing activity the appropriate control measures and the timing for implementing these measures.
6. The plan shall also identify and ensure the implementation of appropriate pollution prevention and treatment measures for non-stormwater components of the discharge.
7. The preparer of the SWPPP or responsible authority must sign and date the following certification statement as part of the SWPPP:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

submitting false information. These include the possibility of fine and imprisonment for knowing violations."

8. Contractor Certification Requirement: All contractors and subcontractors identified in the SWPPP, or those selected at a later date, must sign and date the following certification statement before conducting land disturbing activities on the site:

   "I certify under penalty of law that I understand, and shall comply with, the terms and conditions of the State of Florida Generic Permit for Stormwater Discharge from Large and Small Construction Activities and this Stormwater Pollution Prevention Plan prepared there under."

9. A copy of the NOI or acknowledgment letter from FDEP confirming coverage must be posted at the construction site in a prominent place for viewing (such as alongside the building permit).

E. Retention of records. The permittee shall retain copies of the SWPPP and all reports required by the CGP, and records of all data used to complete the NOI to be covered by the CGP, for at least three years from the date that the site is finally stabilized. The permittee shall retain a copy of the SWPPP and all reports, records, and documentation required by the CGP at the construction site, or an appropriate alternative location as specified in the NOI, from the date of project initiation to the date of final stabilization.

F. Notice of termination (N.O.T.). Upon completion of the project and final stabilization, the permittee should submit a completed N.O.T. to the NPDES Stormwater Notices Center and the City of Palm Coast. The elimination of stormwater discharges associated with construction activity means that all disturbed soils at the site have been finally stabilized and temporary erosion and sediment control have been removed, or will be removed at an appropriate time.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.05. - Stormwater discharge pollutant control.

9.05.01. *Enforcement.*

A. All persons in violation of this regulation shall remedy such violations immediately. All persons in violation shall, in addition to all other required remedial actions, upon detection or written notification by the City, provide a written response outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of the corrective measures. All such proposals for corrective action are subject to the approval of the Land Use Administrator.

B. The Land Use Administrator or designee is authorized to issue a notice of violation in the form of a written official notices hand delivered, sent by certified mail, and/or posted to the property to the person(s) believed to be responsible for the violation or the owner of the property from, or on which, the violation is believed to be occurring. Specific activities and operations may be ordered to cease based upon the following conditions:

   1. In a situation that may have a serious effect on the health, safety or welfare of the public or the environment, including the quality of stormwater in the City's MS4; or

   2. When irreversible or irreparable harm may result, in the reasonable opinion of the Land Use Administrator, and immediate cessation of the activity is necessary to protect the quality of the stormwater in the City's MS4, or to protect the public or the environment.

C. Should any person responsible for a violation of this regulation fail to take the remedial action as required by the City, the City shall take such remedial action, and all costs incurred by the City

shall be the responsibility of the person or persons responsible for the violation, and the City may record a lien against the personal and real property of the violator to recover said costs and to collect all fines and penalties imposed.

D. In addition to the remedies provided herein, the City may make application to a court of competent jurisdiction for injunctive relief to restrain any person from violating or continuing to violate the provisions of this regulation. In addition, the City may also seek entry of a court order requiring restoration and mitigation of any impacted facilities, land or waters, and may request any other appropriate legal remedy, including reimbursement of court costs. The City shall be entitled to an award of attorney's fees in prosecuting such actions, together with all attorney's fees and costs on appeal.

E. Any fines or other funds received as a result of enforcement action under this regulation and which are not used for the specific purposes enumerated herein shall be deposited into the stormwater utility fund.

F. The City may also use the City's Code Enforcement process to enforce violations.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.06. - Land modification of platted residential lots.

9.06.01. *Clearing and earthwork.*

A. With proper permits, the City allows the modification of land for purposes such as grading, filling, excavation, unsuitable soils removal, and certain tree removal on vacant residential lots as set forth in Chapter 11, prior to the issuance of a building permit. The only exception is for vacant single-family residential property, where "vacant" is defined as land that is in a natural vegetated state, or land that has been cleared of such vegetation but contains no impervious area. Persons desiring to modify a residential lot prior to the issuance of a building permit must apply for and obtain a Right-of-Way Access and Lot Grading Permit, and shall be subject to the following general permit conditions:

1. The lot, if vacant of any structures, must be directly adjacent to a lot with a permitted structure and both lots shall be under the same ownership.
2. Prior to performing any work, a copy of the permit shall be posted on the site.
3. If wetlands or endangered species are discovered, additional requirements may be imposed by the City to protect natural resources.
4. A time limit of four months shall be allowed from the date the permit was issued until the work is completed. When the work is completed, a final inspection shall be requested by the applicant. If the work is not completed within four months, the City will monitor the site and may initiate code enforcement procedures. Passing the final inspection shall mean that the work is complete.
5. The owner shall preserve trees and vegetation in accordance with the tree preservation requirements set forth in Chapter 11.
6. After completion of the work, the owner of the property shall request a final inspection from the City, which will confirm if the clearing was completed in accordance with the permits.
7. Prior to the final inspection the following shall be completed:
   a. Swales shall be graded to the proper grade and cross section.
   b.

c. All disturbed areas of the site and public road right-of-way shall be stabilized with vegetation. All rights-of-way and any areas subject to erosion shall be sodded in accordance with the Florida Department of Transportation Design Standards.

d. All tree barricades, silt fences, and construction debris shall be removed from the site or adjacent sites, if present.

e. Repair of all road damage associated with permitted work shall be jointly and severally the responsibility of the property owner and permittee, and shall be completed prior to the completion or expiration of the permit.

f. Replacement trees, if required, shall be planted.

B. Vacant lots are exempt from this permit if the lot is only to be cleared by hand cutting of non-protected trees and removal of existing vegetation. This includes mitigation type mowing for wildfire control/mitigation. This exemption only pertains to platted single-family residential lots and not adjacent reserve parcels, unplatted lands, or stand-alone lots of any type.

9.06.02. *Construction on platted residential lots.*

A. Residential dwelling units, other structures, and surrounding site work on platted single-family residential lots, shall be designed and constructed in conformance with this Land Development Code. Property owners or their agents shall obtain a building permit from the City prior to the construction of any aboveground or underground structure.

B. In addition to a building permit, a Right-of-Way Access Permit shall be obtained from the City.

C. This article should be used in conjunction with all applicable sections of the City of Palm Coast's Technical Manual.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.07. - Utilities.

9.07.01. *Purpose.* The requirements and regulations contained in this section are established to ensure the adequate provision of potable water (water), fire protection/suppression, sanitary sewer (wastewater), and reclaimed water facilities necessary to:

A. Meet City level of service requirements;

B. Provide adequate service capacities for individual projects; and

C. Meet the requirements of other related codes and standards adopted by the federal, state, City, or regional agencies.

9.07.02. *General requirements.*

A. *Connection to the City utility system.* Unless specifically allowed otherwise herein, all water, fire protection/suppression, sanitary sewer, and reclaimed water improvements shall be designed to connect to the City's central utility systems.

B. *Construction standards.* The design and construction of facilities for providing water, fire protection/suppression, sanitary sewer, and reclaimed water shall comply with City standards and state regulations.

C. *Private potable wells.* The City will allow the use of individual potable water wells if approved by the St. Johns River Water Management District. However, for all new development that requires site plan or subdivision approval that is within one mile of central service, the development shall be required to connect to the central service. For development that does not require site plan or subdivision approval, the development shall be required to connect to the potable water system

if central service is available within 150 feet of the lot line. In the event that central service is not available in either instance, the development shall be required to connect within one year from the date that central service becomes available.

D. *Private non-potable wells.* Irrigation systems and swimming pools may be served by a separate private water supply system provided that no interconnection of any kind occurs between the private system and the public utility system, its water mains, the utility's water service line, the customer's water service line, a building's potable water plumbing pipes, or any pipe or line connection or extension, and then only if reclaimed water service is not available. If and when available on the property, reclaimed water shall be used for all appropriate uses. The design, permitting, construction, and use of this type of well shall comply with the most current regulations of the Flagler County Health Department, the Florida Department of Environmental Protection, and the St. Johns River Water Management District, as appropriate.

9.07.03. *Potable water system.*

A. *Conditions precedent to water services.*

1. Water service may be activated if all permit conditions of the Florida Department of Environmental Protection are completed and the water distribution system has been approved and accepted by the City.

2. Except where otherwise permitted, all new development shall connect to the City's potable water system. New development shall pay all impact, installation, and line extension fees prior to the issuance of building permits or the initiation of service.

B. *Required meters.*

1. All residential facilities shall have individual meters for each dwelling unit unless a master meter installation is approved by the City in a utility agreement.

2. The property owner shall keep meter sites readily accessible with a minimum four feet of clearance around the meter/backflow assembly for meter reading and maintenance.

C. *Water mains location/sizing.*

1. Trunk lines shall have a pipe diameter meeting minimum requirements for fire flow and user consumption based on Florida Department of Environmental Protection regulations and standard engineering practices. Water mains shall be located within a public right-of-way or within a corridor (private rights-of-way) approved by the Land Use Administrator. All mains to which fire hydrants are connected shall be a minimum of six inches in diameter and in conformance with National Fire Protection Association (NFPA) standards. In no case shall a water main be smaller than four inches. To the maximum extent feasible, distribution lines shall be located parallel to and behind the back of the curb or edge of the pavement. Water mains shall be located to minimize conflicts with other utilities and existing or proposed structures.

2. All new development service lines and appurtenances thereto shall be installed and all costs shall be paid by the applicant. Upon construction completion and acceptance of the system, it shall be the design engineer's responsibility to ensure that the system is properly certified and accepted by the Florida Department of Environmental Protection, and that certified "as-built" drawings, consisting of one signed and sealed set of plansare provided to the City in accordance with City standards. Under no circumstance shall the system be activated by anyone other than the Land Use Administrator.

D. *Booster pumps/fire protection systems.* It is prohibited and unlawful to modify or connect any booster pump or fire protection system to the City's potable water distribution system or to any water distribution system to which the City supplies water, except for consecutive public water systems, without the express written permission of the Land Use Administrator.

1. Any person planning to connect or modify any booster pump or fire protection system shall submit a detailed plan prepared by a Florida professional engineer to the Land Use Administrator for review and approval.

2. After submission of a detailed plan for connection or modification, the Land Use Administrator may approve the plan, with or without specified conditions or modifications, or reject the plan.

E. *Potable water backflow prevention devices.* All new construction shall have installed, on all potable water and fire prevention system lines, a backflow prevention device acceptable to Florida Department of Environmental Protection and of a size and design determined to be appropriate by the Land Use Administrator. All residential construction shall have a double-check device that shall be supplied and installed by the City at the owner's expense. All commercial lines two inches or smaller shall have a reduced pressure zone backflow preventer installed by the City at the owner's expense. All commercial or industrial construction lines larger than two inches shall have a reduced pressure zone backflow preventer or double-check detector/device (fire line only). The City approved device shall be installed at the owner's expense by a licensed contractor, inspected by the City, and certified by a licensed and certified backflow prevention technician or a certified City backflow prevention technician. All backflow prevention devices shall be installed and maintained in accordance with City standards.

F. *Fire line devices.* All fire line devices shall be installed and certified by a licensed fire protection contractor. The device shall be installed at a location determined by the Land Use Administrator. Where the device must be installed on private property, the location is subject to approval by the property owner. Backflow prevention devices on fire lines must be UL (Underwriters Laboratories) listed for fire protection systems. Backflow preventers shall be installed and maintained in accordance with City standards.

G. *Cross connections and interconnections.* It is unlawful for any person to cause a cross connection with the City's potable water system, reclaimed water system, wastewater system, or raw water system. All service connections shall comply with the City standards.

H. *Connection/temporary connection.*

1. The owner of each lot or parcel of land within the City proposed for occupancy for any use shall cause such building, structure, or use to be connected to the public water distribution system of the City, and shall use such facilities at the same time as a certificate of occupancy is issued, or sooner, with prior approval by the City.

2. For temporary connection to the City water system for construction not involving new lines, a metered connection to a fire hydrant may be permitted. The meter and backflow preventer shall be supplied by the City and the user must comply with City standards.

I. *Utility line extensions—Service line extensions.* Service line extension requests shall be submitted to the Land Use Administrator for approval. If approved, the applicant may proceed with the installation of the service line extension after coordinating installation with the Land Use Administrator. All costs associated with the utility line or service line extension shall be the applicant's responsibility. All work and connections shall be performed by a Florida licensed contractor licensed to perform underground utility work.

J. *Utility main extension reimbursement policy.*

1. Procedure for the utility main extension reimbursement policy. In the event that any person or developer is required by the City to extend water, sewer, or reclaimed water lines or increase line size to a size larger than the minimum line size required for that development's needs, that person or developer may request reimbursement for the additional cost of such extension or increased line size in accordance with the following procedures:

a. Engineering drawings and design calculations shall be submitted to the Land Use Administrator indicating the size and location of the proposed lines or the

appurtenances thereto. The submittal shall also include preliminary cost estimates showing the cost difference for construction of the proposed oversize main versus the cost for the minimum size main that would be required to serve the parcel or development in accordance with the City's design standards.

b. The Land Use Administrator shall review the entire submittal and shall make a determination of the eligibility of the proposal for reimbursement, based on the conformity of the proposed improvements with City standards and with the criteria established in Section 9.06.03.C.

c. The City may enter into an agreement for reimbursement with the person making the submittal based on a finding that the trunk line(s) and appurtenances thereto comply with City standards. The agreement between the City and the person or developer will, at a minimum, include timeframes and conditions of reimbursement. The trunk line(s) and appurtenances are required to be appropriately sized and located. Adequate water and sewer treatment plant capacity must exist for the area anticipated to be served.

9.07.04. *Sanitary sewer systems, industrial wastes, and low pressure effluent pumping system.*

A. *Conditions precedent to wastewater service.* Wastewater service will be available only after all permit conditions of the Florida Department of Environmental Protection are complied with and the wastewater collection system has been approved and accepted by the City.

B. *Wastewater connection required.*

1. Except where otherwise permitted, all new development shall connect to the City's sewer system, as required by state law. New development shall pay all impact, installation, and line extension fees prior to the issuance of building permits or the initiation of service.

2. If the City sewer system is available as defined by law, all existing development is required to connect within one year from the date of notice of system availability. The owner of the property shall pay for all connection impact, installation and line extension fees.

3. Upon agreement by the City, and approval of the Department of Health, connection to the City sewer system may be deferred until it is deemed in the public interest to make connection mandatory due to financial or public health considerations.

4. The City may refuse wastewater from any lot or parcel of land upon which there is located any institutional, commercial, or industrial plant, building, or premises that does not comply fully with City standards; or that does not utilize City water; or that does not supply proper metering of its wastewater.

5. The discharge of wastewater into the City sanitary sewer system from air conditioning/heating units is prohibited.

C. *Wastewater design and inspection.*

1. The developer shall install house or site service connections. Each property connected to the sanitary sewer system shall have a cleanout or manhole located at the property line for cleaning the service from the cleanout to the sanitary main.

2. It is prohibited and unlawful to enter the City sewer system or appurtenance thereto, or make any connections thereto without the approval of the Land Use Administrator. It is unlawful for any person to tap, cut, or in any way use any line, branch, or part of the City sewer collection or sewage treatment facilities without such approval.

3. The Land Use Administrator, as a condition of the City providing utility service, shall be permitted to enter upon all properties for the purpose of inspection, observations, measurement, sampling, and testing.

D. *Lift (pumping) stations.* All lift stations to be dedicated to the City for ownership and maintenance shall conform to the requirements of this section and City standards and shall be designed as submersible stations.

1. Prior to the construction of a lift station, the applicant's engineer shall submit construction drawings and design calculations for review and approval by the City.

2. All lift stations shall be dedicated by a fee simple interest conveyance to the City for ownership and maintenance responsibility, unless otherwise approved by the Land Use Administrator.

3. Lift station sites shall have unimpeded access for emergency maintenance vehicles and shall restrict access to the wet well, valve vault, and electric control panel to prevent entry by unauthorized individuals.

E. *Industrial waste pretreatment and disposal.*

1. Generators of industrial waste that are deposited into the City sanitary sewer shall comply with the pretreatment and disposal requirements of the City.

2. All users shall comply with Florida Department of Environmental Protection permit conditions and any other applicable federal and state regulations to which the Publicly Owned Treatment Works are subject.

3. All pretreatment and disposal systems and appurtenances shall be designed to meet all applicable requirements of the Florida Department of Environmental Protection, Flagler County Health Department, and the City, to prevent the introduction of pollutants into the sanitary sewer system which will interfere with the proper functioning of the system or cause or contribute to the contamination of receiving waters or the atmosphere.

9.07.05. *On-site wastewater treatment/disposal systems.* On-site wastewater treatment may be permitted by the City only in the EST-1, EST-2, and AGR Districts and in conformity to this section.

A. *Permit required.* A septic tank permit shall be obtained from the Flagler County Health Department prior to the issuance of a building permit. However, a building permit shall not be issued for the construction of such facility unless consistent with the Comprehensive Plan and this Land Development Code.

B. *Design and performance standards.*

1. A copy of the permit received from the Flagler County Health Department and all related information or documentation shall be submitted to the City.

2. Individual wastewater treatment/disposal systems, such as septic tanks, shall be located in an area that can be incorporated into a central sewer system when available. Systems shall be constructed and operated to ensure that they, either on an individual or cumulative basis, will not adversely impact public health or natural resources or cause undue expense to the City.

3. On-site wastewater treatment is prohibited in areas served by centralized wastewater treatment. Where septic tank use is permitted, septic tank systems shall be installed in conformance with the Flagler County Health Department requirements. Development shall be prohibited unless an alternative on-site disposal system (e.g., package-type wastewater treatment plant) is determined by the Land Use Administrator to be sufficiently effective to prevent degradation of adjacent surface waters or groundwater by the Florida Department of Environmental Protection, Flagler County Health Department, and the City, and provisions for the plant's eventual retirement and connection of the development to the central sanitary sewer system are adequate and binding.

4. The installation of on-site sewage disposal and treatment systems on sites one acre or less is prohibited. Sites greater than one acre of contiguous upland area in areas designated as

Greenbelt on the City's Future Land Use Map that are served by municipal potable water service may be served by on-site sewage disposal systems if site environmental factors are appropriately addressed and the systems are installed in accordance with all applicable state and local regulations. If public potable water supply service is not available, the minimum site for the installation of on-site sewage disposal systems shall be two acres.

9.07.06. *Interim "package-type" wastewater treatment facilities.* The use of interim or package-type wastewater treatment facilities shall be subject to approval by the City Council based on an agreement that specifically provides for the eventual transition to City facilities. These facilities shall meet the following design and performance standards.

A. Small package-type wastewater treatment plants, as defined below, shall not be permitted in areas where improper levels of treatment and/or inadequate effluent disposal may result in adverse impacts on water or other natural resources (e.g., groundwater aquifers and surface water systems), unless the plant's owner provides sufficient financial resources or surety for the City to assume responsibility for operating and maintaining the collection, treatment, and effluent disposal components in compliance with regulatory requirements and standards. The following minimum criteria and procedures shall be adhered to in the implementation of this Code:

1. Small package-type wastewater treatment plants are defined as prefabricated and component assembled plants of 100,000 gallons or less per day of treatment capacity, or any plant which is considered or identified to be of an interim nature.

2. The location and siting of such facilities shall be limited to areas where improperly treated effluent shall not adversely impact the quality of regional water resources by lateral surface/subsurface flow or by percolation.

3. Existing package-type or interim wastewater treatment plants currently meeting treatment and effluent quality standards may continue to be operated if the facility is being properly operated and maintained and wastewater treatment and effluent standards are continually being met.

4. Measures shall be undertaken to assure the provision of financial resources by wastewater treatment plant owners to adequately cover the costs of rehabilitating, operating, and maintaining each wastewater treatment and disposal facility, and of connection to regional facilities, if applicable, at the appropriate time.

B. Interim or package-type wastewater treatment facilities shall connect to the municipal sanitary sewer system when the access to the system becomes available. The following criteria and procedures shall be adhered to in the implementation of this standard:

1. Package-type or interim wastewater treatment plants currently meeting treatment and effluent quality standards may continue to operate if:

   a. The facility is properly operated and maintained and wastewater treatment and effluent standards are satisfactorily met; and

   b. The facility is phased out at the option of the City, without cost to the City, and connected to the City system when sufficient capacity is available.

2. When a private facility is phased out and connected to the City sewer system, all costs of connection to the central system and discontinuing the interim use is the obligation of the owner of the private facility.

C. Where soil conditions permit, an interim package treatment plant may be permitted if:

1. Sewer lines and lift stations are constructed to City standards;

2. Impact fees for future connections to the City system are paid or a surety is provided; and

3. The developer agrees to discontinue operation of the package plant and connect to the City system, when available.

D. Existing development with central wastewater treatment shall connect to the City system as soon as possible after the City system is available or if the existing system is found to have deficiencies that are likely to create a serious health or pollution problem. Property owners shall pay the impact fee and connection fee then in effect.

9.07.07. *Reclaimed water systems.* Reclaimed water system construction and materials shall comply with City standards.

A. *Conditions precedent to reclaimed water services.* Reclaimed water service shall be activated only after all permit conditions of the Florida Department of Environmental Protection are completed and the reclaimed water distribution system has been approved and accepted by the City.

B. *Compliance with state regulations.* In the operation and use of the City's reclaimed water system, the City and all users shall at all times comply with all applicable regulations of the Florida Department of Environmental Protection relative to the reuse of reclaimed water.

C. *Design and performance standards.* All reclaimed water systems shall meet applicable requirements of the Florida Department of Environmental Protection and the City.

D. *Connection permit required.* It is prohibited and unlawful to connect to any public reclaimed water main or appurtenance without prior approval from the Land Use Administrator and the acquisition of all required state and local permits.

E. *Reclaimed water lines.* All new developments shall provide a reclaimed water system for irrigation purposes, unless otherwise approved by the Land Use Administrator.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 9.08. - Outdoor lighting requirements.

9.08.01. *Purpose.* This section provides specific development requirements to regulate outdoor lighting in order to provide for sufficient lighting levels to meet use needs, but to reduce or prevent light pollution and light disturbance. Reducing or preventing light pollution means, to the extent reasonably possible, ensuring the reduction or prevention of glare and light trespass, the conservation of energy and the promotion of safety and security.

9.08.02. *Approved materials and methods of installation.* The provisions of this section are not intended to prevent the use of any material or method of installation not specifically proscribed by this section, if any such alternate has been specifically approved. The Land Use Administrator may approve any such alternate if the proposed design, material, or method:

A. Provides approximate equivalence to the specific requirements of this section; or

B. Is otherwise satisfactory and complies with the intent of this section.

9.08.03. *Shielding and filtering.* All outdoor light fixtures shall be fully shielded as required in this section. All outdoor light fixtures required to be filtered by this section shall have glass, acrylic, or translucent enclosures (quartz glass does not meet this requirement).

9.08.04. *Requirements for shielding and filtering.* The requirements for shielding and filtering light emissions from outdoor light fixtures are set forth in the following table:

Table 9-1: Requirements for Shielding and Filtering

Fixture Lamp Type	Shielded	Filtered
Low Pressure Sodium	None	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes
Fluorescent	Fully	Yes
Quartz	Fully	None
Incandescent Greater than 160 W	Fully	None
Incandescent 160 W or less	None	None
Mercury Vapor	Not permitted	Not permitted
Glass Tubes filled with Neon, Argon, Krypton	None	None

9.08.05. *Parking lot lighting.* General exterior lighting shall provide adequate illumination to safely guide vehicles and pedestrians into, out of, and within a site, and deter vandalism. Exterior lighting sources shall render colors faithfully so that pedestrians and vehicle operators are able to distinguish colors and differentiate objects within their field of vision and be arranged so as to eliminate on-site glare and spillover onto adjacent properties, public streets, and highways.

A. *Plan required.* An illumination plan prepared by a Florida licensed professional engineer and/or certified professional with expertise in the field of illumination shall be submitted for each parking facility. Each parking facility shall meet the pedestrian security requirements as set forth in Section 4 of IESNA - RP-20-14 Lighting for Parking Facilities, 2014 or current edition. Such plan shall comply with all requirements as outlined in this section.

B. *Full cutoff light fixtures.* Luminaires shall be designed to ensure that no candela occurs at or above an angle of 90 degrees above the horizontal plane (nadir). This applies to all lateral angles around the luminaire. Such candela information shall be determined by a photometric test report (plan) from the lighting contractor. Any structural part of the luminary for all types of lighting providing cutoff angle shielding shall be permanently attached, except that accent uplighting for trees and building walls may be allowed to exceed the 90-degree angle plane, subject to review and approval by the Land Use Administrator if determined to provide an equivalent public benefit.

C. *Shielding requirement.* Lighting shall be designed to prevent direct glare, light spillage, and hazardous interference with automotive, aircraft, and pedestrian traffic on adjacent streets and on all adjacent properties.

D. *Design requirement.*

1. The maximum height of light poles in areas other than pedestrian areas shall be 35 feet, including the base. Light poles exceeding 35 feet in height shall not be allowed unless approved through a special exception use order or development agreement. For pedestrian areas, the maximum height of a light pole shall be 16 feet, including the base.
2. Fixtures shall be designed as integral design elements that complement the design of a development through style or by blending into the landscape material. Bright colors such as primary and secondary colors including, but not limited to, white, are prohibited for light pole uses.
3. Light poles shall not be placed in required parking lot landscape islands of less than 500 square feet or anywhere else on the site where they will conflict with existing or proposed shade trees. Light pole locations shall be depicted on all sets of site plans to ensure no conflicts between utilities and landscaping.
4. Full lighting details shall be supplied for light fixtures (to include lumens and wattage), poles, and photometric plans.

9.08.06. *Roadways.* All new development abutting or containing public or private roadways shall provide street lighting within those roadways meeting the following requirements:

A. *Installation.* All infrastructure associated with lighting shall be installed; including, but not limited to, pole boxes, conduits, etc.; concurrent with the development.

B. *Plan required.* An illumination plan prepared by an expert in the field of illumination shall be submitted for each roadway segment that is adjacent to the proposed development and required by the Land Use Administrator to be illuminated. The illumination requirements for roadway facilities shall meet the more stringent standards set forth in American National Standards Institute, Illuminating Engineering Society of North America (ANSI/IESNA) RP-8-00 (R2005) and Florida Department of Transportation Standards (latest editions). Such plan shall comply with all requirements as outlined in this section.

C. *Full cutoff light fixtures.* Luminaires shall be designed to ensure that no candela occurs at or above an angle of 90 degrees above the horizontal plane (nadir). This applies to all lateral angles around the luminaire. Such candela information shall be determined by a photometric test report (plan) from the lighting contractor. Any structural part of the luminary for all types of lighting providing cutoff angle shielding shall be permanently attached, except that accent uplighting for trees and building walls may be allowed to exceed the 90-degree angle plane, subject to review and approval by the Land Use Administrator if the lighting is determined to provide an equivalent public benefit. All light fixtures shall be standard fixture types as determined by the City.

D. *Shielding requirements.* Lighting shall be designed to prevent direct glare, light spillage, and hazardous interference with automotive, aircraft, and pedestrian traffic on adjacent streets and on all adjacent properties.

E. *Design requirements.*

1. Light pole locations shall be depicted on all sets of the plans to ensure that no conflicts exist between proposed utilities and proposed landscaping.
2. Full lighting details shall be supplied for light fixtures (to include lumens and wattage), poles, and photometric plans.

9.08.07. *Prohibitions.*

A. *Outdoor building, landscaping, and signs.* The unshielded outdoor illumination of any building or landscaping is prohibited except for incandescent fixtures with lamps of 100 watts or less.

B. *Mercury vapor.* The installation of mercury vapor fixtures is prohibited.

9.08.08. *Exemptions.*

A. *Nonconforming fixtures.* Outdoor light fixtures installed prior to August 19, 2008 are exempt from the provisions of this section; provided, however, that no change in use, replacement, structural alteration, or restoration of outdoor light fixtures may be made unless it thereafter conforms to the provisions of this section.

B. *Ornamental lighting.* Ornamental street lighting is exempt from the provisions of this section and is a permitted lighting installation.

C. *Construction and emergency lighting.* Lighting necessary for construction or emergencies is exempt from the provisions of this section if temporary and discontinued immediately upon the completion of the construction work or abatement of the emergency necessitating said lighting.

D. *Searchlights.* The use of searchlights is prohibited unless a permit specifying conditions is issued by the Land Use Administrator.

E. *Request for exemption.* Any person may submit a written request for an exemption from the requirements of this section. The request for exemption shall be submitted in writing to the Land Use Administrator and shall contain the following information:

1. Specific exemption requested.
2. Type and use of exterior light involved.
3. Duration of time for requested exemption.
4. Type of lamp and calculated lumens.
5. Total wattage of lamp or lamps.
6. Sketch to scale showing location of proposed exterior light.
7. Previous exemptions granted, if any.
8. Physical size of exterior light and type of shielding provided.
9. Any additional information required to make a reasonable evaluation of the request for exemption.

(Ord. No. 2018-24 , § 2, 11-6-18)

Sec. 10.01. - Wetland Resources.

10.01.01. *Purpose and intent.* The purpose of this section is to ensure the protection of high-quality wetland systems in a manner consistent with the resource protection guidelines adopted in the City's Comprehensive Plan and existing state regulatory standards. In addition, it is the City's intent to maintain the sustainability of high-quality wetland corridors.

10.01.02. *Exempt activities.* The following activities or uses within wetlands or required upland buffers adjacent to wetlands are exempt from the provisions of this section:

A. Construction of single-family residential units within existing, recorded subdivisions where adjoining street and drainage improvements have been constructed.

B. Construction of hiking trails, walking paths, observation decks, and other similar facilities related to passive recreational activities.

C. Manual clearing with hand tools of vegetation (no stump removal or soil disturbance) from an area of less than ten percent of a wetland or required upland buffers adjacent to a wetland located on a single parcel. Utilizing this exemption does not relieve the applicant from meeting all applicable regulations listed in Chapter 11.

D. Bona fide agricultural uses that follow best management practices established by the Florida Department of Agriculture and Consumer Services.

E. Bona fide fire line control activities that follow best management practices established by the Florida Department of Agriculture and Consumer Services.

F. Silviculture activities, which follow the best management practices, outlined in the publication entitled, "Silviculture Best Management Practices Manual", Florida Department of Agriculture and Consumer Services, Division of Forestry and as outlined in Chapter 62-330.0511 FAC, as amended.

G. Bona fide, approved, mosquito control activities conducted by a government-approved agency provided it is in strict conformity with the requirements as set forth in F.S. chs. 482 and 487 , and Rules 5E-2 and 5E-9, Florida Administrative Code.

H. Utility facilities including crossings, easements, or rights-of-way that are related to generation, distribution, collection, transmission, or conveyance of the utility service to its customers.

I. Custodial maintenance activities of stormwater management systems.

J. Authorized activities with approved Florida Department of Environmental Protection, St. Johns River Water Management District, or US Army Corps of Engineers permit(s) for wetland restoration, enhancement, monitoring, or mitigation activities.

K. The installation of driveways to single-family residential units within existing recorded subdivisions where wetland crossings provide the only physical or legal access point, and provided that the wetland crossing maintains the existing wetland hydrologic connections and that best management practices are in place during construction activities to minimize wetland impacts.

L. Activities qualifying for and obtaining a Notice of General Permit through the joint environmental resource permitting application are considered de minimis alterations and not subject to the permitting or buffering requirements of this LDC.

M. Wetland impacts associated with access to a permissible use or a linear project if an alternative analysis for avoidance and minimization has been approved. This exemption also applies to Florida Department of Transportation public transportation projects.

N. Activities that qualify for and obtain a State Programmatic General Permit (federal authorization delegated to the state) are considered de minimis alterations and not subject to the permitting or buffering requirements of this LDC.

O. Activities determined to be de minimis under the Florida Statutes.

10.01.03. *Wetland identification.*

A. *Methodology.* Wetlands shall be delineated pursuant to the methodology contained in the Florida Administrative Code Chapter 62-340 or the Pre-Henderson Wetland Delineation Methodology (F.S. § 373.421 (7)). Wetlands may consist of, but are not limited to, forested swamps, sloughs, freshwater and tidal marshes, and wet prairies.

B. *Exempt from regulation.* This section shall not be construed to regulate roadside ditches, conveyance swales, utility related drainage features, or stormwater management systems.

C. *Qualifications for wetland delineation.* All state jurisdictional wetlands shall be field delineated by a Qualified Environmental Professional and surveyed by a Florida registered land surveyor for illustration on all plans submitted to the City for subdivision, site plan review, or rezoning applications.

10.01.04. *Measures to avoid or minimize wetland impacts.* The applicant must consider practicable design modifications that will reduce or eliminate adverse impacts to wetlands and other surface waters. The term "modification" shall not be construed as including the alternative of failing to implement the stormwater management system in some form, nor shall it be construed as requiring a project that is significantly different in type or function. A proposed modification that is not technically capable of being constructed, or is not economically viable, or which adversely affects public safety through endangerment of lives or property is not considered "practicable." To receive City approval, a stormwater management system cannot cause a net adverse impact on wetland functions and other surface water functions, unless it is offset by mitigation in accordance with the requirements established by state law.

10.01.05. *Wetland impact report required.*

A. Except as otherwise provided herein, the applicant shall demonstrate consistency with the category requirements in Table 10-1 as follows:

Table 10-1: Wetland Impact Analysis Report Requirements

Requirement in Application Package	**Optimal Wetland**	**Moderate** Wetland (1)	**Minimal** Wetland (1)
Wetland Impact Analysis	YES	YES	YES
Alternatives analysis for avoidance and minimization	YES	YES	NO
Assurance of 'no net loss of wetland functions' for the wetland system(s) located on the project site	YES	NO	NO
Compensatory mitigation within the City's geographic boundary is preferred. However, mitigation shall occur within the same hydrologic basin per St. Johns River Water Management District, or as consistent with the Florida Administrative Code (2)	YES	YES	YES
A copy of all requisite federal and/or state wetland permits	YES	YES	YES

(1) Wetland Impacts regulated by St. Johns River Water Management District, the Florida Department of Environmental Protection, or Army Corp of Engineers

(2) In accordance with F.S. § 373.4135 , as amended, the City shall not deny the use of a mitigation bank or off-site regional mitigation due to its location outside of City jurisdiction.

B. Category wetlands are described as follows:

1. *Optimal wetlands*—Named wetland systems associated with surface water bodies and/or a wetland quality assessment methodology score between 0.71 and 1.0.

2. *Moderate wetlands*—Wetland quality assessment methodology score between 0.41 and 0.70

3. *Minimal wetlands*—Wetland quality assessment methodology score between 0.0 and 0.40

10.01.06. *Submittal requirements for wetland impact analysis report.* The City shall require a wetland impact analysis report for projects that are proposed to impact state jurisdictional wetlands. The wetland impact analysis report shall be submitted during the subdivision and site plan process for evaluation. The wetland impact analysis report shall be completed by a Florida qualified environmental professional and shall include, but not be limited to:

A. A description of all waterbodies, watercourses, and wetlands on-site and a general description of wetlands immediately adjacent to the site to allow an assessment of wetland impacts.

B. A map of the entire contiguous natural systems including the on-site wetland systems, based on the Florida Land Use Cover Classification System.

C. The existing environmental, soil, and hydrologic conditions of the site.

D. The proposed wetland impact site to be evaluated pursuant to the City's wetland quality assessment methodology. If the results of the wetland quality assessment methodology are deemed unsatisfactory by City staff, the City may require, at the applicant's expense, an additional wetland quality assessment methodology from another qualified environmental professional.

E. A map or site plan depicting on-site wetlands, wetlands proposed for impacts, roads, easements, stormwater facilities, buffers, building location, and other on-site facilities or structures.

F. An alternative site plan analysis consistent with City standards for avoidance and minimization of wetland impacts, where applicable, which illustrates that wetland impacts have been avoided and/or minimized to the greatest extent practicable through project design modifications.

G. A demonstration that the level of function provided to fish and wildlife and listed species by the subject wetland(s), including water quality of the receiving waters, will not be adversely affected.

H. Report must be completed within 5 years of submittal or must have a valid formal wetland determination through appropriate agencies. An updated delineation report can be requested if the site has been altered since the delineation in such ways, such as but not limited to clearing and altered water flow.

10.01.07. *Permitted activities and requirements.* Once the requirements of this section have been met, wetland impacts for moderate and minimal quality wetlands and associated mitigation activities shall be governed by the St. Johns River Water Management District, the Army Corp of Engineers, or the Florida Department of Environmental Protection, as applicable. A St. Johns River Water Management District, the Army Corp of Engineers, and/or Florida Department of Environmental Protection permit shall be prima facie evidence of compliance with this section. No net loss of wetland function shall be permitted for each optimal wetland system located in the City.

10.01.08. *Buffers.*

A. *Natural upland buffers.* A natural upland buffer, with an average width of 50 feet, but no less than 25 feet, shall be provided adjacent to and surrounding optimal wetlands; and a buffer with an average width of 25 feet, but no less than 15 feet, shall be provided adjacent to moderate and minimal wetlands.

1. Upland buffers adjacent to wetlands shall consist of natural upland habitats that can provide for the various life functions of wetland dependent wildlife.

2. Upland buffers adjacent to wetlands shall not be altered except as exempted by Subsection 10.01.02. Wetland buffers shall be protected from erosion and sedimentation during construction activities by installing and maintaining silt fence or turbidity barrier 1 foot landward from upland buffer or permitted wetlands impacts. A double row of silt fence, spaced at least 3 feet apart, shall be installed on any upland buffer or wetland that falls under categories below:

a. Is protected by conservation FLUM or Preservation Zoning.

b. Is within a conservation easement

c. Is a high-quality wetland as determined by 10.01.05.B

As an alternative, a reinforced silt fence may be used in lieu of double row silt fence.

B. *Activities permitted within a buffer.* Activities or construction, which does not have an adverse effect on the natural function of the wetland buffer, may be permitted within the buffer. The activities or construction include, but are not limited to, pruning, planting of suitable native vegetation, removal of exotic and nuisance plant species, construction of minor drainage structures such as outfall pipes and outfall structures , , construction of elevated boardwalks, docks, piers, passive recreation such as at grade pervious hiking trails.

10.01.09. Unpermitted Impacts to wetlands or upland buffers during construction. In the absence of an appropriate wetland permit(s), development related activities shall not cause the diminishing of quality or destruction of Wetlands in contravention of applicable federal and state laws, rules, or regulations. Should wetlands exist on the subject property, all development activities that might negatively affect that wetlands shall cease. The applicant shall notify the City, FDEP, SJRWMD, and ACOE, to the extent required by law, if wetlands are determined to be on site. Property shall be developed in full compliance with all applicable laws, rules, and regulations. Upland Buffers and wetlands shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the Upland Buffer or wetlands in violation of this Code shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed.

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. *[Purposes.]* 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 six 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 F.S. § 604.50 .
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 F.S. § 366.02 , 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 F.S. § 553.73 (10)(k), 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; F.S. § 373.036 .
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 , and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055 .
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.
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 does not have base flood elevations included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10.02.07.B. 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. Demonstrate that there is at least 2ft of freeboard from the Finished Floor Elevation to the Base Flood Elevation for any habitable area.

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, the base flood elevation shall be determined using a site-specific floodplain study by a professional engineer using detailed methods.

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: the certification of the lowest floor prepared and sealed by a state-licensed surveyor.

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 F.S. § 553.73 (5), 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 $25.00 for $100.00 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.*

A. 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.

4. There is 2ft of freeboard from the Finished Floor Elevation to the Base Flood Elevation for any habitable area.

5. All new platted lots shall not be located within any special flood hazard area.

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. 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. Site improvements are permitted if flood storage

provided is equal to or greater than the volume of flood storage displaced by the development. 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 floodwaters, 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. Site improvements are permitted if flood storage provided is equal to or greater than the volume of flood storage displaced by the development. 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 and AE).* 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 F.S. § 320.8249 , 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.

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.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas 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 and Coastal A Zone).

E. *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.

F. *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 days, or any part thereof in any consecutive seven-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 At-grade accessory structures.

At-grade accessory structures are permitted provided the accessory structures are used only for parking or storage and:

1. If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

2. If located in coastal high hazard areas (Zone V/VE), are not located below elevated buildings and are not larger than 100 sq. ft.

3. Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.

4. Have flood damage-resistant materials used below the base flood elevation plus two (2) feet.

5. Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus two (2) feet.

10.02.18 *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 floatation, 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.

6. Demonstrate that there is at least 2ft of freeboard from the Finished Floor Elevation to the Base Flood Elevation for accessories that service a habitable area. i.e. generator, a/c unit, etc.

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 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 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 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.

10.02.19 *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 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 inches below base flood elevation.

B. New critical facilities proposed for construction within a Special Flood Hazard Area without a determined base flood elevation shall be permitted with an issued Letter of Map Change demonstrating that the entire project area is outside the Special Flood Hazard Area.

(Ord. No. 2018-13 , § 2, 4-17-18; Ord. No. 2021-22 , § 2, 10-5-21)

Editor's note— Ord. No. 2018-13 , § 2, adopted April 17, 2018, changed the title of § 10.02 from "Flood Damage Protection" to read as herein set out.

Sec. 10.03. - Wellfield Protection.

10.03.01. *Purpose and intent.* There is a need to protect existing and future public water supply wells within the City from the irreversible and adverse effects of groundwater contamination. It is the intent and purpose of this section to safeguard the health, safety, and welfare of the citizens of the City by protecting

groundwater resources. Therefore, it is the City's intent to provide minimum standards to regulate land use activities, storage, handling, use, or production of regulated substances within zones of protection surrounding public water supply wells. Nothing herein supersedes more stringent setback or permitting requirements contained in other applicable federal and state wellhead protection regulations.

10.03.02. *Wellhead protection zones and interpretation.* The regulations set forth in this section shall apply to all lands surrounding an existing public water supply well designated as the primary and secondary protection zone(s) as defined in this section. This regulation shall apply to all proposed public water supply wells if the specific location has been identified and the public or private entity owns the well site.

A. *Wellhead location map.*

1. The Land Use Administrator shall maintain wellhead protection zone maps that designate and geographically depict the primary and secondary wellhead protection zones.

2. The Land Use Administrator shall review the wellhead protection zone maps and amend them as necessary. The basis for amending such maps may include, but is not limited to, the following:

   a. Changes in technical knowledge regarding the intermediate and Floridan aquifer system;

   b. Changes in well pumping rates; and

   c. Reconfiguration of or the addition of a well within the City's boundary.

B. *Protection zones.*

1. *Primary wellhead protection zone.* Shall be circular with a fixed 500-foot radial setback distance around the wellhead and shall include the surface and subsurface area surrounding the wellhead.

2. *Secondary wellhead protection zone.* Shall be an area delineated around the favorable potable water production areas for the Floridan and intermediate aquifer as depicted on the "Wellhead Protection Zone Map" on file at the office of the City Clerk.

C. *Interpretation of zone designation.* To determine applicable protection measures for properties and buildings within the primary or secondary wellhead protection zone, the following rules shall apply:

1. Properties located wholly or partially within a wellhead protection zone shall be governed by the restrictions applicable to that zone.

2. Where the boundary of a wellhead protection zone passes through a building, the entire building shall be considered to be in the most restrictive zone.

10.03.03. *Exemptions and provisional exemptions.*

A. *Exemptions.* Except as provided herein, the following activities or uses are exempt from the provisions of this section:

1. Fire, police, emergency medical services, emergency, and management facilities.

2. Essential utility services and facilities provided that wellhead setback requirements are in accordance with applicable federal and state law.

3. The transportation of any hazardous substance if the transporting vehicle is in continuous transit and meets all applicable federal, state, and City requirements.

4. Retail/wholesale establishments that store or handle an unlimited amount of regulated substances for resale provided:

   a. The regulated substances are handled, stored, and sold indoors.

b. The regulated substances are stored and sold in their original unopened containers.

5. Residential activities including the use of commonly used regulated substances for cleaning, maintenance, pool service, pest control, or any other lawful residential use activity except for underground storage of regulated substances.

6. Commercial products used at a facility solely for janitorial or minor maintenance purposes.

7. Outdoor recreational activities and facilities including nature and bike paths, conservation areas, and passive and recreational parks that do not involve the storage of regulated substances.

B. *Provisional exemptions.* The following activities are exempt, if in compliance with requirements as stated:

1. The use of any hazardous substance or lubricants in lawn maintenance equipment, if extreme care is taken to prevent spillage or discharging fuels and lubricants onto soils, groundwater, or surface water.

2. Agricultural uses, except that said uses shall comply with the latest version of the Florida Department of Agricultural and Consumer Services and Florida Department of Environmental Protection Best Management Practices for Agrichemical Handling and Farm Equipment Maintenance. In addition, silviculture operations shall conform to the Florida Department of Agricultural and Consumer Services Silviculture Best Management Practices, 1993, as amended from time to time. Alternative best management practices may be substituted with prior written approval by the City.

3. Construction activities, if all contractors, subcontractors, laborers, and their employees, when using, handling, storing, or producing regulated substances, adhere to the City's applicable best management practices.

4. The application of pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control and aquatic weed control activities if:

a. The application is in strict conformity with the use requirement as is indicated on the containers in which the substances are sold;

b. The application is in strict conformity with the requirements as set forth in the Florida Statutes and the Florida Administrative Code; and

c. The City is notified at least 48 hours prior to the application within the primary wellhead protection zone.

5. New golf courses, if compliance is demonstrated by submitting to the City a written best management practices plan subject to approval by the Land Use Administrator and, which at a minimum, conforms with the Florida Department of Environmental Protection May, 1995 Best Management Practices for Golf Course Maintenance Departments and the City's groundwater protection prevention measures for secondary wellhead protection zones. New and existing golf courses shall comply with Subsection 10.03.06 herein.

10.03.04. *Regulated substances and facilities.*

A. *Regulated substances.* The following substances are regulated by this section:

1. Any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, or welfare, to the groundwater resources, or to the natural environment; or

2. Those substances set forth in the lists, as amended from time to time, entitled: Lists of Hazardous Waste, 40 Code of Federal Regulations Part 261, Subpart D, and waste

characterized in 40 Code of Federal Regulations 261 Subpart C; Hazardous Constituents-Appendix VIII, (40 CFR Part 261); Environmental Protection Agency Designation Reportable Quantities, List of Hazardous Substances and Notification Requirements for Hazardous Substances under the Comprehensive Environmental Response, Compensation, and Liability Act (40 CFR 302); Superfund Amendments and Reauthorization Act of 1986, Section 302 Extremely Hazardous Substances List (40 CFR. 300, App. A and B); known hazardous and toxic properties as listed in 40 CFR 302; and substances that are restricted-use pesticides according to the Florida Statutes and the Florida Administrative Code.

B. *Regulated facilities.*

1. Any new nonresidential use, handling, production, or storage of regulated substances found in quantities greater than the following shall be considered a regulated facility:

   a. When the aggregate sum or a single regulated substance present on a single parcel or building exceeds 110 gallons underground; and

   b. Five hundred fifty gallons aboveground if the substance is a liquid or 1,100 pounds if a solid.

2. Any existing nonresidential use, handling, production, or storage of regulated substances is lawful and shall be considered a nonconforming activity:

   a. When the aggregate sum or a single regulated substance present on a single parcel or building exceeds 110 gallons underground; and

   b. Five hundred fifty gallons aboveground if the substance is a liquid or 1,100 pounds if a solid.

3. Facilities listed in Subsection 10.03.05 herein are regulated facilities.

10.03.05. *Restrictions within wellhead protection zones.* In addition to the requirements set forth in this section, applicable facilities shall comply with the Florida Department of Environmental Protection wellhead protection standards in accordance with the Florida Administrative Code and the City's Groundwater Protection Preventative Measures and comply with Best Management Practices to prevent adverse impacts to groundwater resources.

A. *Secondary wellhead protection zone.* The following regulated uses and activities proposed within the secondary wellhead protection zone are prohibited; however, if existing as a legal use on November 16, 2008, may be allowed provided they comply with the requirements of Subsection 10.03.07:

1. New Class I, II, and V underground injection control wells, as regulated in the Florida Administrative Code, except for aquifer storage and recovery system wells or other necessary potable water drinking facilities injection wells as permitted by the appropriate state agency.

2. New or expanded landfills, as defined by the Florida Administrative Code.

3. New discharges to groundwater of industrial wastewater as regulated under the Florida Administrative Code.

4. New septic tank systems.

5. Prohibitions as specified under the City's Groundwater Protection Preventative Measures.

B. *Primary wellhead protection zone.* Regulated uses and activities proposed within the primary wellhead protection zone shall comply with requirements in Subsections 10.03.06 and 10.03.07 to protect potable water wells and to prevent the need for their replacement or restoration due to contamination.

The following regulated uses are prohibited within the primary wellhead protection as a new use; however, if existing as a legal use on November 16, 2008, may be allowable provided they comply with the provisions of Subsection 10.03.07:

1. New underground storage of regulated substances.
2. Existing small quantity generators and conditionally exempt small quantity generator of hazardous waste, as regulated under the Florida Administrative Code, shall comply with the secondary containment requirements of 40 Code of Federal Regulations Part 264 Subpart I (1994), as amended, hereby incorporated by reference. New small quantity generator and conditionally exempt small quantity generator activities shall be prohibited within a 500-foot radial setback from any well.
3. New large quantity generators of hazardous waste as regulated under the Florida Administrative Code.
4. New hazardous waste, treatment, storage, disposal, and transfer facilities requiring permits under the Florida Administrative Code.
5. New soil treatment facilities as regulated under the Florida Administrative Code.
6. New above ground storage tanks regulated under the Florida Administrative Code. Replacement of an existing above ground storage tank of the same or less capacity is exempt from this provision if the replacement tank system is installed with secondary containment and maintained as required in the Florida Administrative Code.
7. New underground storage tanks regulated under the Florida Administrative Code. Replacement of an existing underground storage tank of the same or less capacity is exempt from this provision if the replacement tank system is installed and maintained as required in the Florida Administrative Code.
8. New mineral acid above ground storage tanks as regulated under the Florida Administrative Code.
9. New industrial wastewater treatment facilities.
10. Vehicular and washing facilities provided the facility establishes reclaimed and reuse practices for the water supply.
11. Motor vehicle repair facilities.
12. Outside storage of equipment, tools, or other possessions that may have the potential to discharge regulated substances or adequate best management practices are utilized to prevent such discharges.
13. New cemeteries.
14. No new retention and/or detention facilities including but not limited to stormwater treatment facilities.
15. Parking areas, unless:
    a. Impervious with adequate stormwater design to a location outside of the zone.
    b. Florida Department of Transportation Standard Type D and/or equivalent raised curb is used.
    c. Other means of advanced water quality treatment are provided.

10.03.06. *Permits, applications, and administrative process.*

A. *Permit requirements.*

1. No permit or license for any land use activity will be issued that would allow development or land use activities in the wellhead protection zones that is contrary to the restrictions and provisions provided herein.

2. Proposed land use or activities that involve property located wholly or partially within a protection zone shall be reviewed by the Land Use Administrator. The Land Use Administrator shall issue a notice as to whether or not the proposed land use or activity meets the applicable requirements of this section. A preliminary evaluation shall be conducted for all applicants to determine if proposed land use activities are exempt or do not apply to this section.

B. *Application procedure.* Prior to the Land Use Administrator issuing an approval notice for property or land use activities located in a wellhead protection zone, an application shall be filed on a form and containing such information as the Land Use Administrator shall require by administrative rule.

C. *Permit conditions.* The City may place conditions on any development order or permit or license to ensure compliance with all of the prohibitions, restrictions and requirements set forth in this section. Such conditions may include, but are not limited to, facility inspections, groundwater monitoring, and compliance reporting.

D. *Alterations and expansion.* The Land Use Administrator shall be notified in writing prior to the expansion, alteration, or modification of any existing structure or land use activity. Any such expansion, alteration, or modification shall conform to this section.

10.03.07. *Facility inspections.* The Land Use Administrator is hereby authorized to make inspections during normal operational hours of all facilities or activities regulated by this section, including nonresidential buildings, structures, and land in the City in order to determine compliance with provisions contained in this section.

A. *Administrative inspection warrant.* In the event a person who has common authority over a building, structure, or land does not permit an inspection, the City may seek an administrative inspection warrant.

B. *Vacant or abandoned properties.* In the event a building, structure, or land appears to be vacant or abandoned and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Land Use Administrator may enter into or upon any open or unsecured portion of the site in order to conduct an inspection.

10.03.08. *Variances.*

A. *Variance criteria.* A property owner may request a variance from the requirements of this section. Upon City staff recommendation, the Utility Advisory Committee may perform a complete technical review for all variance applications and provide a recommendation to the Planning and Land Development Regulation Board. The Planning and Land Development Regulation Board shall have the authority to approve or deny issuance of a variance. In order to obtain a variance, the applicant must demonstrate by a preponderance of substantial, competent evidence that special or unusual circumstances and adequate technology exist to isolate the facility or activity from contaminating groundwater resources in the event of a spill. In granting or denying a variance, the City shall evaluate the following factors:

1. Substances or chemicals utilized that may impact groundwater resources if not properly managed;

2. Proposed containment/management of substances or chemicals;

3. Spill prevention and emergency response plans;

4. Emergency collection devices and equipment maintenance programs;

5. Monitoring plans and inspection procedures;

6. Spill reporting procedures;
7. Groundwater and/or soil monitoring programs;
8. Hydrological data that may include, upon City request, capture zone analysis, groundwater flow contours, and other hydraulic characteristics of the aquifer;
9. Distance from public supply well(s) and applicable wellhead protection zone(s);
10. Other factors, as applicable to groundwater protection issues.

B. *Variance application requirements.* In addition to the requirements stated in Chapter 2 for variance applications and review procedures, the following additional requirements shall apply to variances from this section:

1. The application shall be signed by the applicant and a licensed professional engineer or professional geologist licensed in the state of Florida;
2. The application shall include:
   a. A hydrogeologic assessment of the site, which shall address, at a minimum, soil characteristics, groundwater levels, groundwater directional flow, distance from wellhead, and existing groundwater quality;
   b. A technical report to demonstrate that adequate technology, practices, or other controls exist to isolate the facility or activity from the potable water supply in the event of a spill;
   c. A discussion and documentation, such as published reports, technical articles, substantiating sufficient performance, and reliability of a proposed technology or system. Include discussion of maintenance and procedures to be utilized if system fails; and
   d. Site-specific applicable groundwater protection best management practices procedures to ensure the protection of groundwater resources.
3. The Land Use Administrator may require additional information based on the type of land use activity proposed, chemicals utilized, distance from wellheads, or other applicable information needed to evaluate the application.
4. The City may add any appropriate conditions and safeguards necessary to protect groundwater resources pursuant to such special exemptions.

(Ord. No. 2009-26, § 49, 12-15-09)

Sec. 10.04. - Endangered and Threatened Species and Species of Special Concern.

10.04.01. *Purpose and intent.* The purpose of this section is to protect the natural resources of the City for the benefit of its citizens by preventing the destruction of listed plant and animal species in the City. The City shall take all reasonable steps to ensure that all development related activities do not result in the harming, pursuit, or harassment of wildlife species classified as endangered, threatened, or a species of special concern listed by the federal or state government. Those endangered and threatened wildlife species and wildlife species of special concern with the potential to exist within the City are determined by the United States Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Natural Areas Inventory, and Florida Committee on Rare and Endangered Plants and Animals publications. The City shall protect endangered and threatened species through the regulatory authority of Florida Department of Environmental Protection, St. Johns River Water Management District, Florida Fish and Wildlife Conservation Commission, and the United States Fish and Wildlife Service, as mandated by the Federal Endangered Species Act of 1973 and the Florida Endangered and Threatened Species Act of 1977, and other applicable laws, rules, and regulations.

10.04.02. *Applicability.* All development, regardless of size and location, shall comply with federal and state regulations regarding listed species that may be located on a development site, as well as regulatory policies related to management requirements for species that may occur off-site (e.g. American bald eagle nests and associated protection zones, Florida scrub jay nest sites/territories). Prior to the issuance of a building permit, the applicant shall obtain all necessary federal and state permit authorizations, as appropriate.

10.04.03. *Listed species protection application and study.* Listed species likely to be found within the City are determined by the United States Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, Florida Natural Areas Inventory, and Florida Committee on Rare and Endangered Plants and Animals publications.

A. *Applicability.* All applications for preliminary plats or site plans shall include a listed species study. The listed species study shall be completed by a qualified environmental professional. The listed species study, after deemed complete by the Land Use Administrator, shall be acceptable for one year for the property that was investigated. The listed species study shall include appropriate field investigation and associated exhibits prepared in accordance with an application form adopted by administrative rule issued by the Land Use Administrator.

B. *Management plan.* Where listed species evidence is found, the listed species study shall include a management plan. The management plan shall address the approach to be used in protecting the species or shall include an authorized permit from the appropriate federal or state agency. The adequacy of this approach shall be evaluated based on the following:

    1. The specific guidelines and regulations of the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service for species.

    2. The dedication as a conservation easement of any approved areas preserved for listed species protection.

    3. The connection of conservation easements on the subject development property to any such conservation easements on adjoining properties and/or to any designated wildlife corridor unless the applicant demonstrates to the satisfaction of the Land Use Administrator that such connection is impractical in the use of the subject property.

    4. The property owner shall be responsible for relocating gopher tortoises on site or other suitable locations as approved by the Florida Fish and Wildlife Conservation Commission and providing an approved After-Action Report prior to any clearing activities.

10.04.04. *Listed species protection during construction activities.* In the absence of an appropriate listed species permit(s), development related activities shall not cause the harming, pursuit, or harassment of wildlife species classified as endangered, threatened, or a species of special concern by either the federal or state governments in contravention of applicable federal and state laws, rules, or regulations. Should listed species reside on, or otherwise be significantly dependent upon the subject property, all development activities that might negatively affect that individual or population shall cease. The applicant shall notify the City, the Florida Fish and Wildlife Conservation Commission, and the United States Fish and Wildlife Service, to the extent required by law, if such species are determined to be residing on, or are otherwise significantly dependent upon, the project site. Property shall be developed in full compliance with all applicable laws, rules, and regulations. Proper protection to the satisfaction of all agencies with jurisdiction over the matter shall be provided. Where appropriate, the City shall require a preliminary gopher tortoise survey for existing single-family platted lots prior to the initiation of construction activities. The preliminary gopher tortoise survey shall be conducted by a qualified environmental professional and results of said survey shall be submitted to the City for review. Should gopher tortoises be present on the subject property, the permit and After Action Report shall be submitted to the City prior to the commencement of any ground disturbing activities. Gopher tortoises shall be relocated to suitable habitats in accordance with FFWCC permit requirements.

10.04.05. Wildlife Crossing. In areas of wildlife corridors where the project proposes fragmenting habitats or conservation corridors, site plans should include dedicated wildlife crossings to minimize ecological impacts and preserve natural movement of wildlife.

Sec. 10.05. - Cultural and Historic Resources.

10.05.01. *Purpose and intent.* The purpose of this section is to protect and manage the significant historic and archaeological resources of the City of Palm Coast to the maximum extent feasible, by providing procedures for the review of plans and development projects as well as maintain standards for the protection and management of these important resources.

10.05.02. *Lands not subject to cultural resource survey.* A cultural resource field survey and assessment report is not required for parcels that have undergone a cultural resource investigation within 5 years from the time of application and the assessment concludes that the land does not contain cultural resources that are considered by the Florida Department of Historical Resources State Historic Preservation Officer to be significant or potentially significant. A copy of correspondence from the state historic preservation officer shall be submitted to the City, verifying that the subject property does not contain significant or potentially significant cultural resources.

10.05.03. *Lands subject to cultural resource assessment survey and other archeological investigation.* A Phase 1 cultural resource investigation shall be accomplished before the issuance of a development order or permit or prior to the commencement of construction activities, or any other physical impact or disturbance of land that:

A. Takes place within a parcel that has not been previously surveyed for cultural resources.

B. Takes place within a parcel that contains a site that is listed in the Florida Master Site File (FMSF) as "eligible" or as "potentially eligible" for listing in the National Register of Historic Places (the criteria by which site significance is measured), or in the City of Palm Coast's protected sites inventory, thus requiring further investigation.

C. Takes place within a recently discovered site deemed significant (NRHP criteria) that has not yet been recorded to the Florida Master Site File or listed in the City of Palm Coast's protected sites inventory.

D. Takes place on a parcel that has been determined to possibly contain a potential site that can be listed in the Florida Master Site File as determined by the Land Use Administrator.

E. Conduct an additional Cultural Resource Investigation by another cultural resource professional, at the applicant's expense, if the results of the initial investigation are deemed unsatisfactory by City staff.

10.05.04. *Professional qualifications and cultural resource assessment survey requirements.*

A. *Professional qualification.* Cultural resource professionals are certified archaeologists that meet the qualification in "The Secretary of the Interior's Historic Preservation Professional Qualification Standards" (Federal Register Vol. 62, No. 119, p. 33707).

B. *Cultural resources assessment survey.* Cultural resource assessment surveys and related reports shall follow the guidelines of the Florida Division of Historical Resources, Department of State, Guidelines for Cultural Resource Assessment Surveys (CRAS) and Archaeological Investigations outlined in Florida Division of Historical Resource Module 3, as amended, shall be followed; reporting of CRAS surveys shall follow DHR Chapter 1A-46 (Archaeological and Historical Report Standards and Guidelines), as amended, and the requirements of all applicable Florida Statutes. The SHPO reviews the referenced project in accordance with Chapter 267 and 373, Florida Statutes, and implementing state regulations, for possible effects on historic properties listed, or eligible for listing, in the National Register of Historic Places, or otherwise historical, architectural, or archeological value. Prior to the issuance of a development order or permit, or prior to the commencement of construction activities, a copy of a survey clearance letter issued by the

Compliance Review Section, Division of Historical Resources, or other documentation of authorization by the State Historic Preservation Officer, shall be submitted to the City. Management recommendations regarding the protection, preservation, or mitigation of impact of historical or archaeological sites, in concurrence with the Division of Historical Resources should be followed. In addition, copies of Florida Master Site File forms generated during the cultural resource assessment study for the Division of Historical Resources shall be submitted to the City for their records. All Florida Master Site File forms generated for a City of Palm Coast LDC permit-required cultural resource assessment survey, or any other type of archaeological work shall be submitted to the Florida Master Site File, Division of Historical Resources, by a COPC official with the Planning Division. In some cases (to be determined by a COPC official) An initial site investigation may be utilized to determine cultural resource site probability for lands requiring a cultural resource investigation as approved by a certified archaeologist utilizing necessary criteria in accordance with state law to determine cultural recourse site probabilities. Said criteria include, but are not limited to, Florida Master Site File, historical information (historic map review), soil types, land elevations, and proximity of the subject property to freshwater drainages such as rivers and creeks, coastal estuaries (Intracoastal Waterway) and subsistence-related natural resources. The following may substitute for a cultural resource assessment survey and assessment if certified by an RPA certified professional archaeologist in writing to the Land Use Administrator:

1. A determination that subject property has a low probability of yielding cultural resources.
2. A determination that proposed development activities will have no effect on cultural resources listed or eligible for listing in the National Register of Historic Places.
3. A determination that proposed development activities will have no effect on cultural resource value under federal and state requirements.

10.05.05. *Property containing potential and significant cultural resource sites.* If a property proposed for development to contain a potentially significant or a significant cultural resource in areas proposed for development, the City shall adhere to the recommendations of the State Historic Preservation Officer and shall require the applicant to do one or more of the following prior to the issuance of a development order or permit:

A. Preserve cultural resources within the open space of the proposed development.

B. Redesign the development to accommodate preservation of all or a portion of the site containing the cultural resource such as but not limited to environmental setbacks, conservation easements, pocket parks, or conservation land.

C. The property owner may voluntarily fund or seek funding for Phase 3 mitigative excavations (data extraction) of the resource, if agreed to by the Florida Department of Historical Resources/State Historic Preservation Office.

10.05.06. *Fortuitous finds and unmarked human burials.* The following requirements apply to all building construction or alteration, or land alteration activities:

A. *Evidence of the existence of cultural resources.* If evidence of the existence of cultural resources is discovered or observed at development sites or during development activities after final approval, permits, or issuances of development orders, all work shall cease in the area of effect. The developer, owner, contractor, or agent thereof shall immediately notify a professional archaeologist and the City. Examples of such evidence include whole or fragmentary stone tools, shell tools, indigenous or historic pottery, bone tools, historic structures foundations, burial mounds, shell middens, sand mounds, or other types of prehistoric mounded architecture. A certified professional archaeologist selected and hired by the applicant, shall assess the significance of the finds and, if warranted, notify the Florida Division Department of Historical Resources/State Historic Preservation Office in accordance with federal and state requirements. A report or letter shall be submitted to the City from a certified professional archaeologist and, if

warranted, a copy of a clearance letter from the State Historic Preservation Officer indicating that the proposed development will have no effect on cultural resources listed or eligible for listing in the National Register of Historic Places, or otherwise of historical, architectural, or archaeological value.

B. *Discovery of human skeletal remains.* 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. During archaeological investigations, if a site is determined to contain unmarked human burials and/or human skeletal remains, by procedure these will be brought to the attention of a District Medical Examiner, if it was determined that the burial(s) represent an individual (or individuals) who had been dead less than 75 years, or to the attention of the State Archaeologist in the case that the remains were determined to be older than 75 years. If a site is determined to be a prehistoric indigenous site, all work will be done in coordination with the State Archaeologist (Florida Division of Historical Resources) who will make a final determination of adverse effect through the authority of their respective jurisdiction as defined by Florida Statutes. Procedures outlined in Chapter 872.05, Florida Statutes, will be followed regarding site mitigation and reporting, this through the authority and direction of the State Archaeologist and, if necessary, the District Medical Examiner. In some cases, the State Historic Preservation Office will make the determination to seek the consultation and review comments by the Tribal Historic Preservation Office (THPO)/Seminole Tribe of Florida (STOF).

(Ord. No. 2009-26, § 50, 12-15-09)

Sec. 11.01. - General Provisions.

11.01.01. *Purpose and intent.* The purpose of this chapter is to protect the general welfare of City residents and visitors and to promote energy and water conservation; reduce air pollution and noise; enhance property values; reduce erosion; improve surface water quality and groundwater recharge; moderate temperatures by providing shade; improve compatibility between various land uses; and enhance the City's appearance. The intent of the chapter is to establish procedures and practices governing the protection, installation and long term maintenance of trees, vegetation, and other landscaping elements within the City. The criteria in this chapter are intended to institute landscape and irrigation design principles that will result in creative solutions and provide alternative means to achieve an environmentally sustainable and aesthetic community.

11.01.02. *Applicability.* The removal of trees or fill, and the excavation or dredging of any parcel of land shall be prohibited prior to issuance of all required permits (including tree removal permits), unless stated otherwise in this chapter.

A. *Design of new development.* Developments shall be designed to the greatest extent possible to protect existing trees and their tree protection zones from stormwater facilities, drainage lines, utilities, grade changes, building footprints, parking areas, drives, and walkways. Subdivision plats shall shift lot lines to minimize placing specimen or historic trees in the buildable area of the lot , to the greatest extent feasible as determine by the Land Use Administrator.

B. *Alteration of existing development.* No building or parking lot existing on August 19, 2008 shall be required to be altered or moved in order to comply with this chapter, except that the following activities shall require compliance with this LDC to the maximum extent possible. (Exceptions may be granted by the Land Use Administrator when development conflicts with pedestrian and traffic safety, interferes with the protection of specimen or historic trees or natural resources, removes required parking, or similar situations.)

1. When a structure is destroyed by fire or other calamity and is proposed to undergo substantial improvement, as defined in this LDC.
2. When an existing non-residential building is expanded, the required building foundation plantings and their planting areas shall be provided for the new building area.
3. When a parking/vehicular use area is expanded but not the building, the new pavement area is required to be brought into compliance with this chapter. At a minimum temporary irrigation shall be required.
4. Any expansion project shall include replacing previously planted required landscaping that has been damaged or has died.

11.01.03. *Measurement of trees.* For the purposes of this chapter, the size of existing trees shall be calculated by the measurement of the diameter of the trunk in Diameter at breast height (DBH) (4 feet 6 inches above ground) inches. Trees with multiple trunks at breast height will have the sum of the trunks utilized for determination. Where the individual trunks are less than 9 inches in diameter, the largest 3 trunks will be used. The size of new landscape trees shall be calculated by measurement of the diameter of the trunk at 6 inches above grade, up to and including trees four inches in diameter. The size of new trees over four inches in diameter shall be calculated by measurement of the diameter of the trunk at 12 inches above grade.

11.01.04. *Classification of developments.* For the purpose of applying landscaping and irrigation requirements, developments are classified as follows:

A. *MFR/COM:* Townhouse, condominium, and multifamily residential development and institutional, office and commercial uses;

B. *IND:* Industrial and warehousing development;

C. *SUBD:* Subdivisions in any zoning district; and

D. *SFR/DPX:* Single-family detached and duplex development on individual lots. Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 11.02. - Tree Preservation, Protection, and Replacement.

11.02.01. *Protected trees defined.* All trees that meet the following criteria are protected, with the exception of invasive species (see Section 11.02.05.C.1) and/or species not suited to this area per the United States Department of Agriculture hardiness list:

A. The trunk is 6 inches or greater diameter.

B. Trees with a trunk 4 inches or greater diameter, if surveyed for credit.

C. Specimen trees, which are any protected trees with a trunk of 24 inches or greater diameter except for sand pines; however the following species are considered specimen trees when they reach one of the following:

1. 12 inches or greater diameter: Cypress, Magnolia, Loblolly Bay, Red Bay, Scrub Oak, and Red Cedar;

2. 18 inches or greater diameter: Elm, Hickory, Oak, Green Ash, Sycamore, Date Palm, and Maple.

D. Historic trees, which are any protected trees with a trunk of 36 inches or larger diameter.

E. For SFR/DPX development, any tree 1½ inches or greater in diameter that was planted to meet the minimum tree density requirements or an existing tree that was previously credited towards meeting the requirements of this chapter.

11.02.02. *Tree survey requirements.*

A. *Tree survey.* The required survey shall be accomplished within the last 24 months and shall identify all protected trees by species name and the size of the trunk measured at the diameter at breast height.

B. *Monument signs.* Where monument signs are proposed to be located on an existing development, all protected trees that are located within 50 feet of the proposed sign shall be shown on the tree survey. At time of sign permit application, all protective measures for these trees should be depicted.

C. *Protected, specimen, and historic trees.*

1. *MFR/COM and IND developments.*

a. The tree survey shall show all protected trees 6 inches in diameter and greater from the property lines to 5 feet past the required buffer area width, except as provided in Section 11.02.02.D. Protected trees within any adjacent rights-of-way extending to the nearest street pavement shall be included in the survey.

b. All specimen and historic trees shall be individually located and identified over the entire site as to species and size except as provided in Section 11.02.02.D.

2. *SUBD developments.* All protected, specimen, and historic trees shall be individually located and identified over the entire site as to its species and size except as provided in Section 11.02.02.D.

3. SFR/DPX developments.

a. Protected trees 6 inches or greater diameter within all front, rear, and street side building setback areas shall be surveyed and shown on the tree survey if the trees are going to be used for credit.

b. Specimen and historic trees shall be surveyed over the entire lot except as provided in Section 11.02.02.D.

D. *Survey of individual trees not required.* Under the following circumstances, the Land Use Administrator may determine that a survey identifying each individual protected tree is not warranted and a count of all protected trees including species and diameter size is acceptable:

1. When existing vegetated areas are to remain undisturbed; or

2. Where some or all of a development site or a proposed subdivision must be filled to such an extent, in order for permitted development to occur, that there is no feasible means as determined by the Land Use Administrator to save protected, specimen, and historic trees.

3. When the trees are located in wetland preservation or conservation areas that will not be impacted.

11.02.03. *Tree preservation.*

A. *Specimen and historic tree preservation requirements.* Specimen and historic trees are select protected trees that due to their size and contribution to the overall tree canopy of the City are granted an extra level of significance and protection. Building footprints, drives, stormwater management facilities, and similar activities on all sites shall be designed to save the maximum practicable number of specimen and historic trees. During the subdivision platting process, lot lines shall be shifted for the same purpose. This requirement does not exclude the requirement for mitigation of any removed trees of protected statues during the subdivision process. Table 11-1 shows the minimum percentage of specimen trees and the minimum percentage of historic trees that must be preserved individually for each category on a site. Owners of lots assigned the SFR, DPX, and EST zoning districts may remove any specimen or historic tree that is within the buildable area of the lot with no mitigation, if all reasonable efforts as determined by the Land Use Administrator, to shift or flip the building footprint cannot save the tree(s).

Table 11-1: Minimum Specimen and Historic Trees to be Preserved

Number of Specimen/ Historic Trees on a Site *1	Percentage of trees to be Preserved	
	MFR/COM, SUBD	IND
Less than 3 per acre, or a portion thereof	75%	50%
3.0 to 5.0 per acre	67%	40%
5.1 to 8.0 per acre	50%	25%
More than 8.0 per acre	4 per acre	2 per acre

*1 For the purposes of compliance with tree preservation and mitigation requirements, specimen trees and historic trees shall be calculated and preserved as distinct categories.

B. *Tree preservation credits.* The following credits apply only within the COM, IND, MFR, OFC, P&G, and PSP zoning districts:

1. Trees saved in wetlands or their associated upland buffers are eligible for preservation credits; however, preservation of trees in wetlands for preservation credits may not also be used as criteria for preserved wetlands and environmentally sensitive lands density bonuses established in Chapter 3.

2. A stormwater retention/detention area may be credited toward meeting the tree density requirement provided the area contains tree species that will survive periodic flooding.

3. The total diameter of preserved protected, specimen, and historic trees on the site may be applied to satisfy the tree density requirements. A preserved palm tree shall be credited on a one-to-one basis for any palm tree removed.

4. Existing pine trees (other than Sand pine, Australian pine, Norfolk Island pine, or other invasive tree species) in good health may be used as buffer shade tree credits if they are a minimum of six inches diameter and comprise no more than 50 percent of the buffer tree requirement. If pines meeting these criteria are of good quality and spacing such that planting of new shade trees for some or all of the remaining required buffer shade trees is impractical, then existing pines may count for more than the 50 percent maximum requirement.

11.02.04. *Tree protection measures.*

A. *Canopy road, specimen, and historic tree protection.* In order to protect the existing tree canopy over portions of roadways within the City, the following roadway segments have an extra level of significance and protection: Colbert Lane (from the south right-of-way line of Palm Coast Parkway SE to 2,200 feet to the south), Palm Coast Parkway east of 1-95, and Palm Harbor Parkway south of the Hammock Dunes Bridge.

1.Roadway projects and modifications to these roadway systems necessitated by development shall preserve and protect any specimen or historic tree within the right-of-way and within 35 feet of the right-of-way line along Colbert Lane (from the south right-of-way line of Palm Coast Parkway SE to 2,200 feet to the south), Palm Coast Parkway east of I-95, and along Palm Harbor Parkway south of the Hammock Dunes Bridge. The applicant may meet this requirement by utilizing an average protected width of 35 and a minimum width of 25 feet and maximum width of 45 feet. Within these protected tree areas, the specimen and historic trees shall not be removed except for the minimal number necessary to allow for site access, sidewalks, necessary utilities, and signage. Preservation methods are to include, but are not limited to, the following:

a. Reduction of the length of turn, deceleration, or acceleration lanes subject to public safety needs and the approval of the Land Use Administrator.

b. Consideration of alternatives to widening such as alternate service roads.

c. Root protection/aeration construction methods such as retaining walls with guardrails.

d. Where no practical alternative for preservation is possible, such as traffic safety conflicts, the total diameter of the protected tree being removed shall be replaced with replacement trees having no less than 4 inch caliper.

2. *Additional canopy road preservation and mitigation requirements.* For all roadway segments designated under this section, and for any parcel, lot, tract, subdivision, development site, or portion thereof that fronts, abuts, adjoins, obtains access from, or is otherwise affected by a designated canopy roadway, all preservation, protection, replacement, and mitigation requirements shall apply to the entirety of the affected property.

All required preservation measures, tree protection activities, replacement planting, mitigation, and restoration associated with the removal, impact, or disturbance of specimen trees, historic trees, or protected canopy areas shall be completed on the affected site. Compliance with the requirements of this section shall not be achieved through payment into a tree bank fund, tree mitigation fund, or any other off-site mitigation program.

Required preservation standards established by this section shall be met on-site and maintained throughout the affected property. Off-site mitigation, mitigation credits, preservation banking, fee-in-lieu payments, or similar alternative compliance mechanisms shall not be accepted as a substitute for the preservation, protection, replacement, or mitigation requirements of this section.

No development order, site plan approval, subdivision approval, permit, variance, or construction authorization affecting property subject to this section shall be approved unless the applicant demonstrates full compliance with the on-site preservation and mitigation requirements contained herein.

B. *Tree protection during clearing or tree trimming activities.* Protected trees, including their tree protection zones, in front buffer areas shall be preserved if trees are in good condition and do not impede access or visibility into or out of the site.

C. *Tree protection during construction.*

1. During any development activity, appropriate protective measures, per City standards, shall be taken to prevent the destruction or damage of all trees to be retained on the site. The preservation of existing vegetation within the tree protection zones of all trees to be retained is required, unless the vegetation is hand cleared.

2. Protection methods, including trimming/pruning of trees and tree barricades, shall conform to ANSI A-300 standards.

11.02.05. *Tree removal.*

A. *Prohibitions.* Unless exempted herein, it is prohibited, unlawful, and finable for a person or entity, agent, or representative thereof, directly or indirectly, to perform or authorize the following:

1. Cut down, remove, damage, or destroy any protected tree as defined in Section 11.02.01 on any parcel without first obtaining a tree removal permit (for required mitigation standards on MFR/COM and IND properties refer to Section 11.04.02 and on SFR/DPX properties refer to Table 11-4);

2. Commit any act or authorize the commission of any act that physically or effectively removes a protected tree or causes a tree to die, such as damage inflicted upon the root system by heavy machinery, chemicals, or paving, any pruning or tree work inconsistent with ANSI A-300 standards, or changing the natural grade above the root system (removal or effective removal of any protected, specimen or historic tree on MFR/COM and IND properties shall be mitigated per Section 11.04.02 and on SFR/DPX properties refer to Table 11-4);

3. Root raking the area within the tree protection zone or adding fill over the tree protection zone, which may cause damage and permit infection or pest infestation to a protected tree; or

4. Perform tree removal, land clearing, grubbing, grading, excavation, construction, or make or install any improvement upon any site or parcel, regardless of the existence of valid permits or approvals for the given activity, unless all protected trees and protected vegetative areas established pursuant to this chapter have been surrounded by a protective barrier.

B. *Land clearing.* During the subdivision infrastructure construction stage, clearing of trees and existing vegetation shall be limited to the minimum necessary to construct roadway and utility

rights-of-way and stormwater facilities. Trees may only be cleared from individual lots upon review and approval of the tree survey and/or fire hazard considerations at the time of building permit application. However, in order to accommodate development within a subdivision where fill is required to such a depth that it would preclude the survival of existing trees, lots may also be cleared provided:

1. A clearing and grading plan shall be submitted showing vegetation and tree areas to be preserved with proper protective barrier, the amount of fill needed for lot development based on existing grades, proposed roadway and building elevations, and drainage plans.
2. Replacement of these trees may be allowed in common areas of the subdivision (i.e., street trees, detention or retention ponds, buffer areas, etc.).

C. *Tree removal activities exempt from permit/replacement requirements.* The following activities shall be lawful without application or issuance of a tree permit and do not require tree replacement:

1. The removal of any invasive plant species as determined by the Florida Department of Agriculture and Consumer Services' "Noxious Weeds" rule set forth in the Florida Administrative Code.
2. The removal or alteration of any tree or vegetation in or about an existing City or utility easement or right-of-way provided such work is done by, or under the control of, the operating utility company, and said company has received all necessary licenses or permits to provide utility service within the easement.
3. Removal or effective removal of trees severely cut by a utility company on SFR and DPX zoned platted lots.
4. Any activity conducted by a lawfully operating and bona fide commercial nursery, tree farm, agricultural operation, silvicultural operation, ranch, or similar operation when the activity occurs on property owned or lawfully occupied by the person conducting said activity and is done in pursuit of said activity. This exemption shall include the purposeful removal of a tree or trees for their permanent relocation at another site undergoing development.
5. Trees located within a City drainage easement, City drainage rights-of-way, or City access rights-of-way that need to be removed to allow for access to or maintenance or clearing and construction of the City's drainage ditches and drainage related facilities.
6. Any activities being conducted under F.S. 163.045 for single family unattached dwellings that have a letter from a certified ISA arborist or a Florida Licensed Landscape Architect showing a tree possess an unacceptable risk to persons or property prior to removal.

D. *Permit requirements.*

1. A permit is required for land clearing/filling. It is prohibited and unlawful to clear trees, fill land, excavate, or dredge any parcel of land prior to the issuance of a single-family building permit or a site development permit, unless otherwise stated in this LDC, or authorized by the Land Use Administrator. The building permit shall act as the tree removal permit.
    a. Vacant properties may be partially cleared to enable the construction of seawalls prior to a permit being issued for a principal structure. Refer to Section 4.01 for requirements.
    b. Vacant properties may be partially cleared for the purpose of removal of unsuitable debris or muck within the buildable area of a site. Refer to Chapter 9 for permitting requirements.
    c. Vacant single-family residential properties that are under common ownership with any developed adjacent residential lot may be cleared of all pines, vegetation, and any trees

less than six inches in diameter if the minimum tree densities are maintained or replaced. Refer to Chapter 9 for permitting requirements.

2. Prior to the removal of any protected tree, an application for tree removal shall be submitted to the City. If the requested removal is in conjunction with an approved building permit, grade and fill permit, or a site development permit, a separate permit need not be obtained, but tree removal shall be addressed during the development order review process. The following types of tree removals require a permit but mitigation is not required.

   a. Trees within clusters if there is a need to relieve thinning or overcrowding of trees, as part of an approved fire mitigation plan.

   b. Protected trees, exclusive of specimen and historic trees, that would not drop the lot below the minimum tree density requirements on SFR/DPX platted lots, as outlined in Section 11.03.01.A.

E. *Removal of protected trees.* Protected trees removed under this section shall require replacement on MFR/COM and IND properties per Table 11-2 and on SFR/DPX properties per Table 11-4 if the tree was originally preserved or planted to meet a requirement of this Chapter or the tree removal would cause the property to no longer meet the minimum tree density standards outlined in Section 11.03.01.A. Upon receipt of a completed application and verification on-site by a certified arborist or the Land Use Administrator, the Land Use Administrator may permit the removal of the following protected trees:

1. Dead, severely diseased, or severely injured trees, as determined by a certified arborist or the Land Use Administrator.

2. Trees that pose imminent danger to the health, safety, and welfare of the public and cannot be corrected through standard arboricultural procedures, as determined by a certified arborist.

3. Trees that pose a sight distance visibility problem along any public right-of-way.

4. Any pine tree within 30 feet of a structure or within a distance from a structure less than the tree's height may be removed as a safety precaution provided the property owner where the tree is located agrees to the removal and applies for the permit.

5. Trees causing structural damage to a foundation, driveway, parking lot, patio, wall, water or sewer line, or which interfere with the construction or repair of public infrastructure or facilities that cannot be corrected by standard arboricultural means.

F. *Tree removal on developed residential lots.* On developed lots zoned SFR, DPX, or EST all provisions of Section 11.02.05.D.2. and Section 11.02.05.E. would apply as well as the requirements to maintain the minimum tree density as outlined in Section 11.03.01.A. The following additional requirements also apply:

1. Protected trees, except specimen and historic trees that are in excess of the minimum tree density for the lot, can be removed without mitigation, but those not in excess of the minimum tree density require replacement per Table 11-4.

2. Removal of a, protected, specimen or a historic tree shall be mitigated as follows:

   a. A protected tree – One shade tree per table 11-4

   b. A specimen tree—One shade tree per Table 11-4.

   . A historic tree—Two trees meeting the standards of Table 11-4 with at least one tree being a shade tree.

G. *Tree thinning on MFR/COM and IND developments.* On properties where the landscaping has been planted for a minimum of ten years or where the property owner has retained or planted more trees than required by this chapter and meets all of the standards of this chapter; tree thinning of overcrowded trees may be requested by the property owner or designated agent upon submittal of a report by a certified arborist to the City. After review, the Land Use Administrator may approve or conditionally approve a thinning of the overcrowded trees when the intent of the original landscape plan and this chapter would still be met by the removal of such trees, and where:

1. Required trees have matured and grown to such a size and density that tree thinning would be the most prudent methodology for maintaining the health and vibrancy of the trees; or
2. Trees in excess of the required minimum have matured and grown to such a size and density that tree thinning would only have an insignificant impact on the overall landscaping of the site.

Preference for removal shall be given to trees having poor structure, root issues, or in declining health. Tree replacement and mitigation are not required after tree thinning.

H. *Requirements suspended.* During a declared emergency, the Land Use Administrator may suspend the requirements of this subsection.

11.02.06. *Tree mitigation standards.* Applicants are strongly encouraged to preserve as much of the existing vegetation as possible. Therefore, existing protected trees are counted toward meeting the landscaping requirements for a site. By saving protected trees, rather than planting new ones, applicants can achieve the minimum planting requirements in a more efficient and economical manner.

Tree mitigation for all protected, specimen, and historic trees for MFR/COM and IND developments shall be provided as shown in Table 11-2 and for SFR/DPX properties shall be provided per Table 11-4. The property owner shall be responsible for the cost of mitigating the trees removed from the property by preserving existing trees, replanting trees on site, or paying a like fee to the tree bank fund (while still maintaining minimum tree density requirements).

Table 11-2: Tree Mitigation Requirements for New MFR/COM and IND Development

Protected Trees	Specimen Trees	Historic Trees	Palm Trees
70% of the predevelopment tree inches removed from the required perimeter buffer areas of the site. Minimum replacement tree size shall be 2½" caliper.	70% of the tree inches removed from the site. Minimum replacement tree size shall be 3" caliper.	100% of the tree inches removed from the site. Minimum replacement tree size shall be 3½" caliper.	40% of palms removed from the site. Minimum replacement shall be 8' clear trunk palms (preferably Sabal Palms).

11.02.07. *Tree bank fund established.*

A. If due to site conditions or configuration, it is impossible or impracticable for the property owner, applicant, or developer to meet the requirements for tree density and/or replacement on-site, the property owner, applicant, or developer shall pay fees of equivalent value into the tree bank fund or plant the trees off-site upon approval of a suitable site or sites by the City. The tree bank fund shall be a separate account set up and shown in City financial records in which all receipts are detailed. All monetary contributions paid to the tree bank fund pursuant to this section shall be used exclusively for the design, planting, or replacement of trees on public lands. Funds may also

be used for relocating trees onto public lands. Funds may also be used for the design and installation of irrigation systems, mulching, arboricultural practices, and staking for these trees.

B. Valuation of contributions to the tree bank fund shall be based on the caliper size and height, if applicable, of the required hardwood tree replacement and quantity of the required palm trees in accordance with City standards. The valuation of cost shall include the current market value of similar type trees and include the following costs: tree cost, delivery, labor to install, mulching and staking.

(Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 11.03. - Landscaping, Buffers, and Irrigation Requirements.

11.03.01. *General landscaping requirements.*

A. *Tree density requirements.* All developments shall be required to provide one tree for every 2,500 square feet, or major fraction thereof, of property area, excluding ponds, lakes and canals.

B. *Preserved trees.* Preserved trees, including those within wetland or associated upland buffer areas, may be counted towards the tree density requirements as long as they are, at a minimum, the same size as the required new trees (refer to Table 11-4). The trees must be in good structural condition and health and the root zone shall be protected during the construction phase of the project.

C. *Protected trees and plants.* The use of protected trees, understory trees, shade trees, accent plants, shrubs, and groundcovers is required to partially or totally satisfy the planting requirements of this chapter. MFR/COM, IND and SUBD developments may use existing healthy pine trees(non-native and invasive pines are not counted for credit), 6 inches diameter and over to meet the minimum tree requirements; however, no more than 25 percent of the pine trees may be credited. The Land Use Administrator may approve alternate plantings if the purpose and intent of this Chapter are met and a nuisance or environmental hazard is not created.

D. *Native vegetation.* Use of native plants and plant species that conserve water, adapt to local conditions, and are drought tolerant are required for all new landscaping. MFR/COM, IND and SUBD developments are required to use reuse water if available. If not available, developments shall plant at least 50 percent of the pervious area of the site with native plants or plants and sod that conserve water, adapt to local conditions, are noninvasive or nuisance species, and are drought tolerant.

E. *Alternative landscape betterment plan.* Where an applicant with a unique or difficult site to develop based on the shape of the lot or its developable area, as determined by the PLDRB or City Council, is unable to meet some of the specific landscaping standards in Chapter 11, the applicant may propose an alternative landscape betterment plan with at least the same quality of required plants and the same amount of landscaped area, but in a revised location or design layout. The applicant must also provide at least two landscape hardscape features not otherwise required that are pedestrian friendly, such as fountains, benches or art work designed to withstand outdoor use. The PLDRB or City Council may approve or conditionally approve the alternative landscape betterment plan if the proposed changes will provide at least as much public benefit, screening from rights-of-way and adjacent properties, and aesthetic appeal as if the landscaping standards were strictly followed. All Tier 1 Technical Site Plans having a landscape betterment plan shall be reviewed by the PLDRB.

F. *Freestanding sign landscaping.*

1. All monument signs shall have shrubbery or flowers planted around the perimeter of the sign extending 3 ft minimum. Signs shall be located so as to provide both adequate visibility from

the public rights-of-way, meet the Florida Department of Transportation Standards for Sight Triangles and Sight Distances, and preserve protected trees.

2. If freestanding signage cannot be shifted within the buffer to allow the required room for screen plantings between the sign and the outside parking envelope area without obscuring visibility to the sign, then the City shall allow a ten-foot radius from the base of the freestanding sign in which lower accent plantings are allowed in lieu of the screen plantings.

G. *Retention and detention ponds.* Stormwater retention/detention ponds shall be naturally shaped with rounded corners, having a minimum radius of seven feet for ponds between 2,500 and 10,000 square feet, and a minimum radius of least a 12 feet for ponds greater than 10,000 square feet, and without geometric straight sides where possible. All wet ponds shall incorporate a combination of aquatic and non-aquatic native plants around the perimeter of the pond to filter runoff of fertilizers, herbicides, and pesticides. This wet pond planting area shall have a minimum area equal to 15 percent of the perimeter of the pond multiplied by 7½ feet. (For example, a pond with a 200-foot-long perimeter would have a wet pond planting area of 225 square feet that could be planted as a five-foot-wide strip 45 feet long.) Alternatively, the applicant may plant some or all of the wet pond planting area within the pond as littoral zone plantings.

H. *Screening plantings.* Above ground structures such as: dumpster enclosures, mechanical equipment, backflow preventers, wells, pumps, tanks, ground-mounted HVAC units, transformers, generators, storage sheds, lift stations, utility cabinets, electrical panels, or ground-mounted cable/satellite television equipment; shall have a medium screen planting, as described in Table 11-4. If the structures are in areas that are visible from an improved public rights-of-way, a medium screen planting as described in Table 11-4 shall be provided between the structures and the rights-of-way. If the structures are in areas that are visible from a parking lot or abutting property without an intervening buffer, fence, or wall, then a medium screen planting, as described in Table 11-4, shall be provided between the structures and the parking lot or abutting property. On transformers, lattice may be used for screening instead. Where vegetation is planted, it shall be setback sufficiently so that at maturity it still meets the Florida Power and Light minimum setbacks from the transformers. All Screening shall be set back from mechanical equipment shall be set back 3 feet.

I. *Plan submittal requirements.* Landscape and irrigation plans shall be submitted for all MFR/COM, IND and SUBD developments and shall be prepared by a Florida registered landscape architect or other licensed professional authorized by state law to prepare such plans. SFR/DPX development landscape plans shall also be required, but do not need to be prepared by a landscape architect.

J. *Street trees and median planting.*

1. In all subdivisions, exclusive of those for SFR/DPX lots, and other developments involving the creation of new streets or shared private access roads, street trees shall be planted in the rights-of-way or a median, unless the Land Use Administrator determines that a conflict exists between trees and utilities located in the rights-of-way, or that sight distances or recovery zones are not in compliance with sound and generally accepted engineering practices and principles. In such cases, the street trees shall be planted outside of the rights-of-way.

2. If street trees are to be located outside of the rights-of-way, trees shall be planted no farther than ten feet outside of the right-of-way line or abutting utility easement, and shall be perpetually maintained. All property owners' associations' covenants and restrictions shall include this requirement, and all property owners shall comply with this paragraph. Street tree plantings shall be in accordance with City standards.

3. Street trees may be included to satisfy the minimum requirements for tree density and buffers.

K. *Utility lines.* Shade trees shall not be planted under or within 15 feet horizontally of overhead power lines. Underground power lines, cable TV, and phone line clearance to trees shall be as specified by the utility providing the lines. Water mains shall be separated a minimum distance of ten feet from shade trees. Distances less than ten feet shall be reviewed and approved by the City. Understory trees that do not attain a height of no more than 14 feet, or that can be maintained below that height by pruning, may be planted under utility lines.

L. *Sight triangles.*

1. Where landscaping is proposed within a sight triangle at an intersection, landscaping shall be planted and maintained so that an unobstructed cross-vision is provided at a vertical level between two feet and seven feet, as measured from the centerline of the adjoining road. Trees may be permitted within the sight triangle, at the discretion of the Land Use Administrator, if the trees have a single trunk and foliage is kept trimmed between two feet and seven feet.

2. The dimensions of the sight triangle shall be as shown in Table 11-3, unless the Land Use Administrator determines other standards in the Florida Department of Transportation Standards for Sight Triangles and Sight Distances are more appropriate, based upon specific traffic or site conditions. The first distance in the table is for the leg along the proposed roadway, and the second distance is for the leg along the existing roadway that the new roadway will intersect. For example, if a proposed driveway will be located along an arterial roadway, choose "Driveway" in the second column and follow it to the right under "Arterial". In this case the leg distance would be 15 feet along the proposed driveway and 50 feet along the arterial roadway.

Table 11-3: Sight Triangle Dimensions Along Driveways and Roadways

		Leg Distance on Existing Driveway or Roadway (see the four columns below)			
		Driveway	**Local Road**	**Collector**	**Arterial**
Leg Distance on Proposed Driveway or Roadway (see column to the right)	**Driveway**	15'/15'	15'/15'	15'/15'	15'/50'
	Local Road	15'/15'	15'/15'	15'/35'	15'/50'
	Collector	35'/15'	35'/15'	35'/35'	35'/50'
	Arterial	50'/15'	50'/15'	50'/35'	50'/50'

Note: The first leg distance listed is the leg along the curb line of the proposed driveway or roadway and the second distance listed is along the curb line of the existing driveway or roadway where the proposed driveway or roadway will intersect. The third leg of the triangle would be a line connecting the furthest points of the two legs. There will be two sight triangles for "T" intersections and four sight triangles for full intersections.

M. *Landscape review for single-family subdivisions by certified HOAs.* A Homeowners Association, or Property Owners Association (HOA) may apply to the City for annual certification to allow deferral of City review of single family home landscape plans and landscape inspections to a certified HOA for the construction of new single-family homes, additions and accessory structures within a subdivision.

HOA certification will be valid for one calendar year from date of certification, and certified HOAs may apply for recertification annually. In order to be certified or recertified, a HOA must provide the following to the City:

1. Covenants and Restrictions or deed restrictions with landscaping requirements that meet or exceed the City's minimum landscape requirements for single-family homes.
2. Proof that the HOA has an Architectural Review Committee or its equivalent that will review landscaping plans for all new single-family homes within its subdivision.
3. Proof that HOA inspects and enforces its landscape requirements.

Approval of certification or recertification does not preclude the City, at its discretion, from conducting evaluation audits which may include landscape inspections, landscape plan review or other applicable evaluations to ensure City Landscape requirements are being enforced. Certification may revoked at any time for non-complying HOAs. Certification does not include the review and inspection for tree removal, fire mitigation, perpetual care, and landscaping and irrigation systems in common areas. The City reserves the right to enforce all provisions of City Codes, including this section. Every certified HOA must provide every ARC approved landscape plan to the City.

11.03.02. *Specific landscaping requirements for developments.*

A. *MFR/COM developments.*

1. *Foundation plantings.* Foundation plantings are intended to soften buildings and improve their aesthetics. Planting beds with a minimum width of four feet shall surround a minimum of 70 percent of the building elevation excluding areas adjacent to building entry doors, fountains, benches and sculptures. Bed lines, where practicable, shall be curvilinear and wrap the corners of the structure with shrubbery plantings no closer than three feet from the building. Screening that is at least four feet wide around loading areas, dumpsters, and mechanical equipment running parallel to the adjacent building elevation may be counted towards these requirements. On sites located along specially designated road segments or roads, as listed in Table 11-5, an average minimum foundation planting bed width of eight feet shall be provided. In this area, a minimum of two different heights of plant material shall be used along with understory trees at the rate of one tree per 50 lineal feet of building wall length. These planting beds shall be located in the most visible areas. The following may be used in order to provide some alternatives to foundation plantings:

    a. *Architectural design.* Foundation planting requirements for multifamily and nonresidential buildings may be reduced by the Land Use Administrator, when it is determined that building façade massing techniques, beyond the minimum architectural standards described in Chapter 13, provide a benefit similar to foundation plantings.

    b. *Landscape design.* Alternative foundation plantings may be permitted (e.g., architectural planter, pots, etc.) or allowed to be relocated along an alternative building elevation by the Land Use Administrator and applied as a credit towards meeting the foundation planting requirement, if demonstrated and determined that the methodology is of equal benefit to the general public and appropriate automatic irrigation facilities are provided.

2. *Wildfire hazard assessment.* The development may be required, at the determination of the Land Use Administrator based on a Forest Resource Assessment and Strategy Map, to include a wildfire hazard assessment for the site prepared and certified by a forester, wildfire mitigation expert, or landscape architect. If the site is determined to be in a medium or higher wildfire hazard area, certain measures must be implemented prior to the issuance of a certificate of occupancy of the building. Wildfire mitigation shall be in accordance with City standards.

B. *IND developments.*

1. *Foundation plantings.* Planting beds at least four feet wide shall be planted adjacent to at least 60 percent of front building elevations, 25 percent of street side building elevations, and ten percent of interior side building elevations, but are not required along rear elevations. Areas adjacent to building entry doors, benches, fountains or sculptures are excluded from these calculations. The following may be used in order to provide some alternatives to foundation plantings:

a. *Architectural design.* Foundation planting requirements may be reduced by the Land Use Administrator, when it is determined that building façade massing techniques, beyond the minimum architectural standards described in Chapter 13, provide a benefit similar to foundation plantings.

b. *Landscape design.* Foundation planting may be relocated along an alternate building elevation if the Land Use Administrator determines that mitigating circumstances are present (e.g., limited depth to the property or the property has an unusual shape) and the alternate location provides equal or greater benefit to the general public.

2. *Wildfire hazard assessment.* The development may be required, at the determination of the Land Use Administrator based on a Forest Resource Assessment and Strategy Map, to include a wildfire hazard assessment for the site prepared and certified by a forester, wildfire mitigation expert, or landscape architect. If the site is determined to be in a medium or higher wildfire hazard area, certain measures shall be required to be implemented prior to the issuance of a certificate of occupancy of the building. Wildfire mitigation shall be in accordance with City standards.

C. *SUBD developments.*

1. *Common area.* Common areas within subdivisions including, but not limited to: entrance ways, recreation areas, gateways, and street islands; shall maintain the same tree density standards as required in Section 11.03.01.A. and the same minimum planting standards as shown in Table 11-4.

a. Temporary sales trailers are required to be skirted and have a short screen planting as defined and described in Table 11-4 with temporary irrigation around all sides visible to the public plus two understory trees, to improve its aesthetics.

b. Unless an easement for perpetual maintenance is provided, buffer planting areas, if required, shall be provided in the common areas of the subdivision and not on individual private lots.

c. Provisions for maintenance of common areas and conservation/wetland areas shall be made through covenants and restrictions or other means.

2. *Landscape buffers.* For subdivisions fronting any of the specially designated road segments or roads as noted in Section 11.03.05.B., Type B or G landscape buffers shall be required.

3. *Wildfire hazard assessment.* The development may be required, at the determination of the Land Use Administrator based on a Forest Resource Assessment and Strategy Map, to include a wildfire hazard assessment for the site prepared and certified by a forester, wildfire

mitigation expert, or landscape architect. If the site is determined to be in a medium or higher wildfire hazard area, certain measures shall be required to be implemented prior to the issuance of a certificate of occupancy of the building. Wildfire mitigation shall be in accordance with City standards.

D. *SFR/DPX developments.*

1. *Number and type of trees.*

a. At least one tree shall be provided for each 2,500 square feet of lot area, or major fraction thereof, excluding ponds, lakes, and canals, per Section 11.03.01.A. On lots one acre or larger this minimum tree planting standard shall only be based on the portion of the lot being developed with buildings, swimming pools, pavement, or new landscaped areas including turf.

b. Regardless of lot size, a minimum of one shade tree shall be provided, preferably in the front yard. At least two shade trees shall be provided on lots at least one-third acre but less than two-thirds-acre, three shade trees shall be provided on lots two-thirds-acre but less than one acre, and four shade trees shall be provided on lots one acre or larger.

2. *Foundation plantings.*

a. Residential homes shall provide foundation plantings consisting of 16 shrubs as described in table 11-4. On interior lots, eight shrubs shall be planted in front of the home, and four shrubs planted on each side of the home. On corner lots, six shrubs shall be planted on each side of the home facing a street, and four shrubs planted on the interior side of the home. When the rear yard of a home faces a saltwater canal, lake, or golf course, an additional four shrubs shall be planted along the rear of the home.

b. All of these required shrubs shall be planted between 2½ and eight feet of the home's foundation.

c. The corners of the house shall be wrapped with shrubbery or have an understory tree planted there. Shrubbery shall be selected using varying heights to accent and soften walls.

3. *Minimum planting requirement.* There shall be a minimum planted area or preserved existing native vegetation area of 60 percent of the pervious open space. The remainder of the pervious open space area may be decorative gravel or decorative crushed stone commonly used for landscaping purposes, or mulches. All swales in rights-of-way shall be sodded.

11.03.03. *Tree and plant types, sizes, and quality.*

A. *Trees, shrubs, and groundcovers.* All trees, shrubs, and groundcovers shall meet or exceed the standards of a Florida No. 1 or better quality as set forth in the latest edition of Grades and Standards for Nursery Plants, Florida Department of Agriculture. Damage to any tree, shrub, or ground cover that puts the plant material at risk of not surviving due to the injury, is grounds for rejection. The planting requirements at time of installation are listed in the following table:

Table 11-4: Minimum Planting and Maintenance Requirements

Type of Development	Shade Trees	Understory Trees	Shrubs and Groundcovers	Accent Plants

MFR/COM, IND and SUBD	Caliper: 3½" Hardwoods or3 sabal palm trees at 8' clear trunk are required to replace 1 shade tree.	Caliper: 1½" Minimum container: 30 gallon-In parking lot islands minimum height shall be 12'—14'.	Shrubs: 3 gallon Groundcover: 1 gallon Short screen planting: shrubs 2' in height, 3-gallon container, and maximum 3' on-center spacing or shrubs 2½' in height, 7-gallon container, and maximum 4' on-center spacing. For either option shrubs shall achieve a minimum height of 3' within 2 years. Medium screen planting: shrubs 2½' in height, 7-gallon container, and maximum 4' on-center spacing installed that achieves within 2 years a minimum height of 3½'. Tall screen planting: shrubs 5' in height and 60% opacity installed that achieves within 2 years a minimum height of 6' and opacity of 80%.	Dwarf to medium 3-gallon container shrubs. Height: 12" minimum at time of planting.
SFR/DPX	Caliper: 2" Hardwood or 3 sabal palm trees clustered at 8' clear trunk are required to replace 1 shade tree.	Caliper: 1" Minimum container: 15-gallon	Shrubs: 3 gallon Short screen planting: shrubs 2' in height, 3-gallon container, and maximum 3' on-center spacing or shrubs 2½' in height, 7-gallon container, and maximum 4' on-center spacing. For either option, shrubs shall achieve a minimum height of 3' within 2 years.	None required

Notes
1. A ten-percent tolerance level may be provided to the above minimum plant sizes to reflect plant variability, or 20-percent tolerance level during times of extremely limited plant availability, at the determination of the Land Use Administrator.
2. Short, medium and tall screen plantings shall be non-deciduous, always maintained to meet their minimum height and opacity standards, and if planted on a berm, the berm may count towards the screening height.
3. Trees shall be allowed to grow to their natural height and typical shape in MFR/COM, IND and SUBD Developments.
4. In the case of mitigation for a historic tree on SFR/DPX properties, also see Section 11.02.05.F.2.b.

1. Existing trees shall count towards any tree requirements as noted in this Chapter if:
   a. The trees are equal to or greater than the minimum sizes in Table 11-4;
   b. Are in good structural condition and health; and
   c. The root zone is protected during the construction phase of the project.
2. For MFR/COM, IND and SUBD developments a cluster of three palm trees or one date palm with a minimum of 8 ft of clear trunk may replace up to 25 percent of the required shade trees, at the ratios shown in this Chapter. Where an architectural theme in an MFR/COM or SUBD development has a dominant tropical design, clusters of three palm trees may replace 50 percent of the required shade trees with the same spacing requirements. On SFR/DPX developments, clusters of three palm trees may replace up to 50 percent of the required shade trees, but in all cases at least one shade tree shall be provided.

B. *Turf.* Grass areas shall be planted with sod in a species normally grown as permanent lawns in East Central Florida. Newly installed Bahia sod shall be healthy and have no more than 20 percent

weeds or unlike grass species. Newly installed St. Augustine, Seashore Paspallum, Bermuda, and Zoysia sod shall have no more than five percent weeds or unlike grass species. For newly installed turf where irrigation is not provided, grass species shall be Bahia grass or Bermuda grass where appropriate. All areas of a disturbed site not otherwise landscaped or not left in natural native vegetation shall be grassed, or mulched, at a minimum.

11.03.04. *Parking lot landscaping requirements.*

A. *Screening.* Screening from the right-of-way and adjacent properties in the form of a short screen planting, as defined herein, is required for off-street parking lot areas where the perimeter buffer does not already include one. The height shall be measured from the top of the adjacent parking surface, and if planted on a berm, the berm height can be included towards the minimum height.

B. *Internal parking lot landscaping.* Internal parking lot landscaping shall comprise an area equal to a minimum of ten percent of the vehicular use area excluding those areas beneath vehicular canopies, such as a bank drive-thru or a convenience store with gas pumps. The vehicular use area is the total area of all parking stalls, drive aisles, and access ways within the limits of the property being developed. Sites zoned industrial can exclude vehicular use areas designated for heavy-duty truck parking, loading, and maneuvering from these calculations.

1. *Landscape islands.*

a. A qualifying island or planting area shall contain at least one tree per landscaped island. Shade trees shall only be planted in islands having at least nine feet in width and at least 300 square feet of island area per tree, except for median islands described in Section 11.03.04.B.2.a.(1).

b. Required islands shall be a minimum of 150 square feet in area and shall have one understory tree unless the island is large enough for a shade tree, or a grouping of three palms.

2. *Placement of landscape islands.*

a. No more than five consecutive parallel parking spaces may be constructed without separation by a vehicular use area landscape island, and no more than ten consecutive parking spaces may be constructed without separation by a landscape island, except as specified below:

(1) Where shade trees are planted at a minimum of 50 feet on-center the length of a center island located between two rows of parking spaces ("median island"), the median island shall have a minimum planting width of eight feet. If understory trees or a cluster of three palm trees are planted instead, the median island shall have a minimum width of five feet with the understory trees or clusters of three palms spaced a minimum of 30 feet on-center.

(2) Where a minimum of an additional five feet of buffer width is provided, in addition to any required perimeter buffer width, along the outside edge of the parking lot adjacent to the parking spaces, with shade trees planted at a minimum of 50 feet on-center.

b. If stabilized grass parking is approved, the parking spaces shall be delineated with parking stops and the required vehicular use area islands shall be provided.

c. All parking rows ending adjacent to drive or parking aisles shall be terminated by a landscape island ("terminal island") that is at least five feet in width.

3. *Design requirements for landscape islands.*

a. Where light poles or flagpoles are placed in landscape islands that contain shade trees, the minimum size of those landscape islands shall be increased by 150 square feet, and the pole shall be located at least 15 feet from the shade tree.

b. Curbing shall be installed around the perimeter of all landscape islands that abut paved parking or drive aisles. Where the landscape islands abut stabilized grass parking, pressure-treated timbers (minimum size of six inches by six inches), securely attached with rebar to the ground, are allowed in lieu of the curbs. Curbing or areas beneath the pressure-treated timbers shall not be counted towards the landscape island areas.

c. The Land Use Administrator may supersede specific landscaping standards in this subsection when they conflict with concerns expressed by the Fire Department or utility providers regarding public safety.

d. Landscape islands shall have at least one tree credit for every 165 square feet of required internal parking lot landscape areas; with understory trees receiving one tree credit, clusters of three palm trees receiving 1½ tree credits, and shade trees receiving two tree credits.

4. *Alternate planting requirements for parking lot islands.* The following specific planting requirements relate to internal parking lots:

a. In lieu of providing the minimum open space in a parking lot island, the Land Use Administrator may approve one or more of the following practices:

(1) Structural soils;

(2) Structural bridging under sub-base and pavement areas;

(3) Soil trenches/root paths that allow roots to access larger soil areas; or

(4) Other methodology, such as pervious pavers, that provide adequate means for tree roots to properly grow.

b. Upon submittal and approval of design plans and specifications of an alternate means of rooting area under a paved surface, the minimum parking lot island planting area as required in this section may be reduced. Structural soil specifications shall comply with City standards.

5. *Driveway medians.* A landscaped island ("driveway median") may be installed to separate the ingress and egress driveways of an access way. This driveway median shall meet the planting and design requirements for landscape islands.

6. *Flexibility.*

a. The Land Use Administrator may permit the use of architectural planters to provide partial credit towards landscape island/area requirements, if found to be of equivalent public benefit and where no other practical options exist.

b. The Land Use Administrator may permit more than ten contiguous parking spaces without an island in order to promote tree preservation or when unique site circumstances exist, such as redevelopment.

c. The Land Use Administrator may reduce the minimum area for parking lot islands if it is determined adequate tree rooting area is provided below the pavement area, per the City Technical Manual.

7. *Related standards.*

a. For large scale commercial centers, see Sections 4.15.03.B. and 4.15.03.C.

b. For screening of mechanical equipment, utilities and storage areas, see Section 13.04.07.A.

11.03.05. *Landscape buffer requirements.*

A. *Buffer type determination.* Determining perimeter buffer requirements for a site consists of a two-step process:

1. Use Table 11-5 to determine the type of buffer required.
2. Use Table 11-6 to find the design standards for the particular buffer required.

B. *Perimeter buffer requirements.* Table 11-5 shows the perimeter buffer types required based on the zoning of the subject property and the adjoining zoning/use. The zoning of the subject property is shown on the second row with the black background and the adjoining zoning/use is shown on the left-hand column. To use Table 11-5, go along the second row to find the subject property's zoning and then go down that column to where it aligns with the same row as the adjoining zoning/use. For example, if the proposed development is located on land zoned "IND-1" and the abutting land is zoned "MFR-1" then use the "IND" column at the right-hand side of the table and follow it down to the row labeled "MFR", which would require a perimeter buffer type "D", "E", or "F".

Table 11-5: Perimeter Buffer Requirements

	Zoning of Proposed Development				
	AGR, PRS, P & G	**SFR, DPX, EST**	**MFR, MHD**	**OFC, COM, MPD[1], PSP[2]**	**IND**
Adjoining Zoning/Use (shown below):					
AGR, PRS, P&G	None	None	None	None	None
SFR, DPX, EST	None	None	D, E or F	D, E or F	D, E or F
MFR, MHD	None	None	C	D, E or F	D, E or F
OFC, COM, MPD [1], PSP [2]	None	None	C	C	D, E, or F
IND	None	None	C	C	C
Non Specially Designated Roads	None	A	A	A	A
Specially Designated Segments Palm Coast Parkway, Palm Harbor Parkway and Colbert Lane [3]	None	B	B	B	B

Other Specially Designated Roads or Segments Thereof [4]	None	G	G	G	G
Retention Pond, Lake, or Canal	None	None	None	C	D, E or F

[1] In the MPD zoning district the requirements shall revert to the underlying zoning district or use for the subject property, as described within the MPD Agreement.
[2] Requirements in the PSP zoning district shall revert to the existing or proposed use on the property, as determined by the Land Use Administrator.
[3] Segments are limited to Palm Coast Parkway east of I-95, Palm Harbor Parkway south of the Hammock Dunes Bridge, and Colbert Lane from the south right-of-way line of Palm Coast Parkway SE to 2,200 feet to the south.
[4] Other specially designated roads or segments thereof, include the following: Belle Terre Parkway, Belle Terre Boulevard, Colbert Lane (segment north of Palm Coast Parkway SE and segment more than 2200 feet south of Palm Coast Parkway SE), Cypress Point Parkway, 1-95, Matanzas Woods Parkway, Old Kings Road, Palm Coast Parkway (segment west of 1-95), Palm Harbor Parkway (segment north of the Hammock Dunes Bridge), Pine Lakes Parkway, Royal Palms Parkway, S.R. 100, Seminole Woods Parkway, U.S. 1, and White View Parkway.
[5]Land Use Administrator may determine additional buffer requirements may be allocated from other areas of less impactful buffer.

1. For nonresidential uses, a perimeter buffer will not be required between two or more newly created adjoining lot lines when subdividing a parcel of land that has an existing development or an approved site plan. (For example, two outparcels in front of a shopping center with an anchor tenant building.) In order to qualify, the existing or approved project and future developments on the proposed lots must have approval for a unified or master site plan that incorporates shared facilities including: access, stormwater facilities, and connectivity.
2. The double-frontage lots fronting along Palm Coast Parkway SE or Palm Coast Parkway NE and fronting along the City un-named right-of-way, located about 350 feet south of Palm Coast Parkway NE and extending east from Florida Park Drive to the Intracoastal Waterway, do not have to provide any buffers along the City un-named right-of-way.

C. *Buffer design standards.* The required buffers shall meet the following landscape standards:

Table 11-6: Buffer Design Standards

Type	Width[1]	Shade Trees per Linear Feet	Maximum Shade Tree Spacing per Linear Feet	Understory Trees per Linear Feet	Short Screen or Tall Screen	Accent Planting per Linear Feet	Decorative Wall/Fence
A	10'	1/50'	75'	1/50'	Short Screen	N/A	N/A
B	35'	1/50'	75'	1/50'	Short Screen	30/100'	N/A
C [2]	10'	1/50'	75'	Optional	Short Screen [3]	N/A	N/A
D [2]	10'	1/50'	75'	Optional	Not Required	30/100'	Decorative Wall
E [2]	20'	1/50'	75'	Optional	Tall Screen	N/A	Optional

F [2]	15'	1/50'	75'	Optional	Not Required	30/100'	Fence
G	25'	1/50'	75'	1/50'	Short Screen	30/100'	N/A

[1] A 35-foot Buffer B may be averaged with a minimum width of 25 feet and maximum width of 45 feet, and a 25' Buffer G may be averaged with a minimum width of 20 feet and a maximum width of 30 feet.

[2] Where an adjoining lot is undeveloped, shade tree spacing in the subject lot's adjoining buffer shall be increased to one per 75 linear feet and maximum spacing increased to 90 feet. Where an adjoining lot has been developed with an adjoining buffer having shade trees, the subject lot shall have understory trees planted that are staggered between the shade trees.

[3] Not required if the adjoining property has already been developed with the shrubs already planted, or where multi-family, office, or commercial uses are adjacent to any pond, lake, canal or waterway and the view would be an enhancement for the proposed project while not negatively impacting neighboring properties, as determined by the Land Use Administrator. Also, not required when industrial properties are adjacent to each other, except where a parking area is unscreened and adjacent to the buffer.

1. Landscape buffer areas shall be located at the perimeter of the site. Plantings shall not be located in any portion of a public or private right-of-way or drainage easement, unless permitted by a landscape easement. Short, medium and tall screen plantings may be located between the minimum landscape buffer area and the parking lot, building, structure or equipment they are intended to buffer. If not screening parking areas or other areas required to be screened, these screen plantings can be incorporated into the required foundation plantings.
2. At least 50 percent of the existing native vegetation shall be preserved within the landscape buffer area. Preserved native vegetation within the buffer shall be hand cleared of vines, debris, and dead branches to present an attractive transition from maintained to natural. If native vegetation is not present, is insufficient to meet the screening required by this section, or the Land Use Administrator has determined that it must be removed due to required site grading or existing utilities, then plant material shall be installed to meet the buffer requirement.
3. When calculating the required number of trees and shrubs within a buffer, the width of access ways or easements running perpendicular to the buffer shall be subtracted from the property length.
4. Understory trees may be used in lieu of shade trees where noted in Table 11-6 as "Optional"; however, no more than 25 percent of the required trees may be understory trees. Unless limited by utility easement, then shade trees may be permitted at maximum required percentage as determined by Land Use Administrator.
5. Where accent plants are required, no more than 30 percent of the planting bed area shall be comprised of groundcover plants.
6. Uses within buffers:
    a. Buffer yards shall be limited to passive recreation and may contain pedestrian or bicycle trails and public amenities such as decorative fountains, artwork, and similar structures.
    b. Mechanical equipment or structures, directional signs, and backflow preventers may be allowed in perimeter buffer areas pursuant to approval by the Land Use Administrator.
    c. In a buffer ten feet or less in width, none of the required buffer area may be used for stormwater retention/detention. In a buffer 15 feet in width, no more than 33 percent of the required buffer area may be used for stormwater retention/detention. In a buffer 20

feet or more in width, no more than 50 percent of the required buffer area may be used for stormwater retention/detention. These ratios shall be reduced if insufficient room is left for plantings.

d. A required buffer shall be at least 15 feet wide before it can be encumbered by the partial overlap of a sidewalk or utility easement running parallel to the buffer, and the overlap shall not exceed one-third of the required buffer width. This ratio may be reduced if stormwater retention/detention areas are also in the buffer or if there is insufficient room for plantings.

7. Decorative walls and fences, when required, shall be six feet in height and comply with the material and design requirements (see Section 4.01 for material and design requirements for walls and fences).

D. *Miscellaneous buffer requirements.*

1. *Vehicle display areas.* For automotive, recreational vehicles, motorcycles, motorized watercrafts, and other similar displays, a maximum of 33 percent of the frontage short screen plantings may be reduced to a height of 12 inches at time of planting if a minimum height of 16 inches shall be achieved within two years and maintained at such height. The balance of the short screen planting shall be installed and maintained per the height standards in Table 11-4.

2. *Frontage road buffers.* Frontage roads that parallel the main road serving a site may encroach into a front landscape buffer if no less than ten feet of the required buffer is provided on the development side of the frontage road with the remaining footage of the buffer width on the side of the main road.

3. *Fleet rental parking buffers.* Fleet rental parking spaces (excluding spaces limited to the renting of automobiles or pickup trucks) shall be located to the side or rear of the building and screened with a tall screen planting.

4. *Phased projects.* Any development that proposes phasing shall be required to provide perimeter buffer plantings adjacent to existing development and rights-of-way that are visible to the general public. If existing trees and vegetation are sufficient to provide this buffer, they may be used to satisfy this requirement. The certificate of occupancy for the initial phase shall not be issued until the buffer plantings have been provided.

11.03.06. *Irrigation requirements.*

A. *Requirements by type of development.*

1. *MFR/COM, IND:* These developments shall meet the irrigation design standards contained in this section.

2. *SUBD:* Irrigation systems for all common areas of a subdivision, including planted medians, shall be designed and installed with the subdivision infrastructure in accordance with this section. If the owner elects, the planting and irrigation of street trees on individual lots may be postponed until the lot is developed.

B. *Design standards.* Irrigation systems shall meet all City irrigation design standards as well as the following:

1. *Water conservation.* Irrigation systems shall be designed in such a way as to minimize runoff or spraying of irrigation water onto roadways, driveways, and adjacent properties that are not under the control of the owner. The irrigation systems shall be designed to locate plants into water use zones having the same irrigation needs.

2. *Water source.* Non-potable water use demands shall be met using water of the lowest quality supply that is both available and feasible for the intended application, as determined by the Land Use Administrator. Water reuse or water reclamation programs, if available, shall be used to reduce groundwater or surface water withdrawals for water use applications which do not require potable water. The following are the water source priorities of the City from highest preference to lowest preference:

    a. Reclaimed water.

    b. Stormwater, lake, or canal.

    c. Groundwater (well).

    d. Potable water.

3. *Temporary irrigation.* All landscape installations shall make necessary provisions for watering to establish and guarantee plant survival. Sites with these types of irrigation systems shall use super absorbents in the planting backfill as well as native plants or xeric plants and trees. A watering schedule shall be submitted. For an example, see the University of Florida Extension publication ENH856 - Tree Specifications for Planting and Shrubs in the Southeastern United States. Specifications shall be included to provide one of the following:

    a. Automatic irrigation;

    b. Hand watering via hose bib or other water source;

    c. Water truck hand watering; or

    d. Automated water bags.

4. *Irrigated areas.* The irrigation system, unless temporary, shall have mainlines and lateral lines buried underground and designed to provide adequate irrigation to all landscaped areas except for areas of existing native vegetation or planting areas comprised of vegetation that conserves water, is adaptable to local conditions, and is drought tolerant.

5. *Backflow prevention.* Irrigation systems connected to a potable water source shall have a backflow prevention assembly installed as required and approved by the Land Use Administrator. Permitted wells shall have a serviceable double-check valve as required and approved by the Land Use Administrator. See Chapter 9 for these requirements.

6. *Moisture sensing device or smart irrigation system.* All irrigation systems shall have an operational moisture-sensing device or a smart irrigation system such as a rain detection device.

11.03.07. *Installation of plants.* All landscaping is to be installed in a professional manner following good nursery practices as set by the Florida Nurserymen Landscape and Growers Association. All planting requirements shall meet or exceed the standards set forth in this chapter and the University of Florida Extension Publication ENH856 - Tree Specifications for Planting Trees and Shrubs in the Southeastern United States.

A. *Mulching requirements.* All planting areas shall be mulched with a minimum of three inches and a maximum of four inches of mulching material. The type of mulching material is subject to approval by the Land Use Administrator.

B. *Turf.* See Section 11.03.03.B. for turf requirements and quality.

11.03.08. *Compliance with approved plans; maintenance.*

A. *Compliance with approved plans.* All required plantings as shown on the approved landscape plans must be completed prior to issuance of a certificate of occupancy.

B. *Maintenance.*

1. The owner is responsible for maintaining the approved landscaping on-site in a healthy condition indefinitely. All required plant material that dies, or becomes unhealthy and is not treatable, shall be replaced within 30 days. When any plants are replaced because they are dead, diseased, or destroyed by acts of nature, they should be of the same or similar species and meet the size standards of Table 11-4.

2. Pruning standards for all tree work done in the City shall follow American National Standards Institute (ANSI) A300, Part 1 "pruning standards" as well as ANSI Z133.1-2000 standards for safety.

   a. The owner, tenant and their agents including personnel and companies who provide the tree services shall be jointly and severally responsible for following these pruning specifications and for tree damage or loss. Trees shall not be topped (hat-racking), over-lifted (lions-tailing), shaped, or significantly pruned, but shall be allowed to grow to maturity and attain their natural form so that crown development is not inhibited. Trees may only be pruned to maintain good health and growth by removal of limbs that are dead, weak, insect or disease-infested, storm damaged, crowded, rubbing other limbs, low and interfering with pedestrians or vehicles, or to maintain safe distances from utility lines.

   b. For maintenance of commercial properties, including: office, medical, retail, and industrial uses; and multi-family projects of 25 units or more, tree pruning of branches one inch or larger and at a height of eight feet or more shall only be provided by or under the direct supervision of arborists certified by the International Society of Arboriculture within Florida..

3. Adequate provision shall be made, as approved by the Land Use Administrator, for the perpetual maintenance of common areas through covenants and restrictions or other means. These requirements can be achieved through either existing tree preservation (preferred) or by planting new trees. Buffer plantings shall be planted in common areas and not private lots, unless a landscape maintenance easement is granted with adequate perpetual maintenance assurances.

4. The owners are responsible for maintaining the approved irrigation system in an operable and efficient condition in perpetuity.

5. For developed lots and the improved portions of partially developed parcels, the owners are responsible for ongoing removal of all invasive plant species, as determined by the Florida Department of Agriculture and Consumer Services "Noxious Weeds" rule set forth in the Florida Administrative Code.

6. The City may conduct periodic inspections to assure compliance with the planting and maintenance requirements of this section. If a violation is found the City will notify the owner that they have 30 days in which to replace plants and make any other necessary repairs. Continued violation after the 30 days will be referred to the Code Enforcement Board or another enforcement mechanism will be used.

11.03.09. *Construction phase/acceptance of improvements.*

A. *Construction phase.*

1. *Permit.* No site work shall commence until appropriate tree protection and erosion control measures are in place and approved by the Land Use Administrator.

2. *Pre-construction meeting.* Prior to any site clearing on MFR, COM, IND, and SUBD developments, all trees and areas with shrubs to remain shall be properly marked and barricaded as indicated in this Chapter. A pre-construction conference shall be scheduled

with the general contractor, land clearing contractor or its designee, and City staff to review specific criteria for construction.

3. *Erosion control.* Best management practices shall be utilized.

B. *Acceptance of improvements.*

1. *Certificate of occupancy*. No certificate of occupancy may be issued until all specifications on the approved plan have been attained unless the Land Use Administrator determines that an extension of up to sixty (60) days is warranted and the required landscape and irrigation are covered by a surety given to the City on a form provided by the City, in the amount of one hundred fifty (150) percent of the estimated value of the unfinished work.

2. *As-built drawings.* Landscape and irrigation as-built drawings (as-builts) are required prior to the certificate of occupancy of the project being issued in any zoning district except for SFR, DPX, and EST. The irrigation as-builts provided to the City for future reference shall include certification via signed and sealed plans by a landscape architect for location of water source, rain sensor, valves, clocks, and heads. The purpose of the irrigation as-built drawings is to provide reasonable assurance that the irrigation system is installed in accordance with City approved irrigation plans. Approximate underground pipe run locations will be acceptable in lieu of exact locations. As-builts may be bonded according to the procedure as noted in Section 11.03.09.B.1.

(Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 11.04. - Enforcement/Remediation and Penalties.

11.04.01. *Cease and desist orders.* The Land Use Administrator may issue a cease and desist order for a maximum of two working days whenever a violation of this subpart has occurred. Upon review of the violation, the Land Use Administrator may extend the cease and desist order until the violation is brought into compliance and all resulting fines incurred as a result of the violation are paid.

11.04.02. *Correction of violation/remediation.* The City shall take the following actions when a violation of this chapter has occurred in addition to all other available code enforcement remedies:

A. *Tree replacement remediation requirements*. Each tree destroyed or significantly damaged contrary to the latest ANSI A-300, Part I standards, including removal or effective removal, shall be replaced on SFR/DPX properties pursuant to Table 11-4 by a desirable type of tree; and on MFR/COM and IND properties only, the total diameter inches of the protected trees removed shall be replaced with a minimum replacement tree size of six-inch caliper. On MFR/COM and IND properties a mitigation plan consistent with this Chapter must be submitted to the City for review. This plan may require, in part, contribution to the tree bank fund. If contribution is to be made into the tree bank fund, the monetary equivalent amount of such contribution shall be determined pursuant to Subsection 11.02.07. The mitigation plan shall also require mitigation of any other damage to the property. Each tree so damaged or removed shall be considered a separate violation of this LDC.

B. *Sites cleared without approved tree surveys.* If the site has been cleared and the trees have been removed from the site such that the Land Use Administrator is unable to determine with reasonable certainty the number of protected trees removed in violation of this subpart, the violation may be corrected or partially corrected by paying into the tree replacement fund. The Land Use Administrator will determine the appropriateness and numbers of tree replacements to be planted back on the lot upon inspection. No work shall continue until the tree replanting plan has been approved. The contributions assessed under this subsection shall be payable to the City within ten working days after assessment. All replanting shall be required to be irrigated.

C. *Clearing without construction/inspections.* Permitted projects which are cleared, and upon which construction and inspection has not occurred within six months of clearing, shall be subject to mitigation per Table 11-2, as well as stabilization of all disturbed areas with sod or seed. In areas where a tree survey was accomplished, all protected trees on the survey shall be mitigated, and in areas where trees were not surveyed, the fine established by the City shall apply. Additionally, all perimeter buffer plantings, as shown on the approved plans, shall be installed and irrigated. Trees used in these buffers shall be credited towards the mitigation requirements.

11.04.03. *Appeals.* Any person aggrieved by an administrative order of the Land Use Administrator may appeal the order to the Planning and Land Development Regulation Board in accordance with requirements in Chapter 2.

(Ord. No. 2016-6 , § 2, 11-1-16)

Sec. 12.01. - Generally.

12.01.01. *Purpose and intent.*

(1) It is the purpose of this chapter to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this chapter are also designed and intended to meet the statutory requirement that this municipality adopt land development regulations that regulate signage, a requirement set forth in F.S.

§ 163.3202(f). The sign regulations in this chapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. The City specifically finds that these sign regulations are narrowly tailored to achieve the compelling and substantial governmental interests of traffic safety and aesthetics, and that there is no other way for the City to further these interests.

This chapter regulates signs, as defined in this Unified Land Development Code, which are placed on private property. This chapter is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

The City boundary is depicted on the official zoning map. In order to preserve and promote the City as a desirable community in which to live, recreate and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the City is a highly contributive means by which to achieve this desired end.

This chapter is intended to serve the following purposes:

A. Maintain the established suburban character of the City by regulating all exterior signage in a manner which promotes low profile signage of high quality design and enhances the City's ability to attract sources of economic development and growth;

B. Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any site to avoid visual clutter;

C. Protect motorists from visual distractions, obstructions, and hazards by regulating the location of signs;

D. Enhance the appearance of the physical environment by requiring that signage be designed to complement the architecture of the structure which the signage is intended to identify, and sited in a manner which is sensitive to the existing natural environment;

E. Allow signage that satisfies the visibility, identification, and communication needs of the local business community;

F. Foster civic pride and community spirit by maximizing the positive impact of development;

G. Establish procedures and regulations for the construction and maintenance of signs, removal of nonconforming signs, variances, and enforcement of these regulations;

H. Improve pedestrian and traffic safety;

I. Minimize the possible adverse effect of signs on nearby public and private property;

J. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

K. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

L. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed, and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

M. Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

N. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its master planned community, as well as for its major subdivisions, shopping centers, and industrial parks;

0. Allow for traffic control devices and government signs without regulation, consistent with state and national standards, because they promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and by notifying road users of regulations and providing state and nationally consistent warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream and modes of travel, while regulating private signs to ensure that their size, location and other attributes do not impair the effectiveness of such traffic control devices;

P. Enable the fair and consistent enforcement of these sign regulations;

Q. Promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the City's goals of quality development;

R. Provide standards regarding the non-communicative aspects of signs, which are consistent with city, county, state and federal law;

S. Ensure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs;

T. Ensure that the constitutional guaranteed right of free speech is protected. Applications will be reviewed only with respect to sign structure or placement, excluding any reference to message, category, subject, topic or viewpoint;

U. Reduce the Impact of Sign Clutter. Excessive signage and sign clutter impair legibility and undermine the effectiveness of governmental signs, Traffic Control Devices and other required signs (such as building, unit or house number signs, street identification signs, and building identity signs) that are essential to identifying locations for the delivery of emergency services, mail and package delivery, and other compelling governmental purposes The intent of these sign regulations is to enhance the visual environment of the City, ensure that City residents and visitors can safely navigate through the City to their intended destinations, and promote the continued well-being of the City. It is therefore the purpose of this Chapter to promote aesthetics and the public health, safety and general welfare, and assure the adequate provision of light and air within the City through reasonable, consistent and nondiscriminatory standards for the posting, displaying, erection, use, and maintenance of signs and sign structures that are no more restrictive than necessary to achieve these governmental interests; and

V. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs.

(2) Where there is conflict between this chapter and other sections of this Code, the most restrictive regulations shall apply.

(3) This chapter does not regulate government signs on government property.

12.01.02. *Applicability.* These regulations apply to signs within residential and nonresidential areas. Signs shall be erected, placed, established, painted, created, and maintained in the City only in conformance with the regulations, procedures, exemptions, and other requirements of this chapter and pursuant to City standards and the Florida Building Code.

12.01.03. *Effect.* The effect of this chapter is to prohibit all signs not expressly allowed in this Code, except as approved through the variance process established herein and in Chapter 2.

12.01.04. Definitions. Words and phrases used in this chapter are defined in Chapter 14 (Glossary).

(Ord. No. 2009-26, § 59, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.02. - Sign Permits.

12.02.01. *Permit required.*

A. It is prohibited and unlawful for any person to erect, construct, alter, or relocate within the corporate City, any sign without first obtaining a sign permit, except as otherwise specified in this chapter. Applications shall be filed in accordance with City standards.

B. When considering the placement of freestanding signs, the Land Use Administrator shall consider the location of public utilities, sidewalks, and future street widening.

C. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this section and any applicable zoning law. The review of a completed sign permit application shall be completed within ten calendar days.

(Ord. No. 2009-26, §§ 60, 61, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.03. - Exempt and Prohibited Signs.

12.03.01. *Exemption from permitting.* The following signs are exempt from sign permit requirements; however they shall meet all other code requirements, including applicable construction regulations, and electrical permits as determined by the adopted electrical code:

A. Temporary Signs.

B. Signs required by federal or state law;

C. A sign (except a window sign which shall be subject to the provisions of this section) located entirely inside the premises of a building or enclosed space;

D. A motor vehicle sign, other than a prohibited vehicle sign or signs, as set forth in Subsection 12.03.02;

E. The change of copy on permitted manually changeable copy signs;

F. For 911 emergency response systems and public safety purposes, street address signs and residential mailboxes;

G. For 911 and emergency response systems, signs which identify the occupant;

H. Machinery and equipment signs. Machinery and equipment signs shall be allowed in all districts;

I. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property;

J. Signs protected by state statutes; and

K. Signs regulated by state statute. Sign applicants claiming an element of their proposed sign is regulated by F.S. § 553.79(22), as may be amended from time to time, must include all supporting documentation with their application and a clear and concise statement of regulatory applicability for review.

12.03.02. *Prohibited signs.* Except as required by state law or otherwise permitted by this Article, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies, the City shall have the right to recover damages from the owner or person placing such sign. It is prohibited and unlawful to erect or maintain any sign not specifically authorized by this chapter, including:

A. Signs that are in violation of the building code or electrical code adopted by the City;

B. Any sign that constitutes a traffic hazard or a detriment to traffic safety, as determined by accepted engineering standards, by reason of its size, location, movement, content, coloring, or intensity of illumination;

C. Signs using lights or illuminations that flash, move, rotate, blink, flicker, scroll like [stock tickers or have strobe effects, except when required by the Federal Aviation Authority;

D. Signs that have video, animation or full-motion graphics;

E. Signs that have audible components or sound;

F. Digital signs on vehicles or trailers

G. Signs using exposed incandescent or LED bulbs in excess of 11 watts;

H. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics;

I. Pursuant to state law, signs using words and traffic control symbols which interfere with, mislead, or confuse traffic, such as "stop", "look", "caution", "danger", "slow", or which violate with the Manual on Uniform Traffic Control Devices (MUTCD);

J. Signs that resemble any official sign or marker erected by any governmental agency or that by reason of position, shape, or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic control device;

K. Signs within ten feet of public rights-of-way or 100 feet of traffic control lights that contain red or green lights that might be confused with traffic control lights;

L. Signs attached to traffic control devices or utility poles;

M. Signs attached to trees;

N. Signs made of combustible materials that are attached to or located within 20 feet of fire escapes or firefighting equipment;

O. Signs that obstruct a fire escape, window, door, or other opening used as a means of ventilation, ingress, or egress;

P. Any type of balloon signage;

Q. Signs that incorporate projected images;

R. Signs that involve the use of live animals;

S. Signs that emit audible sound, odor, or visible matter such as smoke or steam;

T. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals;

U. Signs that are painted, pasted, or printed on buildings or any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs required by law;

V. Off-site signs;

W. Banners or signs placed across any public street, park, or property;

X. Private signs erected within any navigable waterway within the City;

Y. Portable signs, except as provided in this Chapter;

Z. Roof, marquee, and pole/pylon signs;Abandoned signs;

AA. Paper, cardboard, chalk, or white-board signs, except as allowed in this chapter;

BB. Exposed neon or LED signs;

CC. Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related;

DD. A-frame signs, except as provided in this Chapter;

EE. Any sign located within a right-of-way, except as may be allowed by this chapter;

FF. Signs as a principal use in any zoning district;

GG. Snipe signs;

HH. Signs mounted to fences except as permitted in this chapter;

II. Parasite signs;

JJ. Motor vehicle signs or any signs attached thereto or placed thereon subject to the following exceptions:

1. Any vehicle appropriately parked on private property so long as the vehicle is used regularly, is only parked while not in use, and is not intentionally parked on the private property for the sole purpose of displaying the sign on the vehicle.
2. Any vehicle appropriately parked in a non-residential area upon which is placed a sign, if such vehicle is one that is operated during the normal course of business; provided, however, that no such vehicle

shall be routinely parked in a location for the purpose of serving as, or constituting, additional signage.

3. Buses, taxicabs, and similar common carrier vehicles that are licensed or certified by the City of Palm Coast, Flagler County, other governmental entities, and/or Florida Public Service Commission.

KK. Permanent commercial signs on lots without a principal use; and

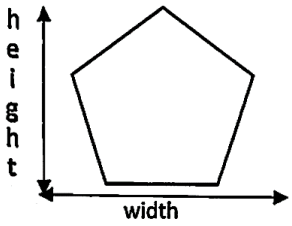
LL. Pole signs.

(Ord. No. 2009-26, §§ 62-71, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.04. - Sign Provisions for Permanent Signs.

12.04.01. *Calculating sign area.*

A. In computing sign area, the total sign area will be the area of the widest and tallest common shape that encompasses the various components of the sign (see graphic below).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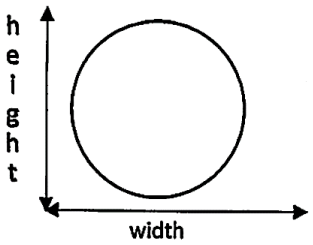
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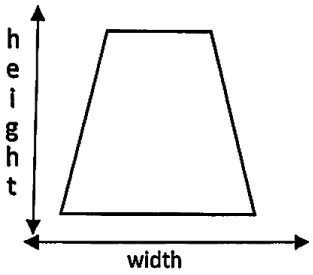
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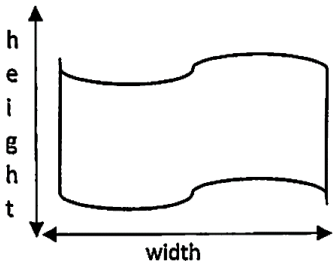
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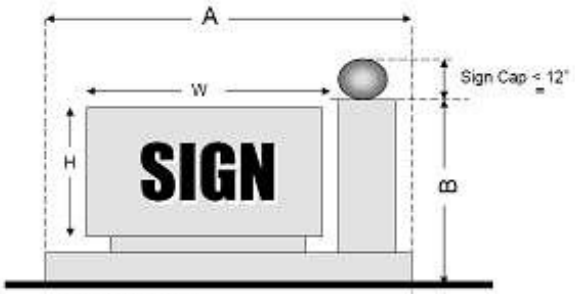
B. All words and components of a sign, including the support base of freestanding signs, shall be deemed to be part of a single sign. Individual words or components may be considered separate signs only if they are obviously disassociated from other components. When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute sign area. Double face signs that meet the definition contained in this chapter shall be considered one sign.

C. The architectural features of freestanding signs shall not be greater than double the sign area. To calculate, take the aggregate sign area and subtract the sign area. This shall not be greater than the sign area times two.

See graphics below.



*Graphics is not to scale

D. The allowable size of some freestanding signs is determined based on lot frontage (i.e., the width of a site along a public street). The allowable size of some wall signs is calculated based on the building frontage (i.e., width of the building where the public entrance is located).

12.04.02. *Measuring sign height/clearance.*

A. Freestanding sign height shall be measured from the ground elevation at the base of the sign to the highest point of the sign structure. The maximum height of permanent freestanding signs shall be seven feet, unless otherwise specified in this code. Decorative column caps may extend up to 12 inches above the maximum height permitted.

B. The clearance of a projecting sign shall be measured from the bottom of the area to the ground below.

C. The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign. The top of the area shall be no higher than the roof eave line.

12.04.03. *Construction and maintenance requirements.*

A. Except for temporary signs and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

B. All signs and their supports, braces, guys, and anchors; electrical parts and lighting fixtures; and all painted and display areas shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Code at all times. Damaged faces or structural members shall be promptly removed or replaced.

C. Vegetation around, in front of, behind, and at the base of any sign shall be installed and maintained and neatly trimmed to conform to City landscape maintenance standards.

D. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise directed by the utility provider.

E. No sign structure or framework may be exposed to public view due to removal of sign faces or advertising copy for a period in excess of 15 days.

12.04.04. *Existing signs.*

A. *Modifications to signs*. Modifications to signs shall not result in a sign that violates the requirements of this Code. The modification of sign height or size requires sign permit approval.

B. *Permits not required for change of sign copy* No permit or permit fee shall be required for changing the copy of a sign, as long as no changes are made to the sign's height, size, location, or structure. This exemption shall also apply to any change of copy on a changeable copy sign. However, a color change to the base of a sign must be aesthetically compatible with the associated primary structure.

C. *Nonconforming signs.* Signs lawfully existing prior to the effective date of this Code may be continued although their size, location, or other physical attributes do not conform to this chapter.

D. *Loss of legal nonconforming status of* a *sign.* A sign loses its legal nonconforming status and shall be considered in violation of this Code if one or more of the following occurs:

1. The sign is structurally altered in any way, including increasing its height, weight, width, depth, or enlarging it in any manner, except for normal maintenance or repair, which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration.
2. The sign is destroyed to such an extent that more than 60 percent of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25 percent of the length above ground of each broken, bent, or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.
3. Signs determined to be abandoned under the provisions of Subsection 12.04.04.E of this section.

E. *Abandonment.* All nonconforming signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-site sign is located when the business it advertises is no longer conducted. Conforming signs shall have the copy area face removed and replaced with a blank face. Said signs on vacant or unoccupied property must be removed after 30 days. Any sign face which advertises a service no longer conducted or product no longer sold upon the property must be removed after 30 days. If the owner or lessee fails to remove the sign or sign message, the sign or sign message shall be deemed in violation of this Code.

F. *Signs subject to immediate removal.* Any sign erected without a required building permit is unlawful and must be removed by the owner thereof.

G. *Off-site signs.* Existing off-site signs may not be converted to electronic display type signs.

12.04.05. *Sign design.* Freestanding signs shall be aesthetically compatible with the principal structure, shopping center or subdivision.

12.04.06. *Lighting of signs.*

A. Any lighting used to illuminate signs shall be shielded such that the light source cannot be seen from abutting roads or properties.

B. No unshielded light source may be visible from the edge of the public right-of-way at a height of three feet.

C. Sign lighting shall not be designed or located to cause confusion with traffic lights.

D. Illumination by floodlights or spotlights is permissible if none of the light emitted shines directly onto an adjoining property or into the eyes of the motorist using or entering public streets.

E. Illuminated signs shall have luminance no greater than 300-foot candles.

F. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.

G. Backlit awnings are prohibited.

12.04.07. *Sign location criteria.* The following location standards shall apply to all signs, unless stated otherwise in this chapter.

A. Freestanding signs.

1. Freestanding signs shall only be allowed on sites with a frontage of 50 feet or more.
2. Unless specifically noted in this chapter, signs shall be located wholly within the premises, and shall maintain a minimum setback of ten feet from all property lines. Signs may be allowed within an easement unless it is in conflict with the purpose of the easement.
3. No freestanding sign shall be located closer than 15 feet from any other freestanding sign, on or off the premises. On corner lots, the freestanding signs on each frontage shall be at least 100 feet apart, measured along the rights-of-way. This requirement does not apply to temporary signs.
4. Freestanding signs shall include landscaping around the base of the sign as required in Chapter 11. The plant material shall be selected to complement and enhance the sign.
5. Signs in nonresidential districts shall not be located closer than 50 feet from a residential zoning district except signs on property where the principal use is allowed outright or by special exception in that residential district.

B. *Other signs.*

1. Wall signs shall not exceed 75 percent of the width of the wall where they are placed, except if business is occupying more than one unit and no other wall signs will be placed on the adjoining unit(s); or if there are architectural elements separating facades where signs would be located on single use or multi-tenant buildings.
2. Wall signs shall not cover windows and shall preserve the architectural integrity of the building.
3. No wall sign shall extend above the roofline except where an exterior parapet wall projects above the roofline, in which case such sign may not extend above the top edge of the parapet
4. Wall signs on multistory buildings are allowed above the first floor.
5. Wall signs shall not be allowed within 50 feet of a residential district, if facing a residential zoning district, unless it is a mixed-use district.
6. A projecting sign shall be erected only on a wall of a building and shall not project out more than four feet. Projecting signs over a parking space, travel lane, or a driveway shall have a minimum clearance from finished grade of 14 feet to the bottom of the sign.
7. Projecting signs that extend over a sidewalk or walkway shall provide a clearance of eight feet between the finished grade and the bottom of the sign.
8. Awning lettering shall be placed on the awning valance and not on the vertical arc or diagonal portion of the awning. The awning material may include a design pattern.
9. Directory signs, for emergency and traffic circulation purposes, may be attached to a wall or be freestanding, but shall not be located within 10 feet of any public right-of-way line.

12.04.08. *Flagpoles.* Flagpoles are allowed subject to the following conditions:

A. Two flagpoles are allowed on each parcel/lot having less than 100' of road frontage. Three flagpoles are permitted on lots having 100' or greater of road frontage in the City.

B. Maximum pole height shall be 30 feet in nonresidential districts, and 25 feet in residential districts.

C. All poles shall be ground mounted.

D. All flagpoles shall have a minimum five-foot setback from the property lines.

Sec. 12.05. - Permitted Permanent Signs.

This section establishes the type, location, and size of signs allowed within residential and nonresidential zoned districts.

12.05.01. *Residential zoning districts.*

A. *Monument signs at entrances.* Residential subdivisions and residential multifamily developments may erect signs meeting the following requirements at the entrance to the subdivision or multi-tenant development:

1. *Number of signs.* One double-sided freestanding sign or two identical single-sided signs, one on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).
2. *Maximum sign area.* The total sign area for each entrance sign shall not exceed 32 square feet.
    a. Signs that are combined with a minimum of two architectural embellishments, such as decorative walls, artificial rock formations, waterfalls, lake/pond mounted signs, signs located on grandiose entrance roads or other similar aesthetic features may qualify for an increase of signage square footage up to 64 square feet, and increase in height up to 14 feet, as approved by the land use administrator.
3. *Sign location.* Entrance signs for subdivisions shall be located on a tract or parcel or easement designated for signage purposes. Such tract or parcel shall be owned and maintained by a common property association and shall be located at the entrance of the subdivision.
4. *Maximum height.* Maximum sign height shall be seven feet. See section 12.05.01.A.2.a for possible increase in height.
5. Entry features associated with monument signs at entrances to subdivisions.
    a. Accessory structures associated with subdivision entrance signs shall not exceed 28 feet in height from the grade of the road.
    b. Fences and walls associated with subdivision entrance features shall comply with section 4.01.02.C.

B. *Signs for nonresidential uses.* Except for those signs and sign-types allowed in residential and residentially zoned districts in accordance with Subsection 12.05.01.A, no additional permanent signs or sign-types shall be allowed for permitted nonresidential uses in residential or residentially zoned districts, except for the following sign-types:

1. Freestanding sign. One double-sided freestanding sign meeting the following:
    a. The total sign area shall not exceed 24 square feet.
    b. Signs shall not exceed seven feet in height.
2. Wall sign. Nonresidential uses permitted in residential districts pursuant to Table 3-2 of the LDC are allowed one wall sign per business. Such sign shall be included in the sign area calculation noted in Subsection 12.05.01.B.1. No other signs are permitted on the building, except signs to identify the number and address of the property, for 911 and emergency response systems and public safety purposes.

C. *Directional signs.* Directional signs are allowed in residential districts subject to the following requirements:

1. Signs to assist onsite traffic must be low-profile signs not to exceed three feet in height above grade and four-square feet of surface area, so that public safety personnel can easily identify addresses and to ensure proper traffic flow.
2. All such signs shall be of consistent size, font, and color.

12.05.02. *Nonresidential zoning districts.* The following regulations shall apply to signs within nonresidential zoning districts.

A. *Monument signs at entrances.*

1. *Number of signs.* One double-sided freestanding sign or two identical single-sided freestanding signs, one on each side of the entrance, are allowed at each entrance to the development (excluding emergency access entrances).
2. *Maximum sign area.* The sign shall not exceed a sign area of 32 square feet per sign.
3. *Sign location.* Entrance signs for subdivisions shall be located on a tract or parcel or easement designated for signage purposes. Such tract or parcel shall be owned and

maintained by a common property association and shall be located at the entrance of the subdivision.

4. *Maximum height.* Maximum sign height shall be ten feet. A maximum of 12 inches cap on a column is allowed in addition to the maximum sign height.

B. *Freestanding sign.* Freestanding signs are allowed provided they are monument signs that meet the following requirements:

1. *Single use developments.*
   a. Number of signs. One freestanding sign is allowed per lot frontage facing a street.
   b. Maximum sign area. Thirty-two square feet for the first 100 feet of lot frontage, plus one square foot for each four lineal feet thereafter, to a maximum size of 96 square feet for each sign.
   c. Maximum height. Maximum sign height is ten feet.
2. *Multitenant development.* Multitenant developments such as shopping centers, mixed use developments, retail centers, and office parks shall comply with the following standards:
   a. Number of signs. The main development/center and each outparcel may have one freestanding sign per frontage on a public street. One additional freestanding sign may be allowed on parcels within a shopping center development containing a Mid-Scale Retailer or a Large-Scale Retailer and an approved Signage program.
   b. Maximum sign area. The maximum sign area permitted for freestanding signs for the main development shall be calculated based on the street frontage for the entire development site (including outparcels), using the formula noted above for single use signs. Developments that do not have outparcels or outparcels that are not part of the development order sign criteria shall calculate the maximum sign area using the formula noted above as a single use sign.
   c. Maximum height. Maximum sign height shall be ten feet.
   d. Digital display signage shall be permitted on the main development sign only. Digital display shall be prohibited on Outparcel signage.

C. *Wall signs.* Wall signs are allowed provided they meet the requirements of Subsection 12.04.07 (Sign Location Criteria) and the following requirements:

1. Maximum sign area. Each individual business having a separate building entrance shall be permitted one wall sign per street frontage including awning and projecting signs. If the business has a customer entrance on a separate building elevation not facing a street, an additional wall sign meeting the maximum sign area requirements may be permitted for that elevation. Signs shall be subject to the following maximum square footages:

Table 12-1: Permitted Maximum Wall Sign Area in a Nonresidential District

Business Frontage (Linear Feet)	Area (Square Feet)
25 or less	32
26—50	50
51—100	75
101—150	90
151—200	110

201 or more	150

2. *Buildings with shared space and one entrance.* A building with a common entrance for multiple tenants may share wall signage with all tenants if the owner submits a master signage plan that complies with Table 12-1. The owner may share the allocation allotted under Table 12-1 among three separate signs so long as the total square footage does not exceed Table 12-1 and meets the requirements of 12.04.07. If the allocation is used for multiple signs, all signs must be consistent with the approved signage plan. Signs must be of same style, size, font and color.
3. *Large-scale retailers.* Large-scale retailers, as defined in Chapter 14, may have one major wall sign and four minor wall signs. The major wall sign shall not exceed the maximum square footage depicted in Table 12-1. The minor wall signs shall not exceed 24 square feet each.
4. *Mid-Scale Retailers.* Mid-Scale Retailers that are part of a shopping center will be allowed a major wall sign and 2 minor wall signs. The major wall sign shall not exceed the maximum square footage depicted in Table 12-1. The minor wall signs shall not exceed 24 square feet each.
5. *Canopies.* No additional sign area is permitted for canopies *over* fuel operations. However, permitted wall sign area for the principal structure or building may be transferred to the canopy, as long as the canopy signage is only situated on the sides of the canopy facing a right-of-way. This does not apply to required signage pertaining to safety or hazardous situations.
6. *Window signage.*
   a. Window signage, including temporary window signs, shall not exceed 35 percent of the total glass surface area of any one building elevation.
   b. Windows facing vehicle travel lanes: Lighting or illumination(s) that flash, blink, have strobe effects, or have video, animation or full-motion graphics or similar effects are prohibited. Neon signs that are stationary or have minimal movement are permitted. Ie. Signs that state “Open”.

D. *Directory Signage:* Permanent directory signs designed to assist 911 and emergency response systems, pedestrian circulation and traffic circulation shall comply with the following requirements:
   1. Sign area for each sign cannot exceed a maximum size of 24 square feet and not more than two signs per building.
   2. Maximum sign area of 24 square feet applies to both freestanding and wall signs.
   3. If freestanding signs are used, the sign height shall be limited to six feet.
   4. All signs shall be consistent with building aesthetics.

E. *Under-canopy sign.* Each tenant within a multitenant development shall be allowed one under-canopy sign. The under-canopy sign area shall not be counted toward the maximum wall sign area allowed.
   1. The sign shall be no larger than six square feet.
   2. The sign shall be rigidly supported by a decorative chain or bracket and the bottom of the sign shall have minimum clearance of eight feet above the sidewalk.
   3. The sign shall be designed aesthetically compatible with the principal structure.

F. *Directional signage for Emergency Services Purposes.* In addition to the other types of signs allowed on a site, directional signs designed to assist 911 and emergency response systems and traffic circulation are allowed subject to the following requirements:
   1. Directional signs to assist onsite vehicular traffic flow shall be low-profile signs not to

exceed three feet in height above grade and four-square feet of surface area.

2. All directional signs shall be of consistent size, font, and color.

G. *Flags.* Refer to Subsection 12.04.08.

H. *Signs facing drive-through lanes.*

1. Drive-through restaurants are allowed to display drive-through lane signs subject to the following provisions:

a. Each restaurant may display up to two freestanding compatible signs per drive-through, which shall be adjacent to and oriented toward the drive-through area.

b. The sign area may be a maximum of 30 square feet in total, with a maximum height of six feet.

c. If two signs are located side by side, the total sign area may be shared and increased to 45 square feet if the Land Use Administrator determines it to be preferable from a safety perspective.

d. Supporting ancillary equipment is allowed, such as speakers and order confirmation devices. These devices, when combined with a cabinet, must not exceed the maximum height requirements of the signs.

2. Drive-through facilities other than restaurants may display drive-through lane signs subject to the following provisions.

a. One sign per drive through lane

b. Signs not to exceed 16 square feet.

I. *Signage program.*

1. At master site plan application, developments shall include a conceptual signage program showing consistency between architectural elements, designs, and themes for freestanding, wall, and all other signs throughout the planned development. The conceptual signage program shall contain sufficient detail to address sign pattern, style, color, and locations(s). To encourage flexibility in the overall design of the master site plan project, up to 20 percent of total wall sign allowance on the street front facade can be transferred to the freestanding sign provided the request is depicted in a signage program, the total size of the freestanding sign does not exceed 115 square feet, and is included in the development order. All other signs shall be in compliance with Chapter 12 of the LDC.

2. At site plan application, multitenant developments shall include a signage program for all freestanding, wall, and other signs throughout the development that identifies sign style and locations consistent with the architectural theme and architectural integrity of the proposed building(s). The signage program shall be compatible with other sites within a master site plan development. The signage program shall be part of the site plan development order with approved elevation plans and site plan showing the sign locations to include visual details of sign patterns, style, and landscaping. Signs shall be in compliance with Chapter 12 of the LDC.

a. Wall signs. Wall signs with similar style sign casings and/or framings or architectural designated locations and illuminations are encouraged. Wall signs may have minor adjustments in location and size due to unit resizing or unit combining, but the overall architectural integrity of the building(s) and theme of the sign plan shall be maintained.

b. Freestanding signs. Freestanding signs are to be compatible with the proposed architectural design and landscaping.

12.05.03. Digital signs

A. Permitted locations

1. Principal Arterial, Minor Arterial, and some Major Collector roadways (See 12.05.03.B.2)
2. Digital Signs are permitted in the following zoning districts:
   a. COM-1, COM-2 & COM-3 (Neighborhood, General and High Intensity Commercial)

b. OFC-1, OFC-2 (Limited and General Office)
c. IND-1 & IND-2 (Light and Heavy Industrial)
d. PSP (Public/Semi Public)
e. MPD (Master Planned Development) – Nonresidential portions of a MPD if specifically approved in the development agreement.

3. Digital signs are prohibited in all residential zoning districts.
4. Signs with digital/electronic display must be set back a minimum 150 feet from residentially zoned property.
5. Multitenant developments such as shopping centers: Digital display signage shall be permitted on the main development sign only. Digital display shall be prohibited on Outparcel signage.

B. Size, Height and Area
1. Signs with digital displays must meet the criteria for Nonresidential zoning district signs LDC Sec. 12.05.02,A. and 12.05.02.B. which regulates the number of signs, the maximum sign area and the maximum height.
2. The maximum size of the digital area of the sign face permitted as follows:
a. Principal Arterial roadways (US-1, Matanzas Woods Pkwy, Palm Coast Pkwy, SR 100)

Digital sign area may occupy up to 75% of the total sign face.

b. Minor Arterial roadways (Belle Terre Pkwy, Belle Terre Blvd, Old Kings Road-north of SR 100)

Digital sign area may occupy up to 50% of total sign face.

c. Major Collector roadways (Cypress Point Pkwy, Seminole Woods Blvd, Colbert Ln, Old Kings Road-south of SR 100, Palm Harbor Pkwy, Pine Lakes Pkwy, Florida Park Drive. Digital signs prohibited on Royal Palms Pkwy, White View Pkwy, Rymfire Dr., Easthampton Blvd.)

Digital Sign area may occupy up to 50% of the total sign face.

C. Display Duration and Transitions
1. Minimum static display time: 8 seconds.
2. The display screen area shall provide a high-resolution with pixel spacing of ten (10) millimeters or less.
3. Transitions must be instantaneous or fade in/out, dissolve. A fade in/out or dissolve transition is permitted provided the outgoing and incoming messages blend smoothly without creating the appearance of flashing or motion.
4. Other types of transitions, including scrolling, traveling or animated are prohibited.

D. Brightness and Dimming
1. Maximum brightness. The intensity of the light source for a digital sign shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.
2. All Digital Signs must include automatic dimming based on ambient light. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed 0.3 foot-candles above ambient light measured by the method and distance as provided in the International Sign Association - Night-time Brightness Level Recommended for On-Premise Electronic Message Centers.

E. Permitting and Compliance
1. A sign permit is required for all Digital Sign installations or modifications.
2. The conversion of any portion of an existing permitted sign to digital sign shall require a sign permit.
3. The digital area of a sign must be integral to the design of the sign structure.
4. Malfunction Protocol: Signs must default to a black screen or be turned off in the event of a malfunction.
5. Signed and notarized affidavit on provided form is required with permit application.

F. Prohibited Digital signs and sign features
   1. Animation
   2. Digital display is prohibited on Wall Signs
   3. Digital display shall not be permitted on existing non-conforming signs.
   4. Pedestrian carrying digital sign(s)
   5. Parasite digital sign (must be integral to the sign face)
   6. Prohibited features
      a. Flashing, blinking, strobe or similar effects.
      b. Video, animation, or full-motion graphics.
      c. Audible components or sound.

Sec. 12.06. - Temporary Signs.

12.06.01 ***Temporary sign standards.***

A. NON-RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS

Sign type	Number of signs	Maximum sign area and height (The sign areas provided are cumulative for the number of signs allowed)	Time	Additional standards
Commercial signs	One banner sign per business	Area: Based on Business Frontage (Linear Feet) as allowed for Wall Signage in Section 12.05.02.C.1. Table 12-1 Limited to height of building.	Remove after 60 consecutive days	No more than three times per year. Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Commercial signs at outdoor recreational facilities	N/A	N/A	N/A	Must be located at the active sports area and not visible from the right of way
Non-commercial signs	Four per property	Area: Lots less than 1 acre – 16 square feet 1 acre to 10 acres – 32 square feet More than 10 acres – 48 square feet Limit 7' in height	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Signs on property hosting a Special Event	N/A	N/A	N/A	Signage regulated by permit and sign policy
Signs for parcels with active Site/building permits	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16 square feet 1 acre to 10 acres – 32 square feet More than 10 acres – 48 square feet Height: 7 ft max height	Remove within 3 calendar days after issuance of a final inspection or certificate of occupancy.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines. Can divide sign allowance between 2 different signs.
Signs on property being actively marketed for sale, rent or lease	Two visible from rights-of-way adjacent to lot.	Area: Lots less than 1 acre – 16 square feet 1 acre to 10 acres – 32 square feet More than 10 acres – 48 square feet Height: 7 ft.	Remove within 3 calendar days after sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.

B. RESIDENTIALLY ZONED PROPERTIES' TEMPORARY SIGN STANDARDS				
Sign Type	**Number of Signs**	**Maximum Sign Area and Height (The sign areas provided are cumulative for the number of signs allowed)**	**Time**	**Permit Requirements and Additional standards**
Non-commercial signs	Six per lot	Area: 6 sf Height: 6 ft	If associated with an event, remove 15 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Signs for parcels with active site/building permits	One per lot per property right of way frontage	Area: Lots less than 1 acre – 6 sf 1 acre to 10 acres – 12 sf More than 10 acres – 32 sf Height: 7 ft max	Remove within 3 calendar days after issuance of a final inspection or certificate of occupancy	
Signs on property being actively marketed for sale, rent or lease, single family zoning.	Two visible from rights-of-way adjacent to lot; one additional sign (per property) only when the premises are available for inspection by the prospective buyer or tenant; said additional sign shall not be larger than 9 sf and may only be posted on private property with the permission of the property owner	Area: 6 sf per street frontage Height: 6 ft.	Remove within 3 calendar days of sale or lease.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.
Signs on property being actively marketed for sale, rent or lease, multi-family zoning		Area: 24 sf Height: 7 ft		
Signs on properties with a sale on the property (not defined above)	One per street frontage	Area: 6 sf Height: 6 ft	Max. 2 times per year. Remove within 3 calendar days after the event.	Setback: 1. 2 ft. from public right-of-way. 2. 15 ft. from side property lines.

Footnote 1: However, see ULDR Sections 4.01.01 and 12.04.07.A.2 prohibiting signs in City

12.06.02. *Model home and sales offices.*

A. model home is permitted to have one on-site, ground mounted, nonilluminated, freestanding sign in accordance with the following dimensional limitations:

1. Maximum sign area of 24 square feet.
2. Maximum height of four feet.
3. Setback a minimum of two feet from the right-of-way and located outside of the sight triangle as defined in Chapter 5.

B. Model homes that front a second right-of-way are permitted to display one commercial or non-commercial flag, with a maximum sign area of 24 square feet, set back of minimum of two feet from the right-of-way and located outside the sight triangle as defined in Chapter 5.

C. During hours of operation, one "A-Frame" sign may be located on the model home site if in compliance with Section 12.06.03.

12.06.03. *A-frame signs.*

A. *Permissible zoning districts.*

1. A-frame signs are permitted in all nonresidential zoning districts:
2. A-frame signs may be proposed as part of a nonresidential component of a Master Planned Development (MPD) District.

B. *Criteria for A-frame signs.*

1. *Maximum number allowed.* A business with its own separate building entrance is allowed no more than one A-frame sign.
2. *Location.*
   a. No sign may block a business entrance and/or pedestrian or vehicular traffic. Sign placement shall not interfere with the American with Disabilities Act (ADA) requirements.
   b. The sign(s) shall not be placed in landscaped areas.
   c. The sign(s) shall be located within ten feet of the business entrance which it serves but in no event shall the sign be located beyond the width of the business frontage.
   d. No A-frame sign shall be secured, tethered, or installed on traffic devices, utility equipment, trees, furniture, poles, or any other fixture.
   e. Sign(s) shall be located on the ground/sidewalk.
   f. Sign(s) shall not be located within sight triangles or in a manner that obstructs visibility to vehicular traffic.
   g. Sign(s) shall be displayed outside only during business hours.
3. *Construction and maintenance.*
   a. When the adjacent sidewalk is less than six feet in width, the overall dimensions shall not exceed two feet wide by three feet in height; when the adjacent sidewalk is six feet or greater in width, the overall dimensions shall not exceed three feet wide by four feet in height.
   b. No sign shall have moving parts, illumination, or attachments.
   c. The sign shall have no more than two sides and shall be constructed of finished all-weather materials.
   d. Sign(s) must be properly anchored (temporarily) or weighted against the wind to prevent safety hazards. (Ord. No. 2009-26, §§ 88-92, 12-15-09; Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.07. - Variances.

12.07.01. *Review criteria.* The Planning and Land Development Regulation Board may grant variances from the regulations contained in this Code, in accordance with Chapter 2, and based only upon the following criteria:

A. To permit a setback for a sign that is less than the required setback, or

B. To permit the area or height of a sign to be increased by up to 25 percent of the maximum height or area allowed.

12.07.02. *Review findings.* The Planning and Land Development Regulation Board may grant one of the above two types of variances authorized by this section only if it finds there are special physical conditions that:

A. Are due to the exceptional narrowness, shallowness, shape, or topography of the premises on which an activity is located, and

B. Prevent the activity from earning a reasonable return as compared with other activities in the area.

12.07.03. *Scheduling of public hearing.* An application for said variance shall be scheduled for public hearing within 30 working days of the date the application is deemed complete by the City.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.08. - Appeals to Planning and Land Development Regulation Board.

12.08.01. *Procedure.*

A. Whenever it is alleged that there has been an error in an order, action, decision, determination, or requirement by the Land Use Administrator in the enforcement and application of any provision contained within this section or any other provision of this Code pertaining to sign permits (including any allegation that the Land Use Administrator has failed to act within applicable time frames), the aggrieved party may file a written appeal with the Planning and Land Development Regulation Board.

B. The written appeal shall be filed with the Planning and Development Regulation Board within 30 calendar days of the date of the alleged error. The written appeal shall describe the alleged error and the applicable provisions of the Code pertaining to the Land Use Administrator's order, action, decision, determination, requirement, or failure to act.

C. The Planning and Land Development Regulation Board shall hold a hearing within 45 calendar days following receipt of the written appeal, not counting the day of the receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first or the 45th day after the date of receipt.

D. The Planning and Land Development Regulation Board shall render a written decision within ten working days following the hearing.

E. If the Planning and Land Development Regulation Board does not render a decision within ten working days following the hearing, the sign permit shall be deemed denied.

F. Failure to appeal the decision regarding a sign application by the Land Use Administrator to the Planning and Land Development Regulation Board shall not be deemed a failure to exhaust administrative remedies. The applicant may choose to proceed directly to a judicial action once the sign application has been denied by the Land Use Administrator.

G. If an administrative appeal is filed by the applicant, and the Planning and Land Development Regulation Board fails to meet within the prescribed time, the appeal will be deemed denied, and the decision of the Land Use Administrator regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction.

H. Once a decision is appealed to the Planning and Land Development Regulation Board, the Land Use Administrator shall take no further action on the matter pending the Board's decision, except for unsafe signs that present an immediate and serious danger to the public, in which case the City may pursue any proper legal remedy available to it.

I. The Planning and Land Development Regulation Board shall comply with all applicable rules of conduct and procedures that pertain to zoning and that are not inconsistent with the provisions in this chapter.

12.08.02. *Appellate decisions deemed final, subject to review.* The appellate decisions, pursuant to Subsection 12.08.01 above, shall be deemed final, subject to judicial review by the Circuit Court of the Seventh Judicial Circuit in and for Flagler County, Florida, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.09. - Substitution of Noncommercial Speech for Commercial Speech.

Notwithstanding anything contained in this chapter or Code to the contrary, any sign erected pursuant to the provisions of this chapter or Code may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, and other dimensional criteria contained in this chapter and Code have been satisfied.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.10. - Content Neutrality as to Sign Message (Viewpoint).

Notwithstanding anything in this chapter or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 12.11. - Severability.

12.11.01. *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and Code.

12.11.02. *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in Section 12.11, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration ofsuch unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or Code, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

12.11.03. *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in Subsection 12.11.01, or elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Subsection 12.03.02 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and Code.

12.11.04. *Severability of prohibition on off-site signs.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other Code provisions and/or laws as declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on off-site signs as contained in this chapter and Code.

(Ord. No. 2024-11, § 3, 4-2-24)

Sec. 13.01. - Purpose and Applicability.

13.01.01. *Purpose.* The purpose of this chapter is to create and maintain a positive community image and identity by requiring architectural treatments that enhance the visual appearance and character of the City.

13.01.02. *Intent.* This chapter is intended to supplement City development regulations with specific design requirements that result in quality architecture, which emphasize pedestrian scale and recognize local character.

13.01.03. *Applicability.* The provisions of this chapter apply to new development and construction, redevelopment and alterations to existing buildings in the City. In addition, stricter requirements are provided for the Gateway Overlay Zone and the Palm Coast Parkway Overlay Zone, as set forth in Chapters 3 and 4.

A. Mobile homes that bear a Department of Housing and Urban Development seal are not subject to the architectural design regulations contained in this chapter.

B. Manufactured dwellings and mobile homes that bear a Florida Department of Community Affairs seal shall meet the design regulations as residential uses.

Sec. 13.02. - General Requirements.

The following architectural design requirements shall apply to all new development and construction, redevelopment, and alterations to existing structures within the City. Alterations shall include any change, addition, or modification including, but not limited to, repainting, that affects any of the elements governed by these architectural design criteria.

13.02.01. *Architectural styles.* The City has identified several recognized architectural styles for the design of buildings within the City. One of the following styles shall be used in the design of a nonresidential building. Applicable styles include Spanish Mission, Mediterranean, Italianate, Colonial, Neoclassical, Greek Revival, Modern, Craftsman, and Florida Vernacular.

13.02.02. *Green building.* Green building principles related to energy efficiency, resource protection, and environmental protection (e.g. reusable building materials, light colored roof materials, living roofs to treat stormwater, etc.) set forth by agencies such as, but not limited to, the United States Green Building Council and similar agencies are encouraged.

13.02.03. *Coastal building visual relief.* Buildings within 300 feet of the Intracoastal Waterway shoreline shall be oriented to provide one foot of unobstructed view from the right of way to the waterfront for each three feet of view obstructed by the building.

13.02.04. *Garages.* Garages that are detached from the principal structure shall be designed and constructed so that the roof and exterior walls of the garage are of similar architecture, materials, and colors as the exterior of the principal structure.

13.02.05. *Accessory structures.* The roof, exterior walls, and exterior colors of accessory structures, excluding prefabricated sheds, shall be compatible with the design of the principal structure. Accessory structures must meet the requirements as set forth in Chapters 3 and 4.

13.02.06. *Exterior colors*. Colors of walls, roofing, and accents such as trim and doors, shall be coordinated to achieve a visually and aesthetically positive effect consistent with sound and generally accepted land development principles and practices. While varieties of natural and painted colors are permitted, certain color principles shall be followed. The range of roofing materials and colors allowed for residential and nonresidential uses shall be as described in this section.

A. Exceptions.

1. The exterior colors of all residential, multi-family and nonresidential buildings shall be regulated according to this section with the exception of properties zoned MPD which are exempt from Subsection 13.02.06.B.1.
2. Unpainted natural stone, brick, roof material or natural appearing substitutes are excluded from exterior color requirements.
3. Garage doors that are not painted but are a varnished or stained natural wood with natural wood colors and visible wood grain, or other garage door materials similar in appearance and color of natural wood garage doors with wood-like texturing and visible wood grain surfacing, are excluded from Subsection 13.02.06.B.1.
4. Front entry doors are excluded from the exterior color requirements Section 13.02.06 except for Subsection B.3., prohibited colors.

B. Measurement of color. Multi-family and nonresidential building walls or garage door colors, excluding accent colors shall be determined using the Light Reflectance Value (LRV) index or an equivalent methodology.

1. Wall or garage door colors.

a. Light pastel colors and white. Acceptable light pastel colors and white shall have LRV of 80 or greater.

b. Earth tones. Earth tones include shades of brown, brown-taupe or sandy-taupe, beige, terra cotta, olive, sage and gray. Acceptable earth tone shades shall have a LRV of 25 or greater.

c. Garage doors shall be pastel or earth tone colors. However, earth tones colors may have a LRV less than 80, and may include black.

2. Accent colors for residential, muti-family and nonresidential.

a. Accent colors are all colors except prohibited colors as stated in Subsection B.3. of this section.

b. Accent colors shall only be applied to architectural elements except garage doors. Architectural elements may include but are not limited to, doors, shutters, keystones, quoins, awnings, window trims, door frames, window sills, cornices, and banding.

c. Accent colors shall not exceed 20 percent of any one elevation.

3. Prohibited colors.

a. Fluorescent colors shall be prohibited on all exterior surfaces. Neon lighting is not included within the term "fluorescent."

b. Residential and multi-family are prohibited from using any shade of purple, fuchsia, magenta, and orange that does not meet the pastel requirements of Subsection 13.02.06.B.1a.

4. Colors without a LRV. If the LRV of a color sample is not available, the Land Use Administrator shall compare the color sample to a color chip with a known LRV and determine whether the sample is lighter, darker, or equivalent LRV.

C. Building color combination.

1. Wall color combinations.

a. For residential buildings, one color shall be selected for the main surface of the building, and a compatible second wall color may be used for recessed front entryway walls.

b. Multi-family and non-residential buildings may vary wall color vertically between building masses, horizontally between stories, or a combination thereof, but no more than three colors can be used per building.

2. Accent color combinations. Accent colors should offer some contrast, and can therefore be darker, lighter, brighter, or richer than wall colors. However, the main consideration in choosing accent colors shall be compatibility with the wall color. Two accent colors shall be allowed per building. Accent colors shall complement the building's wall color.

D. Roof color. Roof color shall be compatible with the selected wall color. Roofs may be in the color of natural roofing materials (such as slate or clay) or may be finished in shades of gray, galvanized silver, copper, brown, green, red, black, blue, or white, except that a roof made of copper may be left in its natural color. Lighter colored roof materials, such as white or allowable galvanized metal, are strongly recommended for energy efficiency purposes.

E. Faux building features. It is prohibited to paint faux features or elements of a structure such as, but not limited to, windows, doors, shutters, or flower boxes.

F. Repainting.

a. When repairs are being made to the building's exterior wall surface, the wall may either be repainted in the same color or the building shall be painted in compliance with the LDC.

b. When repainting any portion of the building's exterior, the building shall either be painted in the same color or the building shall be painted in compliance with the LDC.

13.02.07. *Exterior material/finishes.*

A. *Exterior walls.* Exterior wall finish materials shall include stucco, stone, natural brick, finished concrete, split-faced block, wood, or other material including, but not limited to, synthetic materials similar in appearance and durability to those previously named. Finishes of exposed concrete block or corrugated metal are prohibited except metal may be allowed only in industrial zoning if it is not visible from the right of way and adjacent properties as determined by Land Use Administrator, and at minimum the building is set back 200 ft from the right of way

B. *Roofs.* Roof material visible from the ground shall consist of concrete, slate, clay tiles, asphalt fiberglass shingles, composite shingles, or metal standing seam, classic rib metal, Photovoltaic roofing materials. Residential uses may also have cedar shake wood. Screen room roofs shall have the same material and color as the primary structure or may use 3" insulated composite roofing. Pan roofing and corrugated plastic roofing materials are prohibited. To allow for the introduction of new roofing materials of similar quality and appearance, the Land Use Administrator may maintain a supplementary list of acceptable roofing materials.

(Ord. No. 2013-9, § 2, 11-19-13)

Sec. 13.03. - Single-Family and Duplex Residential Architectural Requirements.

This section shall apply to all single-family and duplex residential dwelling units.

13.03.01. *Architectural styles.*

A. Duplex residential dwelling units shall have the same architectural style, materials, and colors for both sides. Duplex residential dwelling units do not have to be symmetrical.

B. Within residential developments, an identical house can only repeat every four lots when fronting the same right-of-way including both sides of the street. However, two nonidentical houses of the same style may be built adjacent to each other. To be considered nonidentical, the two houses should be distinguishable in ways such as reverse orientation plans, tile and

shingle roof, articulation changes (different articulations, use banding on one and shutters on the other, etc.), Façade design change which is a structural change. (Different massing, change window location, change entranceway design, change roof line design etc.), or architectural equivalent.

13.03.02. *Roofs.* Roofs that are visible from the public right-of-way shall be of shed, hip, gambrel, mansard, or gable styles. Roof height, bulk, and mass must appear structural even when the design is nonstructural. The following requirements shall apply:

A. *Pitched roofs.*

1. All single-family and duplex buildings shall have a pitched roof covering a minimum of 65 percent of the overall floor area under the roof.

2. Pitched roofs shall have a minimum slope of 5:12 (5 inches vertical rise for every 12 inches horizontal run) and shall have an overhang beyond the building wall; however, the overhang shall not encroach into an easement.

3. Flat roofed areas including, but not limited to, porches are permissible in the remaining 35 percent of floor area under roof.

B. *Flat roofs.*

1. Porches or screen rooms may have flat roofs where allowed. Screen rooms are only permitted at the rear of the home.

2. Flat roofs shall be reviewed by the Land Use Administrator for architectural and aesthetic design and impact on the surrounding area.

3. Flat roofs shall be located at the rear of the building out of view from the public right-of-way. On saltwater canals, flat roofs must match the roof of the primary structure (color and material) unless they are located between a screen enclosure and the residence. Matching shingles or modified bitumen rolled roofing with granules that resemble shingles are permissible.

13.03.03. *Facade design.*

A. *Massing requirement.* Building massing shall be implemented by use of techniques that reduce the appearance of high building density or bulk. At least one massing treatment, in addition to the articulation requirement, shall be included for each 50 linear feet of wall that exceeds 50 feet in length.

B. *Articulation.* Facade articulation is required to add interest to a building. The following features shall be acceptable techniques of exterior articulation:

1. A base course or plinth course; banding, moldings, or stringcourses; quoins; oriels; cornices; arches; balconies; brackets; shutters; keystones; dormers; louvers as part of the exterior wall construction.

2. Quoins and banding shall wrap around the corners of the structure for at least two feet.

3. Banding placed around the windows and doors visible from the right-of-way, golf course, canals, lakes, or other similar highly visible areas. Window shutters may substitute for banding.

4. Horizontal banding continuing the length of the wall that faces a street, golf course, saltwater canal, or other similar highly visible areas.

C. *Fenestration.*

1. Windowless exterior walls, excluding garage doors, that face a public right-of-way, golf course, canals, lakes, or other similar highly visible areas are prohibited.

2. All single-family residences shall have only one entry door on the designated primary front façade and all single families shall have only one primary front façade.

3. Windows shall be consistent with the architectural style of the building and proportionate in size and placement relative to the overall façade composition.

4. The use of reflective glass on residential structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15 percent or greater.

D. *Shutters.* Shutters function as an accent to windows as well as weather protection.

1. *Accent shutters.* Accent shutters are designed as a visual detail for windows.

a. Accent shutters shall be a contrasting color to the wall color.

b. Shutters shall match the height of the window.

c. Acceptable types of accent shutters include traditional horizontal slat or panel type shutters. Professional scoring or etching of a stucco wall to give the appearance of shutters is also acceptable.

2. *Weather protection shutters.* Professionally installed Bahaman, Accordion, Roll-Down, Clear Guard Panels, and Armor Screen Hurricane Protection shutters and similar approved products subject to Land Use Administrator, used as weather protection shall maintain the architectural character when residences are boarded up. Plywood shall not be considered a weather shutter except for 168 hours (7 Days) before storm force winds are predicted to reach Palm Coast and 168 hours (7 Days) after a storm force wind are predicted to pass Palm Coast. Duct tape shall not be an acceptable method of shutter fastening. Storm shutters can be used one month prior to the hurricane season through one month after the hurricane season.

E. *Awnings.* If used, awnings shall complement the architectural style and colors of the residence. Awnings may be placed above windows and doors. Placing any awning on residential garage doors is prohibited. Permitted awnings shall be constructed from canvas, matte finish vinyl, copper, wood, or a material that the Land Use Administrator deems appropriate with regard to the architectural style.

1. *Prohibited materials.* Plastic, shiny vinyl, Plexiglas, corrugated metal, or materials resembling plastic are prohibited.

2. *Illumination.* Backlit awnings shall be prohibited.

13.03.04. *Mechanical equipment.* Mechanical equipment such as, but not limited to, air conditioning units, pool pumps, generators, back flow preventers, and gas tanks shall be screened from view of the public right-of-way and access easements with landscaping and/or fencing in compliance with City regulations.

13.03.05. *Manufactured dwellings and mobile homes bearing a Florida Department of Community Affairs Seal.* Manufactured dwellings and mobile homes that bear a Florida Department of Community Affairs Seal shall comply with the regulations for single-family residential and duplex architectural design. In addition, they shall meet the following:

A. A continuous perimeter stemwall foundation or monolithic foundation floor slab system that meets all criteria of the Florida Standard Building Code, shall be provided. Exterior walls of

these dwellings shall bear directly on the foundation. Isolated elevated pier foundations are prohibited. Interior load-bearing foundations and/or walls shall be continuous.

B. The electrical service entrance shall be located on the dwelling.

C. The exterior face of all stemwall foundations and/or monolithic design shall be architecturally finished with Portland cement stucco, brick, stone, siding materials, or other durable material approved by the Land Use Administrator.

D. The main entranceway shall be covered with a roof structure. The roof structure shall be consistent with the roof structure of the principal dwelling and shall cover, at a minimum, the required exterior landing at the door. The entry roof structure may be an extension of the main roof system or a separate roof system that matches the main roof slope, materials, and architectural style. If separate, the roof structure shall be consistent with the principal dwelling.

(Ord. No. 2009-26, §§ 93—96, 12-15-09)

Sec. 13.04. – Multifamily and Nonresidential[1] Architectural Requirements.

1. Industrial uses are located in section 13.05.

The requirements contained in this section apply to all multifamily and nonresidential development excluding Industrial.

13.04.01. *Corporate trademark design.* Exceptions to the requirements contained within this chapter shall not be made for corporate franchises.

13.04.02. *Building architecture.* Building enhancements are required and shall be achieved through the use of the following:

A. *Building massing.* Massing refers to the two-dimensional shape or three-dimensional volume of a building. Attention to massing is especially important for large buildings whose bulk can be out of scale with their surroundings; or whose walls or roof lines may be uninterrupted, excessively long or high, or monotonous. Multifamily and nonresidential developments shall provide building massing and articulation as follows:

1. *Massing requirements.* Building massing shall be implemented by use of techniques that reduce the appearance of high building density or bulk. At least one massing treatment, in addition to the articulation requirement, shall be included for each 50 linear feet of wall that exceeds 50 feet in length.

2. *Massing techniques.* The use of the following building features, when more than three feet in depth or height, shall qualify as techniques that improve building massing. Other massing techniques may be used, as approved by the Land Use Administrator:

a. Balconies.

b. Building wall offsets.

c. Colonnades.

d. Cupolas.

e. Towers.

f. Pavilions.

g. Arcades.

h. Porticos.

i. Projections and recessed sections.

j. Clock or bell towers.

k. Variations in the height of the roof line.

l. Verandas.

m. Overhangs.

3. *Multifamily buildings.* Large multifamily and townhome building volumes shall be broken into smaller parts to avoid a massive appearance and to allow for ventilation and vistas. In addition to the massing requirement noted above, facades of multifamily developments shall not extend for more than 100 horizontal feet without a major volume shift or a substantial break in volume.

B. *Exterior articulation.* Articulation of exterior walls is required to add interest and a distinctive sense of place to a building. The following features qualify as techniques of building articulation:

1. *Articulation requirements.* All facades shall include, in addition to the massing requirement, at least one articulation from the list below on each facade. Facades extending for more than 50 horizontal or vertical feet shall provide at least two exterior treatments.

2. *Prohibited articulation techniques.* Professional scoring or etching of a stucco wall to give the appearance of shutters, doors, or windows shall be prohibited.

3. *Articulation techniques.* The use of the following elements shall qualify as articulation techniques:

a. Base course or plinth course.

b. Portals.

c. Windows.

d. Transoms.

e. Show cases.

f. Bay windows and oriels.

g. Lintels.

h. String courses and moldings.

i. Fascia.

j. Cornice.

k. Piers.

l. Arches.

m. Bays.

n. Balconies.

o. Brackets.

p. Wings.

q. Porches.

r. Stoops.

s. Corbel

C. *Fenestration.*

1. Windowless exterior walls that face a public right-of-way are prohibited.

2. For multistory commercial uses, at minimum 50 percent of the wall facade on the first floor story shall have windows.

3. For office and multifamily uses, at minimum 15 percent of the wall façade per story shall have windows.

4. Windows shall be consistent with the architectural style of the building and proportionate in size and placement relative to the overall façade composition

5. The use of darkly tinted or reflective glass on the first floor of commercial structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15 percent or greater and darkly tinted glass windows include glass with a visible light transmittance rating of 35 or less. The use of low-emissivity (Low-E) glass is encouraged, but must demonstrate that the reflectance and transmittance requirements are met. All plans submitted to the City shall include the glass manufacturer's visible light reflectance, visible light transmittance ratings and Low-E glass specifications for evaluation. Privacy can be achieved through the use of blinds and curtains.

6. Uses such as movie theaters, bowling alleys, skating rinks, industrial facilities, warehouses, and similar uses are exempt from the fenestration requirements. The building façades shall provide additional architectural elements in lieu of windows at the same percentages of Subsection 13.04.02.C.2.

13.04.03. *Roofs.* The following types of roofs are permitted:

A. *Pitched roofs.*

1. A pitched roof shall have a minimum slope of 5:12 (5" vertical rise for every 12" horizontal run) and shall have a minimum overhang of two feet beyond the building wall. Flat roofed areas including porches, are permissible in the remaining 35 percent of floor area under roof.

2. Pitched roofs shall be enhanced by the addition of dormers, belvederes, chimneys, cupolas, clock towers and similar elements. Enhancements shall be consistent with the main elements of the building.

B. *Mansard style roof.* False mansards are prohibited.

C. *Flat roofs.* Buildings that have a flat roof shall be hidden from public view by a parapet and decorated by a cornice.

1. *Parapet.* The highest point of a parapet shall not at any point exceed 20 percent of the height of the supporting wall.

2. *Cornice.* Cornices may be simple or mixed (straight and curved moldings), but should not exceed 24 inches in depth. Cornices shall have a minimum of 12 inches in height, and a minimum of three vertical (not diagonal) changes in plane, and a variety of thicknesses in relief ranging from the greatest at the top to the least at the bottom.

D. *Canopy roofs.* Canopy roofs for gas stations, drive-through restaurants, and banks are exempt from the pitched roof requirements.

13.04.04. *Building entrances.* All buildings are subject to the following regulations:

A. *Entrance placement.* The main building entrance shall face the public right-of-way unless it is determined by the Land Use Administrator that such configuration is not practicable. When parking is located on the side or rear of the building, the placement of a suitably large building entrance that faces the parking area shall complement, but not displace the main building entrance.

B. *Entrance articulation.* Main building entrances shall be articulated in a manner consistent with the architectural style of the building. All buildings shall have a minimum of one of the following architectural treatments, separate from the massing and articulation requirements, for each main building entrance: lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and features consistent with the building style.

13.04.05. *Awnings.* Awnings shall complement the architectural style and colors of the building. Awnings may be placed above windows and doors and are subject to the following requirements:

A. *Height.* A minimum clearance of eight feet shall be maintained between the sidewalk and the lowest part of the awning.

B. *Prohibited materials.* Plastic (or materials resembling plastic), shiny vinyl, and Plexiglas are prohibited.

C. *Illumination.* Backlit awnings are prohibited.

13.04.06. *Light fixtures.* Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building.

13.04.07. *Mechanical equipment, utilities, and storage areas.*

A. *Mechanical equipment.* When visible or audible from adjacent property or from the public right-of-way, mechanical equipment shall be screened by walls, fencing, roof elements, or landscaping. Screening shall be extended at least one foot above the equipment being screened. Ground-mounted mechanical equipment shall be located within 20 feet of the principal structure, except transformers.

B. *Service, utility, display, and storage areas.*

1. Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties both at ground and rooftop levels by walls made of masonry, brick, or durable man-made materials.

2. Utility boxes must be totally screened from view of principal streets, as well as pedestrian areas and walkways. Backflow preventers shall be landscaped.

3. Areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design, and construction materials for these areas shall be of comparable quality and appearance as that of the primary building.

4. Shopping cart storage shall be located inside the building. Cart corrals used by patrons shall be screened by a solid landscaping hedge or wall consistent with the building architecture and materials.

13.05 Industrial

The requirements contained in this section apply to only Industrial zoning districts

13.05.01. *Corporate trademark design.* Exceptions to the requirements contained within this chapter shall not be made for corporate franchises.

13.05.02. *Building architecture.* Building enhancements are required and shall be achieved through the use of the following:

A. *Building massing.* Massing refers to the two-dimensional shape or three-dimensional volume of a building. Attention to massing is especially important for large buildings whose bulk can be out of scale with their surroundings; or whose walls or roof lines may be uninterrupted, excessively long or high, or monotonous. Industrial buildings shall provide building massing and articulation as follows:

1. *Massing requirements.* Building massing shall be implemented by use of techniques that reduce the appearance of high building density or bulk. At least one massing treatment, in addition to the articulation requirement, shall be included for each 50 linear feet of wall that exceeds 50 feet in length.

2. *Massing techniques.* The use of the following building features, when more than three feet in depth or height, shall qualify as techniques that improve building massing. Other massing techniques may be used, as approved by the Land Use Administrator:

   a. Balconies.

   b. Building wall offsets.

   c. Colonnades.

   d. Cupolas.

   e. Towers.

   f. Pavilions.

   g. Arcades.

   h. Porticos.

   i. Projections and recessed sections.

   j. Clock or bell towers.

   k. Variations in the height of the roof line.

   l. Verandas.

   m. Overhangs.

3. Uses such as industrial facilities, warehouses, and similar uses are exempt from the massing techniques if the building is not visible from the right of way as determined by the land use administrator.

B. *Exterior articulation.* Articulation of exterior walls is required to add interest and a distinctive sense of place to a building. The following features qualify as techniques of building articulation:

1. *Articulation requirements.* All facades shall include, in addition to the massing requirement, at least one articulation from the list below on each facade. Facades extending for more than 50 horizontal or vertical feet shall provide at least two exterior treatments.

2. *Prohibited articulation techniques.* Professional scoring or etching of a stucco wall to give the appearance of shutters, doors, or windows shall be prohibited.

3. *Articulation techniques.* The use of the following elements shall qualify as articulation techniques:
    a. Base course or plinth course.
    b. Portals.
    c. Windows.
    d. Transoms.
    e. Show cases.
    f. Bay windows and oriels.
    g. Lintels.
    h. String courses and moldings.
    i. Fascia.
    j. Cornice.
    k. Piers.
    l. Arches.
    m. Bays.
    n. Balconies.
    o. Brackets.
    p. Wings.
    q. Porches.
    r. Stoops.

C. *Fenestration.*

1. Windowless exterior walls that face a public right-of-way are prohibited.
2. For multistory industrial uses, at minimum 15 percent of the wall facade on the first floor story shall have windows.
3. Windows shall be consistent with the architectural style of the building and proportionate in size and placement relative to the overall façade composition
4. The use of darkly tinted or reflective glass on the first floor of commercial structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of 15 percent or greater and darkly tinted glass windows include glass with a visible light transmittance rating of 35 or less. The use of low-emissivity (Low-E) glass is encouraged but must demonstrate that the reflectance and transmittance requirements are met. All plans submitted to the City shall include the glass manufacturer's visible light reflectance, visible light transmittance ratings and Low-E glass specifications for evaluation. Privacy can be achieved through the use of blinds and curtains.
5. Uses such as industrial facilities, warehouses, and similar uses are exempt from the fenestration if the building is not visible from the right of way as determined by the land use administrator. The building façades shall provide additional architectural elements in lieu of windows at the same percentages of Subsection 13.04.02.C.2.

13.05.03. *Roofs.* The following types of roofs are permitted:

A. *Pitched roofs.*

1. A pitched roof shall have a minimum slope of 2:12 (2" vertical rise for every 12" horizontal run) and shall have a minimum overhang of two feet beyond the building wall. Flat roofed areas including porches, are permissible in the remaining 35 percent of floor area under roof.

B. *Mansard style roof.* False mansards are prohibited.

C. *Flat roofs.* Buildings that have a flat roof shall be hidden from public view by a parapet and decorated by a cornice.

1. *Parapet.* The highest point of a parapet shall not at any point exceed 20 percent of the height of the supporting wall.

2. *Cornice.* Cornices may be simple or mixed (straight and curved moldings) but should not exceed 24 inches in depth. Cornices shall have a minimum of 12 inches in height, and a minimum of three vertical (not diagonal) changes in plane, and a variety of thicknesses in relief ranging from the greatest at the top to the least at the bottom.

D. *Canopy roofs.* Canopy roofs for gas station are exempt from the pitched roof requirements.

13.05.04. *Building entrances.* All buildings are subject to the following regulations:

A. *Entrance placement.* The main building entrance shall face the public right-of-way unless it is determined by the Land Use Administrator that such configuration is not practicable. When parking is located on the side or rear of the building, the placement of a suitably large building entrance that faces the parking area shall complement but not displace the main building entrance.

B. *Entrance articulation.* Main building entrances shall be articulated in a manner consistent with the architectural style of the building. All buildings shall have a minimum of one of the following architectural treatments, separate from the massing and articulation requirements, for each main building entrance: lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades, and features consistent with the building style.

13.05.05. *Awnings.* Awnings shall complement the architectural style and colors of the building. Awnings may be placed above windows and doors and are subject to the following requirements:

A. *Height.* A minimum clearance of eight feet shall be maintained between the sidewalk and the lowest part of the awning.

B. *Prohibited materials.* Plastic (or materials resembling plastic), shiny vinyl, and Plexiglas are prohibited.

C. *Illumination.* Backlit awnings are prohibited.

13.05.06. *Light fixtures.* Light fixtures attached to the exterior of a building shall be architecturally compatible with the style, materials, colors, and details of the building.

13.05.07. *Mechanical equipment, utilities, and storage areas.*

A. *Mechanical equipment.* When visible or audible from adjacent property or from the public right-of-way, mechanical equipment shall be screened by walls, fencing, roof elements, or landscaping. Screening shall be extended at least one foot above the equipment being screened. Ground-mounted mechanical equipment shall be located within 20 feet of the principal structure, except transformers.

B. *Service, utility, display, and storage areas.*

1. Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties both at ground and rooftop levels by walls made of masonry, brick, or durable man-made materials.
2. Utility boxes and all ground mounted mechanical equipment must be totally screened from view of principal streets, as well as pedestrian areas and walkways. Backflow preventers shall be landscaped if in view of principal street.
3. Areas for outdoor storage, trash collection, and loading shall be incorporated into the primary building design, and construction materials for these areas shall be of comparable quality and appearance as that of the primary building.

Sec. 14.01. - Rules for Construction of Language.

Except as otherwise provided herein all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot", "tract" or "parcel." The word "building" includes "structure." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied." The word "City" shall mean the "City of Palm Coast." The word "Staff" shall mean "City of Palm Coast Staff." The words "Comp Plan" shall mean the "City of Palm Coast Comprehensive Plan." The word "Code" or "LDC" shall mean the "City of Palm Coast Land Development Code." Any key word within the LDC for which a definition is not been provided shall have the same definition as provided in the Comp Plan or Florida Statutes (FS) Definition Index.

Sec. 14.02. - Glossary.

Abutting: Any property that is immediately contiguous or immediately across any road or public rights-of-way from the subject property.

Accent color: Refers to the color application to any building accents such as shutters, doors, and awnings.

Accent plant: A shrub required for certain landscape buffer applications that have a minimum height of 12 inches at time of installation.

Access: The street system providing access to a parking facility, sometimes involving several streets, particularly if one-way.

Accessory use or *accessory structure:* A use or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use or structure.

Access way: The place, means, or way by which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.

Acre: 43,560 square feet; a measurement of area.

Adult daycare center: See *Daycare center/adult.*

Adult entertainment and sexually-oriented businesses: An adult performance establishment, adult bookstore/adult video store, adult motel, or adult theater as those terms are defined in Chapter 16, Article III in the City of Palm Coast Code of Ordinances, which is operated for commercial or pecuniary gain. An establishment with an adult entertainment license shall be presumed to be an adult entertainment establishment and sexually-oriented business.

Adult family-care home: See *Family-care home/adult.*

Affordable multifamily unit: A multifamily unit that is available for rent or purchase by a household earning 100 percent or less of the county's median income, adjusted for family size, for no more than 30 percent of the household's annual income.

Aggregate sign area: See *Sign area, aggregate.*

Agriculture: The production, keeping, or maintenance of plants and/or animals useful to humans whether for sale, lease, or personal use. The term includes farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Aisle, drive: The traveled path through a parking facility between one or two rows of parked vehicles.

Alcoholic beverage: All beverages containing more than one percent of alcohol by weight and shall include intoxication beverages as defined herein. "Intoxication beverages" shall mean all liquors, wines, and beers containing more than three and two-tenths percent of alcohol by weight. In all prosecutions for violations of this LDC the manufacturer's label on the beverage container shall be prima facie evidence that the substance in such container was and is an alcoholic beverage.

Alteration/altered: These terms shall include any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress or egress, or other changes affecting or regulated by the building code or this regulation, except for minor changes or repairs not involving the aforesaid features.

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.

Alternative landscape betterment plan: A replacement landscape plan proposed by the developer of a unique or difficult site that provides additional landscape features not already required and a better public benefit, project screening, and aesthetic appeal than a standard landscaping plan.

Ancillary: A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.

Animal feedlot: A lot, building, or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that cannot maintain a vegetative cover.

Antenna: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to, telephonic, radio, or television communications. Types of elements include, but are not limited to, omni-directional (whip) antennas, sectionerized (panel) antennas, multi or single bay (FM & TV), yagi or parabolic (dish) antennas.

Antenna array: A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna element: Any antenna or antenna array.

Appeal: Relating to flood damage protection, means a request for review of the Floodplain Administrator's interpretation of any provision of Section 10.02.

Applicant: An owner of real property or authorized agent including, but not limited to, developers, an authorized developer of real property, or an apparently authorized person, contractor, or other legal entity including, but not limited to, agents, employees, independent contractors, or others in privity with any of the above.

Application: A written request on a form provided by the City for a specific use.

Aquifer: A saturated geologic formation that will yield a sufficient quantity of water to serve as a private and public water supply.

Arcade amusement center: A place of business having at least 50 coin-operated amusement games or machines on premises that are operated for the entertainment of the general public and tourists as a bona fide amusement facility. (For definition of "adult arcade amusement center," see *Adult arcade amusement center.*)

Arch: A structure, especially one of masonry, forming a curved, pointed, or flat upper edge of an open space and supporting the weight above it, as in a bridge or doorway.

Arterial road: A route providing service that is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.

Articulate: To give visible or concrete expression to the composition of structural elements.

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.

Assisted living facility: Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

Available capacity: The amount of a concurrency public facility available for use by the demand from new development after evaluating existing conditions and committed capacity. The term "available capacity" also means the amount of residual potential of a concurrency public facility available to hold, store, or accommodate the demands upon the facility without such concurrency public facility falling below the level of service standards established in the Comprehensive Plan as it may be amended from time-to-time.

Aviary: A place for the keeping of birds for the purpose of racing, exhibiting, or selling.

Avoidance and minimization: The applicant must consider practicable design modifications, which would reduce or eliminate adverse impacts to wetlands and other surface waters. The term "modification" shall not be construed as including the alternative of not implementing the system in some form, nor shall it be construed as requiring a project that is significantly different in type or function. A proposed modification, which is not technically capable of being done, is not economically viable, or which adversely affects public safety through endangerment of lives or property is not considered "practicable." To receive City approval, a system cannot cause a net adverse impact on wetland functions and other surface water functions not offset by mitigation and in accordance with the requirements established by state law.

Awning: A cloth or other covering extending in front of a window or doorway, or over a deck that provides protection from the sun or rain.

Balcony: A platform that projects from the wall of a building and is surrounded by a railing, balustrade, or parapet.

Balustrade: A balustrade is a row of repeating balusters—small posts that support the upper rail of a railing. Staircases and porches often have balustrades.

Banding: A horizontal decorative feature of a wall, such as a flat frieze or fascia, usually with a projecting molding at upper and lower edges. The flat portion between the moldings may be ornately decorated or flat and unadorned.

Banner: See *Sign, banner.*

Base course: The first or lower course of a foundation wall and made of large stones or a mass of concrete; also called foundation course.

Base flood: A flood having a one-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 "one-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.

Bay: A division of a wall, roof, or other part of a building marked off by vertical elements, such as columns or pilasters. When related to parking, a parking facility unit that has two rows of parking stalls and a central aisle.

Bay window: A window projecting outward from the wall and forming a bay or an alcove within.

Bed and breakfast inn: A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, that has been modified to serve as a transient public lodging establishment. Such use provides the accommodation and meal services generally offered by a bed and breakfast inn and is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

Belvedere: A roofed structure, especially a small pavilion or tower on top of a building, situated to command a wide view.

Berm: A bank or mound of earth usually placed against a foundation wall.

Best management practice (or "BMP")(does not apply to Chapter 9): A practice, activity, procedure, technique, program, methodology, or any combination thereof that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the best management practices in any field is a commitment to using all the knowledge and technology at one's disposal to ensure success.

Best management practices (applies only to Chapter 9): Schedules of activities, prohibitions of practices, maintenance procedures, treatment methods and other management practices to prevent or reduce pollutants from entering or discharging from the City stormwater system.

Boarding home: A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

Bona fide: Genuine or authentic; being actually and exactly what is claimed.

Bona fide agricultural uses: Good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

(1) The productivity of land in its present use;

(2) The relationship of the property to the Comp Plan;

(3) The classification placed upon such lands by the Property Appraiser pursuant to F.S. § 193.461 , and

(4) The current zoning classification of such lands.

Bottle club: A commercial establishment licensed by the state operated for a profit, whether or not a profit is actually made, where patrons consume alcoholic beverages which are brought onto the premises and not sold or supplied to the patrons by the establishment, whether the patrons bring in and maintain custody of their own alcoholic beverages or surrender custody to the establishment for dispensing on the premises, and which is located in a building or other enclosed permanent structure. Non-alcoholic mixers or so-called "set-ups" may be provided by the club. This definition does not apply to sporting facilities where events sanctioned by nationally recognized regulatory athletic or sports associations are held; bona fide restaurants licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation whose primary business is the service of full course meals; or hotels and motels licensed by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; or a social, fraternal or civic association or organization which only occasionally or intermittently provides facilities for on-premises consumption of alcoholic beverages by its members and their guests and is not registered to sell alcoholic beverages. This definition also does not include the private clubs listed in F.S. § 561.20 (7)(a).

Bracket: A decorative or weight-bearing structural unit, two sides of which form a right angle with one arm flush against a wall and other flush beneath a projecting surface, such as eaves or a bay window.

Breakpoint technology: The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole. This is so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Breezeway: A roofed passageway, open-sided, the design and construction of which is in keeping with that of the main building and which provides direct access between a main and attached accessory building.

Buffer: Open spaces, landscaped areas, fences, walls, berms, land that is vegetated with native species and left undeveloped, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances and/or reduce the shock of impact.

Buffer, landscape: The area of a site that commences at the property line or where plantable area begins and extends for the width of the required buffer, no matter how far into the site it goes.

Buffer, wetland: Upland area adjacent to or surrounding a wetland that is vegetated with native species and left undeveloped to provide protection from potential adverse secondary impacts associated with future development. The buffer area is not part of the jurisdictional wetland and as such shall not be calculated as part of the wetland acreage for the determination of wetland impacts.

Buildable area: Portion of a building site remaining after deducting all required setbacks and meeting any requirements regarding maximum impervious surface.

Buildable land: Land recognized as being above the 100-year flood level with soil conditions that can properly support structures, not including critical wetlands, such as lakes, streams, swamps, and marshes.

Builder: Any person, firm, association, partnership, corporation, realtor, or corporation who constructs model homes and other residential dwellings for sale to the public.

Building: Any structure, temporary or permanent, with a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building envelope: The space in which a structure is permitted to be built on a lot; it is defined by the minimum yard setbacks.

Building height: See *Height of building*.

Building line: See *Setback line*.

Building permit: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

Building, principal: A building or buildings in which is conducted the principal use of the lot on which said building is situated.

Building site: See *Site, building.*

Bulkhead: A structure built between a waterbody on one side and land on the other side.

Business office: Facility consisting of desks, computers, files, phone banks, coping machines, or other equipment usually associated with and utilized in a business office.

Business transaction: A business transaction is a transaction between the seller and a potential purchaser other than the signing of a contract of purchase, selection of a lot or house plan, selection of paint colors, selection of cabinets, fixtures, and appliances, and other similar actions by a purchaser in deciding on the purchase of a home.

Bypass lane: See *Lane, bypass*.

Caliper: The trunk diameter for new trees up to, and including, four inches in diameter as measured at six inches above grade. All new trees over four inches in caliper will be measured 12 inches above grade. The diameter of all existing trees shall be measured at 4½ feet above grade (diameter at breast height (DBH)).

Canopy: With reference to structures, a roof like cover, including an awning, that projects from the wall of a building over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service area. With reference to buffer yards, a landscape element that functions as an overhead or "ceiling" used in single or multiple plantings to create shade.

Caretaker's dwelling: An accessory dwelling that houses a caretaker, manager, or security agent employed on the building site due to the need for 24-hour care and security of plants, animals, equipment, or other conditions of the site.

Carport: A roofed structure not more than 75 percent enclosed by walls used to provide shelter for one or more vehicles.

Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of completion: A written document required prior to occupancy, issued for a use upon a developer's compliance with the provisions of this LDC and any applicable development agreement.

Certificate of concurrency: A statement issued by the City, on a form designed by the Land Use Administrator, relating to a specific development project on a specific parcel of real property or part thereof that is valid for so long as the underlying development order on the parcel is valid. It is to state that all concurrency review requirements, as provided herein, are satisfied as to said development and that specified quantities of concurrency public facilities are reserved. The issuance of a certificate of concurrency shall be a prerequisite to the issuance of any final development order. The issuance of a certificate of concurrency shall not be deemed to insure or guarantee any person or entity including, but not limited to, the holder or owner of the certificate, that any particular level of service currently exists or will exist in the future on a particular concurrency public facility at the time of issuance or at any other given point in time.

Certificate of exemption: A statement issued by the City, on a form designed by the Land Use Administrator, relating to a specific development project on a specific parcel of real property or part thereof, stating that said development is exempt from the concurrency requirements identified in Chapter 7. The issuance of a certificate of exemption shall be a prerequisite to the issuance of any final development order. The issuance of a certificate of exemption shall not be deemed to insure or guarantee any person or entity including, but not limited to, the holder or owner of the certificate, that any particular level of service currently exists or will exist in the future on a particular concurrency public facility at the time of issuance or at any other given point in time.

Certificate of occupancy: An official certificate issued by the City under the authority of ordinance or law authorizing the occupancy of a building for its intended use. The certificate of occupancy shall not be issued until a certificate of completion has been issued.

Change in use: See *Use, change in*.

Child daycare center: See *Daycare center/child.*

Child family daycare home: See *Family daycare home/child.*

City Council: The City Council of the City of Palm Coast.

City Manager: Either the City Manager or such staff person designated to act by the City Manager in order to respect the rules of the City Manager under the City Charter.

City Stormwater system (or "MS4"): A conveyance, storage area or system of conveyances and storage areas (including, but not limited to, roads with drainage systems, streets, catch basins, curbs,

gutters, ditches, manmade channels, storm drains, treatment ponds and other structural BMPs), owned or operated by a city that discharges to waters of the United States or to other MS4s, that is designed solely for collecting, treating or conveying stormwater, and that is not part of a publicly owned treatment works (POTW), as defined by 40 Code of the Federal Register 403.3.

Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club civic: An establishment operated by a corporation or association of persons for community, social, fraternal, or recreational purposes and not operated or maintained for profit.

Coastal high hazard area: Relating to flood damage protection, this term means 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.

Collector road: A route providing service that is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

Colonnade: A series of columns placed at regular intervals.

Colors:

a) *Fuchsia:* A dark purplish-red color, a red with a tint of purple or hot bright pink.

b) *Magenta:* A dark purplish-red color.

c) *Orange:* Color combinations using yellows and reds, lacking visible brownish shades.

d) *Purple:* Color combinations using reds and blues to include colors known as violet.

Column: A column is an upright pillar or post. Columns may support a roof or a beam, or they may be purely decorative. The base is the lower portion of a column. The capital is the upper portion of a column. The entablature is the area that the column supports.

Commencement of construction: See *Construction, commencement of.*

Common area: Area under common ownership of a subdivision (e.g. recreation area, medians), site plan, condominium, or similar development excluding rights-of-way.

Communication conduit: Any pipe which is installed in a road right of way or easement with the intent of carrying wire and cable to be used for communication technology.

Community residential home: Per F.S. ch. 419 , a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services, or a dwelling unit licensed by the Agency for Health Care Administration. Such dwelling unit provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Compatibility: The characteristics of different uses or activities, which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include: height, scale, mass, and bulk of structures, pedestrian or vehicular traffic, circulation, access, and parking impacts, landscaping, lighting, noise, odor, architecture, and public hazards. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

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.

Completeness review: The review of an application in order to determine if all material is present for the specific application type.

Compliance review: The review of an application in order to determine compliance with all federal, state, and local regulations.

Comprehensive plan: A plan designed and adopted to guide development in the City of Palm Coast as required by F.S. ch. 163 .

Concurrency baseline statement: A documented status report as to available capacity relating to concurrency public facilities as a result of the commitment, entitlement, or utilization of concurrency public facilities.

Concurrency management monitoring system: The data collection, processing, and analysis performed by the City to determine available capacity for concurrency public facilities and services and to track certificates of concurrency. Data utilized shall be the most current reliable information available to the City as determined by the Land Use Administrator.

Concurrency management system (CMS): The procedures and processes that the City utilizes to ensure that no development order or permit is issued by the City unless the necessary concurrency public facilities are available or are assured to be available consistent with the Comprehensive Plan and comply with State law in order to meet the impacts of development. As part of the CMS, the City shall operate and maintain a concurrency management monitoring system.

Concurrency public facilities: All arterial and collector roads; stormwater management; potable water treatment plants; sanitary sewer treatment plants, solid waste processing facilities, transfer stations and landfills; urban community parks including land and facilities; and mass transit buses. Such concurrency public facilities may be owned or operated by local, state or federal governments, independent districts and/or private organizations.

Concurrency review: The process utilized by the City to determine if concurrency public facilities and services are adequate to accommodate the impacts of new development at or above the levels of service standards adopted in the Comprehensive Plan.

Conditionally exempt small quantity generator: A conditionally exempt small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 261, is a facility or business which, in a calendar month, generates no more than 100 kilograms (220 pounds or 25 gallons) of hazardous waste or less than one kilogram of an acute hazardous waste. Additionally, the generator shall not accumulate more than 1,000 kilograms (2,200 pounds or 250 gallons) of hazardous waste at any time.

Connectedness (of a wetland): The degree to which a wetland borders terrestrial, aquatic, or other wetland systems. The greater the extent to which this bordering occurs (in numbers or linear distance), the greater the connectedness.

Conservation: Preserving from loss, waste, or harm. The official preservation of natural resources such as topsoil, forests, and waterways.

Construction (does not apply to Chapter 9): Any activity including erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting, and landscaping.

Construction activities (applies only to Chapter 9): The creation, alteration or abandonment of any project, including placement of fill, land clearing, earthwork, or the placement or removal of structures. Cutting of trees or removal of vegetation is not considered land clearing, except where it involves stump removal, root raking, or grubbing.

Construction, commencement of: Construction activity beyond the mere clearing of land that has occurred on a parcel of real property and the construction of the infrastructure required to support an approved development plan has begun in good faith in accordance with all necessary permits and with bona fide intention to complete the construction of such infrastructure.

Construction, new: Relating to flood damage protection and the flood resistant requirements of the Florida Building Code, this term means 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: Relating to flood damage protection, this term 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.

Containment: Physical systems or operational practices used to prevent the release of hazardous substances to the environment.

Containment, secondary: A physical structure such as curbing, trays, double-walled tanks, spill pallets, or other structural controls used to prevent the release of a spill of regulated substances to the environment.

Contamination: The presence of hazardous substances in surface water, groundwater, soil, sediment, or upon the land in quantities that exceed applicable cleanup, target levels established in the Florida Administrative Code (FAC) or other applicable regulations as amended from time to time.

Continuing care retirement community: An integrated residential development designed to let senior adults age in place by providing independent living units, and including either an assisted living facility where assistance with personal care is provided, or a nursing home providing long-term skilled nursing.

Continuous transit: The nonstop movement of a vehicle except for stops required by traffic laws.

Contractor: Any person, firm, association, partnership, realtor, or corporation engaged in the business of accepting orders or contracts.

Convenience store with fueling stations: A retail store selling convenience goods that may include prepared foods with seating for on-site consumption, and having pumps for the fueling of automobiles and pickups.

Copy area: See *Sign area.*

Cornice: The cornice is the uppermost section of moldings along the top of a wall or just below a roof.

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.

Cross connection: Any physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, wastewater, drain, conduit, pool, storage reservoir, plumbing fixture, or any other device, facility, or system which contains or may contain contaminated water, sewage, waste material, or other material or substance of unknown or potentially unsafe quality which may be

capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper-connections, changeable devices, or other devices through which, or because of which, backflow could occur are deemed to constitute cross connections.

Cross section: A profile of the ground surface perpendicular to the centerline of a street, stream, or valley bottom.

Cultural resources: Any prehistoric or historic district or building, archaeological site, building, object, or other real or personal property of historical, architectural, or archaeological value and folk life resources. These properties or resources may include, but are not limited to, monuments, memorials, Native American habitations, ceremonial sites, abandoned settlements, sunken or abandoned shops, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the State.

Cultural resources, potentially significant: A cultural resource or archaeological site that may be considered, after further investigation, by the State Historic Preservation Officer to be eligible for the National Register of Historic Places.

Cultural resources, protection of: Measures taken to avoid, minimize, or mitigate effects to cultural resources consistent with the provisions of this LDC.

Cultural resources, significant: An archaeological site of prehistoric or historic significance that the State Historic Preservation Officer considers eligible for the National Register of Historic Places.

Cupola: A dome-shaped ornamental structure placed on the top of a larger roof or dome. In some cases, the entire main roof of a tower or spire can be a cupola. More frequently, however, the cupola is a smaller structure which sets on top of the main roof.

Curb: A raised edge on the side of a street or pavement surface.

Data Center: A facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.(Per Florida Statutes 373.203(3))

Daycare center/adult: Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.

Daycare center/child: Any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

De minimis activity establishment: An establishment operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes, or game promotion utilizing those electronic or mechanical devices.

Dead tree: Means a tree that is dead or damaged beyond repair or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs, or branches exists to sustain life) and has been determined to be such by the Land Use Administrator.

Demand for concurrency public facilities: The quantitative measure of the amount of concurrency public facility or other public facilities that is necessary to support a specific increment of development.

De minimis: A minor deviation from the required standards or a small degree of relief from requirements as set forth in the LDC in which it is not necessary to acquire a quasi-judicial decision.

Density: The number of dwelling units per gross acre of buildable land, which includes all streets, public right-of-ways, easements, open space, and onsite recreational facilities.

Derelict vessel: A vessel left upon any public waters or docked at private property in a wrecked, junked, or substantially dismantled condition.

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 feet.

Designee: A person(s) duly authorized to act on the behalf of another.

Detailed methods: Relating to flood damage protection, this term means a method of determining a base flood elevation with a site-specific engineering analysis as described in FEMA publication "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-Year) Flood Elevations," also known as FEMA publication 265.

Developer: That person improving a parcel of land within the City and, who may or may not be the owner of the property.

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, temporary or permanent storage of materials or equipment or other land disturbing activities.

Development order, final: The approval of a development of regional impact, a borrow pit permit, an electrical permit, a master planned development, a right-of-way utilization permit, a site plan, a special exception, a variance, a subdivision preliminary plat, a statutory subdivision final plat, a nonstatutory subdivision plat, an underground utility permit, a dredge and fill permit, a written agreement with the Flagler County School Board for the provision of public facilities and services as required by state law, and any other development order which results in an immediate and continuing impact upon concurrency public facilities. Final development orders may address future expansions of a development and may provide for phasing. A final development order may provide for conditions that must be met in order for subsequent approvals to be given or permits to be issued.

Development order having no impacts on concurrency public facilities: Those development orders that permit or approve:

(1) Accessory facilities for agricultural use that create no additional impacts on concurrency public facilities.

(2) An accessory structure to a residence.

(3) Any sub-permit to new construction.

(4) A change of electrical services.

(5) A driveway or parking lot paving.

(6) Fences.

(7) Permits for historical documentation.

(8) Remodeling, such as moving a wall, if no change in use, addition of units or interior completion of a shell only structure is involved.

(9) The repair or replacement of mechanical systems, wiring or plumbing.

(10) The replacement of structures which will have no additional impacts on concurrency public facilities.

(11) The re-roofing of existing structures.

(12) Room additions (including screen rooms) to a residence.

(13) Signs.

(14) Swimming pools.

(15) Temporary construction trailers.

(16) Use permits and right-of-way utilization permits that do not increase the needed capacity of concurrency public facilities.

(17) Walls.

(18) Wells and septic tanks.

Diameter at breast height: Shall mean the measurement of an existing tree trunk's diameter at four and one-half feet above grade (breast height). For trees with less than four and one-half feet of clear trunk, diameter shall be of the largest leader measured four and one-half feet above ground level. For multitrunk trees, each branch that forks below four and one-half feet is considered a separate tree. Trees that originate from the same base shall be considered one tree regardless of the number of forks present above ground only for purposes of minimum tree cover count only.

Directional sign: See *Sign, directional*.

Discharge: Any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping that may be either accidental or purposeful of any hazardous substance that may negatively impact surface water, soils, or groundwater.

Discount superstore: A very large retail store greater than 100,000 square feet in size that is usually part of a chain, offering a wide variety of merchandise for sale at prices typically below the market price.

Dock: Fixed or floating structure, including access walkways, platforms, catwalks, mooring pilings, lifts, boathouses, and other associated water-dependent structures used for mooring and accessing watercraft.

Dormer: A dormer is a window that is set vertically on a sloping roof. The dormer has its own roof, which may be flat, arched, or pointed.

Drainage: The control of surface flow of water by man-made facilities such as canals, ditches, culverts, or dikes. It can also refer to the artificial lowering of groundwater and the natural drainage of a site in the predevelopment condition.

Drainage area: The watershed (acreage) contributing surface water runoff to the City's stormwater management facilities or systems.

Dredging: To excavate underwater material.

Drinking establishment: An establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. A bottle club is also a drinking establishment.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure. A standard driveway is one leading to a garage for a single-family, two-family, or townhouse residence.

Driveway median: A landscaped island that separates ingress and egress driveways.

Duplex: A detached building intended, designed and occupied as two dwelling units with a common wall or roof on a single lot.

Dwelling or *dwelling unit:* Any building, portion thereof, or other enclosed space or area used as or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.

(1) *Single-family:* A detached building designed for and occupied by one family as a home, with one range in the kitchen area within an interior living space..

(2) *Two-family:* A detached building intended, designed and occupied as two dwelling units with a common wall or roof, and with each unit located on a separate lot under separate ownership.

(3) *Multifamily:* A building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each.

Earth tones: Various rich colors containing some brown. Earth tones are defined herein to include shades of brown, taupe, beige, and gray.

Easement: A grant by a property owner of the use of land for a specific purpose.

Educational facilities: See *Schools.*

Effective removal: A condition of a tree caused by the excessive damage or improper pruning of roots or tree canopy. This includes, but is not limited to, topping, lion tailing, hat racking, or elevation of lower tree branches to a height of more than one-third of the total height of the tree (unless tree is a "standard" form tree).

Egress: An exit.

Electronic equipment: Any electronic device provided by or on behalf of the operator that is used or adapted for use to conduct, or reveal the results of, a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes or other game promotion, that displays results by simulating a game or games ordinarily played on a slot machine or other similar games of chance.

Electronic game promotion: A sweepstakes or other game promotion which utilizes electronic equipment, or a drawing by chance conducted in connection with the sale of a consumer product or service which utilizes electronic equipment that does not violate Florida law.

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.

Encumbrance: Any claim or restriction on a property's title. Relating to concurrency, an administrative technique within the concurrency management system implemented to avoid over committing available capacity. The encumbering of available capacity is not synonymous with the issuance of a "certificate of concurrency."

Endangered species: Those animal species listed in Section 39-27.003, FAC and those plant species listed as endangered in 50 Code of Federal Regulations 17.12.

Entrance: Entranceway into a structure.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the site required for building. Excavation, fill, drainage, and the like shall be considered a part of erection.

Etching: Engraving a design in glass, metal, or a hard surface by removing part of the surface. Also, to remove surface concrete to create an exposed aggregate finish.

Excavation: To make a hole, unearth, scrape, or dig out for the purpose of construction, demolition, or stump/root removal with specific relation to a tree drip line and root system.

Facade: The exterior face of a building including the front exterior wall and any side exterior walls facing the public right of way or access easement.

Facility: A structure or place built, installed, or established to serve a particular purpose.

Facility reservation fees: The dollar amount that is due as impact fees and connection fees relating to concurrency public facilities which fees must be paid as a condition precedent to the validity of a certificate of capacity. The fees are computed at the rate that is in effect at the time that payment is made. Such fees are refundable if a final development order is not issued, expires or is surrendered pursuant to an amending development order issued by the City and a new applicant purchases the reserved capacity from the City. If no refund occurs, however, the fees paid run with the real property to which they relate as a credit against future fees relating to development of the real property.

Family care home/adult: Per F.S. ch. 429 , a full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care on a 24-hour basis for no more than five disabled adults or frail elders who are not relatives.

Family child daycare home/child (large): An occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for two years with an operator who has had a child development associate credential or its equivalent for one year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(1) A maximum of eight children from birth to 24 months of age.

(2) A maximum of 12 children, with no more than four children under 24 months of age.

Family day care home/child: A residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. The license holder must reside in the residence. A family daycare home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(1) A maximum of four children from birth to 12 months of age.

(2) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.

(3) A maximum of six preschool children if all are older than 12 months of age.

(4) A maximum of ten children if no more than five are preschool age and, of those five, no more than two are under 12 months of age.

Farm animals: Animals considered permissible for an agricultural use, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu, or other similar animals.

Fascia: A flat horizontal band or member between moldings, especially in a classical entablature.

Fence: An artificially constructed vertical barrier constructed of wood, vinyl, or metal erected to enclose, restrict access to, screen, or separate areas. An open fence is one having at least 50 percent visibility.

Field conference: A specific purpose meeting scheduled and held at a job site.

Final development order: See *Development order, final*.

Flat roof: See *Roof, flat*.

Fleet storage: The storage of all operable and/or inoperable vehicles consisting of five or more vehicles, which are owned or leased by the business establishment, exclusive of lawful display of all vehicles and trailers, the parking of vehicles for permitted businesses and the parking, storage, and display of heavy commercial vehicles and construction equipment.

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 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 hazard area: The greater of the following two areas:

(1) The area within a floodplain subject to a one-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 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.

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 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.

Floor area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Provided that

for the purpose of determining compliance with the permitted floor area, the floor area of enclosed required off-street parking areas shall not be included. Provided further that floor area for outdoor display of merchandise or customer seating, whether uncovered or covered by a tent or canopy, under the provisions of this LDC shall mean the smallest rectangular area encompassing the display or customer seating area.

Floor area, gross: The sum of the horizontal areas of the stories of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls that separate buildings. Included within such sum shall be the areas of all stories and attic spaces providing structural headroom of at least five and five-tenths feet; interior balconies and mezzanines; and any other space reasonably usable for any purpose except parking; no matter where located within a building. This term does not include the area of any parking garage structure, but does include all other interior spaces including those that are not heated or air conditioned.

Floor area ratio: The gross floor area of all buildings divided by the lot area.

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.

Florida Department of Transportation Design Standards Road and Bridge Technical Specifications: Publication by the Florida Department of Transportation tabulating and specifying design and safety requirements appropriate for use in designing and constructing roadways and bridges for motor vehicle and pedestrian uses.

Florida Department of Transportation Standards for Sight Triangles and Sight Distances: Publication by the Florida Department of Transportation tabulating design and safety requirements protecting appropriate lines of sight for motor vehicle drivers.

Florida-friendly landscaping: A set of nine guiding principles which help protect natural resources and preserve Florida's unique beauty including: right plant, right place; water efficiently; fertilize appropriately; mulch; attract wildlife; manage yard pests responsibly; recycle; reduce stormwater runoff; and protect the waterfront.

Florida master site file: The listing of cultural resources, historic or archaeological resources maintained by the Florida Department of State, Division of Historical Resources and Bureau of Archaeological Research.

Fluorescent colors: Very bright and or glowing colors.

Foot-candle: A unit of measurement referring to illumination incident to a single point. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Footprint: The horizontal area as seen in a plan measured from outside of all exterior walls and supporting columns. It includes buildings, residences, garages, covered carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade.

Foundation: The underlying structure of a building, usually constructed of concrete, which supports the foundation walls, piers, or columns.

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.

Full cut-off light fixture: A light fixture with elements such as shields, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 90 degrees.

Fully shielded: When pertaining to lighting, light fixtures shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, project below the horizontal plane running through lowest point on the fixture where light is emitted.

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.

Gable roof: See *Roof, gable*.

Gallons per day: The gallons per day based on an annual average basis.

Gambrel roof: See *Roof, gambrel*.

Garage: For residential purposes, an enclosed area for the parking/storage of vehicles. For nonresidential purposes, a building for the storage and/or repair of motor vehicles generally closed on all sides.

Garage, attached: An enclosed area for the parking/storage of vehicles that is structurally connected to a residential unit, which may include connection by the means of a breezeway, which openings are required for each building as an entrance/exit.

Garage, detached: A detached structure that is accessory to a single detached dwelling unit and to which there is legal vehicular access from a public right-of-way, designed for the storage of motor vehicles for the residents of the single detached dwelling unit.

Gasoline service station: A business having at least one bay for automotive services, pumps for the fueling of automobiles and pickups, and which may include limited retail sales of convenience goods.

Geographic search area: The area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Good faith: An honest intention to accomplish or complete an approved development plan on a particular parcel of real property, but shall not encompass dishonest, fraudulent, or deceitful actions, ignorance of the law, mistakes of law, delays that are intentional or result from neglect or lack of diligence, or actions or occurrences caused by, resulting from, or facilitated by the property owner, developer, or agent thereof. It shall not be an absence of good faith if a developer attempts to proceed with a development if the developer was prevented from attaining a certain status, event, or condition due to the demonstrated and clear and convincing uncertainty of obtaining required governmental permits for which there is a substantial likelihood that such permits will be granted; provided, however, that delays which are caused by the developer or real property owner and acts by said persons causing delays and omissions by said persons which cause delays shall eliminate the delay as a valid factor which would excuse the attainment of the status, event or condition.

Good faith continuation: The final development order for a project pertaining to a parcel of real property that has not expired and a certificate of completion for development of infrastructure must be received within three years of the date of the preconstruction conference and subject to the following:

(1) Within four years of issuance of the final development order which resulted in the development being deemed statutorily vested, the preconstruction conference for the development must have occurred, provided, however, that if the developer diligently attempted to attain the completion of the preconstruction conference for the development in good faith, but was inhibited due to adverse general market conditions, said time frame shall be tolled during the period during which the recessionary cycle occurred.

(2) Within three years of the completion of the preconstruction conference, the developer must be issued a certificate of completion for the completion of the development's infrastructure; provided, however, that if the developer attempted to attain the certificate of completion, but was inhibited due to adverse general market conditions, said time frame shall be tolled during the period during which the recessionary cycle occurred.

(3) As to residential preliminary plats, the final plat for the development must be submitted within one year of the effective date of this LDC, provided, however, that the underlying development order that resulted in the development being deemed statutorily vested must not have expired.

(4) It shall not be an absence of good faith if a developer attempts to proceed with a development, if the developer was prevented from attaining a certain status, event, or condition due to the demonstrated and clear and convincing uncertainty of obtaining required governmental permits for which there is a substantial likelihood that such permits will be granted; provided, however, that delays which are caused by the developer or real property owner, and acts by said persons causing delays and omissions by said persons which cause delays shall eliminate the delay as a valid factor which would excuse the attainment of the status, event, or condition.

Grade, highest adjacent: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a building.

Groundwater: Water in the subsurface of the earth in both soils and geologic formations that are saturated.

Hazardous substance: A substance or combination of substances, which because of its quantity or concentration or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or may pose a substantial present or potential hazard to human health or to the environment when improperly used, handled, treated, stored, transported, disposed of, or otherwise managed. A material may be judged as hazardous if it is corrosive, reactive, ignitable, or toxic.

Hazardous waste: Waste materials including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials, and similar harmful chemicals and wastes that require special handling and must be disposed of in a manner that conserves the environment and protects the public health and safety.

Hedge: A close planting of shrubs that forms a compact, dense, visually opaque, living barrier when mature.

Height of building: Building height refers to the vertical distance between lowest finished grade at the front of the building, or the base flood elevation where applicable, and:

(1) The average height level between the eaves and ridgeline of gable, shed, hip or gambrel roof;

(2) The deck line of a mansard roof; or

(3) The highest point of the coping of a flat roof.

Hip roof: See *Roof, hip*.

Historic resources: See *cultural resources*.

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.

Home occupation: A use approved as a permitted use or special exception and any on-site business conducted entirely within a dwelling and carried on by residents thereof. Such use is to be clearly incidental and secondary to the residential uses and shall not change the residential character of the dwelling, and further provide that the use can meet the special exception regulations, as outlined in this LDC.

Hotel: A transient commercial lodging establishment consisting of one or more buildings used only for this purpose, including accessory uses such as eating and drinking facilities, recreation facilities, and parking. Lodgings may consist of sleeping rooms only, or may include cooking facilities also, but not intended for long-term occupancy.

Identification sign: See *Sign, identification.*

Illuminating Engineering Society of North America: Agency that approved an American National Standard Practice for Roadway Lighting. This recommended practice provides the design basis for lighting roadways, adjacent bikeways, and pedestrian ways.

Imperiled upland habitat: Includes natural habitats known to support rare species and the Coastal/Conservation element of the Comp Plan. Florida Natural Areas Inventory (FNAI) criteria are utilized to determine if the area consists of the following designations:

(1) Sandhill.

(2) Scrub.

(3) Maritime Hammock.

(4) Live Oak Hammock.

(5) Coastal Strand.

(6) Coastal Grassland.

Impervious: Any improvements that do not readily absorb or retain water including, but not limited to, building roofs, parking, driveway areas, gravel areas, sidewalks, and paved areas.

Impervious surface ratio: The percentage of the area of a lot covered by impervious surface.

Improvements, required site development: All land development improvements necessary to support the proposed buildings, as documented on the approved site plan drawings.

Improvements, required subdivision: All land development improvements necessary to support and service a proposed division of land into smaller parcels. Work includes, but is not limited to, water and sewer, paving and drainage, earthwork and clearing, erosion and sediment control facilities, and measures.

Independent living unit: A senior adult detached or attached housing unit that is an element of a continuing care retirement community, that provides optional services for residents to receive their choice of meals, personal services, medical services, housekeeping, transportation services, and organized social/recreational activities.

Infrastructure: A set of interconnected structural elements that provide the framework supporting an entire structure. This term has diverse meanings in different fields, but in the LDC, it refers to roads, water mains, and storm and sanitary sewer pipes to support a site plan or subdivision project.

Inspection: Observation of construction work being performed to assure compliance with approved plans and permits.

Inspection punch list: List of deficiencies and concerns that are a result of an inspection of a construction site.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

Island: A raised area in a roadway, driveway, or parking facility used to control or direct traffic flow that typically contains landscape material to provide shade and aesthetics within parking facilities.

Island, median: A landscaped island at least five feet wide located between two rows of parking spaces with no intervening drive aisle.

Island, terminal: A landscaped island at least five feet wide located at the beginning or the end of a row of parking spaces that separates the adjacent parking space from a drive or parking aisle.

Junk yards: Place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house-wrecking and structural steel materials. This definition shall not include pawn shops and establishments for the sale, purchase, or storage of usable secondhand cars, salvaged

machinery, used furniture, radios, stoves, refrigerators, or similar household goods and appliances. Nor shall it apply to the processing of used, discarded, or salvaged materials as part of manufacturing operations.

Kennel: A shelter for housing of four or more animals, or an establishment for the breeding or boarding of animals.

(1) *Commercial* kennel means any facility or business operation where one of more dogs or cats are kept, maintained, cared for or boarded overnight for remuneration.

(2) *Noncommercial* kennel means the keeping of dogs, six months of age or older, on premises used for residential purposes, in excess of four animals.

Keystone: Stone wedge at uppermost point of an arch that secures other arch members in place. Wedge-shaped member installed above an arch for ornamentation.

Kitchen, summer: An outdoor kitchen located for the primary use of outdoor entertaining not to be used for the purpose of a separate single-family dwelling and enclosed by no more than three walls under roof, including but not limited to, glass enclosures.

Landscape area: All pervious area within a site that supports the growth of plant material of any type. When used to calculate minimum tree requirements and landscape area requirements, the following areas shall not be counted as landscape area: synthetic turf areas, ponds, lakes, streams, rivers, and normally wet stormwater retention areas. If an existing or proposed water body, or normally wet retention area is a limiting factor as far as available site development area, then up to 25 percent of the area comprised by these features may be counted as landscape area providing this area be included in the area calculations for overall tree requirements.

Landscape buffer: See *Buffer, landscape.*

Landscape feature: An embellishment to the natural environment by blending manmade or natural materials with plantings in order to improve the outdoor aesthetics of a property. Landscape features, which include decorative planters, stone work, brick work, shall not exceed three feet in height. A Landscape feature, as defined herein is not a fence or wall.

Landscaping: Living plant material purposely installed for functional or aesthetic reasons at ground level and open to the sky.

Land Use Administrator: The City Manager shall act as the Land Use Administrator under the provisions of this LDC and shall prescribe and direct the processes and procedures, other than as otherwise specifically set forth in this LDC, relative to the administration of development review within the City. The City Manager may assign such duties to a City staff person or a team of City staff persons as he or she deems appropriate.

Lane: A strip of roadway or vehicular use area specifically designated to accommodate a single line of vehicles; a narrow way or passage for a specific use such as bicycles, pedestrians, etc.

Lane, bypass: An alternative channel, passage, or route.

Large quantity generator: A large quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 260, is one who generates more than 1,000 kilograms (2,200 pounds or 250 gallons) of hazardous waste in a calendar month.

Large-scale commercial center: A commercial facility intended to function as a unit with a large-scale retailer as the anchor with shared services of other commercial uses. At least one anchor unit shall contain a minimum of 60,000 square feet.

Lawn/turf/sod: Upper layer of soil bound by live plant roots supporting the grass covered surface of the ground.

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.

Level of service: An existing or projected indicator of the extent or degree of service provided by a concurrency public facility or other public facility based on and related to the operational characteristics of the concurrency public facility or other public facility.

Level of service standard: The adopted and acceptable volume of demand for each concurrency public facility or other public facility thereby reflecting an acceptable operational level as to a facility. Volume of demand may be stated as a measure of quantity of capacity per unit of demand or may state a level of performance for which the methodology and rationale used for quantitative measurement is clearly demonstrated in the Comp Plan or its supporting data and analyses.

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 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 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Light fixture: An artificial illuminating device or lamp, permanent or portable, used to illuminate or to attract attention. Such devices shall include, but are not limited to, search, spot, string, or floodlights for:

(1) Building and structure lighting, to include canopies and overhangs.

(2) Recreational area lighting.

(3) Parking lot lighting.

(4) Landscape lighting.

(5) Billboard or sign lighting.

(6) Street lighting.

(7) Display and service area lighting.

Lintel: A horizontal structure member, such as a beam or stone, which spans an opening, as between the uprights of a door or window or between two columns or piers.

Listed species: Those animal species which are endangered, threatened, or of special concern and are listed in Sections 39-27.003, 39-27.004 and 39.27.005, FAC and those plant species listed in 50 Code of Federal Regulation 17.12 when such plants are found to be located in a wetland or other surface water (Subsection 40C-4.021(19), FAC).

Littoral zone: An environmental planting area around the perimeter of water bodies consisting of littoral shelf plantings, transitional plantings, and upland vegetation.

Live aboard watercraft: Any watercraft docked at a marina facility inhabited by a person or persons for any three consecutive days or a total of five days within a 30-day period, or any watercraft represented as a place of business, a professional or other commercial enterprise, or a legal residence.

Living area: Enclosed rooms, as measured by its outside dimensions, which can be heated or cooled with the exception of garages.

Loading space, off-street: A space logically and conveniently located for pickups or deliveries or for loading or unloading, scaled to the size of the delivery vehicles expected to use it, and accessible to such vehicles when required off-street parking spaces are occupied.

Local road: A route providing service that is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property.

Lot: A parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law.

Lot, corner: A lot abutting upon two or more streets at their intersection of less than 135 degrees. The point of intersection of the street lines is the corner. In the event the principal building is more directly oriented to the lot corner at the street intersection than to either street frontage, such lot shall be considered to have two front yards, one abutting each street.

Lot depth: The average distance between the front and rear lot lines.

Lot, double frontage: A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot line, front: The lot line separating the lot from the rights-of-way of the principal street on which the lot abuts.

Lot, interior: A lot other than a corner lot.

Lot line, rear: The lot line opposite to and most distant from the front lot line, except for double frontage lots, which shall have two front lot lines.

Lot line, side: Any lot line other than front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot of record: A lot established prior to the enactment of this regulation that is a part of a recorded map or plat or a lot described by metes and bounds description, which is recorded according to Florida Law prior to November 16, 2008.

Lot width: The average distance between the side lot lines, measured along the front setback line.

Louvers: Vented covering for an opening that allows passage of air, but prevents rain and pests from entering. Commonly made of wood, aluminum, or galvanized steel and designed of horizontal slats in doors and shutters.

Luminaire: A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply.

Machinery and equipment sign: See *Sign, machinery and equipment.*

Maintenance surety: See *Surety, maintenance.*

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).

Mansard roof: See *Roof, mansard*.

Mansard, false or stuck on: A sloped plane that is attached or applied to a flat roof to make it appear to be a mansard roof.

Manual on transportation: The standard manual of recommended minimum requirements for signs, signals, and pavement markings in the United States.

Manufactured home: A structure, transportable in one or more sections, which is eight feet or more in width and greater than 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."

Manufacturing, heavy: An establishment whose principal purpose is the mechanical or chemical transformation of materials or substances into new products, including the bulk storage of raw materials, and which process may emit noise, vibration, dust, odor, or pollutants. Activities include manufacturing, assembly, and fabrication, including large scale or specialized industrial operations, processing, and compounding of semi-finished products from raw material in bulk form used in an industrial operation. Examples of heavy manufacturing include, but shall not be limited to, cement manufacturing, ship/boat manufacturing, and similar uses.

Manufacturing, light: An establishment whose principal purpose is the manufacturing, assembling, compounding, processing, packing, baling, repairing, storage, or distribution of products made from previously prepared basic materials. Examples include bond, cloth, cork, fiber, leather, paper, plastics, metals (not involving punch presses over 50 tons rated capacity), stones, tobacco, wax, yarns, or wood (except where sawmills or planing mills are employed). Uses deemed to qualify as light manufacturing include, but are not limited to, sign manufacturing, commercial bakeries, and similar uses.

Marina facility: Any structure or combination of structures, other than a single residential dock, located on or over the water surface of the navigable waters of the City, and is designed or used for the mooring of watercraft. Marina facilities are classified into the following subcategories.

(1) *Commercial marina:* Any facility or structure that is used for business or income producing purposes, through rental or any other means, the services of which are open to the general public, or which serves as an accessory facility to other rental, commercial, or industrial operations. It shall include, but not be limited to, docking for restaurants, hotels, motels, commercial fishing, shipping, or sales.

(2) *Noncommercial marina:* A marina facility designed to moor three or more watercraft that is intended to be used for private recreational or leisure purposes by persons or groups of persons who are residents of a development, or a nonprofit organization. General public usage and/or access is and will be prohibited by deed restrictions, easements, or other legally binding documentation except that a de minimis number of watercraft slips, not to exceed five percent, may be subject to rental agreements to nonresidents of the development associated with the marina facility. A marina associated with and part of a development shall not be deemed a commercial marina if instruments of title, acceptable to the City, bind the developed property to the marina in a manner approved by the City. A marina facility with no more than five-day slips shall be considered a noncommercial marina.

Marine service station: A facility that provides fueling services for watercraft while they are located on or over the water.

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. 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.

Master meter: A single meter serving a multifamily residential or multi-unit commercial facility. This term includes, but is not limited to, master meters serving condominiums, apartments, mobile home parks, hotels, motels, travel trailer parks, shopping centers, and office buildings.

Master Planned Development District (MPD): The purpose of the Master Planned Development District, which takes the place of the former Planned Unit Development (PUD), former Planned Rural Development (PRD), former Village Center (VGC-1, VGC-2), and former Golf Course Community (GCC) Districts, is to provide opportunities for innovative planning and design. Although greater flexibility is given within this district, procedures are established in this LDC to ensure that master planned developments are consistent with sound and generally accepted land development practices and that added benefit is accrued to the community.

Mechanical equipment: Equipment such as air conditioning units, pool pumps, generators, and gas tanks.

Median income: The Flagler County median income is the figure published, and periodically updated, for the County as a whole by the U.S. Department of Housing and Urban Development.

Medical marijuana treatment center: Has the meaning provided in Article X, Section 29, Florida Constitution. Medical marijuana treatment center dispensing facilities are a component of said definition. Medical marijuana treatment center dispensing facilities are subject to licensure by the Florida Department of Health, pursuant to F.S. § 381.986 (2017) and implementing regulations.

Microbrewery: A facility licensed by the State for the production and packaging of malt beverages with low alcoholic content for distribution or for consumption on the premises, with a capacity of not more than 15,000 barrels per calendar year. Accessory uses may include tasting rooms with food sales or tours of the microbrewery.

Mitigation: An action or series of actions to offset the adverse wetland impacts. Mitigation usually consists of restoration, enhancement, creation, preservation, or a combination thereof. Mitigation also refers to the required replacement of protected trees that are removed for multi-family, institutional, commercial, and industrial development and residential lots.

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 chasses 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).

Mobile home park: A residential development on a parcel of land in one ownership providing rental spaces for two or more mobile homes on a long-term basis, with recreation and service facilities for the tenants.

Mobile home park/subdivision, existing: See *Manufactured home park/subdivision, existing*.

Mobile home park/subdivision, expansion to an existing: See *Manufactured home park/subdivision, expansion to an existing.*

Mobile home park/subdivision, new: See *Manufactured home park/subdivision, new.*

Mobile home park/subdivision, substantially improved existing: See *Manufactured home park/subdivision, substantially improved existing.*

Mobile home space: A plot of ground within a mobile home park designated for the accommodation of one mobile home or travel trailer.

Mobile home subdivision: A residential development designed for the accommodation of mobile homes on individually owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourists or vacation-oriented travel trailers, motor homes, campers, etc.

Model home: A finished single-family residential unit, including units in a multifamily structure and manufactured/mobile homes, for which a certificate of occupancy has been obtained and located in a residentially zoned district, but utilized as an example of a product offered for sale to purchasers by a realtor, builder, developer, or contractor.

Molding: An embellishment in strip form, made of wood or other structural material, used to decorate or finish a surface, such as the wall of a building or the surface of a door.

Monotonous: Tediously uniform or unvarying.

Motel: Any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, off-street parking for each unit, a central office on the property with specified hours of operation, and a bathroom or connecting bathroom for each rental unit. Lodgings may consist of sleeping rooms only or may include cooking facilities also, but not intended for long-term occupancy.

Mulch: An organic soil additive or topping such as compost, wood chips, wood shavings, seasoned sawdust, bark, leaves, or pine straw, used to reduce evaporation, prevent erosion, control weeds, enrich the soil, and moderate soil temperature. Inorganic materials such as rock or chipped rubber are also considered mulch. Where the word mulch is used in reference to seeding requirements, it is deemed to be straw or hay.

Multifamily: See *Dwelling, multifamily.*

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.

Multiuse building: A building that provides for nonresidential uses on the first floor and residential living quarters located above the first floor.

Munsell: A standard color system that allows precise documentation of colors using an alphanumeric code to describe the color attributes of hue (pigmentation), value (lightness/darkness), and chroma (color intensity). To establish an objective means of color evaluation, the Munsell color system's lightness value shall guide the selection of acceptable colors.

National Register of Historic Places: The official listing of cultural resources or historic properties significant in American history, architecture, archaeology, engineering and culture, maintained by the Secretary of the Interior as established by the National Historic Preservation Act of 1966, as amended.

Native plant: See *Plant, native.*

Navigable waters of the City: Lakes, ponds, Intracoastal Waterway, saltwater canals, freshwater canals, streams, or any other body of water or waterway natural or artificially created, or any constructed channel or water body to said bodies of water or waterways, located within the City of Palm Coast that can

be used for the navigability of watercraft. It is not the intent of the LDC to assert ownership of such waters, but it is the intent of this Ordinance to assert land use regulatory jurisdiction as set forth in the LDC.

Nonconforming use: A use of land existing lawfully at the time of the enactment of this regulation, or at the time of a zoning or use change and which does not conform with the regulations of the use district in which it is located.

Nonresidential: Used or intended for purposes other than as a dwelling unit.

Nonresidential controlling master site development: Commercial facilities developed on one or more lots and intended to function as a unit with shared services and facilities.

Non-vehicular non-access easement: An easement that limits or preludes legal access for any lot, tract, or parcel onto a street or adjacent property or between subdivision boundaries. See also, spite strip.

Nursery, plant materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the site, including products used for gardening or landscaping.

Nursing home: A home for aged, chronically ill, or incurable persons in which three or more persons, not of the immediate family, are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Off-site improvements: All land development improvements proposed to be built on land that is not part of the project property, except for work within a public road right-of-way immediately adjacent to the project limits of frontage on that road.

Off-street loading space: See Loading space, off-street.

Off-street parking space: See *Parking space, off-street.*

One hundred (100)-year flood elevation: See *Base flood elevation*.

One-way: A roadway or aisle on which traffic moves in only one direction.

On-site: Within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

Open space: The land area within a development which is retained in its natural condition or improved in a manner for the enjoyment of all persons owning property within the development. Open space includes, but is not limited to, tree and environmental preservation areas, waterbodies, and common area parcels, and is not developed with impervious surface unless it is common open space. Open space also includes those portions of the right-of-way that are pervious.

Operation: To cause or to allow a system to function.

Operator: Any person in whose name an electronic game promotion is conducted and in whose name a certificate of use is issued.

Oriel: A bay window supported from below by corbels or brackets.

Outdoor display: An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

Outparcel: For the purpose of this Code, an area meeting the minimum zoning district dimensional requirements and located within a shopping center that shares a common parking lot with other buildings and establishments within said shopping center, but separated from the principal building and establishments by parking or vehicular use area.

Overhead utility facilities: Communications and power lines installed through the air supported on and spanning between poles.

Parapet: A low wall projecting from the edge of a platform, terrace, or roof.

Parasite sign: See *Sign, parasite.*

Parent parcel: A tract or parcel of land that was lawfully created by either a plat or nonstatutory subdivision.

Park trailer: A transportable unit which has a body width not exceeding 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 F.S. § 320.01 .]

Parking: The temporary, transient storage of motor vehicles used for personal transportation while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or other purpose other than specified above.

Parking angle: The angle formed by a parking stall and the wall or centerline of the facility, ranging from 90 degrees (perpendicular) to 45 degrees.

Parking design: The layout and design of a parking facility based on standard criteria.

Parking lot: A surface area for parking off the street or beyond the right-of-way.

Parking, parallel: Spaces designed parallel to the curb of a street, a lot, or a parking structure wall.

Parking, shared: The approved use of the same off-street parking space for two or more distinguishable uses where peak-parking demand of the different uses occurs at different times of the day.

Parking space: A surface area reserved for temporary storage of one motor vehicle and connected to a street by a driveway.

*Parking space, off-stree*t: An off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a street or alley and maneuvering room, but shall be located totally outside of any street, alley right-of-way, or highway.

Parking stall: The area, usually marked with distinguishing lines, in which one vehicle is to be parked; a parking space.

Passenger station: A facility at which passengers may board and alight from buses and/or trains, usually consisting of at least one covered structure or building for the use of waiting passengers.

Pavilion: A central or flanking projecting subdivision of a façade, usually accented by more elaborate decoration or a greater height and distinction of a roof line.

Peak period: The period of maximum parking activity, this can be by the hour, day of week, or seasonal.

Pedestrian: A person whose mode of transportation is on foot, including a person "walking a bicycle."

Pediment: A low-pitched triangular gable on the front of a building.

Performance surety: See *Surety, performance.*

Periodic Overflow Parking: Periodic overflow parking refers to designated, temporary, or secondary spaces used when primary parking lots are full or during high-demand events.

Permanent commercial campground: A parcel or plot of ground upon which two or more permanent (year-round) campsites are located, established and maintained for occupancy by camping units of the general public. Such campgrounds must meet the minimum state code requirements for sanitary facilities and potable water supply.

Pervious area: The total lot area left in a condition that permits full percolation of the stormwater including surface water bodies, wetlands, and retention areas.

Pharmacy: A retail use licensed under the Florida Statutes to dispense or sell prescription drugs, including, but not limited to medical marijuana treatment center dispensing facilities, as referenced in F.S. § 381.986 (11) as amended from time to time. The term does not include hospice services, medical and

diagnostic laboratories, dental labs, medical and professional offices, outpatient care facilities, assisted living facilities, nursing homes, adult day care centers, child day care centers, schools, colleges, or other educational or health care institutions.

Pier: Wharf projecting into a body of water. In addition, an upright support member of a building designed and constructed to function as an independent structural element in supporting and transmitting building and environmental loads to the ground with a height limited to a maximum of three times its least lateral dimension.

Pilaster: A pilaster is a rectangular support which resembles a flat column. The pilaster projects only slightly from the wall, and has a base, a shaft, and a capital.

Pile: An upright support member of a building, usually long and slender in shape, driven into the ground by mechanical means and primarily supported by friction between the pile land the surrounding earth. Piles often cannot act as individual support units and require bracing to other pilings.

Pitch: The slope of a roof expressed in terms of a ratio of height to span.

Pitched roof: See *Roof, pitched.*

Planned unit development (PUD): A former zoning classification that allowed an area of land, controlled by a landowner(s), to be developed as a unified project and single entity for a group of structures such as residential or nonresidential or any combination thereof. See *Master Planned Development District.*

Plant, native: Means any plant species with a geographic distribution indigenous to all or part of the State of Florida.

Plat: A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with all applicable sections of F.S. ch. 177 , and this LDC.

Plinth: A continuous course of stones that form the base or foundation of a wall.

Political sign: See *Sign, political.*

Pollutant: Includes, but is not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.), heat, wrecked or damaged equipment, rock, sand and industrial (excepting the county's discharges), and agricultural waste discharged into the MS4, and including other materials which the City Manager or designee or federal or state regulatory agencies may deem appropriate to be included.

Porch: A roofed, open space that may be screened, attached to, or part of a building and with direct access to or from the building.

Portal: A doorway, entrance, or gate, especially one that is large and imposing.

Portico: A porch or walkway with a roof supported by columns, often oriented at the entrance of a building.

Poultry: Any chickens, turkeys, ducks, or geese.

Potable water: The water that is satisfactory for drinking, culinary, and domestic purposes and that meets the quality standards of the Florida Department of Environmental Protection.

Preconstruction conference: A meeting that is held between City staff and the contractor or developer after the issuance of a development order, but prior to the issuance of a building permit for the purpose of coordination of project and assurance of compliance with City regulations.

Preliminary site plan: An illustration of the details of development of areas such as, but not limited to, commercial, industrial, recreational, and multifamily residential uses not being platted. The required submittals and processing procedures shall be similar to those provisions for final platting to the extent deemed applicable for the proposed use by the Land Use Administrator.

Preservation: The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Principal building: See *Building, principal.*

Private club: See *Club, private.*

Project: A particular development on an identifiable parcel of land.

Property: For the purpose of utilities, the real property owned or controlled by an applicant for which water service capacity allocation, wastewater service capacity allocation, or both is requested.

Public facility baseline statement: The concurrency baseline statement is an assessment of public facility available capacity anticipated for the reporting period.

Public use: See *use, public.*

Qualified environmental professional: A professional entity (may be an individual or company/firm) having appropriate scientific background and experience in the evaluation of wetland systems, delineation of jurisdictional wetlands, and listed flora and fauna in the State of Florida and the assessment of central Florida ecological communities.

Quoin: A stone or brick forming an exterior angle of a masonry wall that is differentiated from adjoining surfaces by material, texture, color, size, or projection.

Rain garden: On-site retention of stormwater using vegetated depressions engineered to collect, store, and infiltrate runoff. Also, known as Bio-Filter and an LID IMP.

Range (appliance): A single kitchen appliance that combines both a cooktop (stovetop) and an oven into one unit.

Reclaimed water: Water, treated wastewater, or wastewater effluent that has been appropriately treated and which, as a result of the treatment of wastes, is suitable and usable for direct beneficial uses or a controlled use by and for public agricultural, commercial, residential or industrial developments, projects or purposes including, but not limited to, irrigation purposes in green areas of developments or other appropriate areas; water that has received at least secondary treatment and is reused after flowing out of a wastewater treatment plant.

Reclaimed water distribution system:

(1) Reclaimed water mains.

(2) Sub mains.

(3) Transmission lines.

(4) Storage and pumping facilities.

(5) Valves.

(6) House services.

(7) Meters.

(8) Other appurtenances.

Reclaimed water system: As used interchangeably, means any and all reclaimed water production, transmission, treatment, and distribution facilities currently owned, operated, managed, controlled, or otherwise used or hereafter owned or operated by the City. Such system includes any and all improvements, extensions, or additions thereto hereafter constructed or acquired either from the proceeds of bonds or from any other sources, together with all property, real, personal, or mixed, tangible or intangible, currently or hereafter owned, operated, managed, controlled, or otherwise used in connection therewith.

Recreation, indoor: An indoor public or private establishment designed and equipped for the conduct of sports and leisure time activities except for electronic game promotions. Some examples include bowling alleys, game rooms, theaters, gymnasiums, pool halls, and skating rinks.

Recreation, outdoor: Any site where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/or services. This term includes botanical gardens, zoological gardens, skeet and gun clubs, golf driving ranges, miniature golf, go-cart tracks, drive-in theaters, aquatic centers, and water parks, but does not include golf courses or public parks and recreational facilities.

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.

Redevelopment: In addition to the definition of "development" provided in F.S. § 380.04 , this term shall mean a substantial or material change in the use or character of an existing development property including, but not limited to, alterations, expansions, or renovations to structures, paved areas, and other property fixtures and features requiring a building permit.

Regulated use (or regulated activity): Any publicly or privately owned operation within a wellhead protection zone that handles, sells or otherwise distributes, produces, uses, stores, or disposes of a regulated substance, unless specifically exempted.

Remedy a violation: See *Violation, remedy of*.

Remove or *removal:* Actual or effective removal through killing, damaging or destroying any trees listed as protected.

Replat: A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with all applicable sections of F.S. ch. 177 , and this LDC.

Required site development improvements: See *Improvements, required site development*.

Required subdivision improvements: See *Improvements, required subdivision*.

Residential: Used or intended for use as a dwelling unit and includes uses accessory to a dwelling unit.

Restaurant, fast-food/fast-casual: An eating establishment where customers order and receive their food and/or beverages at a counter, select individual items prepared in front of the person, serve themselves buffet style, which include a drive-in window, or service is via drive-up service. Customers may or may not consume the food or beverages on-site.

Restaurant, sit-down: An eating establishment where food and/or beverages are served by waitresses or waiters to patrons seated at booths or tables. A sit-down restaurant may also provide accessory drive-through and walk-up services. If the business also sells alcoholic beverages, the sale of food products must represent at least 51 percent of the facility's total sales, or the business shall be considered a drinking establishment.

Retail fulfillment distribution center: A building where an e-commerce retailer can quickly deliver merchandise to online shoppers for pickup, or where the merchandise is transferred to a retail operator or local delivery service for rapid delivery to shoppers' homes or businesses.

Reuse: The deliberate application of reclaimed water, in compliance with the Florida Department of Environmental Protection and St. Johns River Water Management District rules, for a beneficial purpose.

Revetments: Wall with severe slope away from the base.

Right-of-way: Land in which the City owns the fee or has received a dedication for, or has an easement devoted to, or required for, the use of a public road, the use of stormwater management, or any other public use, including for medians, sidewalks, and driveways.

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.

Road: Means and shall include streets, alleys, highways, sidewalks, bike paths, driveways, medians, and any other ways open or unopened to travel by the public, including the road bed, right-of-way and all culverts, drains, ditches, inlets, stormwater facilities, embankments, bridges, retaining walls, guardrails or other appurtenances necessary for the maintenance of travel.

Roof: The outside top covering a building or structure.

Roof, flat: A roof having no slope, or one with only a slight pitch to drain rainwater.

Roof, gable: Roof with gabled ends that slopes in two opposite directions from the ridge.

Roof, gambrel: Roof sloped in two opposite directions from the ridge, with each surface divided into two sections with different pitches. Lower section of the roof slopes steeply to the outside walls.

Roof, hip: A roof with sloping ends and sides. In addition, external angle formed at the intersection of two adjacent sloped roof sections.

Roof, mansard: A mansard roof has two slopes on each of the four sides. The lower slope is steeper than the upper slope. Dormers are often set in the lower slope. The upper slope is usually not visible from the ground.

Roof, pitched: A roof having one or more slopes.

Roof, shed: A roof with one slope.

Rooming house: See *Boarding home*.

Runoff (applies only to Chapter 9): The draining away of water (or substances carried in it) from the surface of an area of land, building, or structure.

Runoff (does not apply to Chapter 9): Relating to flood damage protection, 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.

School: A facility used for education or instruction in any branch of knowledge, and including the following: elementary, middle, and high schools, whether public or private; colleges, community colleges and universities; vocational and professional schools giving instruction in vocational, professional, technical, industrial, musical, dancing, dramatic, artistic, linguistic, scientific, religious or other special subjects. This term does not include childcare centers if separate from elementary schools.

Scoring: Scratching or roughening the surface of a member or material to create a rough finish or key for subsequent coats. To cut a narrow channel or groove in the surface of a material to allow for deeper cuts without shattering or splintering the face of the material.

Screen planting, medium: A 30-inch-high planting of continuous non-deciduous shrubs, with appropriate spacing, intended to partially block the view of something from adjacent properties or a rights-of-way.

Screen planting, short: A two-foot-high planting of continuous non-deciduous shrubs, with appropriate spacing, intended to partially block the view of something from adjacent properties or a rights-of-way.

Screen planting, tall: A five-foot-high planting of continuous non-deciduous shrubs, with appropriate spacing, intended to primarily block the view of something from adjacent properties or a rights-of-way, with opacity of at least 60 percent at time of planting that achieves 80-percent opacity within two years.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units, installed or indicated, for each 24 lineal inches of benches, pews, or space for loose chairs.

Seawall: A structure built between a water body on one side and land on the other side.

Semipublic use: See *Use, semipublic*.

Septic tank: The sewage disposal system in which effluent is flushed into an underground tank and allowed to slowly absorb into the surrounding soil.

Service use: See *Use, service.*

Setback: The area between a property line and a line parallel thereto at a distance equal to the appropriate setback distance. (See *Yard* and *Lot line*)

Setback line: The minimum distance prescribed by a zoning district between any property line and the foundation of a building or structure, or from the property line to the edge of a deck or concrete pad. A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear setback/yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures, or uses. (See *Yard* and *Lot line*)

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.

Sewers, public or community: An approved sewage disposal system that provides a collection network and disposal system, and central sewage treatment facility for a single development, community, or region.

Sexually oriented business: A commercial bodily contact establishment, escort service, or sexual encounter business. A business shall be a sexually oriented business, whether services are provided on the premises of an establishment or on an out call basis at any other place and regardless of whether such business is licensed under this LDC. A business with a sexually oriented business license shall be presumed to be a sexually oriented business. An individual operating a sexually oriented business is subject to the provisions of this LDC notwithstanding the fact that services are being provided at or from a residence, motor vehicle, vessel, or any other location. A license pursuant to this LCD is required unless the individual is a paid employee for whom taxes and social security payments are withdrawn and paid by the licensed establishment, worker records are maintained, and the individual is not an independent contractor.

Shade tree: See *Tree, shade*.

Shared parking: See *Parking, shared*.

Shed roof: See *Roof, shed*.

Shopping center: An integrated group of primarily retail-oriented commercial establishments that is planned, developed, owned and managed as a unit.

Shutters: Wood, metal, or plastic panel on either side of a window. May be hinged, but commonly fixed in position. Originally used as a protective covering for windows when swung closed.

Sight distance: The minimum distance that allows a vehicle traveling at a designed speed to be able to stop before reaching a stationary object in its path. Typically, the design sight distance allows a below-average driver to stop in time to avoid a collision.

Sight triangle: A triangular-shaped area at intersections that provides a clear line of sight for drivers at a vertical level between two feet and seven feet above the average grade at the centerline of the right-of-way. Two sides of the triangle shall be the edges of pavement along each roadway from their intersection with their lengths based on the type of roadways, and the third side being a line connecting the ends of the first two lines.

Sign: Any letters, numbers, symbols, graphics, pictures, or figures, or combination thereof that are erected, constructed, placed, or attached on a structure, ground, or body which identify, advertise, or direct attention to a product, business, institution, place, person, or event, or any other communication and that can be seen from the public right-of-way or public waterway. When not modified by the terms "structure" or "face", the term "sign" shall include all parts of the sign and its supporting structure.

Sign, A-frame: A type of sign composed of two boards set up in a triangle shape hinged along the top.

Sign, abandoned:

(1) Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the Land Use Administrator shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business.

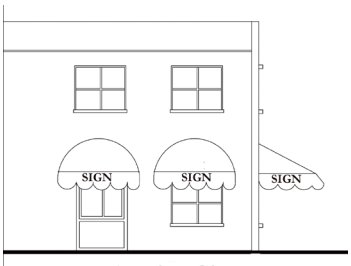
(2) Any sign structure that not used for business purposes for over six months and that is nonconforming according to existing codes regarding height, setback, or sign area.

Signage program: A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular development to include style, color, location, size, and material.

Sign, animated: Any sign of which all or any part thereof revolves or moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically. Animated signs also include electronic, LCD and LED signs if they are using movement and change of light to depict action or to create special effects or scenes. Also, known as Automatic Electric Changing Signs (ACS). Does not include manually changeable copy sign.

Sign area: The area of a sign face (which is also the sign area of a wall or other sign with only one face) shall be computed by means of the smallest square, circular, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display. This includes any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The sign area does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the LDC and is clearly incidental to the display itself.

Sign area, aggregate: The architectural area around the copy of the sign. The maximum aggregated sign area is determined by calculating sign area times two and is exclusive of the sign area.



Awning Sign

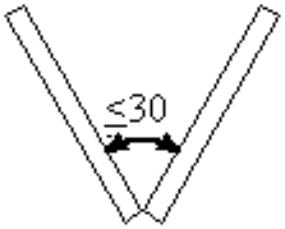
Sign, awning: Any sign consisting of information painted on, sewn on, imprinted on, or attached to the surface of an awning or canopy.

Sign, commercial: A sign intended to promote the commercial or economic interests of the owner or the products/services offered on the site.

Sign, digital: Any sign which has the capability of changing message content through the use of an electronically controlled device.

Sign, directional: Any sign intended to provide direction to the public, including signs that direct traffic onto or within a site, identify restrooms, parking areas or spaces, freight entrances, or other facilities for the convenience of the public.

Sign, directory: A sign that provides a listing of the occupants of a multitenant center and their suite/building numbers. Directory signs are not intended to be visible from the public right-of-way, but to give direction to customers already within the site.



Sign, electronic display type: A sign for presentation of information for visual reception, acquired, stored, or transmitted in various forms, where the input information is supplied as an electric signal, and uses a light source, LED (light emitting diodes), bare electric bulbs, luminous tubes, fiber optic, or other combination of light source to create the message. In addition, signs that appear protected, or are intermittently or intensely illuminated, or of a traveling, scrolling, or sequential light type, or contain, or are illuminated, or flashing light.

Sign, free expression: A sign, not in excess of four square feet in size (area) where the top of the sign is not more than three feet off the ground, if freestanding, and communicating information or views of concern to the owner of the sign, or containing any other noncommercial message that is otherwise lawful.



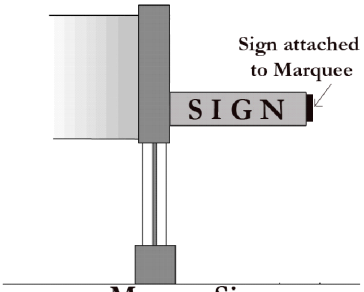
Freestanding Sign

Sign, freestanding: A monument sign supported by a sign structure in the ground and that is wholly independent of any building, fence, vehicle, or object other than the sign structure for support. The width of the base must be less than the width of the display area but must be a minimum of 40% of the width of the sign face.

Sign height: The vertical distance as measured from the finished grade to the highest point of the sign structure. Finished grade is the newly established grade at the base of the sign after construction of the sign, exclusive of any filling, berming, madding, or excavating solely for the purpose of locating the sign.

Sign, identification: A sign that indicates the name and type of business or service, residents, or the name of the development located on the site where the sign is located including street address, phone number, and graphic of business logo.

Sign, illuminated: A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.



Marqee Sign

Sign, machinery and equipment: Graphics and trademarks on vending machines, gas pumps, and machinery customarily used outside of buildings. Also, includes signs on public works and/or construction equipment (bulldozers and such) that have the brand/make of the machinery or equipment.

Sign, marquee: A sign attached to or hung from a marquee that is a permanent projecting structure protruding from the entrance of a building wall to provide shelter and display advertising.

Sign, manually changeable copy sign: The message on the sign is changed manually (without the use of an electric signal) using individual letters, numbers, phrases, or symbols. Examples include reader boards with manually changeable letters or changeable pictorial panels.

Sign, monument: A durable ground level, self-supporting sign with a solid foundation or base that is at least as wide as the sign's display area.

Sign, non-commercial: Signs which display opinions, points of view, or contain political, civic, public service, religious, or ideological messages.

Sign, off-site advertising: A sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured, or taking place at a location other than on the site on which the sign is located.

Sign, parasite: Any sign not exempted by this Code, for which no permit has been issued, and which is attached to another sign.

Sign, pole: A freestanding sign supported by a pole, a column, or other fabricated support member without any type of secondary support. Pole/pylon signs typically provide clear view between the sign and the ground.

Sign, political: Any sign used solely to present information suggesting a candidate's suitability for elected public office or presenting an issue to be voted upon in the upcoming legally recognized election at the Federal, State, County, or City level or for special districts.

Sign, portable: A sign that has no permanent attachment to a building or to the ground by means of a footing including, but not limited to, an A-frame or sandwich board sign; a sign with wheels designed to be pulled or towed on a trailer or similar device, pull attachments, hot air or gas filled balloons; umbrellas used for advertising; signs mounted for advertising purposes on a vehicle that is parked and visible from the public right-of-way, sidewalk, or curb.

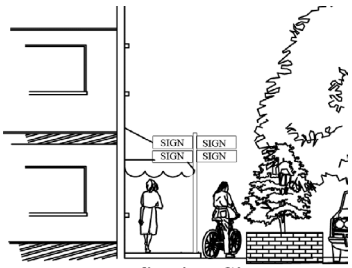
Sign, projecting: A sign that is wholly or partly dependent upon a building for support and that projects horizontally more than 12 inches from such building.

Sign, roof: A sign painted on or affixed to the roof of a building and primarily supported by that roof structure, except fascia signs.

Sign, snipe: Any sign or any material when such sign is attached in any way to trees, utility poles, motor vehicles, trailers, waterborne craft, or other objects.

Sign, temporary: A sign erected for two weeks or less to advertise or identify transitory events unless specifically permitted for a longer period by this LDC.

Sign, wall: A sign attached to a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign. For the purpose of Chapter 12, wall signs include awning and projecting signs.



Wayfinding Sign

Sign, wayfinding: A directional sign placed in the public-right-of-way to advertise the location of one or more business or facilities in the immediate area.

Sign, window: A sign posted, painted, placed, or affixed in or on the interior or exterior of a window/glass door, or placed within three feet of a window/glass door pane, or displayed to be visible from the exterior of the building.

Silt fence: A temporary sediment barrier consisting of a filter fabric stretched across, and attached to, supporting posts and entrenched.

Site: The entire lot on which a use is or will be located and that is otherwise subject to the provisions of the LDC.

Site, building: Any lot or parcel, or group of lots or parcels, occupied or intended for development as a unit, whether or not as part of a larger development site. Building site area does not include surface waterbodies, floodways, or wetlands.

Site characteristics: The physical features of a site such as shape, area, topography, soil conditions, and access.

Site plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. Includes lot lines, streets, building sites, reserved open space, buildings, landscape features—both natural and manmade—and the locations of proposed utility lines.

Site plan completion surety: See *Surety, site plan completion*.

Small box discount store: A retail store that is 16,000 square feet or less in size, which offers for sale a variety of convenience shopping goods and continuously offers the majority of the items in their inventory for sale at a price lower than traditional retail stores. Small box discount store does not include a pharmacy; and does not sell gasoline or diesel fuel, or specialty items and food items as a primary product (i.e., greeting cards, consignment, meats, seafood, cheese, or oils and vinegars).

Small quantity generator: A small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 260, is one that generates less than 1,000 kilograms (2,200 pounds or 250 gallons) of hazardous waste in a calendar month.

Smart irrigation controller: A weather-based irrigation device that utilizes prevailing weather conditions, current, and historic evapotranspiration, soil moisture levels and other relevant factors to adapt water applications to meet the estimated needs of plants and lawns. The controller shall estimate or measure depletion of available plant moisture to operate an irrigation system that replenishes water as needed while minimizing excess.

Special exception: A land use that is not similar in nature to the uses permitted in the district for which application is made (or in any district), but which is desired in the community, with appropriate controls, where a suitable location is available.

Special flood hazard areas: An area in the floodplain subject to a one-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.

Special use: Includes utilities, transportation terminals, and facilities.

Spill: See *discharge.*

Spite strip: A private easement that limits or precludes legal access for any lot, tract, or parcel onto a street or adjacent property or between subdivision boundaries.

Stall: The area, usually marked with distinguishing lines, in which one vehicle is to be parked; a parking space.

Standing seam, metal: A standing seam roof is constructed of many interlocking panels that run vertically from the roof's ridge (the top of the roof) to the eave. The interlocking seam where two panels join together is raised above the roof's flat surface, allowing water to run off without seeping between panels.

Stoop: A raised platform approached by steps at the entrance of a house.

Stormwater: Water collected or collecting as a result of natural precipitation.

Stormwater management system: A system which is designed and constructed or implemented to control discharges that are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution, or otherwise affect the quantity and quality of discharges from the system.

Story: That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

Stream: Any river, creek, slough, or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. The fact that some part of the bed or channel shall have been dredged or improved does not prevent the watercourse from being a stream. Also, a body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods. Streams that flow only during wet periods are termed "intermittent streams."

Street tree: See *Tree, street*.

Stringcourse: A horizontal band or molding set in the face of a building as a design element.

Striping: Painted lines delineating stalls and circulation patterns.

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. 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.

Structure, principal: The main building in which is conducted the principal use of the property on which such building is located.

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 ten-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 ten-year period, the cumulative cost of which equals or exceeds 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.

Summer kitchen: See *Kitchen, summer.*

Supply well, public: A well that is constructed for purposes of extracting groundwater to the surface, by mumping or natural flow, and the groundwater from such excavation is to be used for human consumption assuming it has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the calendar year.

Surety: A pledge or formal promise made in the form of a cash deposit, bond, or letter of credit to secure against loss, damage, or default; a guarantee.

Surety, maintenance: Surety that guarantees that the installed improvements will remain in operable condition and not have any defects in material or workmanship for a period of 12 months after satisfactory completion of installation.

Surety, performance: Surety that guarantees that the cost of the infrastructure improvements necessary to support the subdivision to be platted is funded to complete the improvements if the property owner cannot complete them.

Surety, site plan completion: Surety that guarantees that perimeter landscape buffers will be constructed and property fenced if construction does not proceed to completion.

Surface water (applies only to Chapter 9): Water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface [F.S. § 373.019 (21).]

Surface water management system: A dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling as those terms are defined in F.S. §§ 373.403 (13) and 373.403 (14).

Surface water management system: A stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms "surface water management system" or "system" include areas of dredging or filling as those terms are defined in F.S. §§ 373.403 (13) and 373.403 (14), (Subsection 40C-4.021(26), FAC).

Swale: Depression or channel in the ground, often designed for channeling surface water.

Temporary irrigation system: An interim system, including surface distribution elements (hose, pipe, etc.), that shall be removed once the landscaping is established or once it is no longer needed.

Temporary uses or structures: Any use or structure placed on a parcel of land for a period of short duration.

Threatened species: Those animal species listed in Section 39-27.004, FAC and those plant species which are listed as threatened in 50 Code of Federal Regulations 17.12.

Townhouse: Three or more attached single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Traffic circulation: A traffic flow pattern, such as a two-way or a one-way, for an on-street system or off-street parking facility.

Traffic control devices: Signs, pavement markings, and signal lights designed and installed to aid in safe and effective flow of motor vehicles across roads and parking lots.

Traffic flow: The pattern of traffic movement through an area or through a parking facility.

Transom: A horizontal crosspiece over a door, or between a door and a window above it, or a small hinged window above a door or another window.

Transportation center: A designated area for public transportation such as buses, taxicab stand, etc.

Travel trailer: A recreational vehicle used for temporary housing by individuals and families during travel. This category, in this LDC, is assumed to include also campers, camping trailers, motor homes and smaller mobile homes (up to a length of 35 feet, exclusive of hitch, and eight feet in width), capable of being towed by a passenger motor car and complies with F.S. § 320.01 (1)1.

Travel trailer park: A development for the accommodation of tourists or vacationers of short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants. This designation does not permit or allow permanent residents.

Tree: Any living, self-supporting woody perennial plant which at maturity attains a trunk diameter of at least four inches or more when measured at four and one-half feet above ground level and which normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches.

Tree protection zone (TPZ): The circular area usually under the canopy of a tree to be protected where access, construction activities, driving, parking, storage, grubbing, fill dirt, trenching, and digging is restricted by a sturdy but temporary fence. The radius of the TPZ is equal to one foot of TPZ radius for each inch of diameter of the tree to be protected.

Tree, shade: Any tree attaining a mature height of over 35 feet and a spread of 35 feet. Other trees may be acceptable upon approval of the Land Use Administrator including, but not limited to, the species listed per City standards.

Tree, street: Any tree growing in the public rights-of-way or on private property that is within five feet of the rights-of-way line. The tree must be a shade tree if no overhead utility conflicts exist.

Tree, understory: Any tree that has a mature height of less than 35 feet or is a slower growing species, as determined by the Land Use Administrator, including, but not limited to, certain species per City standards.

Trim: To reduce, shorten, or diminish gradually a plant or parts of a plant without altering the natural shape using proper horticultural and arboricultural techniques.

Trim color: Refers to a complementary color used for the trim of architectural components such as window trim, windowsills, doorframes, cornice, and banding.

Turbidity barrier: A floating geotextile material that minimizes sediment transport from a disturbed area adjacent to or within a body of water.

Turning radius: The pavement or ramp width necessary to permit a vehicle to complete a turning maneuver.

Two-way: A roadway or aisle on which traffic moves in the opposite, yet parallel, direction.

Underground utility facilities: Communications and power lines installed below the ground surface within road rights-of-ways or easements.

Understory tree: See *Tree, understory.*

Use: The specific purpose(s) for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use, change in: Substitution of one thing for another specifically regarding use of land or use of a building.

Use, conforming: Any use of a structure or land that is a permitted or approved provisional or special use in the district in which the structure or land is situated and which conforms to the regulations of that district and all other regulations as adopted by the City.

Use, discontinued: A use that is interrupted or in which there is a break in continuity regardless of the intent of the owner or operator.

Use, legal nonconforming: A use that lawfully occupied a building or lands at the time this LDC was adopted and that does not conform to the use regulations of the district in which it is located.

Use, nonconforming: The use of a building, structure, or parcel of land not in compliance with the regulations as adopted by the City.

Use, principal: The main or primary purpose for which a structure or lot is designated, arranged, or intended, or for which it may be used, occupied, or maintained under this LDC.

Use, public: The use of land, water, or building by a municipality, public body or board, commission, or authority, or federal, state, or county government, or any agency thereof for a public service purpose.

Use, semipublic: Includes churches, museums, and organizations operating as a nonprofit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational, conservation, and neighborhood associations, and cultural activities.

Use, service: An establishment where the principal use is the provision of services for individuals, business, and government establishments, and other organizations; as opposed to the selling of goods or merchandise. This term includes automotive services, business services, major vehicle service, and personal services, but does not include retailing uses, restaurants, residential social service facilities, or any industrial uses.

(1) *Service, automotive:* Where the provision of services is focused on the repair and maintenance of motor vehicles. Examples of automotive services include detailing, mechanical or interior repair, tune-ups, tire sales and service, and stand-alone car washes, and similar uses.

(2) *Service, business:* Where the provision of services is focused on support to professional office establishments. Some examples include copy centers, secretarial service, computer rental-repair service, internet service, and similar uses.

(3) *Service, major:* Vehicle or machinery service activities that do not meet the definition of automotive service shall be classified as major service. Examples include bus, truck or train terminal/maintenance facilities, commercial or industrial machinery repair shops, and body and paint shops.

(4) *Service, personal:* A service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances. Some examples include barbershops, beauty shops, dance studios, funeral homes, pet grooming, laundromats, dry cleaners (drop-off and pick up only), health and fitness clubs, caterers, window tinting, video tape/disc rentals, consumer goods rental and service centers, and similar uses.

Use, temporary: A use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period.

Utility agreement: A written agreement between the City and a property owner that establishes the terms and conditions pursuant to which the City will provide water and/or wastewater service.

Utility facilities or *utility installations:* By way of illustration and not limitation, all equipment, fixtures, pumps, lines, mains, manholes, lift stations, pumping stations, laterals, service connections, and any and all appurtenances thereto together with all real property, easements and rights-of-way necessary to provide water and wastewater service to property whether located on-site or off-site.

Variance: A modification of the strict terms of the regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulation would result in unnecessary and undue hardship. As used in this regulation, a variance may be authorized only for area and size of structure, size of yards, open spaces, and flood damage protection regulations. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.

Variance, floodplain: Relating to flood damage protection, this term means a grant of relief from the requirements of Section 10.02 or the flood resistant construction requirements of the Florida Building Code that permits construction in a manner otherwise prohibited by Section 10.02 or the flood resistant construction requirements of the Florida Building Code.

Vegetation: Plant material, including trees, shrubs, groundcover, and vines, that are either existing or planted on a site.

Vehicle: Any device or conveyance for transporting persons or property over the public streets, including, but not limited to, any automobile, motorcycle, motor truck, trailer, van, semi-trailer, tractor-trailer combination, commercial vehicle or trailer, recreational vehicle or trailer, golf cart, and boat or boat trailer but it shall not include tractors, construction equipment or machinery, or any other device used to perform a job except as stated above.

Vehicle fueling position: A location next to a pump island at a service station or convenience store where a single vehicle obtains fuel simultaneously while other vehicles are being fueled. Typically, one fuel dispenser will provide two vehicle fueling positions located on opposite sides of the pump island.

Vehicle repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Vehicle sales: The sale of new and used motor vehicles.

Vehicular use area (VUA): Any area used by vehicles for driving or parking except public thoroughfares, including but not limited to areas for parking, display, storage or traverse of any and all types of motor vehicles, bicycles, watercraft, trailers, airplanes or construction equipment.

Veranda: A large, open porch, usually roofed and partly enclosed, as by a railing, and often extending across the front and sides of a house.

Vested development: A project that has received an entitlement to develop due to a City issued development order or permit for the project, such as a site plan approval or building permit or which meets the legal requirements for vesting. Such a project, having satisfied the City's concurrency requirements, shall be permitted to develop as per the terms of the development order or permit application. Should the development program of a "vested development" project be substantially modified in terms of density, intensity or facility impact from that development program described in the original permit application or development order, the project will lose its vested rights and be obliged to undergo a concurrency review per Chapter 7.

A project may also be a vested development if the City issued a development order or permit such as site plan approval or a building permit for the project prior to November 16, 2008. Such a project is not required to meet the concurrency requirements of Chapter 7, unless the project is significantly changed in terms of its density, intensity, or facility impact subsequent to such effective date, as determined by the City, in which case it will lose its vested development status and be obliged to undergo a review as per Chapter 7.

Vested rights: The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this Code.

Wall offset: A ledge or recess in a wall formed by a reduction in wall thickness above.

Wall (when referred to as a fence): An artificially constructed vertical barrier that is typically solid and constructed of stone, brick or masonry erected to enclose, restrict access to, screen, or separate areas.

Wastewater: A combination of any type of the water-carried wastes from residences, business buildings, institutions, industrial establishments, any and all other customers facilities, together with such ground, surface and stormwater as may be present, but does not mean or include hazardous or toxic wastes.

Wastewater system: As used interchangeably, means any and all wastewater or wastewater collection, transmission, treatment and disposal facilities currently owned, managed, controlled, or otherwise used or hereafter owned, operated, managed, controlled, or otherwise used by the City. Such system includes any and all improvements, extensions or additions thereto hereto constructed or acquired either form the proceeds of bonds or from any other sources, together with all property, real, personal or mixed, tangible or intangible, currently or hereafter owned, operated, managed, controlled, or otherwise used by the City in connection therewith.

Waterbodies: Fresh and saltwater canals, ditches, lakes, marshes, rivers, swamps, and swales in the City.

Watercourse: A natural or artificial channel in which a flow of water occurs either continually or intermittently.

Watercraft: Any craft, vessel, or boat used or capable of being used as means of transportation on or under the water including watercraft such as houseboats and other watercraft not used primarily for transportation.

Water or *waters in the state:* Any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state. [F.S. § 373.019 (22).]

Water distribution system:

(1) Water mains.

(2) Sub mains.

(3) Transmission.

(4) Storage and pumping facilities.

(5) Valves.

(6) House services.

(7) Meters.

(8) Other appurtenances.

Water system: As used interchangeably, means any and all water production, transmission, treatment, and distribution facilities currently owned, operated, managed, controlled, or otherwise used or hereafter owned by and/or operated by the City. Such system includes any and all improvements, extensions, or additions thereto hereafter constructed or acquired either from the proceeds of bonds or from any other sources, together with all property, real, personal, or mixed, tangible or intangible, currently or hereafter owned, operated, managed, controlled, or otherwise used in connection therewith.

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.

Water use zone: A grouping of spray, sprinklers, or micro irrigation emitters so that they can be operated simultaneously by the control of one valve according to the water requirements of the plants used and soil conditions.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for conveying groundwater levels or other characteristics, providing cathodic protection or providing a method of injecting water into the aquifer system from above the earth's surface.

Wellfield: A tract of land that contains a number of existing or proposed wells for the purpose of supplying public potable water.

Wellhead: The specific location of a well.

Wellhead protection zone: An area surrounding a public supply well or group of wells that has or have been established where special protective measures or land use activities are restricted for purposes of protecting the quality of water contributing to public supply well(s). The following wellhead protection zones have been established:

(1) *Primary wellhead protection zone:* The innermost protective zone around a wellhead as defined by a 500-foot radius from a wellhead.

(2) *Secondary wellhead protection zone:* A delineated area around favorable potable water production areas for the Floridan and intermediate aquifer as determined by the Land Use Administrator.

Wetland: Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or

slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands is delineated pursuant to Sections 62-340.100 through 62.340.550, FAC as ratified by F.S. § 373.4211 (Subsection 40C-4.021(30), FAC).

Wetland buffer: See *Buffer, wetland*.

Wetland quality assessment method: According to the Uniform Mitigation Assessment Method (UMAM), a score is determined by calculating the average of the three quality assessment criteria: Location and Landscape Support, Water Quality, and Community Structure (Chapter 62-345, FAC). The score will range from zero to one.

Wetland systems, named: The following wetland and surface water systems shall be designated named wetland systems:

(1) Graham Swamp.

(2) Long Creek.

(3) Pellicer Creek.

(4) Hulett Branch.

(5) Hulett Swamp.

(6) Pringle Branch.

(7) Pringle Swamp.

(8) Styles Creek.

(9) Hominy Branch.

(10) Big Mulberry Branch.

(11) Gore Lake.

(12) Black Branch.

(13) Black Branch Swamp.

Wheel stop: A bumper or block placed at the head of a parking stall to restrain the vehicle from moving or overhanging any pedestrian access way.

Wing: A part of a building projecting from and subordinate to a central or main part.

Wireless communication facilities: Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other personal wireless communications, as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or antenna array, transmission cables, feed lines, equipment cabinets, towers, cabling, antenna brackets, and other such equipment. The following shall be deemed a wireless communication facility: new, replacement, or existing towers, government-owned towers, modified towers, collocation on existing towers or base stations, attached concealed and non-concealed antenna, dual purpose facilities, DAS, small cell, concealed towers, and non-concealed towers, so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Xeric: Native plants as well as other trees, shrubs, ground covers, and vines proven to survive only on natural rainfall after a sufficient plant establishment period.

Yard: The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot lines and building line.

Zero lot line: An arrangement of development on adjoining lots in which the required side yard offsets is reduced on one side and increased on the other so that the sum of the offsets on any lot is no less than the sum of the required offsets. No building or structure shall be closer to a lot line than five feet, unless it abuts the lot line and provided with an access easement of five feet on the adjoining lot or abuts a building

or structure on the adjoining lot. The offset adjacent to property not included in the zero lot line development or a street shall not be less than that required in the zoning district. All required building codes shall be adhered to (i.e. firewalls, etc.).

Abbreviations

/ = per	ad = advertisement	max. = maximum	min. = minimum
% = percent	ac. = acre; acres	' = foot; feet	ft. = foot; feet
" = inch; inches	ht. = height	sf = square foot; square feet	sq. ft. = square foot; square feet
n/a = not applicable	gal. = gallon(s)	pop. = population	*FS = Florida Statutes*
FAC = Florida Administrative Code		CMS = Concurrency Management System	

(Ord. No. 2009-26, § 97, 12-15-09; Ord. No. 2012-3, § 6, 5-1-12; Ord. No. 2013-9, § 3, 11-19-13; Ord. No. 2015-08 , § 4, 7-21-15; Ord. No. 2016-4 , § 1, 3-15-16; Ord. No. 2016-6 , § 2, 11-1-16; Ord. No. 2017-19 , § 2, 10-17-17; Ord. No. 2018-02 , § 6(Att. B), 2-6-18; Ord. No. 2018-13 , § 3, 4-17-18; Ord. No. 2018-21 , § 4, 10-2-18; Ord. No. 2018-24 , § 3, 11-6-18; Ord. No. 2020-09 , § 3, 8-18-20; Ord. No. 2021-22 , § 3, 10-5-21)

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** I.2

Department CITY ATTORNEY **Division**	**Amount** **Org/Account #**

Subject: ORDINANCE 2026-XX PROHIBITING THE TRANSFER OF THE CITY OF PALM COAST FIRE RESCUE DEPARTMENT

Presenter: **Marcus Duffy, City Attorney**

Attachments:
1. Ordinance

Background:

UPDATED BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:
City Council reviewed the item at their September 8, Workshop Meeting. There were no changes made to the item.

ORIGINAL BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:
City Council directed the City Attorney to draft an ordinance prohibiting the transfer of the City of Palm Coast Fire Rescue Department which is attached to this item for consideration and direction.

Recommended Action:
ADOPT ORDINANCE 2026-XX PROHIBITING THE TRANSFER OF THE CITY OF PALM COAST FIRE RESCUE DEPARTMENT

ORDINANCE 2026-___
PROHIBIT THE TRANSFER OF THE CITY OF PALM COAST FIRE RESCUE DEPARTMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALM COAST, FLORIDA; AMENDING CHAPTER 25 FIRE PREVENTION AND PROTECTION, ARTICLE I IN GENERAL, BY AMENDING SECTION 25-3 (D) FIRE SAFETY AND RESCUE; REQUIRING A SUPERMAJORITY VOTE OF THE CITY COUNCIL AND APPROVAL BY A MAJORITY OF ELECTORS VOTING IN A MUNICIPAL REFERENDUM PRIOR TO THE ABOLISHMENT, SALE, LEASE, CONSOLIDATION, TRANSFER, OR RELINQUISHMENT OF CONTROL OF THE PALM COAST FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes (the Municipal Home Rule Powers Act), vest comprehensive home rule powers in municipal governments to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, chapter 25 of the *City of Palm Coast Code of Ordinances* establishes provisions governing fire prevention, protection, and fire service administration within the City of Palm Coast ("City"); and

WHEREAS, the City Council of the City of Palm Coast finds that maintaining an operational, locally controlled Fire-Rescue Department is vital to protecting the public health, safety, and welfare of the residents and property owners of the City; and

WHEREAS, the City Council desires to establish a heightened legislative standard and mandate public voter participation before any proposal to dissolve, sell, transfer, or consolidate the Palm Coast Fire Department with another government entity or private service provider may take effect; and

WHEREAS, the City Council finds it in the best interest of the community to require both a supermajority vote of the Council and a citywide referendum before approving the sale, transfer, or long-term lease of any City-owned Fire Rescue Department; and

WHEREAS, the City Council deems it necessary and essential to safeguard municipal

public safety assets and ensure that the Palm Coast Fire Department remains permanently under the jurisdiction and ownership of the City of Palm Coast for the safety and welfare of its residents;

WHEREAS, words with double 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. AMENDMENT TO ARTICLE 1, SECTION 25-3 (D), FIRE SAFETY AND RESCUE OF *THE CODE OF ORDINANCES*. That Chapter 25, Fire Prevention and Protection, Article I, In General, Section 25-3 (d) & of the Code of Ordinances of the City of Palm Coast are hereby amended to read as follow:

Sec. 25-3. – Fire safety and rescue.

***

(d) *Prohibiting Acts.* It shall be unlawful for the City of Palm Coast, to sell, transfer, or long-term lease, the City of Palm Coast Fire Rescue Department, or any substantial operational component thereof, to any other municipality, county government, special district, state agency, or private corporate entity unless the City Council approves such action by a supermajority vote and the action is approved by a majority of electors voting in a Citywide referendum. The City Council's vote shall occur before the referendum is called.

(e) *Exclusions.* Nothing in this section shall prohibit:

(1) The routine procurement, replacement, surplus disposal, or sale of individual obsolete or decommissioned firefighting vehicles, tools, or equipment in the ordinary course of municipal administration.

(2) Mutual aid agreements, automatic aid agreements, or interlocal agreements entered into with

neighboring municipal, county, or state emergency services for the enhancement of regional public safety and disaster response.

(3) Interlocal agreements for specialized training or shared dispatch services that do not divest the City of Palm Coast of its ultimate ownership, control, and operational authority over its fire department.

* * *

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

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

APPROVED on first reading this 15th day of September 2026.

ADOPTED on second reading after due public notice and hearing thi**s** ___ day of October 2026.

ATTEST:

_____
KALEY COOK, CITY CLERK

CITY OF PALM COAST

_____
MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____
MARCUS DUFFY, CITY ATTORNEY

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** I.3

Department CITY ATTORNEY **Division**	**Amount** **Org/Account #**
Subject: ORDINANCE 2026-XX PROHIBITING DIRECT POTABLE REUSE	
Presenter: **Marcus Duffy, City Attorney**	
Attachments: 1. Ordinance	

Background:

UPDATED BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:
City Council reviewed the item at their September 8, Workshop Meeting. There were no changes made to the item.

ORIGINAL BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:
City Council directed the City Attorney to draft an ordinance prohibiting direct potable reuse which is attached to this item for consideration and direction.

Recommended Action:
ADOPT ORDINANCE 2026-XX PROHIBITING DIRECT POTABLE REUSE

ORDINANCE 2026-__
PROHIBITING DIRECT POTABLE REUSE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING CHAPTER 49, "UTILITIES," ARTICLE II, "REGULATION OF WATER AND SEWER UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF PALM COAST, FLORIDA; AMENDING SECTION 49-32 (DEFINITIONS) TO ADD DEFINITION FOR DIRECT POTABLE REUSE, AMENDING SECTION 49-35 PROHIBITED ACTS TO EXPLICITLY PROHIBIT THE INTRODUCTION OF DIRECT POTABLE REUSE INTO THE PUBLIC POTABLE WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast ("City") owns and operates essential public utility systems that are vital to the health, safety, and welfare of its residents; and

WHEREAS, the City water utility system is dedicated to providing high-quality and reliable drinking water to its residents and utility customers; and

WHEREAS, the public trust of the citizens of Palm Coast depend upon maintaining strict quality standards, source reliability, and consumer confidence in the municipal potable water supply; and

WHEREAS, to meet water demands, the City Utility will plan to continue the utilization of reclaimed water exclusively for non-potable applications including landscape irrigation, zero liquid discharge, and in the near future brackish groundwater as alternative water supply sources; and

WHEREAS, the City Council desires to maintain focus on these current and planned water supply sources, calls for prohibiting Direct Potable Reuse within the City of Palm Coast Utility system; and

WHEREAS, words with <u>double underlined</u> 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. AMENDMENT TO CHAPTER 49, UTILITIES, ARTICLE II REGULATION OF WATER AND SEWER UTILITIES, SECTIONS 49-32 & 49-35 OF *THE CODE OF ORDINANCES*. That Chapter 49 Utilities, Article II Regulation of Water and Sewer Utilities, Section 49-32 & Section 49-35 of the *Code of Ordinances of the City of Palm Coast* are hereby amended to read as follow:

Sec. 49-32. – Definitions.

***

Direct Potable Reuse (DPR) shall mean the delivery of advanced treated water from an advanced treatment water facility to a drinking water treatment facility or directly into a potable water supply distribution system without an environmental buffer.

***

Sec. 49-35 – Prohibited Acts.

(b) Prohibition of Direct Potable Reuse. The City Utility is strictly prohibited from constructing, operating, or funding any infrastructure, process, or facility designed for Direct Potable Reuse within municipal potable drinking water supply system.

(c) Permitted Non-Potable Reuse. Nothing in this section shall restrict or prohibit the production, distribution, or utilization of reclaimed water treated in strict compliance with applicable Florida Department of Environmental Protection (FDEP) non-potable standards, provided such water is utilized exclusively for non-potable applications, including landscape irrigation, agricultural use, commercial cooling, or industrial processes, and provided no direct physical connection to the potable water supply network exists.

* * *

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

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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

APPROVED on first reading this 15th day of September 2026.

ADOPTED on second reading after due public notice and hearing thi**s** ___ day of October 2026.

ATTEST: CITY OF PALM COAST

_____ _____

KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____

MARCUS DUFFY, CITY ATTORNEY

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026

Agenda Item:
I.4

Department COMMUNITY DEVELOPMENT **Division** PLANNING	**Amount** **Org/Account #**

Subject: ORDINANCE 2026-XX LAKEVIEW ESTATES COMPREHENSIVE PLAN AMENDMENT - APPLICATION #5576

Presenter: **Michael Hanson, A.I.C.P, Senior Planner**

Attachments:

1. Presentation
2. Ordinance
3. Staff Report
4. Business Impact Estimate
5. Map Series
6. Cover Letter, Application, Corp ID, Owner Authorization
7. Applicant FLUM Analysis, Trip Generation Report, Environmental Report
8. Boundary Survey and Title Opinion for FLUM Amendment Area Tract 9
9. Public Notice
10. Recorded Lakeview Estates MPD

Background:

UPDATED BACKGROUND FROM THE SEPTEMBER 1, 2026, BUSINESS MEETING:

At the September 1, 2026, Business Meeting, City Council tabled the item to the September 15, 2026, Business Meeting.

ORIGINAL BACKGROUND FROM THE SEPTEMBER 1, 2026, BUSINESS MEETING:

Request: This Future Land Use Map (FLUM) amendment has a companion Master Planned Development (MPD) Agreement amendment requesting the subject ±20-acre site be rezoned to permit General Commercial (COM-2) uses limited to a maximum height of 35 feet. Additionally, the COM-2 uses will be limited to not permit special exceptions for mini-warehouses, office warehouses, or self-storage on the site. The MPD amendment also requests changes to other tracts within the MPD which do not affect the FLUM amendment.

Michael Chiumento III of Chiumento Law, as agent for Matanzas GC Palm Coast LLC, is proposing to redesignate a ±20-acre portion of vacant land located on the east side of US Highway 1, approximately ±3,300 feet north of its intersection with Matanzas Woods Parkway from Greenbelt to Mixed Use in order for the applicant to develop a ±20-acre portion of Tract 9 for commercial uses.

Background: This property was previously developed and operated as part of the now defunct Grand Club Matanzas Golf Course, which permanently closed in 2007. At that time the property was zoned MPD with land designated as Greenbelt or Conservation. The current property owner purchased the former golf course in 2019. In January 2021, the City Council approved the Lakeview Estates Master Planned Development Agreement during a public hearing. The overall development (±280.6 acres) was assigned residential entitlements for 272 dwelling units under the Greenbelt designations density of one dwelling unit (du) per acre, and ±8.3 acres of institutional uses (meeting the Public Semi-Public zoning district) on Tract 9 after an environmental assessment reduced ±4.3 acres of potential land to be conserved to ±0.2 acres.
Since then, the developer has received approvals for 200 single-family residential units in Tract 1; 12 single-family residential units scattered on Tract 1, 2, 4, and 7; and most recently 9 single-family residential units on Tract 10. This results in the overall project maintaining residential entitlements for 51 dwelling units. In 2024, the applicant requested the proposed FLUM amendment and companion MPD amendment. The proposed FLUM amendment would redesignate a ±20-acre portion of Tract 9 to Mixed Use. Mixed use allows a density of 15 du per acre. It is advisable to include a site-specific limiting policy to ensure that the FLUM amendment does not create more density for the overall development than currently permitted. With this in place, and the development of the 20-acre tract as commercial uses, the remaining overall density entitlement for the project will be 39 du per acre.

This application has taken a significant amount of time as staff waited on multiple resubmittals from the applicant in order to make a complete application. Staff had originally requested a Transportation Impact Analysis (TIA) for the FLUM amendment area, which the applicant has requested through City Administration the ability to defer submitting the TIA until the Technical Site Plan application to develop Tract 9 for commercial uses. In place of the analysis that the TIA would bring, the applicant has requested a site-specific limiting policy that caps the maximum daily trips of the subject area to what is currently allowed by the most intense use allowed in the Greenbelt FLUM designation.

Public Participation: The applicant hosted a neighborhood meeting as required by Unified Land Development Code (LDC) Section 2.05.02 at 5:30 p.m. Tuesday April 14th, 2026, in the cafeteria of Indian Trails Middle School. The applicant also met the public notice requirements of LDC Section 2.05.03. The neighborhood meeting had approximately 125 attendees. Since then, staff has been contacted by several of the surrounding residents with clarifying questions about the applicant's requests.

Proposed Comprehensive Plan Text Amendment: To facilitate the requested map amendment while protecting infrastructure capacity, staff recommends the adoption of the following site-specific limiting policy to the Future Land Use Element (FLUE): **Policy 1.1.2.5** - For the 20-acre portion of Tract 9 of Lakeview Estates MPD, identified as Parcel ID No. 07-11-31-7037-0RP0A-0002 and legally described in Ordinance 2026- XX, designated as Mixed Use on the Future Land Use Map, development shall be subject to the following limitations:
1. **Intensity Cap:** Non-residential development shall generate no more than 1,815 PM Peak Hour trips, as determined by the latest edition of the ITE Trip Generation Manual and be capped in building height to no higher than 35 feet.
2. **Density Cap:** Residential density shall be capped to producing no more than one dwelling unit per acre.

Planning and Land Development Regulation Board Meeting: The Planning and Land Development Regulation Board (PLDRB) heard the Comprehensive Plan Amendment, application #5576, and its companion MPD Amendment, application #5575, at their May 20, 2026 meeting. During the evening, the PLDRB unanimously approved a motion to delay public comment on the Comprehensive Plan Amendment until after the companion MPD Amendment, application #5575, had been presented to the PLDRB as well. 10 members of the public spoke in opposition to the proposed Comprehensive Plan Amendment and MPD Amendment.

The PLDRB voted five to one in favor of recommending approval of the Comprehensive Plan Amendment subject to the concurrent adoption of staff's draft FLUE Policy 1.1.2.5 serving as a site-specific limiting policy capping the intensity and density of the 20-acre portion of Tract 9 of the Lakeview Estate MPD.

The PLDRB voted six to zero in favor of recommending denial of the MPD Amendment subject to criteria analysis of LDC Section 2.05.05A finding the application contrary to public interest based on compelling evidence presented by the public during public comment in addition to analysis of LDC Sections 3.03.04.J1 and 3.03.04.J2.

This is a quasi judicial item, please disclose any ex parte communication.

Recommended Action:
STAFF RECOMMENDS THAT THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) FIND APPLICATION #5576 CONSISTENT WITH THE COMPREHENSIVE PLAN AND RECOMMEND THAT CITY COUNCIL APPROVE THE FLUM AMENDMENT FROM GREENBELT TO MIXED USE, SUBJECT TO THE CONCURRENT ADOPTION OF FLUE POLICY 1.1.2.5 LIMITING THE SITE'S DEVELOPMENT POTENTIAL.

City Council
Public Hearing

Lakeview Estates
FLUM and MPD Amendment
AR # 5575 & 5576

Revised 9/10/2026

Lakeview Estates
Future Land Use Map Amendment
Analysis and Recommendation
AR # 5576

Future Land Use Map Amendment

Findings Summary

- Public facilities are available to accommodate the impact of the FLUM amendment,
- Environmental standards for development will need to be met,
- Requested FLUM designation is consistent with the surrounding land use and development pattern,
- Requested FLUM is appropriate on US -1,
- The FLUM amendment is consistent with various policies of the Comprehensive Plan

PALM COAST

Future Land Use Map Amendment

Recommendation

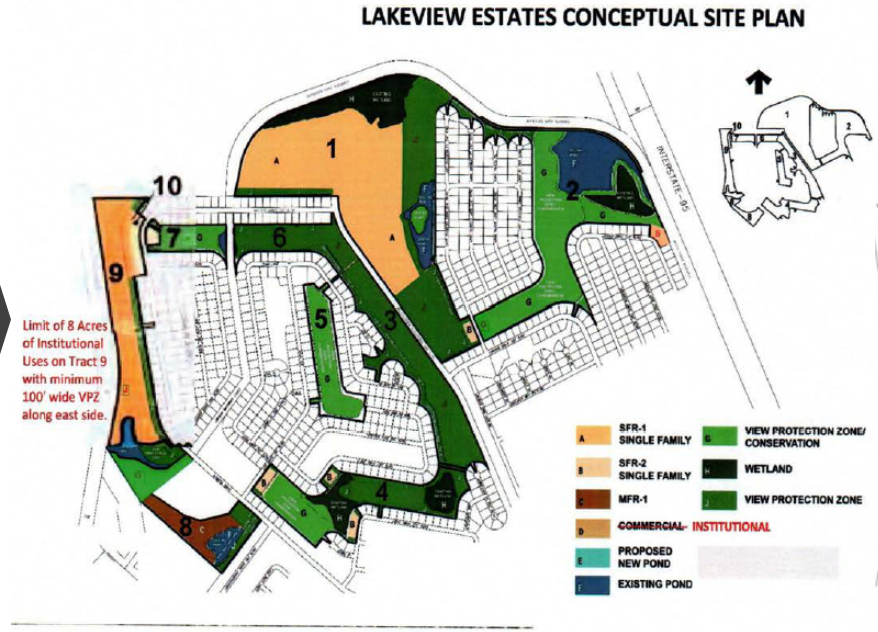
The Planning and Land Development Regulation Board recommends that City Council find Application #5576 consistent with the Comprehensive Plan and approve the FLUM amendment from Greenbelt to Mixed Use, subject to the concurrent adoption of FLUE Policy 1.1.2.5 limiting the site's developmental potential.

Lakeview Estates
Master Planned Development Amendment
Analysis & Recommendation
AR # 5575

Existing vs. Proposed

MPD Amendment

Tract Map Comparison



Ordinance 2021-01
Lakeview Estates MPD Development Agreement
Page 57 of 65



Updated for 9.15 Council Meeting

Proposed Conceptual Map Changes 9-1 to 9-15

MPD Amendment

Tract Map Comparison





PALM COAST

MPD Amendment

Project Amendments

The property owner, using clustering provisions of the LDC, the overall acreage of the project, and a field verified conservation area of ±0.2 acres ended up with residential entitlements of ±272 dwelling units (du). To date, 221 lots have received varying levels of approval (Preliminary and Final plats) between Tracts 1, 2, 4, 7, and 10 resulting in the project retaining 51 residential entitlements. The applicant's requested MPD DA Amendment relies on the potential approval of their requested FLUM amendment and has the effect of reducing the remaining residential entitlements from 51 du to 39 du due to the planned development of ±20 acres of COM-2 uses on Tract 9.

- The applicant is proposing to site the remaining 39 residential entitlements on Tract 3, these lots will likely be designed to be ±10,000 square feet or larger to make use of their proposed language for recreational vehicle garages, but at a minimum size lots meeting the Unified Land Development Code (LDC) requirements of the SFR-2 zoning district, which requires 7,500-square-foot lots which are compatible with the existing platted single-family residential lots found on nearby Lee Drive.
- The DA provides language for siting additional stormwater retention ponds in Tracts 3, 6, and 7, which supports the City's recent effort to add additional stormwater retention in the area by vacating Learning Lane and Leaf Lane.
- The applicant is also requesting to amend the allowed use on tract 8 to convey the City a site for a future City park at no cost and not subject to park impact fee credits.

PALM COAST

Updated for 9.15 Council Meeting

MPD Amendment

MPD DA Changes

9-1 to 9-15 versions

Following the City Council Meeting on 9/1/2026 the applicant has modified the proposed MPD Development Agreement Amendment and associated exhibits.

1. City Community Park: The applicant has added language to ensure the owner shall demonstrate that arsenic levels on Tract 8 are under limits for human occupation as regulated by Federal, State, and Local regulations prior to conveyance of the Tract to the City.
2. Project Description: Now includes a line providing the to date utilization of the residential entitlements (221) and remaining balance (39, assuming the FLUM amendment is approved).
3. Tract utilization table for Tract 9 is also updated to limit commercial uses to a cap of 250,000 square feet (SF) of development, and provides a new exhibit (Exhibit “C” to the MPD which provides clarification on the COM-2 uses the applicant is seeking.
4. Text for Tract 3 has been reworded to clarify that potential development on Tract 3 shall maintain a minimum 50-foot View Protection Zone (VPZ), and ensures that the VPZ may not be cleared during development of the tract.

Changes continue on next slide.

PALM COAST

Updated for 9.15 Council Meeting

MPD Amendment

MPD DA Changes

9-1 to 9-15 versions

5. Text for Tract 9 has been reworded to reference the intensity cap of 250,000 SF. Additionally, language has been provided to allow for potential waiver reductions to the landscaping buffers adjacent to US-1 and parking requirements. Such waivers are worded to follow existing LDC requirements for landscape betterment plans (approved by PLDRB), or parking flexibility studies based on Institute of Traffic Engineers' Parking Manual (administratively approved by the LUA in the LDC). These potential waivers are designed to ensure that the 100' VPZ on Tract 9 is maintained.
6. Section 4 – 13 added.

   "Prior to filing any application for development of Tract 3 or Tract 9, the Owner shall either (1) place a conservation easement over portions of the Subject Property prohibited from being developed ("Undeveloped Property") with the terms of such easement in a form acceptable to the City's LUA or (2) convey the Undeveloped Property pursuant to a mutually agreeable purchase and sale agreement approved by the LUA."

PALM COAST

MPD Amendment

View Protection Zones – LDC Sec. 3.03.04(J)

The term and utilization of VPZ was established within the Lakeview Estates MPD DA that was adopted in 2021 to be consistent with the Land Development Code regulations related to development in former GCC Districts.

Section 3.03.04(J) of the LDC provides the following redevelopment criteria:

J. *Existing golf course communities. Existing golf courses communities located within the former Golf Course Communities (GCC) District seeking to add residential units must comply with the standards established for the Master Planned Development (MPD) District. In addition, the development shall utilize the following guidelines in order to minimize adverse impacts on any abutting single-family residentially zoned areas.*

1. *Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e. side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.*

2. *Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.*

3. *Multifamily uses shall be surrounded by fairways, clubhouse, and/or other golf course facilities to buffer single-family areas within the same development. The multifamily uses shall not be located within 150 feet from any existing, platted lots located within a residentially zoned area.*

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

A. *The proposed development must not be in conflict with or contrary to the public interest;*
B. *The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;*
C. *The proposed development must not impose a significant financial liability or hardship for the City;*
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;*
E. *The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes.*

PALM COAST

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- The proposed MPD amendment ultimately would reduce the remaining residential entitlements from 51 to 39 remaining du on the subject property as ±20 acres would be slotted for commercial development adjacent to US Highway 1.
- The conveyance of Tract 8 as a City park site without requiring the City to buy the land or for park impact fee credits is a benefit to the neighborhood.
- The proposed residential uses on Tract 3 adjacent to Lakeview Boulevard are likely the most significant impact to the surrounding neighborhood; however, the minimum sizes of the proposed residences would match the existing residential neighborhood's zoning of SFR-2.
- The applicant's request to be able to site recreational vehicle garages as an accessory use on any residential lot 10,000 or more square feet has the potential to reduce the need of residents with recreational vehicles or boats from having to utilize private off-site storage options.
- The neighborhood meeting did have ±125 individuals attend, so there is clearly a vested interest by the public in the proposed MPD DA amendment; however, due to the nature of the neighborhood meeting and its technical limitations, it is difficult to gauge consensus on the public's interest.

Palm Coast

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

The request is consistent with the Comprehensive Plan. However, its staff's opinion that the applicant's request is not totally consistent with the following sections of the Unified Land Development Code (LDC):

- ***Section 3.03.04.J.1.*** *Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e. side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.*
- ***Section 3.03.04.J.2.*** *Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.*

Palm Coast

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- Potable water and sewer services are available to serve the project.
- Through the development review process, further analysis of the development impact on public infrastructure will be completed.

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;

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- The project already has approved residential entitlements to support a total of 272 du on the site. The proposed MPD Amendment reduces the overall density of the project area by reducing the residential entitlements 260 units. At this time 221 residential entitlements have been used. Additionally, it provides land for a public park site, and language to require emergency access to US Highway 1.
- At this time the proposed amendment does not create by itself an unreasonable hazard; however, during the platting process, City review staff shall evaluate the proposed project to ensure compliance with all applicable code requirements.

PALM COAST

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- The subject property will be required to comply with the MPD Development Agreement, City's Land Development Code (LDC), Comprehensive Plan, and the requirements of all other applicable local, state and federal agencies throughout the development process.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

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

B. Consistency with the general intent of the LDC.

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

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

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.

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

PALM COAST

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis (continued)

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

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.

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

J. Impact upon the environment or natural resources.

K. Impact on the economy of any affected area.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The proposed application remains consistent with and will further the goals and objectives of the Comprehensive Plan.

B. Consistency with the general intent of the LDC.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The development standards in the MPD remain generally consistent with the standards established by the LDC.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The proposed changes will not cause the MPD Agreement to further depart from customary standards in the LDC.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The proposed uses are similar to existing developments. The neighborhood of the Matanzas Woods area includes SFR-1, SFR-2, SFR-3 and MFR-1 zoning districts. The proposed development is compatible with those zoning districts. In addition, a neighborhood park is compatible with the residential uses found in the area. The height limitation on tract 9 and enhanced vegetative buffers within the VPZ areas help to ensure compatibility with the existing neighborhood. Furthermore, staff's VPZ recommendation helps to ensure compatibility with adjacent existing properties.

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.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- As required by the LDC, future development applications will be analyzed in further detail to determine if there is adequate public infrastructure capacity to serve the development. Other public service needs will also be reviewed in more detail as the development review progresses. For example, future applications for development will require further environmental analysis, utility agreements, coordination with Flagler Schools, etc. before approval. The subject project will be required to pay applicable 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.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The developer has not shown any specific phasing of the project. However, various tracts within the MPD are situated where they can adequately be developed independently through the platting process.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The applicant previously submitted a Transportation Impact Study when the application was heard in 2021 that demonstrated that all roadways within the study area with the project's traffic included will operate at the City's adopted level of service. This amendment reduces the overall density of the MPD and the applicant has requested a site-specific limiting policy to cap the amount of traffic on Tract 9 to what is currently allowed. The applicant did not provide an updated Transportation Impact Analysis (TIA) with this application after making a request to City Administration, so staff is unable to evaluate the proposed distribution on US Highway 1 for the ±20-acre commercial site. An updated TIA shall be required during the Technical Site Plan stage of Tract 9's commercial development for further review.

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.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The MPD DA amendment reduces residential density, provides additional stormwater, a City park site without cost to the City, and commercial uses along US Highway 1's expanding commercial corridor which could ultimately reduce trip ends to other areas of the City when developed. This project is consistent with the requirements of an MPD to provide a public benefit.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The request adds more commercially designated land to the City and results in a minor reduction of density of the MPD. The proposed uses are similar to the existing residential neighborhood and do not request a reduction in lot sizes from the existing adjacent neighborhood. The proposed height limitation helps ensure compatibility with the existing residential land uses, and although the VPZ areas are reduced in width from the approved MPD DA, the language for enhanced vegetative screening helps buffer existing land uses from those within the MPD.

J. Impact upon the environment or natural resources.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The landowners will be required to submit all applicable environmental reports or studies as required by the LDC during subsequent development. These studies will include environmental resource assessments, cultural resources, soil and groundwater analyses, stormwater calculations, floodplain analysis, and threatened and endangered species studies as applicable during the site plan or platting process for any new project within the MPD.

K. Impact on the economy of any affected area.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The residents that will inhabit these new homes will have a positive impact on State and local income including permit and impact fees, taxes, and other sources. The project will also provide a significant number of constructions jobs, which should have a positive direct and indirect impact on the local economy. Further the applicant's analysis of the commercial development at Tract 9 estimates that ±250,000 gross square feet could be developed which will enhance the City's nonresidential tax base.

MPD Amendment

Findings Summary

- Public facilities are available to accommodate the impact of the MPD amendment,
- The requested MPD amendment meets the developmental criteria of LDC Sections 2.05.05 and 2.09.04,
- The requested MPD amendment is generally consistent with the Comprehensive Plan and Unified Land Development Code.

MPD Amendment
PLDRB

- The Planning and Land Development Regulation Board (PLDRB) heard the Comprehensive Plan Amendment, application #5576, and its companion MPD Amendment, application #5575, at their May 20, 2026 meeting.

- During the evening, the PLDRB unanimously approved a motion to delay public comment on the Comprehensive Plan Amendment until after the companion MPD Amendment, application #5575, had been presented to the PLDRB as well. 10 members of the public spoke in opposition to the proposed Comprehensive Plan Amendment and MPD Amendment.

- The PLDRB voted five to one in favor of recommending approval of the Comprehensive Plan Amendment subject to the concurrent adoption of staff's draft FLUE Policy 1.1.2.5 serving as a site specific limiting policy capping the intensity and density of the 20-acre portion of Tract 9 of the Lakeview Estate MPD.

- The PLDRB voted six to zero in favor of recommending denial of the MPD Amendment subject to criteria analysis of LDC Section 2.05.05A finding the application contrary to public interest based on compelling evidence presented by the public during public comment in addition to analysis of LDC Sections 3.03.04.J1 and 3.03.04.J2.

PALM COAST

MPD Amendment Recommendation

The Planning and Land Development Regulation Board recommends that the City Council finds the proposed MPD Amendment (Application No. 5575) not consistent with the Comprehensive Plan and deny the application.

Next Steps

- The developer will be required to submit for a Technical Site Plan application prior to developing Tract 9 and will need to plat Tract 3.
- Depending on the gross square footage of development on Tract 9, it may be required to come back to either the PLDRB or City Council.

Staff is available for any questions and the applicant's team is in attendance.

Thank you.

ORDINANCE 2026-_____
COMPREHENSIVE PLAN AMENDMENT TO LAKEVIEW ESTATES
APPLICATION 5576

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2050 COMPREHENSIVE PLAN, AS AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR A ±20 ACRE PORTION OF TRACT 9 OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 07-11-31-7037-0RP0A-0002, GENERALLY LOCATED ON THE EAST SIDE OF US HIGHWAY 1 APPROXIMATELY ±3,300 FEET NORTH OF ITS INTERSECTION WITH MATANZAS WOODS PARKWAY AND BEING MORE PARTICULARLY DESCRIBED IN ATTACHED EXHIBIT A, FROM GREENBELT TO MIXED USE AND AMENDING THE FUTURE LAND USE ELEMENT PROVIDING A SITE-SPECFIC LIMITING POLICY CAPPING DENSITY AND INTENSITY; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Coast enacted Ordinance 2025-06, adopting the City *of Palm Coast 2050 Comprehensive Plan* which includes the City of Palm Coast Future Land Use Map (FLUM), which Plan and FLUM have been amended from time-to-time; and

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

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

WHEREAS, MATANZAS GC PALM COAST LLC, a Florida limited liability company ("Owner") is the Owner of the property further described in "Exhibit A"; and

WHEREAS, the Owner is has requested to amend the future land use designation of the property described in Exhibit A from City of Palm Coast Future Land Use Designation of Greenbelt to City of Palm Coast Future Land Use Designation of Mixed Use; and

WHEREAS, the City of Palm Coast Planning and Land Development Regulation Board (PLDRB) acting as the City's Local Planning Agency, considered the proposed map amendments at a public hearing on May 20, 2026, and voted to recommend Approval of the proposed Comprehensive Plan Amendment; and

WHEREAS, on September 1, 2026, and October 20, 2026 the City of Palm Coast City Council held public hearings on this Comprehensive Plan amendment after due public notice and upon thorough and complete consideration and deliberation, adopted the proposed Comprehensive Plan amendment; and

WHEREAS, the Comprehensive Plan amendments adopted by this Ordinance complies with the requirements of the Community Planning Act, the State Comprehensive Plan as set forth in Chapter 187, Florida Statutes, as well as other applicable law, and is consistent with the goals, objectives, and policies and the overall land use plan of the City's *Comprehensive Plan*; and

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

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

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

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast.

SECTION 2. FUTURE LAND USE MAP AMENDED. The ±20-acre portion of Tract 9 of certain real property described as tax parcel identification number 07-11-31-7037-0RP0A-0002, generally located on the east side of US Highway 1 approximately ±3,300 feet north of its intersection with Matanzas Woods Parkway and being more particularly described in attached Exhibit A, is hereby amended from the City of Palm Coast Future Land Use Designation of Greenbelt to the City of Palm Coast Future Land Use Designation of Mixed Use.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provision of the Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of

the Code of 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 5. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

APPROVED on the first reading after due public notice and hearing this 1st day of September, 2026.

ADOPTED on the second reading after due public notice and hearing this 20th day of October, 2026.

ATTEST:

CITY OF PALM COAST, FLORIDA

_____
KALEY COOK, CITY CLERK

_____
MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____
MARCUS DUFFY, CITY ATTORNEY

Attachment:
Exhibit “A” – Legal Description
Exhibit “B” – Amended Future Land Use Map

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF RESEVED PARCEL "C", LAKEVIEW – SECTION 37 PALM COAST PARK AT PALM COAST, AS RECORDED IN MAP BOOK 13, PAGES 1 THROUGH 29 INCLUSIVE, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF SAID RESERVED PARCEL "C" (SAID POINT BEING LOCATED ON THE EASTERLY RIGHT–OF–WAY LINE OF U.S. HIGHWAY NO. 1, A VARIABLE WIDTH PUBLIC RIGHT–OF–WAY); THENCE DEPARTING SAID RIGHT–OF–WAY LINE ALONG THE NORTHERLY LINE OF SAID PARCEL "C", NORTH 89°26'28" EAST FOR A DISTANCE OF 338.33 FEET; THENCE DEPARTING SAID NORTHERLY LINE SOUTH 09°19'20" EAST FOR A DISTANCE OF 461.65 FEET TO A NON–TANGENT CURVE TO THE LEFT HAVING AN ARC LENGTH OF 34.59 FEET, A RADIUS OF 430.06 FEET, A CENTRAL AGLE OF 04°36'28", A CHORD BEARING OF SOUTH 07°15'28" EAST AND A CHORD LENGTH OF 34.58 FEET TO A POINT OF TANGENCY; THENCE SOUTH 09°33'42" EAST FOR A DISTANCE OF 297.51 FEET; THENCE NORTH 80°26'17" EAST FOR A DISTANCE OF 125.00 FEET TO THE WESTERLY RIGHT–OF–WAY LINE OF LONDON DRIVE, A 60–FOOT WIDE PUBLIC RIGHT–OF–WAY PER SAID PLAT OF LAKEVIEW SECTION 37; THENCE ALONG SAID RIGHT–OF–WAY LINE SOUTH 09°34'33" EAST FOR A DISTANCE OF 6.16 FEET; THENCE DEPARTING SAID RIGHT–OF–WAY LINE SOUTH 80°26'17" WEST FOR A DISTANCE OF 225.00 FEET; THENCE SOUTH 09°33'43" EAST FOR A DISTANCE OF 1640.61 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 261.00 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 18°07'34", A CHORD BEARING OF SOUTH 18°37'30" EAST AND A CHORD DISTANCE OF 259.91 FEET TO A NON–TANGENT LINE; THENCE DEPARTING SAID CURVE ALONG SAID LINE SOUTH 78°45'33" WEST FOR A DISTANCE OF 524.16 FEET TO THE AFOREMENTIONED EASTERLY RIGHT–OF–WAY LINE OF U.S. HIGHWAY NO. 1; THENCE NORTHERLY ALONG SAID RIGHT–OF–WAY LINE FOR THE FOLLOWING FIVE (5) COURSES; THENCE NORTH 09°59'31" EAST FOR A DISTANCE OF 128.08 FEET; THENCE SOUTH 89°43'01" WEST FOR A DISTANCE OF 5.08 FEET; THENCE NORTH 09°59'31" EAST FOR A DISTANCE OF 253.32 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 655.07 FEET, A RADIUS OF 2030.05 FEET, A CENTRAL ANGLE OF 18°29'19", A CHORD BEARING OF NORTH 00°44'52" EAST AND A CHORD DISTANCE OF 652.23 FEET TO A POINT OF TANGENCY; THENCE NORTH 08°29'47" WEST FOR A DISTANCE OF 179.58 FEET; THENCE SOUTH 81°30'12" WEST FOR A DISTANCE OF 20.00 FEET; THENCE NORTH 08°29'47" WEST FOR A DISTANCE OF 1583.88 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

EXHIBIT B
AMENDED FUTURE LAND USE MAP



COMMUNITY DEVELOPMENT DEPARTMENT
COMPREHENSIVE PLAN AMENDMENT STAFF REPORT
CITY COUNCIL
PUBLIC HEARING ON SEPTEMBER 1, 2026

OVERVIEW

Application Number:	5576
Applicant:	Michael Chiumento III, Esq. Chiumento Law, agent for owner
Property Description:	The east side of US Highway 1, approximately ±3,300 feet north of its intersection with Matanzas Woods Parkway
Property Owner:	Matanzas GC Palm Coast LLC
Parcel ID #:	07-11-31-7037-0RP0A-0002, 07-11-31-7037-0RP0A-0011
Current FLUM:	Greenbelt
Current Zoning:	Lakeview Estates Master Planned Development (MPD) – Tract 9
Current Use:	Vacant
Size of Property:	±280.6 acres Overall (±32.5 acres Tract 9)
Requested Action:	Future Land Use Map (FLUM) amendment from the Greenbelt land use designation to the Mixed Use land use designation for a ±20-acre portion of Tract 9 with a site specific limiting policy capping the maximum PM peak hour trips, and the maximum density.

ANALYSIS

REQUESTED ACTION

This Future Land Use Map (FLUM) amendment has a companion Master Planned Development (MPD) Agreement amendment requesting the subject ±20-acre site be rezoned to permit General Commercial (COM-2) uses limited to a maximum height of 35 feet. Additionally, the COM-2 uses will be limited to not permit special exceptions for mini-warehouses, office warehouses, or self-storage on the site. The MPD amendment also requests changes to other tracts within the MPD which do not affect the FLUM amendment.

Michael Chiumento III of Chiumento Law, as agent for Matanzas GC Palm Coast LLC, is proposing to redesignate a ±20-acre portion of vacant land located on the east side of US Highway 1, approximately ±3,300 feet north of its intersection with Matanzas Woods Parkway from Greenbelt to Mixed Use in order for the applicant to develop a ±20 acre portion of Tract 9 for commercial uses.

BACKGROUND/SITE HISTORY

This property was previously developed and operated as part of the now defunct Grand Club Matanzas Golf Course, which permanently closed in 2007. At that time the property was zoned MPD with land designated as Greenbelt or Conservation. The current property owner purchased the former golf course in 2019. In January 2021, the City Council approved the Lakeview Estates Master Planned Development Agreement during a public hearing. The overall development (±280.6 acres) was assigned residential entitlements for 272 dwelling units under the Greenbelt designations density of one dwelling unit (du) per acre, and ±8.3 acres of institutional uses

(meeting the Public Semi-Public zoning district) on Tract 9 after an environmental assessment reduced ±4.3 acres of potential land to be conserved to ±0.2 acres.

Since then, the developer has received approvals for 200 single-family residential units in Tract 1; 12 single-family residential units scattered on Tract 1, 2, 4, and 7; and most recently 9 single-family residential units on Tract 10. This results in the overall project maintaining residential entitlements for 51 dwelling units.

In 2024, the applicant requested the proposed FLUM amendment and companion MPD amendment. The proposed FLUM amendment would redesignate a ±20-acre portion of Tract 9 to Mixed Use. Mixed use allows a density of 15 du per acre. It is advisable to include a site specific limiting policy to ensure that the FLUM amendment does not create more density for the overall development than currently permitted. With this in place, and the development of the 20-acre tract as commercial uses, the remaining overall density entitlement for the project will be 39 du per acre.

This application has taken a significant amount of time as staff waited on multiple resubmittals from the applicant in order to make a complete application. Staff had originally requested a Transportation Impact Analysis (TIA) for the FLUM amendment area, which the applicant has requested through City Administration the ability to defer submitting the TIA until the Technical Site Plan application to develop Tract 9 for commercial uses. In place of the analysis that the TIA would bring, the applicant has requested a site specific limiting policy that caps the maximum daily trips of the subject area to what is currently allowed by the most intense use allowed in the Greenbelt FLUM designation.

The applicant hosted a neighborhood meeting as required by Unified Land Development Code (LDC) Section 2.05.02 at 5:30 p.m. Tuesday April 14th, 2026, in the cafeteria of Indian Trails Middle School. The applicant also met the public notice requirements of LDC Section 2.05.03. The neighborhood meeting had approximately 125 attendees. Since then, staff has been contacted by several of the surrounding residents with clarifying questions about the applicant's requests.

DENSITY/INTENSITY AND POPULATION

Note: The analysis for comprehensive plan map amendments takes into consideration the maximum development potential under the current and proposed FLUM categories and represent the theoretical maximum development potential within the land use category.

The tables below show a comparison should the project area be zoned and developed for residential or nonresidential use between the current future land use designation of Greenbelt and the proposed future land use designation of Mixed Use. It is unlikely for the theoretical maximum in either residential density or nonresidential intensity to be achieved as the current existing MPD Development Agreement (DA) does not permit residential development as a use type and the maximum height is limited to 35 feet, which may affect some nonresidential uses from being able to go vertical.

The maximum residential development potential is depicted in Table 1. Greenbelt allows a maximum density of 1 du per acre. Therefore, the 20-acre portion of Tract 9 allows for maximum density of 20 du. As the Mixed Use designation allows for up to 15 du per acre, which could create an additional residential unit entitlement of 280 du, staff recommends a site specific limiting policy that caps the residential density to a maximum of 1 du per acre (as currently allowed under Greenbelt).

TABLE 1 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (RESIDENTIAL USE)				
	# of Acres	Maximum Density[1]	Maximum # of units	Population (2.5 persons/dwelling unit) (3)
Proposed FLUM: Mixed Use	20	15 du/acre[2]	300	750
Current FLUM: Greenbelt	20	1 du/acre	20	50
NET CHANGE	0		280	700

Footnotes:

[1] Maximum densities are established by Comprehensive Plan Policy.

[2] This level of density is only achievable with a Master Planned Development zoning district.

[3] Population projection per dwelling unit established by Comprehensive Plan Policy.

Table 2 depicts the maximum nonresidential potential based on the existing Greenbelt future land use designation and the proposed Mixed Use future land use designation. Greenbelt allows a maximum floor area ratio of 0.30, while Mixed Use allows a maximum floor area ratio of 0.55. This indicates a theoretical net increase of 217,800 square feet of developable intensity.

TABLE 2 - FLUM DESIGNATION MAXIMUM DENSITY/INTENSITY ALLOWED (NON-RESIDENTIAL USE)			
	# of Acres	Maximum FAR [1]	Maximum Sq. Ft.
Proposed FLUM: Mixed Use	20	0.55	479160
Current FLUM: Greenbelt	20	0.30	261360
NET CHANGE			217800

Footnotes:

[1] Maximum Floor Area Ratios are established by Comprehensive Plan Policy.

PUBLIC FACILITIES AVAILABILITY /IMPACT ANALYSIS (BASED ON THEORETICAL YIELD OF MAXIMUM DEVELOPMENT POTENTIAL)

Objective 1.1.3-Evaluation of Amendments to the FLUM

Review proposed amendments to the Future Land Use Map (FLUM) based upon environmental conditions, the availability of facilities and services, school capacity, compatibility with surrounding uses, and other generally accepted land use planning principles.

Policy 1.1.3.2 - At a minimum, infrastructure availability and capacity, specified as follows, shall be considered when evaluating proposed FLUM amendments:

A. *Existing and future capacity of roadways based on functional classifications and best available data for traffic modeling. For the purposes of evaluating capacity, roadway improvements programmed in the FDOT 5-year Work Plan or listed in either the City or the County 5-year Capital Improvement Program shall be considered.*
B. *Large-scale, high-intensity commercial projects shall be concentrated at intersections of the following arterials*
C. *Existing and future availability and capacity of central utility systems.*
D. *Availability and capacity of receiving watercourses and drainage systems to convey design storm events.*

PUBLIC FACILITIES CAPACITY/IMPACT ANALYSIS

The analysis for comprehensive plan map amendments takes into consideration the theoretical maximum development potential under the current and proposed land use category and represents the theoretical maximum development potential within the existing and proposed land use categories. Based on an analysis of the development potential under the existing and proposed FLUM, the proposed amendment will result in an increase on the potential impact on public facilities (transportation, water, and sewer). Once a specific development is proposed for the site, a more detailed review of the development impacts on public facilities will be conducted.

Table 3 Public Facilities Impact Analysis

Density[1]	# of units or square feet of development	Transportation (PHT)[2]	Potable Water (GPD)[3]	Sanitary Sewer (GPD)[4]	Solid Waste (lbs./capita/day)[5]	Recreation and Parks (8 acres/ 1000 pop.)[6]	Public Education (students)[7]	Stormwater Drainage[8]
Proposed FLUM designation								
Mixed Use (20 ac.) - Max Use FAR .55[9]	479160	39,823	81,457	47,916	--	--	--	--
	Total	39823	81,457	47,916	--	--	--	--
Current FLUM designation - Current FLUM designation assumes .30 FAR for uses permitted in Public/Semipublic (PSP) zoning (e.g. of permitted use - library, hospital, church, or school)**								
Greenbelt - Max FAR .30 (20 ac.)	261360	21,722	44,431	26,136	--	--	--	--
Net Change	**217800**	**18101**	**37026**	**21780**	--	--	--	--

Footnotes:

*[1] Calculation of Intensity: Lot Size (acre)*FAR*43560.*
[2] Transportation: Non-residential PM Peak Hour Trips (PHT), ITE Code 732: United States Post Office = 83.11/1000 sq. ft. (from ITE Manual, 12th Edition)
[2] Transportation: Non-residential PM Peak Hour Trips (PHT) = ITE Code 732: United States Post Office = 83.11/1000 sq. ft. (from ITE Manual, 12th Edition)
[3] Potable Water: Commercial = 17 gpd/100 sq. ft.
[4] Wastewater: Commercial = 10 gpd/100 sq. ft.
[5] Solid Waste: No Level of Service Requirement for Non-residential
[6] Recreation and Parks = No LOS Requirement for Non-residential
[7] Public Education Non-Residential = No LOS Requirement for Non-residential
[8] Stormwater/Drainage: Stormwater Treatment will be reviewed for consistency with adopted LOS, during site plan approval process.

The results of the net impact analysis are shown on Table 3, and are summarized below:

Transportation

The proposed FLUM amendment to Mixed Use from Greenbelt for the 20-acre site will have a potential maximum increase of 18,101 P.M. peak hour trips based on the theoretical maximum floor area ratio (FAR) and the most intense land use found under the Institute of Traffic Engineers (ITE) Trip Generation Manual 12th Edition, land use type 732: *United States Post Office*. ITE Land Use Type yields a maximum 83.11 P.M. peak hour trip per 1,000 square feet. This land type use is allowed in both the PSP and COM-2 land uses. The reason for the difference between the existing and proposed FLUM designations is that the Mixed Use FLUM designation allows a FAR of 0.55, while the Greenbelt FLUM designation allows a maximum FAR of 0.30.

Normally at this stage an application proposing over 1,000 daily trips or 100 p.m. peak hour trips would have to include a Transportation Impact Analysis (TIA) with their application. The TIA analyzes the potential impact of the trips distributed across the right-of-way system. The applicant requested to the City Administration that the project be allowed to proceed with the application without this document. Due to that City staff and Florida Department of Transportation staff were unable to review and analyze the requested TIA for this staff report. Instead based on City Administration determination this document is being deferred until the project is ready to submit a potential Technical Site Plan application as the applicant has not finalized what kind of uses that they plan to develop. As a means to minimize the potential traffic impact to US-1 of the FLUM amendment, the applicant proposed a site specific limiting policy capping the maximum daily trips of the site to the maximum amount allowed under the Greenbelt FLUM designation.

Potable Water

The City's analysis for nonresidential potable water at this stage is based on a rate of 17 gallons per day (GPD) divided by every 100 square feet of development. Since the FAR for the Mixed Used FLUM designation is 0.55 as opposed to the Greenbelt's FAR limit of 0.3, the proposed FLUM amendment will have a potential maximum net increase in demand for potable water of ±0.037 million gallons per day (MGD). As part of the Technical Site Plan review process, the property owner and/or developer will need to coordinate with the City of Palm Coast Utility Department to determine the appropriate engineering requirements (size of water line, pump stations, etc.) for potable water service. The potential approval of the FLUM amendment does not create a reservation of capacity, as that is typically handled at the Technical Site Plan stage based on the actual need for a proposed development.

Wastewater

The City's analysis for nonresidential potable water at this stage is based on a rate of 10 (GPD) divided by every 100 square feet of development. The proposed FLUM amendment will have a potential maximum net increase in demand for sanitary sewer treatment of ±0.0218 MGD. As part of the technical site plan review process, the property owner and/or developer will need to coordinate with the City of Palm Coast Utility Department to determine the appropriate engineering requirements (size of sewer line, lift stations, etc.) for wastewater service. The potential approval of the FLUM amendment does not create a reservation of capacity, as that is typically handled at the Technical Site Plan stage based on the actual need for a proposed development.

Solid Waste

There is no LOS requirement for solid waste for non-residential development since the developer will be required to provide their own solid waste provider.

Public Recreation and Open Space

There is no projected demand from the proposed amendment since it is likely to be developed for non-residential uses.

Public Schools

There is no projected demand from the proposed amendment since it is likely to be developed for non-residential uses.

Stormwater

N/A. Stormwater treatment facilities are reviewed for consistency with the adopted level of service (LOS) during Technical Site Plan review.

ENVIRONMENTAL/CULTURAL RESOURCES ANALYSIS

Objective 1.1.3-Evaluation of Amendments to the FLUM

Review proposed amendments to the Future Land Use Map (FLUM) based upon environmental conditions, the availability of facilities and services, school capacity, compatibility with surrounding uses, and other generally accepted land use planning principles.

Policy 1.1.3.1- At a minimum, the following environmental factors shall be evaluated each time FLUM amendments are proposed:

A. Topography and soil conditions including the presence of hydric soils.
B. Location and extent of floodplains and the Coastal Planning Area, including areas subject to seasonal or periodic flooding.
C. Location and extent of wetlands, certain vegetative communities, and protected wildlife species.
D. Location and extent of other environmentally sensitive features.
E. Proximity to wellfields and aquifer recharge areas.
F. Impacts to potable water supply.

A. TOPOGRAPHY AND SOIL CONDITIONS

The analysis area is vacant and vegetated. The area is a former golf course fairway. The site is bounded by US-1 to the west, and a residential neighborhood commonly known as the "L" section of Palm Coast. According to the Environmental report dated April 2021 by Atlantic Ecological Services, LLC., the subject area for Tract 9 does contain ±0.02 acres of jurisdictional wetlands, ±1.86 acres of isolated wetlands, and ±4.62 acres of surface water. The wetlands detailed in the applicant's environmental assessment reflect the boundaries that were delineated in the field pursuant to state and federal guidelines (Chapter 62-340 F.A.C. and the 1987 Corps of Engineers Wetlands Delineation Manual). Further description of these features may be found in the Section C. Vegetative Communities.

As detailed within the Environmental report, the *Soils Map* indicates the following soil types within the site: 11 - Myakka fine sand; 13 – Immokalee fine sand; 8 – Hicoria, Riviera, and Gator soils, depressional; 29 - Udarents; moderately wet, and 30 – Pits.

Analysis: There are no indicators of unique topographical reliefs or soils that would be affected by the FLUM change.

FINDING: It is not anticipated that the proposed FLUM change from Greenbelt to Mixed Use will negatively impact the local topography or prevent the proposed development permissible within the FLUM designation.

B. FLOODPLAINS

Federal Emergency Management Agency's (FEMA), Flood Insurance Rate Map (FIRM) source indicates that portions of the subject property lie within a Special Flood Hazard Area (SFHA) with

"A" Zone designation. Portions of the properties lie outside of the SFHA and has a designation of a "X" Zone.

Analysis: Compensatory storage will be required for any floodplain impacts as well as a Letter of Map Change to establish a Base Flood Elevation during the Technical Site Plan application prior to development.

FINDING: It is not anticipated that the proposed FLUM change will negatively impact the function of a SFHA as compensatory storage will be required.

C. VEGETATIVE COMMUNITIES

According to the Environmental report, the uplands onsite are classified as a mix of golf course – remnant (FLUCCS 182) and pine flatwoods (FLUCCS 411). The area not formerly maintained as the golf course area include: A canopy that is dominated by slash pine (Pinus elliottii) with some Chinese tallow (Sapium sebiferum), live oak (Quercus virginiana), laurel oak (Quercus laurifolia), and loblolly bay (Gordonia lasianthus) located within the uplands, but at much less coverage. The understory is dominated by a thick cover of saw palmetto (Serenoa repens). Other species found, but at a much lesser extent, include wax myrtle (Myrica cerifera), gallberry (Ilex glabra), yaupon holly (Ilex vomitoria), bushy broom grass (Andropogon glomeratus), blackberry (Rubus spp.), Greenbriar (Smilax spp.), Bahia grass (Paspalum notatum), cogon grass (Imperata cylindrica), and bracken fern (Pteridium aquilinum). The remnant fairways, greens, and associated components of the derelict Matanzas Golf Course include a mix of turf grass, ruderal weeds, landscape plants and trees, parking, and associated structures.

Analysis: As mentioned in the topography section, there are some wetlands located on the site and any impacts will need to be permitted through St. Johns River Water Management District (SJRWMD) and/or the Florida Department of Environmental Protection (FDEP).

FINDING: It is not anticipated that the proposed FLUM amendment will negatively affect the vegetative communities. During the Technical Site Plan phase of development, the developer will be required to submit a threatened and endangered species report and wetland delineation with UNAM scores.

D. PROTECTED SPECIES DISTRIBUTION/ WILDLIFE UTILIZATION

The submitted environmental report states that no gopher tortoise burrows were observed on-site; however, that the potential existence of gopher tortoise burrows exists within the uplands. A 100 percent gopher tortoise survey by a Florida Fish and Wildlife Conservation Commission (FWC) Authorized Gopher Tortoise Agent will be required 90 days prior to construction. If any gopher tortoise burrows are observed onsite, additional gopher tortoise permitting, and relocation may be required. The Environmental report further states that the following animals have a low to high likelihood of occurrence: American alligator, Kirtland's warbler, Eastern indigo snake, Little blue heron, Tri-colored heron, Southeastern American kestrel, Gopher tortoise, Florida sandhill crane, Southern bald eagle, Wood stork, Florida black bear.

Analysis: While the applicant's submitted environmental report did not observe any of the listed species, it states that there is potential for the listed wildlife species to utilize the property. It is interconnected to other vacant land making the site easier to access for some of the listed species. Wildlife utilization may change over time due to various factors. To ensure that the referenced species and any potentially occurring species in the future, the Unified Land Development Code (Section 10.04.03.A, LDC) requires that a listed

species study is performed by a Qualified Environmental Professional (QEP) during the technical site plan application. Further, a study is valid for one year for the property that was investigated to capture any changes in wildlife utilization.

FINDING: The proposed FLUM amendment will not change the need to relocate any potential gopher tortoise discovered prior to any development activities or need for the listed species study. These needs remains no matter the FLUM designation and are required prior to any site clearing.

E. GROUNDWATER RESOURCE PROTECTION

According to City maintained data, the nearest production well is not within 500 feet of the site. The site is not located within the Secondary Protection Zone or the Primary Protection Zone as defined by Section 10.03.02.B, LDC.

Analysis: The amendment is not within an aquifer recharge area or within a wellhead protection zone(s).

FINDING: The proposed land use change is not anticipated to impact groundwater resources.

F. HISTORICAL RESOURCES

A preliminary review of the Florida Master Site File (FMSF) was completed through the Division of Historical Resources (DHR) and the State Historic Preservation Officer (SHPO) for the subject property and included with the applicant's environmental report. One known archaeological resource and one resource group were adjacent to the subject property. US Highway 1 (FL00291) is listed as a linear resource by DHR. No significant impacts to US Highway 1 are anticipated. Davis' Store (FL00248) is listed as an archaeological resource. This resource was identified as part of the Palm Coast Park DRI. The resource is no longer in existence and is not eligible for further evaluation.

Analysis: As there were not any FMSFs found on site, it is unlikely that the proposed FLUM amendment will impact any historical or cultural resources.

FINDING: Any finding of architectural and cultural resources during the site plan review or construction process will require compliance with LDC and state rules for protecting such resources including stopping construction while further investigation is conducted.

LAND USE COMPATIBILITY ANALYSIS

Policy 1.1.3.3 – At a minimum, compatibility with proximate uses and development patterns shall be considered when evaluating proposed FLUM amendments. "Compatibility" shall be as defined in Section 163.3164(9), Florida Statutes.

A. This policy shall not be construed to mean that different categories of uses are inherently incompatible. This policy is intended to promote the use of transitional areas where densities and intensities can be appropriately scaled.

B. Buffers are encouraged as an effective means of transition between areas where there is a greater difference between densities and intensities of the existing and proposed developments.

C. Impacts to the health, safety, and welfare of surrounding residents shall be considered.

D. An analysis shall be conducted of the proposed development, and how that will interface with existing abutting development, if approval is granted.
E. Neighborhood character shall be preserved and promoted by working toward maintaining

Surrounding Future Land Use Map Designations:
North: DRI-Mixed Use; Conservation; Agriculture & Timberlands (Flagler County)
South: Residential
East: Residential; Greenbelt; Agriculture & Timberlands (Flagler County)
West: DRI-Mixed Use

Surrounding Zoning Districts:
North: PSP; COM-2; Rural Estate (EST-2); MPD; Agriculture (Flagler County)
South: Single-Family Residential (SFR) Zones 1-3; Preservation; Heavy Commercial (COM-3)
East: SFR-2; SFR-3
West: MPD

Surrounding Property Existing Uses:
North: Self-storage; residential; warehouse; vacant lands
South: Residential
East: Residential, Interstate 95
West: Residential, US Highway 1

The proposed project area is adjacent to the east side of US-1. The existing developmental pattern following US-1 has land designated mixed-use adjacent to the US-1 right-of-way. Further given the increased residential development in the area, the potential expansion of commercial uses that the applicant intends with the proposed language within their companion MPD amendment application would potentially reduce longer trip ends for nearby residents to access commercial uses when developed.

CONSISTENCY WITH COMPREHENSIVE PLAN

In addition to being consistent with Objective 1.1.3 and Policy 1.1.3.3 which establishes the criteria for review of Future Land Use Map Amendments as provided in the previous section. The proposed amendment is consistent with the following policies in the Comprehensive Plan:

Policy 1.1.3.3 *– At a minimum, compatibility with proximate uses and development patterns shall be considered when evaluating proposed FLUM amendments.*

A. This policy shall not be construed to mean that different categories of uses are inherently incompatible. This policy is intended to promote the use of transitional areas where densities and intensities can be appropriately scaled.

Analysis: As discussed in the section titled "Land Use Compatibility Analysis", the proposed designation of the subject property to Mixed Use is compatible with existing and on-going development patterns along the US-1 corridor near the Matanzas Woods Parkway intersection. The applicant's proposal to only designate a 20-acre portion of Tract 9 as Mixed Use, leaves a remaining strip of Greenbelt, which according to the applicant's proposed MPD amendment is intended to remain as a view protection zone for the existing residents living on London Drive.

Policy 1.3.1.3 - *The City shall encourage development to locate in the areas where public facilities, infrastructure, and services are available. Where there are deficiencies and where appropriate, the City shall require the developer to provide or extend the facilities as necessary to accommodate development provided such provision or extension is consistent with state law. Applicable impact fees shall be used by the City consistent with State law to offset the costs of the City providing facilities.*

Analysis: The proposed amendment is consistent with Policy 1.3.1.3. The location of the subject property is adjacent to US-1, which serves as a principal arterial linking the northwest portion of the City to the remainder of the City. There are existing water and sewer lines along the US-1 corridor. Consistent with the policy, the developer will be responsible for extending any facilities as necessary.

Policy 5.1.3.2 *– The City shall designate urban densities or intensities on the Future Land Use Map only in areas that have sufficient existing or planned capacity for potable water facilities and wastewater facilities where connection is available consistent with Policies 1.1.1.2 and 1.1.3.2. For the purposes of this Plan, any residential density exceeding one (1) dwelling unit per acre shall be deemed to be an urban density.*

Analysis: The proposed FLUM amendment to Mixed Use at this location is consistent with Comprehensive Plan policy to create urban densities or intensities in areas that have sufficient existing or planned capacity for potable water and wastewater facilities.

Policy 5.2.2.3 – The City shall designate urban densities or intensities on the Future Land Use Map only in areas that have sufficient existing or planned capacity for sanitary sewer facilities and where connection is available as set forth in State law and City regulations. The City shall minimize the use of septic tanks in accordance with the provisions of Objective 5.2.3 and policies implementing that objective. For the purpose of this Plan, any residential density exceeding one (1) dwelling unit per acre shall be deemed to be an urban density.

Analysis: The proposed FLUM amendment to Mixed Use land use designation is consistent with Comprehensive Plan policy above to designate urban densities or intensities in areas that have sufficient existing or planned capacity for sanitary sewer facilities.

PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT

To facilitate the requested map amendment while protecting infrastructure capacity, staff recommends the adoption of the following site-specific limiting policy to the Future Land Use Element (FLUE): **Policy 1.1.2.5 -** For the 20-acre portion of Tract 9 of Lakeview Estates MPD, identified as Parcel ID No. 07-11-31-7037-0RP0A-0002 and legally described in Ordinance 2026-XX, designated as Mixed Use on the Future Land Use Map, development shall be subject to the following limitations:

1. **Intensity Cap:** Non-residential development shall generate no more than 1,815 PM Peak Hour trips, as determined by the latest edition of the ITE Trip Generation Manual and be capped in building height to no higher than 35 feet.
2. **Density Cap:** Residential density shall be capped to producing no more than one dwelling unit per acre.

PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

The Planning and Land Development Regulation Board (PLDRB) heard the Comprehensive Plan Amendment, application #5576, and its companion MPD Amendment, application #5575, at their May 20, 2026 meeting.

During the evening, the PLDRB unanimously approved a motion to delay public comment on the Comprehensive Plan Amendment until after the companion MPD Amendment, application #5575, had been presented to the PLDRB as well. 10 members of the public spoke in opposition to the proposed Comprehensive Plan Amendment and MPD Amendment.

The PLDRB voted five to one in favor of recommending approval of the Comprehensive Plan Amendment subject to the concurrent adoption of staff's draft FLUE Policy 1.1.2.5 serving as a site specific limiting policy capping the intensity and density of the 20-acre portion of Tract 9 of the Lakeview Estate MPD.

The PLDRB voted six to zero in favor of recommending denial of the MPD Amendment subject to criteria analysis of LDC Section 2.05.05A finding the application contrary to public interest based on compelling evidence presented by the public during public comment in addition to analysis of LDC Sections 3.03.04.J1 and 3.03.04.J2.

RECOMMENDATION

The Planning and Land Development Regulation Board recommends that City Council find Application #5576 consistent with the Comprehensive Plan and approve the FLUM amendment from Greenbelt to Mixed Use, subject to the concurrent adoption of FLUE Policy 1.1.2.5 limiting the site's developmental potential.

THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164

BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)

Meeting Date: June 16, 2026
Ordinance Number: 2026-XX
Posted To Webpage: May 13, 2026

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2050 COMPREHENSIVE PLAN, AS AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR A ±20 ACRE PORTION OF TRACT 9 OF CERTAIN REAL PROPERTY DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBER 07-11-31-7037-0RP0A-0002, GENERALLY LOCATED ON THE EAST SIDE OF US HIGHWAY 1 APPROXIMATELY ±3,300 FEET NORTH OF ITS INTERSECTION WITH MATANZAS WOODS PARKWAY AND BEING MORE PARTICULARLY DESCRIBED IN ATTACHED EXHIBIT A, FROM GREENBELT TO MIXED USE; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

The sections below <u>are not</u> required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

__ 1. Ordinances required for compliance with federal or state law or regulation;
__ 2. Ordinances relating to the issuance or refinancing of debt;
__ 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

__ 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
__ 5. Emergency ordinances;
__ 6. Ordinances relating to procurement; or
X 7. Ordinances enacted to implement the following:

a. Development orders, and development agreements, and development permits, as those terms are defined in S 163.3164, and development agreements, as authorized by the Florida Local Government Development Acts SS. 163.3220-163.3243;

b. Comprehensive Plan amendments and land development regulation amendments initiated by an application by a private party other than the county;

__ c. Sections 190.005 and 190.046;
__ d. Section 553.73, relating to the Florida Building Code; or
__ e. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

This ordinance implemented to amend development agreements relating to the subject parcels has been initiated from a private party other than the City and therefore exempt from addressing the following sections.

ECONOMIC IMPACT ON BUSINESS

a. Estimated number of businesses impacted: Not applicable.

b. Types of businesses affected: Not applicable.

Estimated direct economic impact: Not applicable.

Negative impact: Not applicable.

Compliance Costs: Not applicable.

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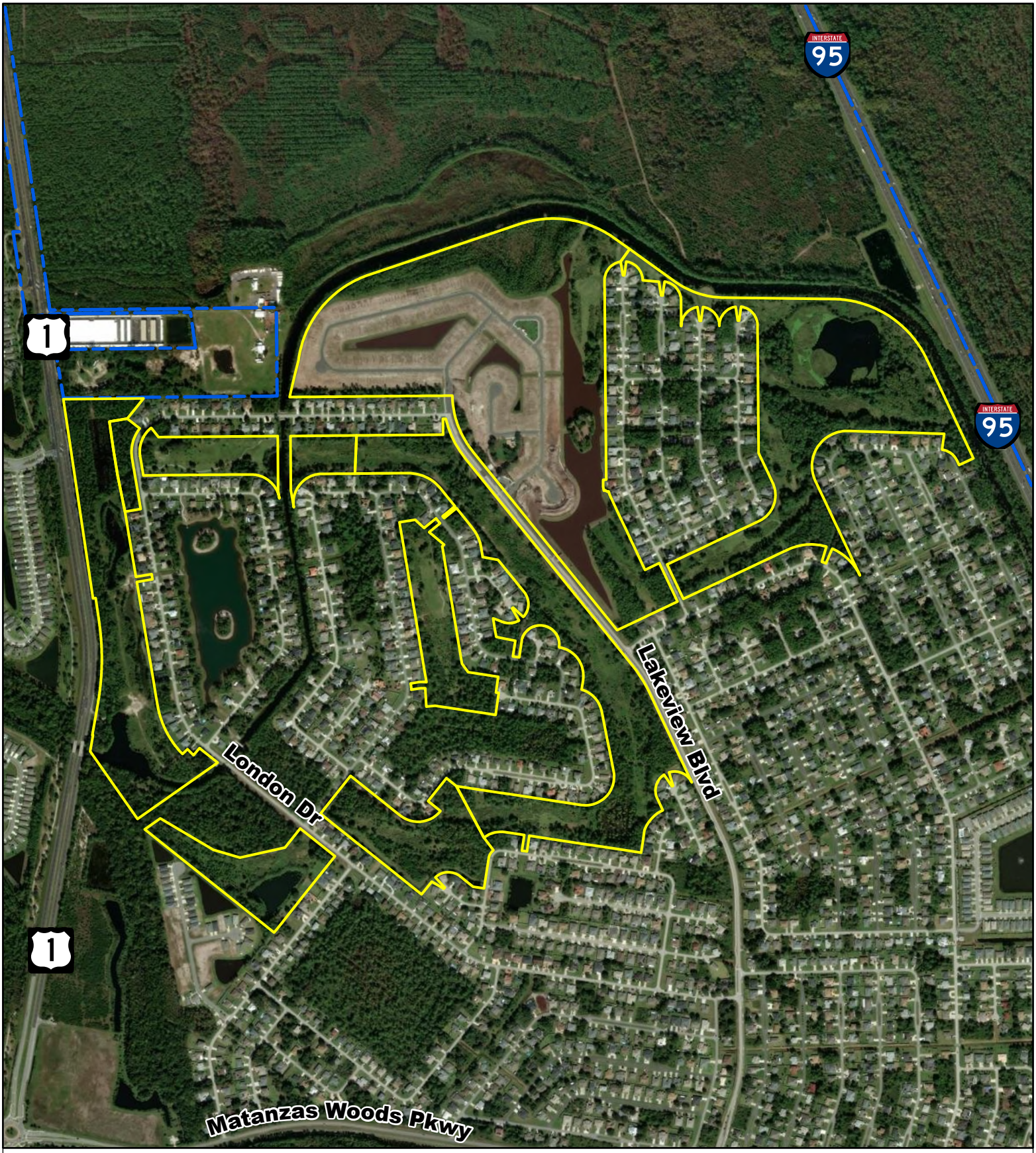

Close Up Aerial

Palm Coast City Limits

Subject Properties

N
W E
S

0 1,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

Map Provided by the Planning Division

Date: 4/24/2026

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.

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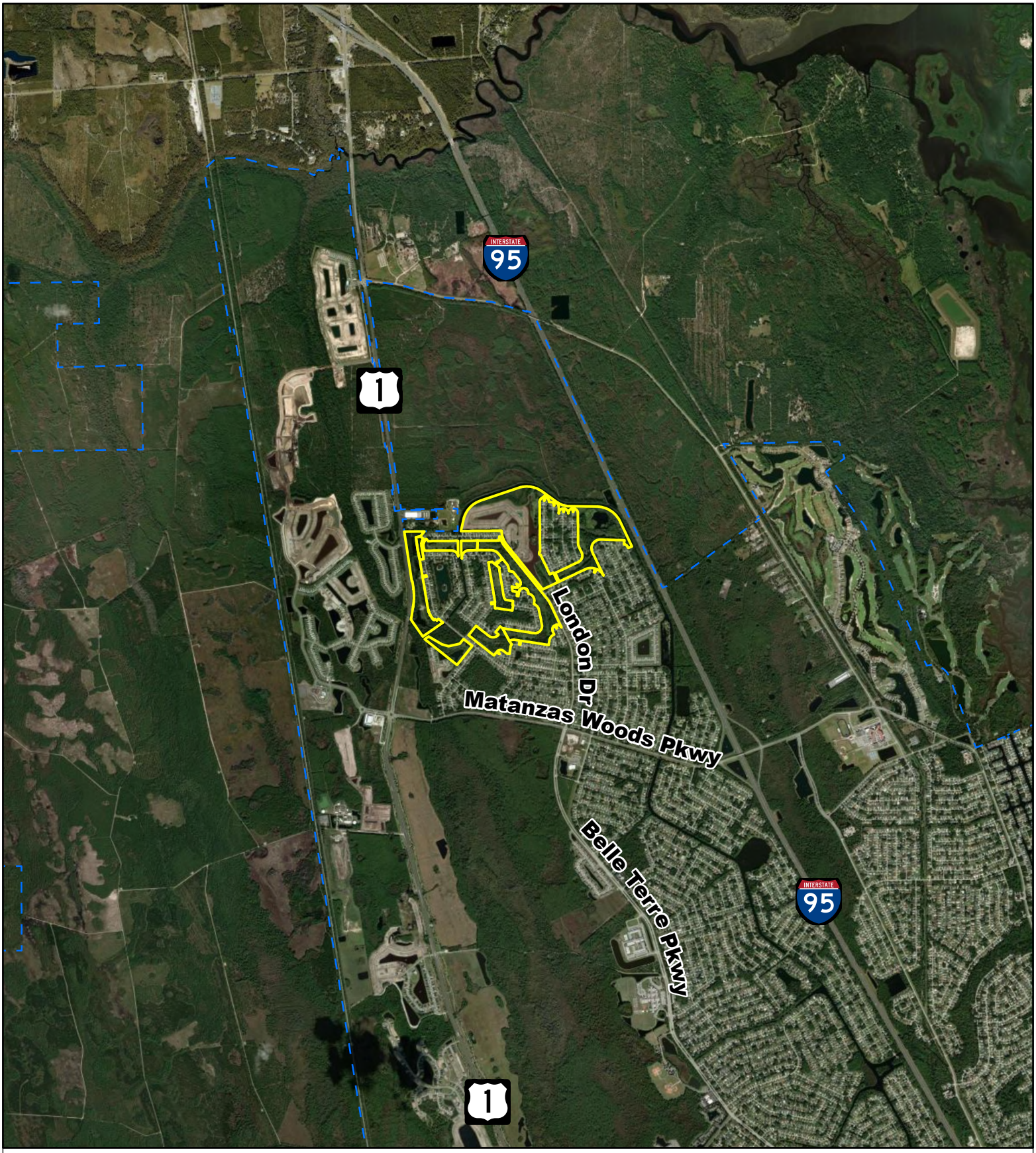

Distant Aerial

Palm Coast City Limits

Subject Property

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0 4,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

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Future Land Use Map

Palm Coast City Limits
Subject Properties

Palm Coast FLUM
Canals

Conservation
DRI-Mixed Use
Greenbelt
Institutional
Mixed Use

Residential
AGRICULTURE & TIMBERLANDS, Annexed Area, Flagler County FLUM adopted

Unincorporated Flagler Future Land Use
AGRICULTURE & TIMBERLANDS
CONSERVATION

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0 1,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

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Proposed Future Land Use Map

Palm Coast City Limits
Subject Properties

Palm Coast FLUM
Canals
Conservation
DRI-Mixed Use
Greenbelt
Institutional
Mixed Use
Residential
AGRICULTURE & TIMBERLANDS, Annexed Area, Flagler County FLUM adopted

Unincorporated Flagler Future Land Use
AGRICULTURE & TIMBERLANDS
CONSERVATION

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0 1,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

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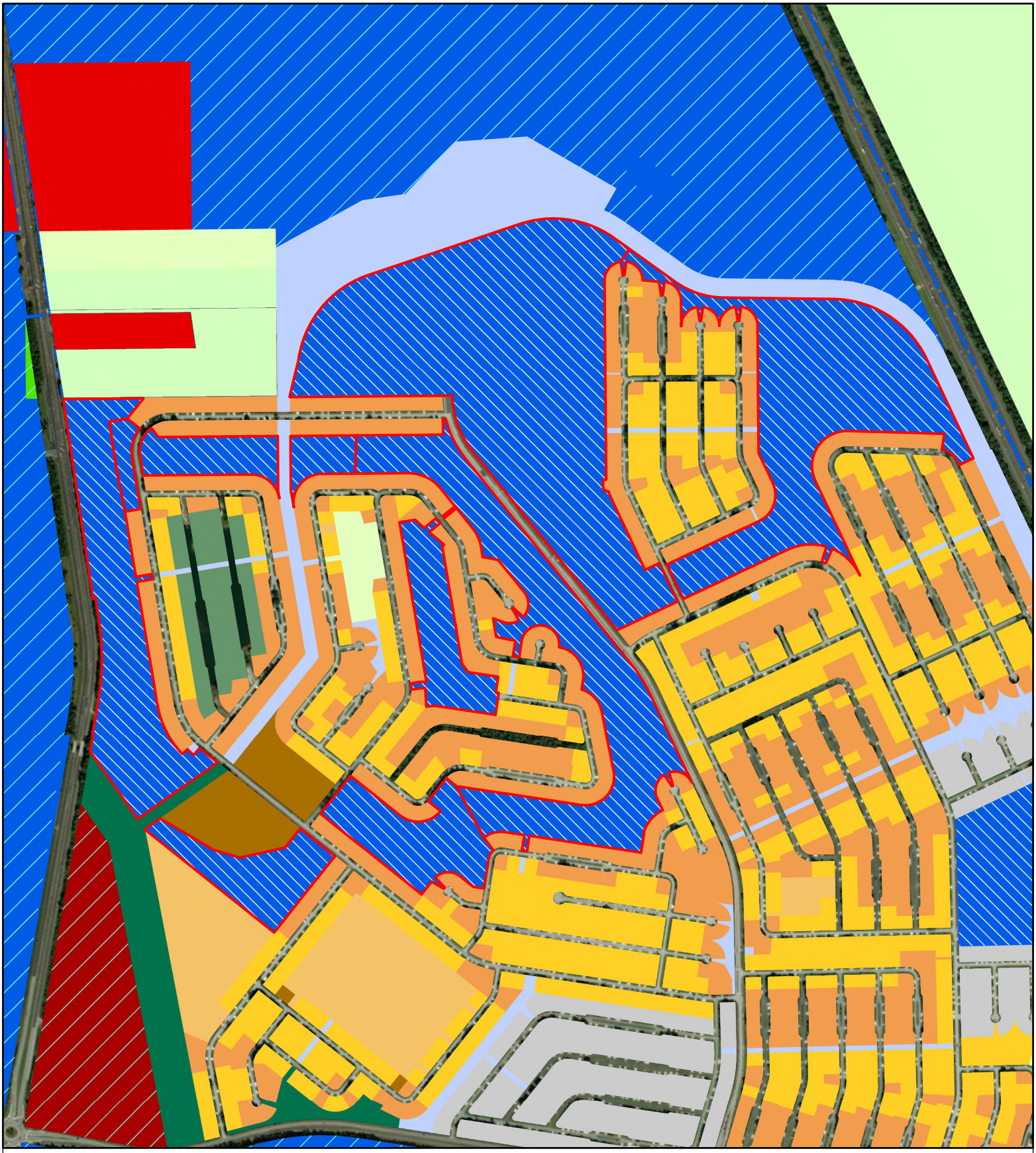

Zoning Map

- Palm Coast City Limits
- Subject Properties

Palm Coast Zoning Districts

- AGR
- COM-2
- COM-3
- DPX
- EST-1
- EST-2
- MFR-1
- P & G
- PRS
- PSP
- SFR-1
- SFR-2
- SFR-3
- MPD, MPD post 11-16-08 designation
- MPD, MPD pre 11-16-08 designation

Unincorporated Flagler Zoning

- AC

N W E S

0 1,000 Feet

CITY OF PALM COAST, FLORIDA — PALM COAST — INCORPORATED 1999

Map Provided by the Planning Division

Date: 4/24/2026

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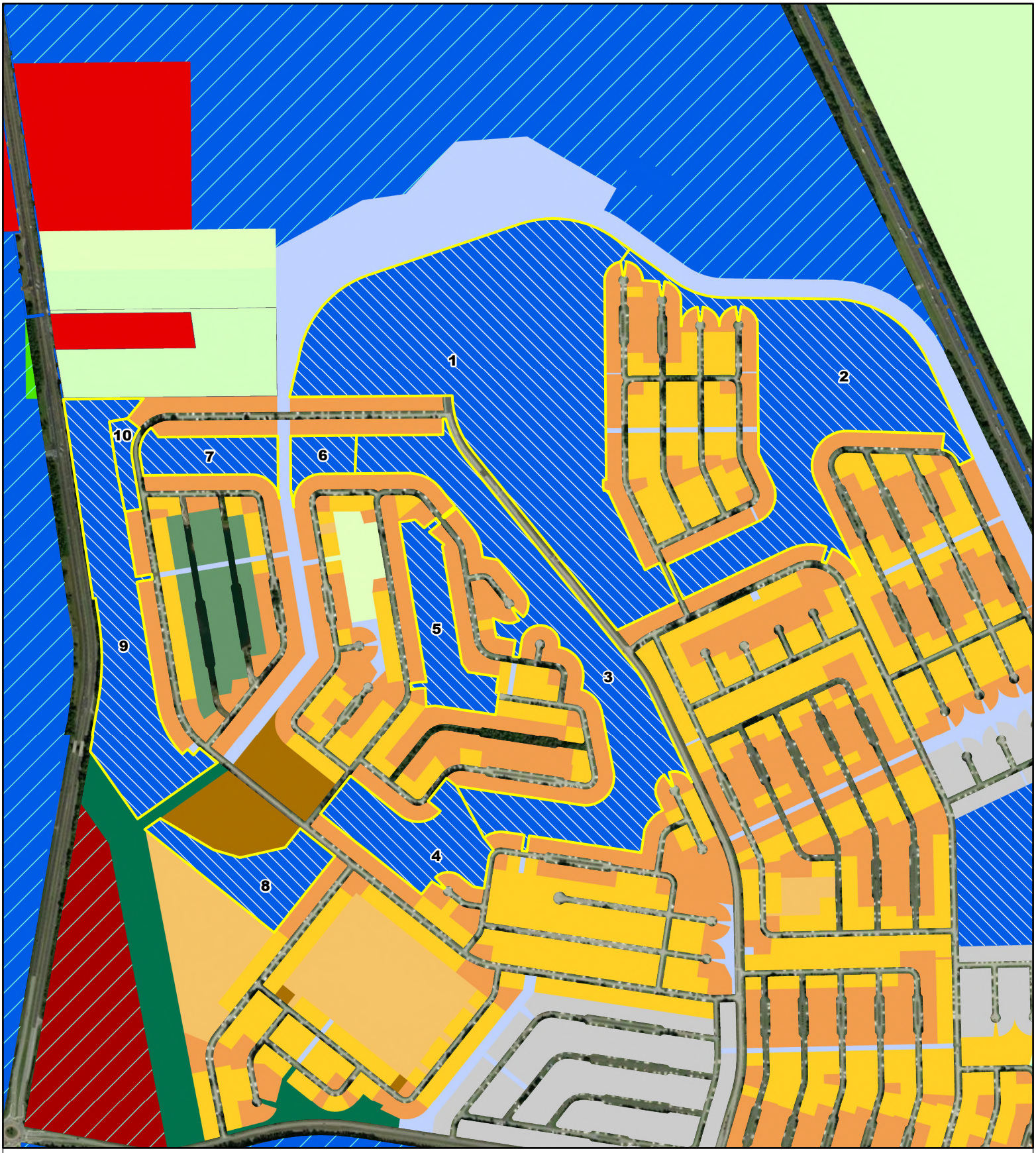

Zoning Map

Palm Coast City Limits
Subject Property

Palm Coast Zoning Districts
AGR
COM-2
COM-3
DPX
EST-1
EST-2
MFR-1
P & G
PRS
PSP
SFR-1
SFR-2
SFR-3
MPD, MPD post 11-16-08 designation
MPD, MPD pre 11-16-08 designation

Unincorporated Flagler Zoning
AC

N
W E
S

0 1,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

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Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

October 23, 2023

City of Palm Coast
Attn: Ray Tyner
160 Lake Avenue
Palm Coast, FL 32164

RE: City of Palm Coast Park Dedication / Lakeview Estates Amendment

Dear Mr. Tyner:

It has been a pleasure to work with the City in its efforts to provide a community park for the Matanzas Woods neighborhood. We reviewed the City's updated parks plan as provided in the P.O.P Report and agree that a park for the residents in this part of the City is long overdue. Therefore, my client is willing to give lands to the City for purposes of community park.

In this light, please find enclosed applications to (i) amend the Comprehensive Plan designation for a portion of the Owner's property and (ii) rezone portions of the property to provide for the donation of +/- 11 ac of land to the City for the community park and additional lands to be developed. Note however, that these applications do not provide for any new residential development rights. The maximum residential development is actually decreased from the present MPD Agreement.

Rezoning Application

The enclosed application requests an Amendment to the MPD Agreement. Rather than provide an amended and restated agreement, the application provides a simple amendment focusing on the specific changes. We have included a redline version for your convenience to show the proposed changes. In general, the proposed amendment (i) reduces the number of residential units to be developed on the property from 268 to 260; (2) broadens the commercial uses on Tract 9, (iii) conveys an +/- 11acres of land to the City for a community park, and (iv) allows residential development on other areas of the property.

These proposed changes remain consistent with the City's comprehensive plan and other land development regulations. We will provide a consistency analysis under separate cover in the next week or so. The proposed changes serve a public purpose in that the community requested a

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community park in this area as provided in the P.O.P Report. We look forward to your comments and hope to placed on the December Planning Board agenda.

Comprehensive Plan Amendment

Also enclosed is an application to amend the Comprehensive Plan designation on a portion of the Property. Specifically, Tract #9 is located on U.S.1 adjacent to the entrance of 1500 units subdivision commonly known as Sawmill Creek. Presently, Tract #9 allows for the development of non-residential uses. The proposed amendment request that the Land Use designation be changed from Greenbelt to Mixed Use to allow for a broader range of commercial uses on that Tract. The goal and objective is to promote economic development and jobs in this area of Palm Coast, increase the commercially zone property in an attempt to balance the community's tax base, and (iii) provide residents in this area with local commercial opportunities minimizing their trip lengths which adversely impact other City roadways such as Palm Coast Parkway.

Conclusion

We appreciate the opportunity to work with the City in its efforts to provide the citizens a community park. We too believe a park in this area of Palm Coast is benefit for the residents in the Matanzas Woods neighborhood. From a planning perspective, this application will not only benefit those residents but will also benefit all the residents in the northeast portion of the City by providing parks, recreation, shopping opportunities for them while lessening traffic impacts on other City roads.

Once you have had an opportunity to review these applications, we respectfully request a meeting to discuss your questions concerns and changes.

Sincerely,

Michael D. Chiumento III
Attorney
MDC/cm

Enclosures

GENERAL - APPLICATION

DATE	10/23/2023
APPLICATION TYPE	FUTURE LAND USE AMENDMENT SMALL SCALE

PROJECT NAME	Lakeview Estates				
LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS)	398 LAKEVIEW BLVD PALM COAST FL 32164				
PROPERTY APPRAISER'S PARCEL NUMBER	07-11-31-7037-0RP0A-0002				
LEGAL DESCRIPTION	277.40 ACRES ALL OF RESERVE PARCELS, A,B,C,D,E & PT OF VACATED PC SEC 38, OR 47 PG 273 & PT OF VACATED PC SEC 37,OR 538 PG 1611 (EX .0626 AC OF RP E,OR 479/577) OR 550 PG 1626(MATANZAS				
SUBDIVISION NAME	SECTION 37-LAKEVIEW				
SECTION	07	BLOCK	0RP0A	LOT	0002
PROPERTY ACRES	32.69			PROPERTY SQ FT	1423976
FUTURE LAND USE MAP DESIGNATION	GREENBELT			EXISTING ZONE DISTRICT	MPD
OVERLAY DISTRICT					
COMMUNITY PANEL NUMBER	120684			MAP PANEL DATE	06/06/2018
FLOOD ZONE	A				
PRESENT USE OF PROPERTY	MASTER PLANNED DEVELOPMENT				

DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS)

Lakeview Estates Comp Plan Amendment

PROPOSED NUMBER OF LOTS		IS THERE EXISTING MORTGAGE?	No

OWNER	APPLICANT / AGENT
Name: MATANZAS GC PALM COAST LLC	Name: MICHAEL D. CHIUMENTO III
Mailing Address: UNIT 1111 200 OCEAN CREST DRIVE PALM COAST, FL 32137	Mailing Address: 145 CITY PLACE SUITE 301 PALM COAST, FL 32164
Phone Number: (386) 445-8900	Phone Number: (386) 445-8900
E-mail Address: MICHAEL3@LEGALTEAMFORLIFE.COM	E-mail Address: CMCNEIL@LEGALTEAMFORLIFE.COM
MORTGAGE HOLDER	**ENGINEER OR PROFESSIONAL**
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ARCHITECT	**TRAFFIC ENGINEER**
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
SURVEYOR	**LANDSCAPE ARCHITECT**
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ATTORNEY	
Name:	
Mailing Address:	
Phone Number:	
E-mail Address:	

APPLICANT / OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning

APPLICANT / OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of perjury, I declare that all the information contained in this development application is true and correct. By signing this Electronic Submission Form, I consent to use electronic communications, electronic records, and electronic signatures rather than paper documents for the form(s) provided on this web site. I understand that my electronic signature is legally binding, as stated by 2016 Florida Statutes Title XXXIX Chapter 668 Section 50

Signature of Property Owner or Applicant

MICHAEL CHIUMENTO III

Future Land Use Map Amendment Application Form

COMMUNITY DEVELOPMENT DEPARTMENT USE ONLY

Application # _____ Submittal Date _____

Application Fee Paid ☐ Yes ☐ No Acceptance Date _____

Application Fee Amount $ _____ Project Manager _____

Notes _____

PART A - REQUEST

A.1 **Project Name** Lakeview Estates

A.2 **Future Land Use Map (FLUM) Amendment Type** ☐ Large-Scale ☒ Small-Scale

A.3 **Subject Property Address** 398 Lakeview Blvd., Palm Coast, FL 32137

A.4 **Parcel Identification Number(s)** 07-11-31-7037-0RP0A-0002

	Existing	Proposed
A.5 **Use of Property**	Vacant	General Commercial
A.6 **FLUM Designation**	Greenbelt	Mixed Use
A.7 **Zoning District**	MPD	MPD

PART B - APPLICANT INFORMATION

B.1 **Applicant** ☐ Owner *(If Checked, Skip B.2 - B.4)* ☑ Authorized Agent

B.2 **Agent Name** Michael D. Chiumento III, Esq. **Title** Attorney

B.3 **Agent Company** Chiumento Law, PLLC

B.4 **Agent Address** 145 City Place, Suite 301, Palm Coast, FL 32164

B.5 **Contact Information** **Phone** (386) 445-8900 **Fax** (386) 445-6702

Email Address michael3@legalteamforlife.com

B.6 **Owner Name** Matanzas GC Palm Coast, LLC

B.7 **Owner Address** 200 Ocean Crest Drive, Unit 1111, Palm Coast, FL 32137

PART C - ADDITIONAL INFORMATION

C.1 **Contract for Sale or Option to Purchase** ☐ Yes ☒ No *(If Checked, Skip C.2 and C.3)*

C.2 **Parties Involved** _____

C.3 **Contract/Option** ☐ Contingent ☐ Absolute

C.4 **Pre-Application Meeting** **Date** 9/2023 ☐ **Waived by Staff**

_____ **Initials** *(Staff Only)*

C.5 **Received and Read Applicant's Handbook** ☑ Yes ☐ No

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PART D - DATA AND ANALYSIS CHECKLIST

Proof of Ownership / Property Information ❑ Original Recorded Warranty Deed
❑ Boundary Survey and Legal Description ❑ Development Timetable
❑ Sales or Option to Purchase Contract *(if applicable)*

Agent Authorization ❑ Signed and Notarized Authorization Form *(ONLY if Agent is Applicant)*

Density / Intensity and Population ❑ Density/Intensity and Population Analysis

Public Facilities Availability ❑ Traffic Data and Analysis ❑ Potable Water Data and Analysis
❑ Potable Water Availability Worksheet ❑ Wastewater Data and Analysis ❑ Letter from Utility Department
❑ Solid Waste Data and Analysis ❑ Public Recreation and Open Space Data and Analysis
❑ Public Schools Data and Analysis

Environmental and Cultural Resources ❑ Preliminary Environmental Site Assessment

Consistency with Comprehensive Plan ❑ Comprehensive Plan Consistency Analysis

Other ❑ Land Use Compatibility Analysis ❑ Intergovernmental Coordination Analysis
❑ Urban Sprawl Analysis *(May be Required)* ❑ List of Property Owners
❑ Proof of Meetings(s) with Neighborhood and Home Owners' Associations
❑ Letters of Support *(Optional)*

PART E - ACKNOWLEDGEMENTS, AUTHORIZATION, AND CERTIFICATION

By my signature hereto, I do hereby certify that the information contained in this Application is true and correct to the best of my knowledge, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this Application.

I hereby authorize City staff to enter upon my property at any reasonable time for the purposes of investigating and reviewing this request. I hereby agree to place a public notice sign (placard) on my property at a location(s) to be determined by City staff.

I further acknowledge that the City of Palm Coast may not defend any challenges to my proposed Future Land Use Map amendment (Comprehensive Plan Text amendment) and related development approvals, and that it may be my sole obligation to defend any and all actions and approvals, which authorize the use or development of my property. Submission of this form initiates a process and does not imply approval by the City of Palm Coast or any of its boards, commissions or staff.

I further acknowledge that I have read the information contained in this application form pertaining to proposed amendments to the official Zoning Map, official Future Land Use Map, and/or Comprehensive Plan and have had sufficient opportunity to inquire with regard to matters set forth therein and. Accordingly, I fully understand all applicable procedures and matters relating to this Application.

I hereby represent that I have the lawful right and authority to file this Application.

APPLICANT SIGNATURE(S) AND NOTARIZATION (if applicant is the property owner, all property owners must sign & signatures notarized) - *PLEASE USE BLUE INK*

Signature	Type or Print Name	Date
[signature]	Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC	10/03/2023

(SEAL)

[signature]
Signature of Notary of Public

State of FLORIDA County of FLAGLER

The foregoing application as acknowledge before me this 3rd day of October, 2023 by Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC, who is/are personally known to me, or who has/have produced _____ as identification.

CAROLINE MCNEIL
NOTARY PUBLIC
STATE OF FLORIDA
Bonded Thru Notary Public Underwriters

AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF FLORIDA

COUNTY OF FLAGLER

COMES NOW, Alexander Ustilovsky, being first duly sworn, who deposes and says:

(1) That he/she is the Manager, an officer of Matanzas GC Palm Coast, LLC corporation existing under the laws of the State of Florida.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: Rezoning Application & Comp Plan Amendment Application relating to the following described real property:

See attached Exhibit "A"

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

Alexander Ustilovsky

Signature

Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC

Print name

Signature

Print name

NOTARY: This instrument was acknowledged before me on this 3rd **day of** October, **20**23 **by** Alexander Ustilovsky, as Manager of Matanzas GC Palm Coast, LLC **who is/are personally known to me, or who has/have produced** _____ **as identification.**

(SEAL)

Caroline McNeil

Signature of Notary Public, State of Florida

CAROLINE MCNEIL
MY COMMISSION # HH 023447
EXPIRES: October 6, 2024
Bonded Thru Notary Public Underwriters

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CITY OF PALM COAST APPLICANT AUTHORIZATION FORM (ORIGINAL ONLY)

An authorized applicant is defined as:

- The property owner of record: or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC, the fee simple owner of the following
(Owner's Name)
described property (provide Legal Description) See attached Exhibit "A"

hereby petition the City of Palm Coast to amend the Comprehensive Plan, Future Land Use Map,

(circle one or more) from Greenbelt

to Mixed Use and affirm that

Michael D. Chiumento III, Esq. is hereby designated to act as my/our authorized agent and to file the attached application for the stated amendment and make binding statements and commitments regarding the amendment request.

Alexander Ustilovsky, Manager of
Matanzas GC Palm Coast, LLC

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of the City of Palm Coast, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 3 day of Oct, 2023.

Notary Public in and for the County and
State Aforementioned.
My Commission Expires: 10/6/2024

CAROLINE MCNEIL
MY COMMISSION # HH 023447
EXPIRES: October 6, 2024
Bonded Thru Notary Public Underwriters

LAKEVIEW ESTATES MPD TRACT 9 FLUM AMENDMENT

PROJECT OVERVIEW

Matanzas GC Palm Coast ,LLC, a Florida Limited Liability Company (the "Owner") is the owner of approximately 32 acres of vacant land located at Tract 9 of subject property as depicted on Proposed Zoning/FLUM Plan.

The owner is requesting to amend the Future Land Use Map to change the Property's Future Land Use Designation from Greenbelt to Mixed Use. The current Zoning is MPD and proposed change to approximately 20 acres Commercial. The owner agrees to limit the proposed commercial development to 250,000 sf of interior commercial space with 35 ft building height limitation. The owner further agrees to provide 100 ft. VPZ to accommodate community drainage and provide a buffer along the western boundary with existing single family homes. See Exhibit B Tract 9 for illustration.

DATA AND ANALYSIS

PROOF OF OWNERSHIP / PROPERTY INFORMATION
The Original Recorded Warranty Deed, Boundary Survey and Legal Description are included as part of the application. The Development Timetable is to be determined.

AGENT AUTHORIZATION
The agent authorization is included.

DENSITY AND POPULATION

EXISTING	PROPOSED
8.3 acres PSP	20 acres Commercial
Estimated 108,465 sf buildings (FAR.30)	Estimated 250,000 sf (FAR .286)

CHANGE 141,535 sf Commercial

PUBLIC FACILITIES AVAILABLITY

POTABLE WATER

EXISTING	PROPOSED
PSP Uses 108,465 sf	250,000 sf commercial
Churches 36,000 sf / 7,200 gpd	Banks 30,000 sf / 5,625 gpd
Schools 36,000 sf / 17,500 gpd	Offices 70,000 sf / 11,900 gpd
Assisted Living 36,465 sf / 13,500 gpd	Retail 150,000 sf / 25,500 gpd
Total GPD 38,200 gpd	Total GPD 43,025

CHANGE 4,825 GPD

WASTEWATER

EXISTING	PROPOSED
PSP Uses 108,465 sf	Commercial 250,000 sf
Churches 36,000 sf / 7,200 gpd	Banks 30,000 sf / 5,625 gpd
Schools 36,000 sf / 14,000 gpd	Offices 70,000 sf / 7,000 gpd
Assisted Living 36,465 sf / 8,856 gpd	Retail 150,000 sf/ 15,000 gpd
Total GPD 30,056 gpd	Total GPD 27,625 gpd

CHANGE -2,431 GPD

SOLID WASTE

EXISTING	PROPOSED
PSP 108,465	250,000 sf commercial
Churches 36,000 sf / 245 ppd	Banks 30,000 sf / 936 ppd
Schools 36,000 sf / 252 ppd	Offices 70,000 sf / 420 ppd
Assisted Living 36,465 sf / 387 ppd	Retail 150,000 sf / 3,750 ppd
Total PPD 884 ppd	Total PPD 5,106

CHANGE 4,222 PPD

RECREATION

EXISTING	PROPOSED
PSP 108,465 sf NA	250,000 sf commercial NA

PUBLIC SCHOOLS

EXISTING	PROPOSED
108,465 sf PSP NA	250,000 sf commercial NA

Via Email: (micheal3@LegalTeamForLife.com)

Ref: 6602.01

TECHNICAL MEMORANDUM

To: Micheal D. Chiumento III, Chiumento Law

From: Kady L. Dearing, PE

Subject: Matanzas Woods Tract 9 – Comprehensive Plan Amendment (CPA) and Rezoning Traffic Impact Analysis (RTIA)

Date: December 18, 2025

INTRODUCTION

LTG, Inc. (LTG) has been retained by Matanzas GC Palm Coast, LLC, to prepare a traffic analysis in support of a Future Land Use (FLU) change and proposed rezoning for Matanzas Woods Tract 9. The parcel (Tract 9) consists of approximately 32.58 total acres and is a part of the Lakeview Estates Master Planned Development (MPD) Agreement between the City of Palm Coast and Matanzas GC Palm Coast, LLC. The purpose of this analysis is to modify the existing MPD to allow commercial land use. The subject property is located on the east side of US 1 and north of Matanzas Woods Parkway, in the City of Palm Coast, Florida. **Figure 1** shows the location of the project relative to the surrounding roadway network.

COMPREHENSIVE PLAN AMENDMENT (CPA) & PROPOSED REZONING

The CPA is required to revise the existing FLU from Greenbelt to Mixed Use for the 32.58-acre property. It should be noted that according to the existing MPD, only 8.3 acres are able to be developed.

The site has an existing FLU designation of Greenbelt, which allows a maximum of 1 dwelling per acre (DU/AC), resulting in a total of 8 dwelling units; represented by Single-Family Detached Housing (ITE code 210) or institutional uses meeting the Private/Semi-Public (PSP) Zoning District standards. The purpose of PSP is to provide areas for government owned facilities, religious institutions, civic buildings, educational institutions, etc. The maximum Floor Area Ratio (FAR) for the PSP District is 0.30, which results in 108,464 square-feet of institutional land use. The highest potential trip generator under this designation has been identified as United States Postal Services (ITE code 732).

Due to the nature of the MPD, both options were examined to determine the highest trip-generating use for the existing FLU designation. The daily, AM and PM peak-hour trip generation for the existing future land uses were determined using the Institute of Transportation Engineers (ITE) document, *Trip Generation Manual*, 12th Edition and are presented in **Table 1**, below.

Table 1
Existing FLU & Zoning Trip Generation
Matanzas Woods PUD, Tract 9

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips (T)
Daily	Single Family Residential	210	T = 8.07(X) + 265.45	8	DU	50%	50%	165	165	330
	United States Postal Services	732	T = 319.08(X)	108.46	KSF	50%	50%	17,305	17,304	34,609
AM Peak-Hour	Single Family Residential	210	T = 0.67(X) + 5.59	8	DU	27%	73%	3	8	11
	United States Postal Services	732	T = 19.03(X) + 25.66	108.46	KSF	52%	48%	1,087	1,003	2,090
PM Peak-Hour	Single Family Residential	210	Ln(T)=0.92Ln(X)+0.33	8	DU	62%	38%	6	3	9
	United States Postal Services	732	T = 16.73(X)	108.46	KSF	51%	49%	926	889	1,815

As shown in **Table 1**, the existing Greenbelt FLU designation results in a maximum total of 34,609 daily, 2,090 AM peak-hour, and 1,815 PM peak-hour trips.



Matanzas Woods PUD Tract 9 CPA and RTIA	N NTS	**Location Map**	LTG Engineering & Planning
		Project No.: 6602.01 Figure 1	

The applicant is requesting that the developable area be increased from 8.3 acres to 20 acres under a Mixed-Use FLU designation, as described in the City of Palm Coast Comprehensive Plan, as a General Commercial (COM-2) Zoning District. The Mixed-Use FLU, under this zoning designation, has a maximum FAR of 0.40, resulting in a maximum of 348,480 square-feet of mixed commercial land use. A combination of commercial land uses, as allowable under the COM-2 zoning designation, was used to estimate the highest trip-generating potential for the site. The total trip generation for the proposed future land use is shown in **Table 2**, below.

Table 2
Proposed FLU & Zoning Trip Generation
Matanzas Woods PUD, Tract 9

Time Period	Land Use	ITE LUC	Trip Rate Equation	Quantity (X)		Percent Entering	Percent Exiting	Trips Entering	Trips Exiting	Total Trips (T)
Daily	United States Postal Service	732	T = 319.08(X)	20.00	KSF	50%	50%	3,191	3,191	6,382
	Shopping Plaza (w/ Supermarket)	821	T = 136.41(X) - 2680.46	135.48	KSF	50%	50%	7,900	7,900	15,800
	Home Improvement Superstore	862	T = 30.65(X)	150.00	KSF	50%	50%	2,299	2,299	4,598
	High-Turnover (Sit-Down) Restaurant	932	T = 103.75(X)	18.00	KSF	50%	50%	934	934	1,868
	Fast-Food Restaurant	934	T = 448.12(X)	20.00	KSF	50%	50%	4,481	4,481	8,962
	Coffee/Donut Shop	937	T = 600.50(X)	5.00	KSF	50%	50%	1,502	1,501	3,003
	Total:			**348.48**	**KSF**			**20,307**	**20,306**	**40,613**
AM Peak-Hour	United States Postal Service	732	T = 19.03(X) + 25.66	20.00	KSF	52%	48%	211	195	406
	Shopping Plaza (w/ Supermarket)	821	T = 3.54 (X)	135.48	KSF	60%	40%	288	192	480
	Home Improvement Superstore	862	T = 1.50(X)	150.00	KSF	57%	43%	128	97	225
	High-Turnover (Sit-Down) Restaurant	932	T = 8.97(X)	18.00	KSF	55%	45%	89	72	161
	Fast-Food Restaurant	934	T = 33.24(X)	20.00	KSF	51%	49%	339	326	665
	Coffee/Donut Shop	937	T = 85.41(X)	5.00	KSF	51%	49%	218	209	427
	Total:			**348.48**	**KSF**			**1,273**	**1,091**	**2,364**
PM Peak-Hour	United States Postal Service	732	T = 319.08(X)	20.00	KSF	51%	49%	171	164	335
	Shopping Plaza (w/ Supermarket)	821	T = 8.58 (X)	135.48	KSF	49%	51%	569	593	1,162
	Home Improvement Superstore	862	T = 2.28(X)	150.00	KSF	57%	43%	195	147	342
	High-Turnover (Sit-Down) Restaurant	932	T = 9.18(X)	18.00	KSF	61%	39%	101	64	165
	Fast-Food Restaurant	934	T = 31.60(X)	20.00	KSF	52%	48%	329	303	632
	Coffee/Donut Shop	937	T = 39.0(X)	5.00	KSF	50%	50%	98	97	195
	Total:			**348.48**	**KSF**			**1,463**	**1,368**	**2,831**

As shown in **Table 2**, the proposed Mixed-Use FLU has the potential to result in 40,613 daily, 2,364 AM peak-hour, and 2,831 PM peak-hour trips.

The trip difference between the existing and the proposed future land use designations is determined by subtracting trips generated by the existing designation from the trips generated by the proposed designation. The results are presented in **Table 3**.

Table 3
Trip Generation Comparison
Matanzas Woods PUD, Tract 9

Period	Existing	Proposed	Trip Difference	
Daily	34,609	40,613	6,004	Increase
AM Peak-Hour	2,090	2,364	274	Increase
PM Peak-Hour	1,815	2,831	1,016	Increase

As shown in **Table 3**, this results in an overall trip increase of 6,004 daily trips (17.3%), 274 a.m. peak hour trips (13.1%), and 1,016 p.m. peak hour trips (56.0%).

CONCLUSION

This study was conducted to evaluate the impact of the proposed FLU and rezoning for a 32.58-acre parcel within the Lakeview Estates Master Planned Development, known as Tract 9. The proposed CPA will amend the current FLU designation from Greenbelt to Mixed Use. The rezoning will revise the zoning designation from Public/Semi-Private (PSP) to General Commercial (COM-2). The maximum developed area will also increase from 8.3 acres to 20 acres.

When evaluating the difference between the existing and proposed potential development scenarios for the proposed change, the trip generation comparison results in a trip increase of 6,004 daily trips (17.3%), 274 a.m. peak hour trips (13.1%), and 1,016 p.m. peak hour trips (56.0%).

Transportation concurrency and any potential mitigation required to offset deficiencies caused by the project will be assessed at the time a site plan application is filed with the City of Palm Coast.

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name : Kady L. Dearing, PE

Signature: 

Date: December 18, 2025

Environmental Assessment

For the

Matanzas Woods Golf Course Property

Palm Coast, Flagler County, Florida

Prepared By:
Atlantic Ecological Services, LLC
Attention: Jody Sisk
201 Basque Road
St. Augustine, FL 32080
jody@atlanticeco.com
(904) 347-9133

Prepared For:
Matanzas GC Palm Coast, LLC
Attn: Mr. Alex Ustilovsky
200 Ocean Crest Drive, Unit # 1111
Palm Coast, FL 32137

April 2021

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Appendix II – Habitat Assessment

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1.0 PROJECT INTRODUCTION

The Matanzas Woods Golf Course property is located within the City of Palm Coast, Flagler County, Florida, in a portion of Sections 21, 22, 27, & 28, Township 10 South, Range 30 East. The project area is approximately 275.96 acres in total size. The proposed project is identified as Flagler County Parcel ID # 07-11-31-7037-ORPOA0002. The subject property is generally located north of Matanzas Woods Parkway, east of US Highway 1, west of Interstate 95, and south of lands associated with the Palm Coast Park DRI. The property consists of an abandoned golf course within the City of Palm Coast. Please see the attached Location Map and Aerial Map within Appendix I for details. The latitude and longitude coordinates for the approximate center of the project are 29.615 North and -81.281 West, as determined via Google Earth.

The applicant for the project is:

Matanzas GC Palm Coast, LLC
Attn: Mr. Alex Ustilovsky
200 Ocean Crest Drive, Unit # 1111
Palm Coast, FL 32137

The subject property was previously permitted as a golf course within St. Johns River Water Management District MSSW# 4-035-0003A. The golf course has been closed since 2007.

Atlantic Ecological Services (AES) conducted an Environmental Assessment (EA) on the Matanzas Woods Golf Course property (herein referred to as the subject property). The subject property was reviewed to determine habitat type's present, boundaries of habitat types, presence of or the potential for protected species, wildlife utilization of the site and other environmental constraints noted during the site visits. This EA report discusses the methods used to conduct the EA, the results thereof and includes several supplementary figures.

Mr. Jody Sisk of AES performed the wetland and protected species review on the subject property. Mr. Sisk currently holds certifications from the City of Palm Coast as a Qualified Environmental Professional, including Gopher Tortoise Agent (#19567), Wetlands (#19568), and Listed Species (#19569).

2.0 EXISTING SITE CONDITIONS

The subject property consists of disturbed uplands, wetlands, and surface water ponds associated with the former golf course. The uplands consist of remnant pine flatwoods and golf course, and the wetlands consists of multiple hardwood forested systems, mixed hardwood/pine systems, freshwater marsh, and surface water ponds.

The communities and land use areas were categorized according to the Florida Department of Transportation (FDOT) (1991) Florida Land Use, Cover and Forms Classification System (FLUCFCS). The communities and land uses observed and delineated on the subject property are described in detail below and are shown on the attached Habitat Map.

2.1 Uplands

Golf Course - Remnant (FLUCCS 182) – Approximately 133.95 acres of the property exists as the remnant fairways, greens, and associated components of the Matanzas Golf Course. These areas exist as a mix of turf grass, ruderal weeds, landscape plants and trees, parking, and associated structures.

Pine Flatwoods (FLUCCS 411) – The remaining uplands, not included in the managed golf course area, found on the subject property are considered remnant pine flatwoods. They were part of the ITT pine plantation prior to the opening of the golf course in the 1980's. Evidence of remnant row planting was identified across the site. This habitat community s approximately 98.24 acres in total size. The canopy is dominated by slash pine (*Pinus elliottii*). Some Chinese tallow (*Sapium sebiferum*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and loblolly bay (*Gordonia lasianthus*) are also located within the uplands, but at much less coverage. The understory is dominated by a thick cover of saw palmetto (*Serenoa repens*). Other species found, but at a much lesser extent, include wax myrtle (*Myrica cerifera*), gallberry (*Ilex glabra*), yaupon holly (Ilex vomitoria), bushy broom grass (*Andropogon glomeratus*), blackberry (*Rubu*s spp.), greenbriar (*Smilax* spp.), bahia grass (*Paspalum notatum*), cogon grass (*Imperata cylindrica*), and bracken fern (*Pteridium aquilinum*).

2.2 Wetlands

Mixed Wetland Hardwoods (FLUCCS 617) – Multiple mixed hardwood wetland systems are located on the subject property totaling approximately 0.2 acres. These wetlands consist primarily of a canopy of red maple (*Acer rubrum*), Chinese tallow, laurel oak, and loblolly bay. The understory includes dahoon holly (*Ilex cassine*), wax myrtle and saw palmetto.

Cypress (FLUCCS 621) – Multiple small, isolated cypress depressions totaling 2.97 acres are located on the subject property. These systems are dominated by cypress (*Taxodium* spp.). Other species include red maple, slash pine, and dahoon holly.

Wetland Mixed Forest (FLUCCS 630) – Multiple mixed hardwood and pine wetlands are located on the subject property. The wetland mixed forest communities combined equal approximately 15.09 acres in total area on the subject property. The canopy is dominated by red maple, sweetgum (*Liquidambar styraciflua*), cypress, Chinese tallow, laurel oak, loblolly bay, and slash pine. The understory includes dahoon holly, wax

myrtle, saw palmetto, shiny lyonia (*Lyonia lucida*), gallberry, and herbaceous species such as Virginia chain fern (*Woodwardia virginica*), beakrush (*Rhynchospora* spp.), and yellow-eyed grass (*Xyris* spp.).

Freshwater Marsh (FLUCCS 641) – One freshwater marsh is located on the subject property totaling approximately 5.33 acres. The marshes are dominated by St. Johns wort (*Hypericum fasciculatum*), maidencane (*Panicum hemitomon*), torpedo grass (*Panicum repens*), Carolina willow (*Salix caroliniana*), red root (*Lacnanthes caroliniana*), and primrose willow (*Ludwigia peruviana*).

2.3 Surface Waters

Ponds (FLUCCS 530) – Approximately 20.18 acres of the subject property exists as surface water ponds associated with the former golf course.

3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

Wabasso fine sand (4) – This very deep, nearly level, poorly drained soil is in broad flatwood areas. Individual areas of this soil are irregular in shape and range from 4 to 200 acres. The seasonal high water table is at a depth of 6 to 18 inches for as much as 3 months during most years. It recedes to a depth of more than 40 inches during dry periods.

Hicoria, Riviera, and Gator soils, depressional (8) – This is a very deep, nearly level, poorly drained soil found in depressions in the flatwoods. Individual areas are circular to irregular in shape and range from 3 to 1,500 acres. The undrained areas of this map unit are ponded, as much as 24 inches of water is above the surface for 6 months or more except during extended dry periods.

Myakka fine sand (11) – This is a very deep, nearly level, very poorly drained soil that is in broad flatwood areas. The areas range from 5 to 500 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months of the year. It is at a depth of 10 to 40 inches for more than 6 months of the year.

Placid, Basinger, and St. Johns soil, depressional (12) – These are very deep, poorly drained soils which are present in depressions along flatwoods. Undrained areas are ponded for long periods. They range from 3 to 400 acres in size. In most years, undrained areas are ponded for more than 6 months, and the seasonal high water table is as much as 2 feet above the surface.

Immokalee fine sand (13) – This is a poorly drained, nearly level soil on broad flats and low knolls in flatwoods. Mapped areas of this soil range from 5 to 600 acres. The

seasonal high water table is at a depth of 6 to 18 inches for 2 months and at 10 to 40 inches during periods of lower rainfall in most years under natural conditions. During extended dry periods, the water table recedes to a depth of more than 40 inches.

Valkaria-Smyrna Complex (18) – This is a very deep, nearly level, poorly drained soil on flatwoods. Areas in this soil are irregular and range from 40 to 300 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months of the year. It is at a depth of 10 to 40 inches or more during extended dry periods.

Vakaria fine sand (19) – This is a very deep, nearly level, poorly drained soil on low broad flats and in sloughs connecting depressions. Areas in this soil are irregular and range from 5 to 100 acres in size. The seasonal high water table is at a depth of 0 to 6 inches for 2 to 6 months of the year.

Smyrna fine sand (21) – This is a very deep, poorly drained soil which is present in nearly level flatwoods areas. They range from 4 to 400 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months during wet seasons and at 10 to 40 inches for more than 6 months.

Uderants, moderately wet (29) – This map unit consists of heterogeneous soil material that was removed from other soils and used in land-leveling operations as fill material. Uderants do not have an orderly sequence of soil layers. This soil makes up the areas which were excavated and filled during the construction of the city drainage system in the 1970's.

Pits (30) – This map unit consists of excavated areas from which soil and geologic material was removed for use mainly in road construction and as fill material.

Pomona fine sand (40) – This very deep, poorly drained, nearly level soil is in the broad flatwood areas. Individual areas are irregular in shape and range from 80 to 400 acres in size. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 3 months and is at a depth of 10 to 40 inches for more than 6 months in most years.

4.0 WETLANDS AND SURFACE WATERS

4.1 Methods and Jurisdiction

The wetlands on the subject property fall under the regulatory jurisdiction of the Florida Department of Environmental Protection (federal 404), St. Johns River Water Management District (state) and the City of Palm Coast (local). The criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. Approximately 23.57 acres of wetlands, 20.18 acres of surface water ponds, and 0.84 acres of surface water ditches are located on the subject property. Please see the attached Wetland Map within Appendix I.

Multiple wetlands onsite could be considered isolated and therefore not jurisdictional to the State 404 Program. Due to the isolated nature of Wetlands 2-4, 8-12, and 14-16, it is not anticipated each will meet the requirements to be considered Waters of the United States (WotUS).

4.2 Wetland Quality, Impacts, and Mitigation

The wetlands onsite are of moderate quality. The City of Palm Coast will require a 25' average/15' minimum upland buffer due to the quality of wetland. The wetland onsite was assessed utilizing the City of Palm Coast Wetland Quality Assessment Methodology (WQAM). Please see Appendix II for the attached WQAM worksheets.

If wetland impacts are proposed the wetland mitigation could be completed through onsite wetland preservation/enhancement or wetland creation, or through the purchase of mitigation credits from the Fish Tail Swamp Wetland Mitigation Bank or the Brick Road Wetland Mitigation Bank. The project and the proposed mitigation are located within the Matanzas River and Pellicer Creek basin (Basin 9). Both mitigation banks listed above have available credits within the basin.

5.0 WILDLIFE OBSERVATIONS

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 5.1 Wildlife species observed on the Matanzas Woods Golf Course Property in Flagler County, Florida.

Taxon	Common Name	Scientific Name	Protected*
Birds	Black vulture	*Coragyps atratus*	No
	Carolina wren	*Thryothorus ludovicianus*	No
	Common grackle	*Quiscalus quiscula*	No
	Grey catbird	*Dumetella carolinensis*	No
	Northern mockingbird	*Mimus polyglottos*	No
	Great blue heron	*Ardea herodias*	No
	White ibis	*Eudocimus albus*	No
	Wood stork	*Mycteria americana*	Yes
	Tri-colored heron	*Egretta tricolor*	Yes
Mammals			
	Nine-banded armadillo	*Dasypus novemcinctus*	No
	Racoon	*Procyon lotor*	No
	Feral pig	*Sus scrofa*	No
	White-tailed deer	*Odocoileus virginianus*	No

6.0 PROTECTED SPECIES

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on the subject property. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (FWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. During the site reconnaissance, observations or evidence of protected species and the likelihood of occurrence of each protected species were noted. Further review was completed following the habitat mapping and descriptions.

6.1 Protected Wildlife Species

The protected animal species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on the Matanzas Woods Golf Course Property in Flagler County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
Alligator mississippiensis	American alligator		T(S/A)	Low	Various aquatic habitats
Dendroica kirtlandii	Kirtland's warbler	E	E	Low	Migrant, utilizing various terrestrial and palustrine habitats
Drymarchon corais couperi	Eastern indigo snake	T	T	Mod	Wide variety of habitats
Egretta caerulea	Little blue heron	T		High	Marshes, ponds, lakes, meadows, streams & mangroves
Egretta tricolor	Tri-colored heron	T		High	Marshes, ponds, lakes, meadows, streams & mangroves
Falco sparverius paulus	Southeastern American kestral	T		Mod	Wide variety of open habitats
Gopherus polyphemus	Gopher tortoise	T	CS	Mod	Sandhills, scrub, hammocks, dry prairies, flatwoods, & ruderal
Grus canadensis pratensis	Florida sandhill crane	T		Mod	Shallow wetlands, freshwater marshes and wet prairies
Haliaeetus	Southern bald		BGEPA	Mod	Coasts, rivers and large

leucocephalus	eagle				lakes in open areas
Mycteria americana	Wood stork	E	E	Obs	Marshes, swamps, streams and mangroves
Ursus americanus floridanus	Florida black bear			Mod	Variety of forested landscapes

Those species listed as having a moderate likelihood of occurrence or higher in Table 6.1 are listed as such due to presence of suitable habitat.

Long-legged waders have a high likelihood of occurrence onsite due to the marsh and surface water ponds found on the subject property. This includes the little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), and white ibis (*Eudocimus albus*). It is anticipated these species utilize the wetlands onsite for foraging and roosting. No wading bird rookeries are known or were identified on or near the subject property. Any modifications to the existing surface water ponds would include creation of stormwater ponds. Therefore, this project is not likely to adversely affect any wading bird populations.

While no wood storks (*Mycteria americana*) were observed on the subject property, wood storks have been observed routinely throughout the area. No nesting rookeries were observed. The project site is not located within a Core Foraging Area (CFA) for wood storks. Therefore, this project is not likely to adversely affect the wood stork population.

Florida sandhill cranes (*Grus canadensis pratensis*) are routinely observed in the area. No sandhill cranes were observed on the subject property during the onsite surveys. The marsh wetland and littoral zones of the surface water ponds onsite are considered potential for nesting. No nests or signs of nesting activity were identified. Prior to construction of the site a Florida sandhill crane nest survey should be completed to determine if any nesting pairs are utilizing the site.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act (BGEPA). Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. No active bald eagle nests are located within 2 miles of the project area. No bald eagle nests were observed on the subject property or adjacent to its boundaries. Therefore, this project is not likely to adversely affect the southern bald eagle.

The southeastern American kestrel (Falco sparverius paulus) is listed as a Species of Special Concern by the FWC. The subject property provides habitat which could be conducive to utilization and nesting by the southeastern American kestrel. It is recommended that southeastern American kestrel surveys be completed prior to

development of the site. The surveys should be conducted in accordance with guidelines set forth within the publication *Ecology and Habitat Protection Needs of the southeastern American kestrel* (Falco sparverius paulus) *on large-scale development sites in Florida*.

A preliminary gopher tortoise (*Gopherus polyphemus*) burrow survey was conducted on the subject property. The gopher tortoise survey was conducted in accordance with the techniques outlined in the publication*, Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Development in Florida*. The gopher tortoise, listed as Threatened by the FWC, is a key component in the determination of habitat suitability for other protected species because of the large number of other animals that will use tortoise burrows for one or more of their life requisites. No potentially occupied gopher tortoise burrows were identified. Prior to construction an updated 100% gopher tortoise survey should be completed.

The eastern indigo snake (*Drymarchon corais couperi*), has a moderate likelihood to occur on the subject property due to the habitats identified. The species is a gopher tortoise commensal species due to its association and utilization of gopher tortoise burrows for their life requisites. Prior to construction a 100% gopher tortoise survey will be completed.

The American alligator (Alligator mississippiensis) is listed as Threatened by the FWS. Best Management Practices (BMP's) should be followed in the case of any individual American alligator entering the project area during construction will be provided ample space to allow the animal to exit the construction zone. Through this management technique, the project is not likely to adversely affect the American alligator.

Florida black bear (Ursus americanus floridanus) have been observed in the vicinity of the subject property along US Highway 1. No signs of Florida black bears were identified on the subject property. Any proposed project for development should adhere to the Florida Bear Smart Communities program. If the development criteria are adhered to then the project is not anticipated to adversely affect the Florida black bear.

No other protected species are anticipated to utilize the subject property.

6.2 Protected Plant Species

The protected plant species with some potential to occur on the subject property are listed in Table 6.2.1, below.

Table 6.2.1: Protected plant species with the potential to occur on the Matanzas Woods Golf Course property, in Palm Coast, Flagler County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FDACS	FWS		
Asclepias viridula	Southern milkweed	T		Low	Pine flatwoods at wetland margins

Calopogon barbatus	Bearded grass pink	T	Low	Wet pine flatwoods, bogs
Calopogon multiflorus	Many-flowered grass pink	E	Low	Pine flatwoods, esp. recently burned
Encyclia tampensis	Butterfly orchid	CE	Low	Mangrove, cypress and hardwood swamps; hammocks
Epidendrum conopseum	Greenfly orchid	CE	Low	Moist hammocks, cypress and hardwood swamps; epiphytic
Helianthus carnosus	Lakeside sunflower	E	Low	Wet flatwoods
Lilium catesbaei	Catesby's lily	T	Low	Moist pine flatwoods and savannahs
Lycopodiella cernua	Nodding clubmoss	CE	Low	Wet pinelands
Nemastylis floridana	Fall-flowering ixia; celestial lily	E	Low	Swamps, marshes and wet pine flatwoods
Osmunda cinnamomea	Cinnamon fern	CE	Obs	Wet woods and swamps
Osmunda regalis	Royal fern	CE	Obs	Wet woods and swamps
Platanthera blephariglottis	Large white fringed orchid	T	Low	Marshes, and wet, open, grassy areas
Platanthera flava	Southern tubercled orchid;gypsy-spikes	T	Low	Cypress and hardwood swamps
Platanthera nivea	Snowy orchid; bog torch	T	Low	Wet pine flatwoods
Pogonia ophioglossoides	Rose pogonia	T	Low	Marshes and wet, pine flatwoods
Sarracenia minor	Hooded pitcherplant	T	Low	Wet, open, acid pinelands and bogs
Spiranthes brevilabris var. floridana	Florida ladies' tresses	E	Low	Pine flatwoods
Spiranthes laciniata	Lace-lip ladies' tresses	T	Low	Marshes and cypress swamps
Spiranthes longilabris	Long-lip ladies' tresses	T	Low	Marshes and wet pine flatwoods
Spiranthes tuberosa	Little ladies' tresses; little pearl twist	T	Low	Pine flatwoods
Zephyranthes atamasca	Rain lily	T	Low	Wet pine flatwoods and meadows
Zephyranthes simpsonii	Simpson's zephyr lily	T	Low	Wet pine flatwoods and meadows

E= Endangered; T= Threatened; CE= Commercially Exploited

No federally protected plant species are expected to occur on the subject property.

7.0 CULTURAL RESOURCES

A preliminary review of the Florida Master Site File (FMSF) was completed through the Division of Historical Resources (DHR) and the State Historic Preservation Officer (SHPO) for the subject property. One known archaeological resource and one resource group were adjacent to the subject property. US Highway 1 (FL00291) is listed as a linear resource by DHR. No significant impacts to US Highway 1 are anticipated. Davis' Store (FL00248) is listed as an archaeological resource. This resource was identified as part of the Palm Coast Park DRI. The resource is no longer in existence and is not eligible for further evaluation. Please see Appendix III for correspondence from the Florida Master Site File. The project is not anticipated to affect any cultural resources.

8.0 SUMMARY

The Matanzas Woods Golf Course property is located within the City of Palm Coast, Flagler County, Florida. The subject property consists disturbed upland, wetland, and surface water habitats. The property is approximately 275.96 acres in total size.

Multiple wetlands totalling approximately 1.86 acres and surface waters totaling approximately 23.57 acres were delineated on the subject property. In addition to the wetlands, approximately 20.18 acres of surface water ponds, and 0.84 acres of surface water ditches are located on the subject property. The wetlands on the subject property are all considered moderate quality and would therefore require a 25' average/15' minimum upland buffer by the City of Palm Coast. If wetland impacts are proposed the wetland mitigation could be completed through onsite wetland preservation/enhancement or wetland creation, or through the purchase of mitigation credits from the Fish Tail Swamp Wetland Mitigation Bank or the Brick Road Wetland Mitigation Bank.

The subject property provides potential habitat for a multitude of protected wildlife species. Further specific species surveys are recommended prior to construction of the project. Specific surveys for the gopher tortoise, Florida sandhill crane, and southeastern American kestrel should be completed.

No federally protected flora species are anticipated on the subject property.

No known cultural resources are anticipated on or adjacent to the subject property. Therefore, no impacts to cultural resources is anticipated due to development of the property.

Technical Literature References

Chafin, L.G. 2000. *Field Guide to the Rare Animals of Florida*. Florida Natural Areas Inventory, Tallahassee, Florida.

Coile, Nancy C. 1998. *Notes of Florida's Endangered and Threatened Plants*. (Rule 5B-40 Florida's Regulated Plant Index), Botany Contribution 38, 2nd Ed. Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Gaineville, Florida. 119 pp.

Cox, Jeffrey. A. 1987 *Status and Distribution of the Florida Scrub-Jay*. Florida Ornithological Society. Special Publication No. 3, Gainesville, Florida 110 pp.

Cox, James, D. Inkley, R. Kautz. 1987. *Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida*. Florida Game and Freshwater Fish Commission, Nongame Wildlife Program. Technical Report No. 4. Tallahassee, Florida. 69 pp.

Deyrup, Mark, Franz, Richard 1994. *Rare and Endangered Biota of Florida, Volume IV Invertebrates.* Special Committee on Invertebrates, Florida Committee on Rare and Endangered Plants and Animals.

Division of Endangered Species. *Threatened and Endangered Species System*. Web Page Address: http://ecos.fws.gov/tess_public/TESSWebpage. United States Fish and Wildlife Service, Denver, Colorado.

Environmental Laboratory, Wetlands Research Program. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. Department of the Army, Vicksburg, Mississippi.

Florida Exotic Pest Plant Council. 2005. *List of Florida's Invasive Species.* Internet: http://www.fleppc.org/05list.htm. Florida Exotic Pest Plant Council.

Florida Fish and Wildlife Conservation Commission. 2004. *Florida's Endangered Species, Threatened Species, and Species of Special Concern*. Web Page Address: http://www.wildflorida.org/imperiled/pdf/Endangered-Threatened-Special-Concern-2004.pdf. Florida Fish and Wildlife Conservation Commission.

Gilbert, Carter R., 1992. *Rare and Endangered Biota of Florida, Volume II Fishes.* Special Committee on Fishes, Florida Committee on Rare and Endangered Plants and Animals.

Gilbert, K.M., J.D. Tobe, R.W. Cantrell, M.E. Sweeley, J.R. Cooper. 1995. The *Florida Wetlands Delineation Manual*. Florida Department of Environmental Protection, South Florida Water Management District, St. Johns River Water Management District,

Suwannee River Water Management District, Southwest Florida Water Management District, and Northwest Florida Water Management District. 198 pp.

Hipes, D. D.R. Jackson, K. NeSmith, D. Printiss, K. Brandt. 2001. *Field Guide to the Rare Animals of Florida*. Florida Natural Areas Inventory, Tallahassee, Florida.

Humphrey, Stephen R., 1992. *Rare and Endangered Biota of Florida, Volume I. Mammals*. Special Committee on Mammals, Florida Committee on Rare and Endangered Plants and Animals.

Moler, Paul E., 1992. *Rare and Endangered Biota of Florida, Volume III Amphibians and Reptiles.* Special Committee on Amphibians and Reptiles Florida Committee on Rare and Endangered Plants and Animals.

Natural Resource Conservation Service (Soil Conservation Service at time of publication). Circa 1977. *Soil Survey of Flagler County, Florida*. United States Department of Agriculture.

Rogers, James A. Jr., Kale, Herbert W. III, Smith, Henry T. 1996. *Rare and Endangered Biota of Florida Volume V. Birds*. Special Committee on Birds Florida Committee on Rare and Endangered Plants and Animals.

Surveying and Mapping Office, Thematic Mapping Section. Department of Transportation. 1999. *Florida Land Use, Cover and Forms Classification System* 3rd ed. State of Florida, Department of Administration. 81 pp.

Wunderlin, Richard P. 1998. *Guide to the Vascular Plants of Florida.* University Press of Florida. 804 pp.

Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants* (http://www.plantatlas.usf.edu/). [S. M. Landry and K. N. Campbell (application development), Florida Center for Community Design and Research.] Institute for Systematic Botany, University of South Florida, Tampa.

APPENDIX I

FIGURES



Image Source: ESRI 2018
Date: 3-27-19

0 1,500 3,000 Feet

N

Location Map
Matanzas Woods Golf Course
Flagler County, Florida

ATLANTIC ECOLOGICAL SERVICES
WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

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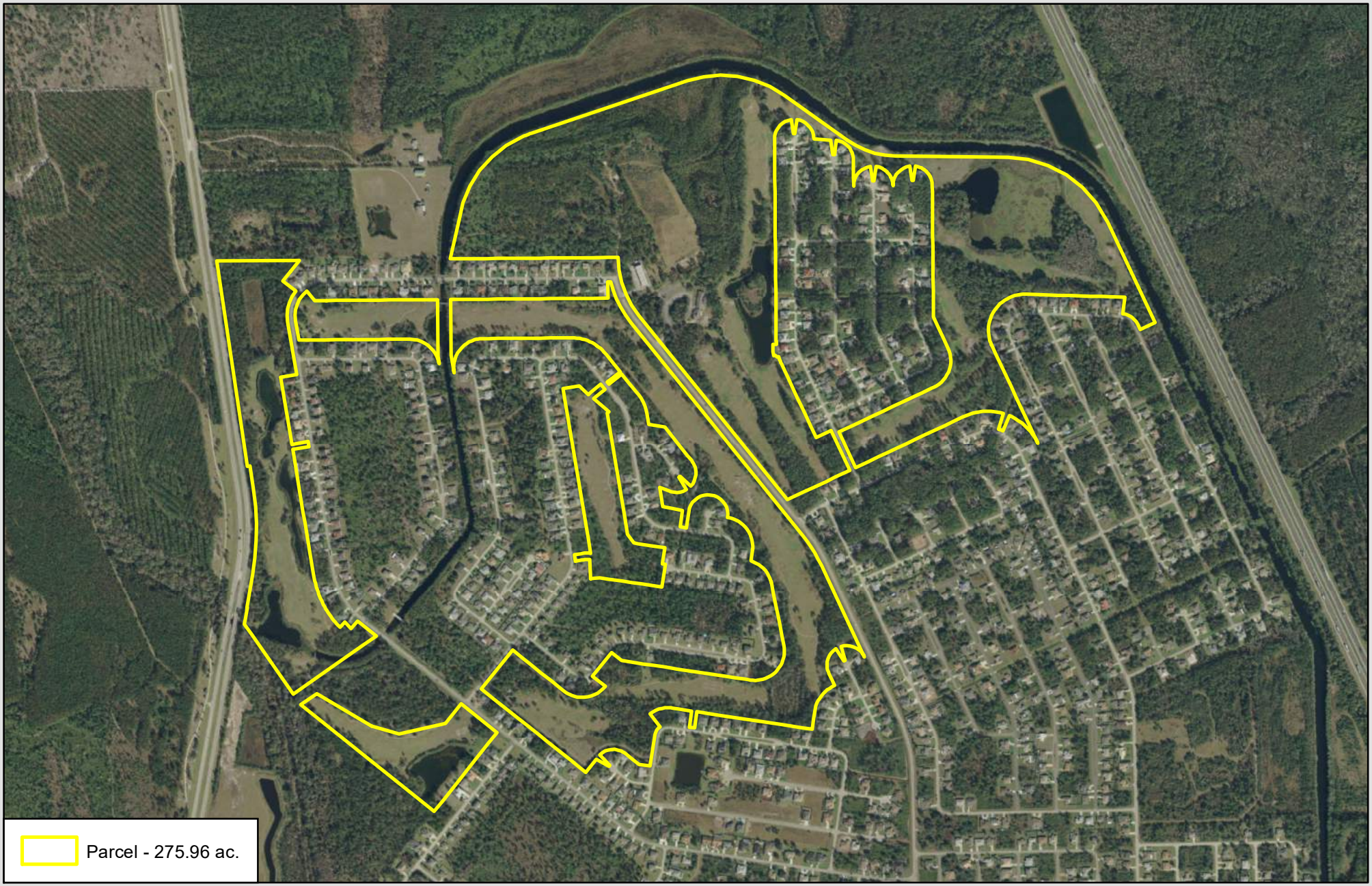

Image Source: ESRI 2017
Date: 3-23-19

0 500 1,000 Feet

N

Aerial Map
Matanzas Woods Golf Course
Flagler County, Florida

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201 Basque Rd | St. Augustine, FL 32080

Document Path: C:\Users\Owner\Desktop\GIS\Matanzas-Woods-Golf\MXD\topo.mxd



Image Source: ESRI 2017
Date: 3-27-19

0 500 1,000 Feet

N

Topographic Map
Matanzas Woods Golf Course
Flagler County, Florida

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Document Path: C:\Users\Owner\Desktop\GIS\Matanzas-Woods-Golf\MXD\soil.mxd



Image Source: ESRI 2017
Date: 3-23-19

0 500 1,000 Feet

N

Soil Map
Matanzas Woods Golf Course
Flagler County, Florida

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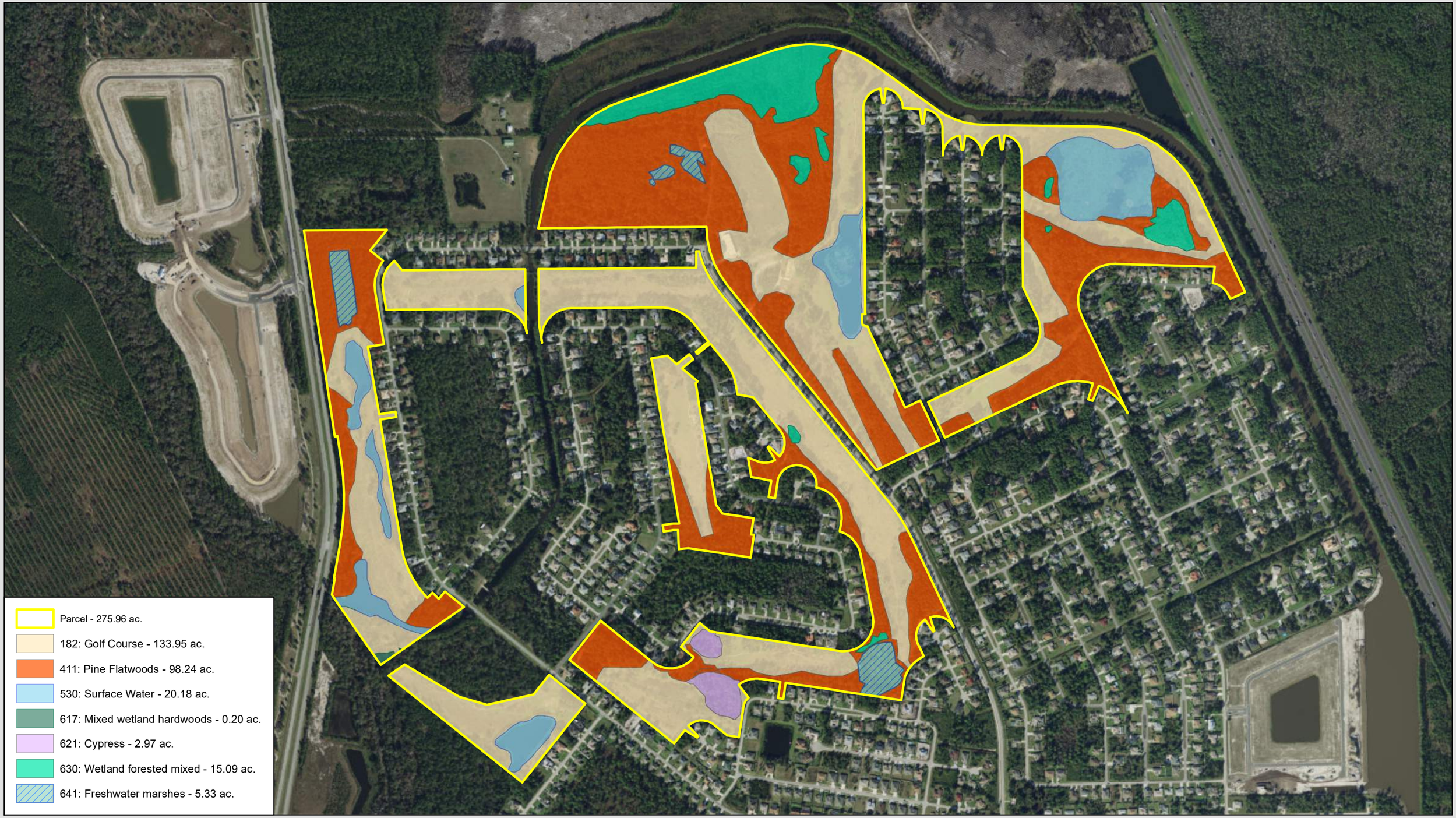

Image Source: ESRI 2019
Date:4-19-21

0 350 700 Feet

N

Habitat Map
Matanzas Woods Golf Course
Flagler County, Florida

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201 Basque Rd | St. Augustine, FL 32080

Document Path: C:\Users\Owner\Desktop\GIS\Matanzas-Woods-Golf\MXD\Wet-SW-Iso.mxd

W-1
11.50 ac.

W-15
0.35 ac.

W-3
0.35 ac.

Ditch-1
0.29 ac.

W-14
0.18 ac.

SW-1
9.53 ac.

W-2
0.77 ac.

W-4
0.52 ac.

W-13
2.06 ac.

W-8
0.04 ac.

W-5
1.86 ac.

SW-3
0.26 ac.

SW-2
3.44 ac.

Roadside Ditch
(Offsite)

SW-4
1.65 ac.

W-16
0.20 ac.

Ditch-2
0.19 ac.

SW-5
0.90 ac.

W-12
0.87 ac.

SW-6
2.07 ac.

W-10
0.22 ac.

W-6
0.01 ac.

W-7
0.19 ac.

W-9
2.35 ac.

W-11
2.10 ac.

SW-7
2.33 ac.

Ditch-3
0.36 ac.

Surface Water - 20.18ac.
Ditch - 0.84 ac.
Jurisdictional Wetland - 13.76 ac.
Isolated Wetland - 9.81 ac.
Parcel - 275.96 ac.

Image Source: ESRI 2017
Date: 8-12-19

0 350 700 Feet

N

Wetland and Surface Water Map
Matanzas Woods Golf Course
Flagler County, Florida

ATLANTIC ECOLOGICAL SERVICES
WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

APPENDIX II

HABITAT ASSESSMENTS

PART I – Qualitative Description
Wetland Quality Assessment Method

Site/Project Name	Application Number	Assessment Area Name or Number
Matanzas Woods Golf Course		

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
617,630, 641			26.20 acre

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
9 - Matanzas & Pellicer Creek		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The site is bound by development and roads

Assessment area description

The wetlands onsite have been impacted by the past pine silviculture, surrounding develpment, and fire suppression.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Roads and homes around the property	N/A

Functions	Mitigation for previous permit/other historic use
Provides cover, roosting, substrate, and/or refuge; food chain support; water quality improvements, flood water storage/attenuation.	N/A

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Whitetail deer, bobcat, cottonmouth, Eastern diamondback rattlesnake, pigmy rattlesnake, wading birds, redshouldered hawk, vultures, various passerine birds,	Wading Birds - feeding & roosting ;

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
JS	3/25/2019

PART II – Quantification of Assessment Area
Wetland Quality Assessment Method

Site/Project Name	Application Number	Assessment Area Name - Review (Original)
Matanzas Golf Course		
Assessment Area Acreage	**Review (Original) Assessment conducted by:**	**Review (Original) Assessment dates:**
26.20 acre	JS	3/25/19

Scoring Guidance	**Optimal (10)**	**Moderate(7)**	**Minimal (4)**	**Not Present (0)**
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

Location and Landscape Support Score: 6	Notes:	Adjacent Landscape Description Development and roads and past land uses and disturbance dramatically affect habitat and wildlife usage.
Water Environment Score: 6	Notes:	Soils Description not appropriate soil composition due to drainage and ditching found offsite Hydrology Description Hydrology has been affected by pine rowing, ditches, and development
Community structure 1. Vegetation and/or 2. Benthic Community Score: 6	Notes:	Vegetation & Wildlife Notations Heavy coverage of Chinese tallow. Fire suppresion has affected biodiversity and age composition. FLUCFCS** Code: 617, 621,630, 641

WQAM Score	Wetland Category Key - Application Package Requirements from Proposed Wetland Impacts		
Sum of above / 30	Minimal (0.00 - 0.40)	Moderate (0.41 - 0.70)	Optimal (0.71 - 1.0)
	Wetland Impact Analysis	Wetland Impact Analysis	Wetland Impact Analysis
	25' avg. 15' min. upland buffer	25' avg. 15' min. upland buffer	50' avg. 25' min. upland buffer
	Compensatory Mitigation	Compensatory Mitigation	Compensatory Mitigation
Score: 0.6	State and federal permits	State and federal permits	State and federal permits
		Avoidance and Minimization Analysis	Avoidance and Minimization Analysis
			No Net Loss' Analysis

APPENDIX III

CULTURAL RESOURCE ASSESSMENT

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

March 27, 2019

Jody Sisk
Atlantic Ecological Services
904-347-9133
jody@atlanticeco.com

Parcel ID 07-11-31-7037-ORPOA-0002

In response to your inquiry of March 27, 2019, the Florida Master Site File lists one archeological resource and one resource group recorded at the designated area in Flagler County, Florida

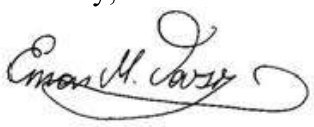
Sections 21, 22, 27, and 28, Township 10 S, Range 30 E

When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

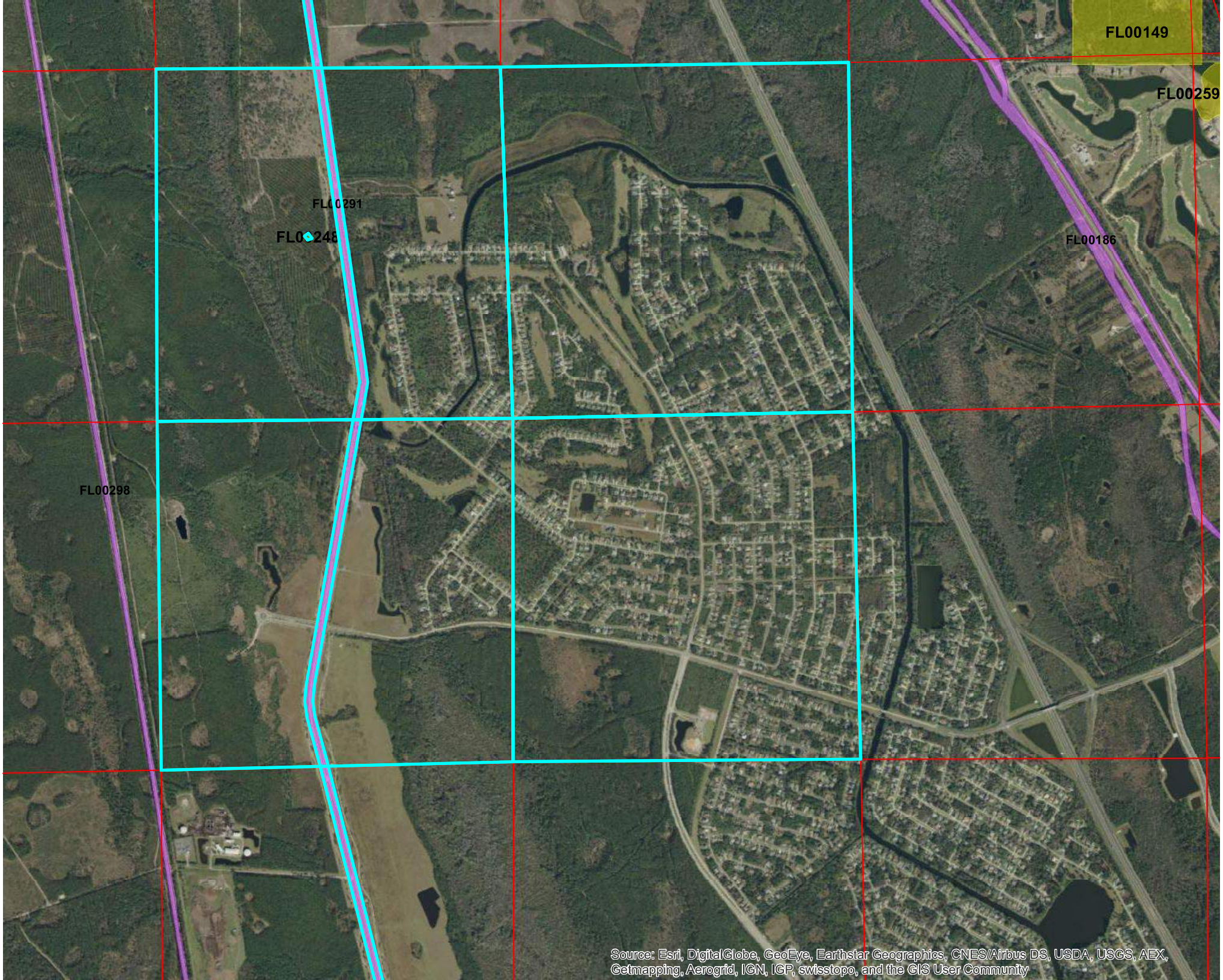


Eman M. Vovsi, Ph.D.
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com

AR=1
SS=0
CM=0
RG=1
BR=0
Total=2

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
FL00248	AR	Davis' Station	Palm Coast		Not Eligible	
FL00291	RG	US-1	Palm Coast	Linear Resource	Not Eligible	


FL00149
FL00259
FL00291
FL00186
FL00298
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

P > 12/20/2004 SB
E

Page 1

☒ Original
☐ Update
(give site#)

ARCHAEOLOGICAL SITE FORM
FLORIDA MASTER SITE FILE
Version 2.2 3/97

Consult *Guide to Archaeological Site Form* for detailed instructions.

Site #8 FL248
Recorder Site# WPC Series
Field Date 00 / 00 / 03
Form Date 02 / 29 / 04

Site Name(s) Davis' Station
Project Name Cultural Resource Survey of West Palm Coast, Flagler
Multiple Listing (DHR only)
FMSF Survey # 16347

Ownership: ☒private-profit ☐private-nonprofit ☐private-individual ☐private-unspecid. ☐city ☐county ☐state ☐federal ☐foreign ☐Native American ☐unknown

USGS 7.5 Map Name & Date ~~Dinner Island NE~~ ESPANOLA
County Flagler

Township 10 Range 30 Section 21 ☐ Check if Irregular Section; Qtr. Section (check all that apply): ☐NE ☒NW ☐SE ☐SW

Landgrant
Tax Parcel # (s)

City / Town (if within 3 mi.) Palm Coast
In Current City Limits? ☐yes ☒no ☐unknown

UTM: Zone ☐16 ☐17 Easting 0 Northing 0

Address / Vicinity of / Route to U.S.1 bisects, adjacent to existing Palm Coast; proposed for annexation

Name of Public Tract (e.g., park)

SETTING *

☒ Land - *terrestrial*
☐ Cave/Sink - *subterranean*
- ☐ terrestrial
- ☐ aquatic
- ☐ intermittently flooded

☐ Wetland - *palustrine*
- ☐ usually flooded
- ☐ sometimes flooded
- ☐ usually dry

☐ Lake/Pond - *lacustrine*
☐ River/Stream/Creek - *riverine*
☐ Tidal - *estuarine*
☐ Saltwater - *marine*
- ☐ marine unspecified
- ☐ "high energy" marine
- ☐ "low energy" marine

☐ Other store/station

STRUCTURES - OR - FEATURES *

☐ aboriginal boat	☐ fort	☐ road segment
☐ agric/farm building	☐ midden	☐ shell midden
☐ burial mound	☐ mill unspecified	☐ shell mound
☒ building remains	☐ mission	☐ shipwreck
☐ cemetery/grave	☐ mound unspecified	☐ subsurface features
☐ dump/refuse	☐ plantation	☐ surface scatter
☐ earthworks	☐ platform mound	☐ well

FUNCTION *

☐ none specified
☐ campsite
☐ extractive site
☐ habitation (prehistoric)
☒ homestead (historic)
☐ farmstead
☐ village (prehistoric)
☐ town (historic)
☐ quarry

Aboriginal *

☐ Alachua	☐ Englewood	☐ Glades unspecif.	☐ St. Augustine	☐ Seminole: 2d War To 3d	
☐ Archaic, Early	☐ Fort Walton	☐ Hickory Pond	☐ St. Johns Ia	☐ Seminole: 3d War On	
☐ Archaic, Middle	☐ Glades Ia	☐ Leon-Jefferson	☐ St. Johns Ib	☐ Seminole unspecified	
☐ Archaic, Late	☐ Glades Ib	☐ Malabar I	☐ St. Johns I unspecified	☐ Swift Creek, Early	
☐ Archaic unspecified	☐ Glades I unspecif.	☐ Malabar II	☐ St. Johns IIa	☐ Swift Creek, Late	
☐ Belle Glade I	☐ Glades IIa	☐ Manasota	☐ St. Johns IIb	☐ Swift Creek, unspecified	
☐ Belle Glade II	☐ Glades IIb	☐ Mount Taylor	☐ St. Johns IIc	☐ Transitional	
☐ Belle Glade III	☐ Glades IIc	☐ Norwood	☐ St. Johns II unspecified	☐ Weeden Island I	
☐ Belle Glade IV	☐ Glades II unspecif.	☐ Orange	☐ St. Johns unspecified	☐ Weeden Island II	
☐ Belle Glade unspecif.	☐ Glades IIIa	☐ Paleoindian	☐ Santa Rosa	☐ Weeden Island unspecif.	
☐ Cades Pond	☐ Glades IIIb	☐ Pensacola	☐ Santa Rosa-Swift Creek	☐ Prehistoric nonceramic	
☐ Deptford	☐ Glades IIIc	☐ Perico Island	☐ Seminole: Colonization	☐ Prehistoric ceramic	
	☐ Glades III unspecif.	☐ Safety Harbor	☐ Seminole: 1st War To 2d	☐ Prehistoric unspecified	

Nonaboriginal *

☐ First Spanish 1513-99
☐ First Spanish 1600-99
☐ First Spanish 1700-1763
☐ First Spanish unspecified
☐ British 1763-1783
☐ Second Spanish 1783-1821
☐ American Territorial 1821-45
☐ American Civil War 1861-65
☐ American 19th Century
☒ American 20th Century
☐ American unspecified
☐ African-American

☐ Other (Less common phases are not check-listed. For historic sites, also give specific dates if known.)
1940s - 1960s roadside store/station/residence

* Consult *Guide to Archaeological Site Form* for preferred descriptions not listed above (data are "coded fields" at the Site File).

Potentially eligible for a local register? ☐yes: name register at right ☒no ☐insufficient info
Individually eligible for National Register? ☐yes ☒no ☐insufficient info
Potential contributor to NR district? ☐yes ☒no ☐insufficient info
Name of local register if eligible:

Explanation of Evaluation (Required if evaluated; limit to 3 lines; attach full justification)
Station demolished

Recommendations for Owner or SHPO Action documentation only

DHR USE ONLY OFFICIAL EVALUATIONS DHR USE ONLY

NR DATE __/__/__
DELIST DATE __/__/__

KEEPER-NR ELIGIBILITY: ☐yes ☐no
SHPO-NR ELIGIBILITY: ☐yes ☑no ☐potentially elig. ☐insufficient info. Date 12/6/04
LOCAL DESIGNATION: Date __/__/__
Local office

National Register Criteria for Evaluation ☐a ☐b ☐c ☐d (See National Register Bulletin 15, p. 2)

ARCHAEOLOGICAL SITE FORM

Site #8 FL248

Consult *Guide to Archaeological Site Form* for detailed instructions.

SITE DETECTION*

- ☐ no field check
- ☒ literature search
- ☒ informant report
- ☒ remote sensing
- ☒ exposed ground
- ☐ posthole digger
- ☐ auger--size:___
- ☒ unscreened shovel
- ☒ screened shovel

SITE BOUNDARIES*

- ☐ bounds unknown
- ☐ none by recorder
- ☒ literature search
- ☒ informant report
- ☐ remote sensing
- ☒ insp exposed ground
- ☐ posthole tests
- ☐ auger--size:_____
- ☒ unscreened shovel
- ☒ screened shovel
- ☐ block excavations
- ☐ estimate or guess

Other methods; number, size, depth, pattern of units; screen size (attach site plan) Surface observations and documentation of building debris

Extent Size (m^2) 50 Depth/stratigraphy of cultural deposit

Temporal Interpretation* - Components (check one): ☒ single ☐ prob single ☐ prob multiple ☐ multiple ☐ uncertain ☐ unknown

Describe each occupation in plan (refer to attached large scale map) and stratigraphically. Discuss temporal and functional interpretations: 1940s - 1960s store/station

Integrity Overall disturbance*: ☐ none seen ☐ minor ☐ substantial ☐ major ☐ redeposited ☒ destroyed-**documentl** ☐ unknown

Disturbances/threats/protective measures site destroyed

Surface: area collected none m^2 # collection units_____; Excavation: # noncontiguous blocks _____

Total Artifacts #_____(C)ount or (E)stimate? Surface #_____(C) or (E) Subsurface #_____ (C) or (E)

COLLECTION SELECTIVITY*

- ☐ unknown
- ☐ unselective (all artifacts)
- ☒ selective (some artifacts)
- ☐ mixed selectivity

SPATIAL CONTROL*

- ☐ uncollected
- ☐ general (not by subarea)
- ☐ unknown
- ☐ controlled (by subarea)
- ☐ variable spatial control
- ☐ Other_____

ARTIFACT CATEGORIES* and DISPOSITIONS* (*example:* _A_ bone-human)

Pick exactly one *code* from Disposition List ⇨ ⇨ ⇨ ⇨

___	bone-animal	___	exotic-nonlocal
___	bone-human	___	glass
___	bone-unspecified	___	lithics-aboriginal
___	bone-worked	X	metal-nonprecious
X	brick/building debris	___	metal-precious/coin
___	ceramic-aboriginal	___	shell-unworked
___	ceramic-nonaboriginal	___	shell-worked
___	daub	___	Others:

Disposition List*

- A - category always collected
- S - some items in category collected
- O - observed first hand, but not collected
- R - collected and subsequently left at site
- I - informant reported category present
- U - unknown

Artifact Comments building debris

DIAGNOSTICS (Type or mode, and frequency: e.g., *Suwanee ppk, heat-treated chert, Deptford Check-stamped, ironstone/whiteware*)

1.	_____	N=___	5.	_____	N=___	9.	_____ N=___
2.	_____	N=___	6.	_____	N=___	10.	_____ N=___
3.	_____	N=___	7.	_____	N=___	11.	_____ N=___
4.	_____	N=___	8.	_____	N=___	12.	_____ N=___

Nearest fresh water type* & name (incl. relict source) Hulett Branch Distance (m)/bearing 500 meters

Natural community (FNAI category* or leave blank) upland pine forest

Local vegetation pine forest

Topography* sand ridge Min Elevation____meters Max Elevation____meters

Present land use agricultural/planted pine

SCS soil series _____ Soil association _____

Informant(s): Name/Address/Phone/Email Dana Ste.Claire, Heritage Services, heritagesrvcs@aol.com

Describe field & analysis notes, artifacts, photos. For each, give type*(e.g., notes), curating organization*, accession #s, and short description.

Heritage Services, Inc. records; report on file with DHR

Manuscripts or Publications on the site (Use continuation sheet, give FMSF# if relevant) Cultural Resource Assessment Survey of the West Palm Coast Development, Flagler County, Florida; Ste.Claire, Dana 2004

Recorder(s): Name/Addr./Phone/Email Dana Ste.Claire, Heritage Services, Inc.; heritagesrvcs@aol.com

Affiliation* or FAS Chapter Heritage Services, Inc.

* Consult *Guide to Archaeological Site Form* for preferred descriptions not listed above (data are "coded fields" at the Site File).

SITE PLAN & USGS REQUIRED At 1"=300' (1:3600) or larger scale, show: site boundaries, scale, north arrow, datum, test/collection units, landmarks, mappers, date.

Hulett Branch Dump – 8FL246

This small, spatially isolated refuse dump site was discovered during a surface inspection of a sandy fire lane in western regions of the West Palm Coast properties (see Figure 5). It is located in the northwest quarter of the southwest quarter of Section 16, Township 10 South, Range 30 East. The site was evidenced by a scatter of characteristic late 19th century bottle fragments and a few metal pieces. The refuse pit has been thoroughly displaced by the fire land cut. Efforts to locate associated features or a possibly related homestead site through subsurface testing were unsuccessful. It is surmised that the site is completed destroyed. Thus, **it is concluded that 8FL246 is not eligible for inclusion on the National Register of Historic Places.**

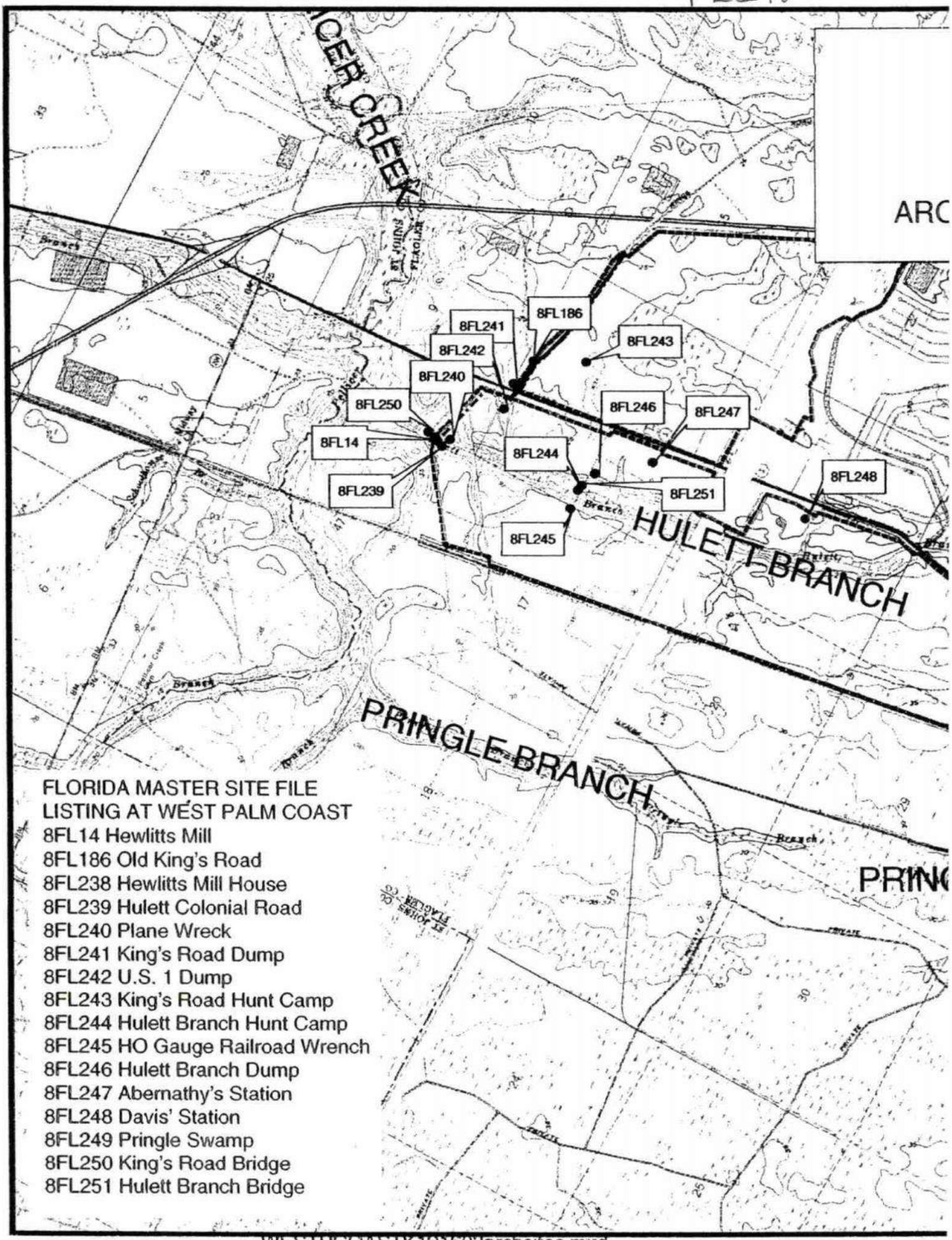
Abernathy's Station – 8FL247
Davis' Station – 8FL248

Interviews with two local residents provided information regarding two historic sites that were located on Parcel A of West Palm Coast properties. The locations of two filling stations/general stores were identified by Dupont (2003) for the west side of U.S. 1 (the northeast quarter of the southwest quarter of Section 16, Township 10 South, Range 30 East for Abernathy's Station and the center of Section 21, Township 10 South, Range 30 East for Davis' Station. Both Abernathy's and Davis' Stations were once essential businesses to service vehicular traffic prior to the construction of I-95. Dupont stated the Ralph Abernathy filling station was opened sometime in the 1930s. He thought the Davis filling station was later, in the early 1950s. The sites of these two businesses were identified by the field reconnaissance crew at the specific areas pinpointed by Dupont on topographic and aerial maps. Field inspections reveal the remnants of structures demolished in the past decade. Structural and archaeological integrity of both sites have been greatly compromised due to the destruction of the stations, thus **it is concluded that 8FL247 and 8FL248 are not eligible for inclusion on the National Register of Historic Places.**

Pringle Swamp – 8FL249

Only one prehistoric archaeological site (8FL249), a small ceramic scatter, was discovered during the subject survey. The site is located in the northwest quarter of the northwest quarter of Section 10, Township 11 South, Range 30 East (see Figure 5). The site was evidenced by two pottery sherds: a St. Johns Plain fragment and a St. Johns Check-Stamped fragment. Based on site density and diagnostic artifacts, it is surmised that the ceramics represent an isolated prehistoric hinterland activity, possible hunting, during the late St. Johns cultural periods (ca. post A.D. 800).

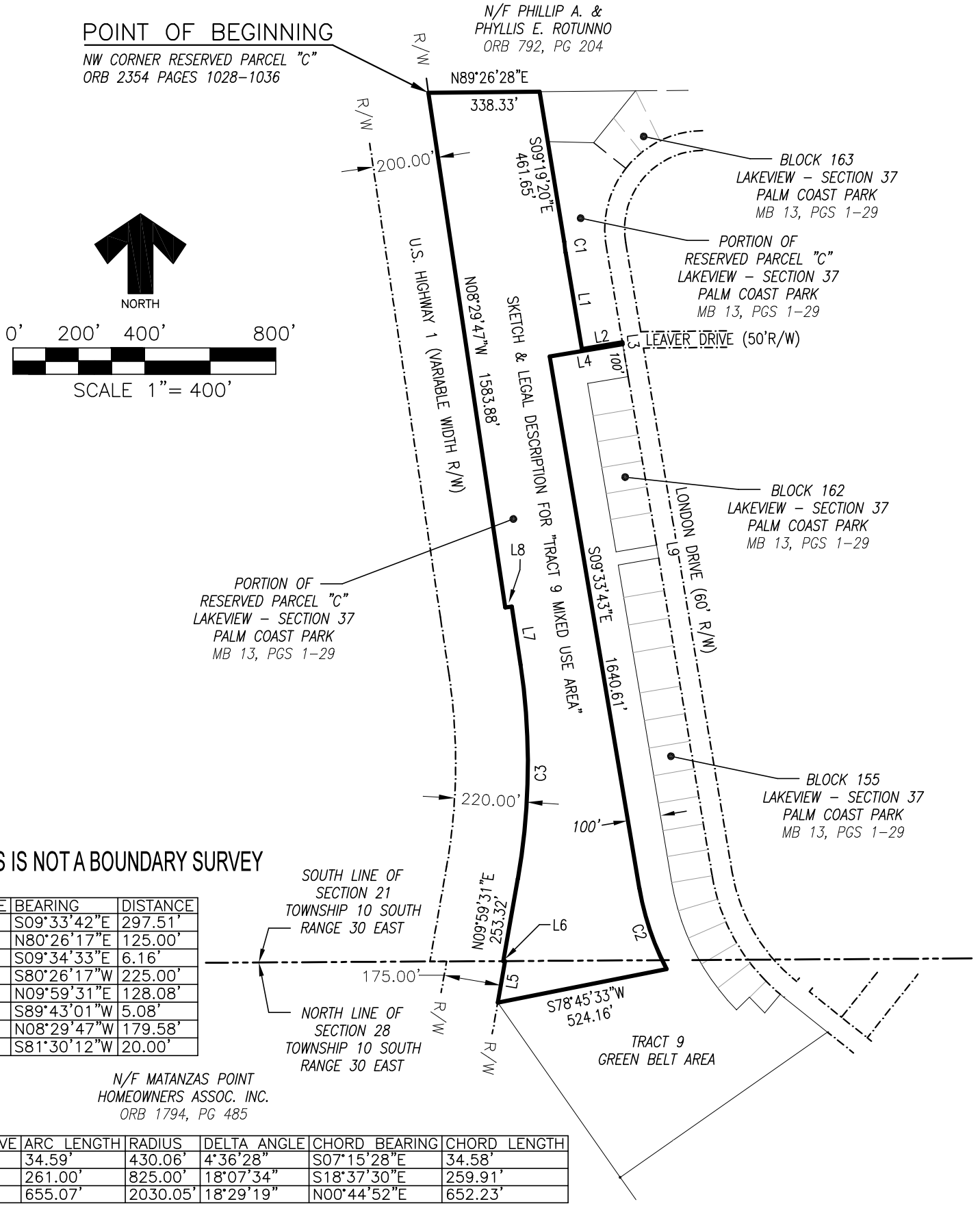
FL248



FLORIDA MASTER SITE FILE
LISTING AT WEST PALM COAST

8FL14 Hewlitts Mill
8FL186 Old King's Road
8FL238 Hewlitts Mill House
8FL239 Hulett Colonial Road
8FL240 Plane Wreck
8FL241 King's Road Dump
8FL242 U.S. 1 Dump
8FL243 King's Road Hunt Camp
8FL244 Hulett Branch Hunt Camp
8FL245 HO Gauge Railroad Wrench
8FL246 Hulett Branch Dump
8FL247 Abernathy's Station
8FL248 Davis' Station
8FL249 Pringle Swamp
8FL250 King's Road Bridge
8FL251 Hulett Branch Bridge

WESTPCOASTK121603archsites.mxd



THIS IS NOT A BOUNDARY SURVEY

LINE	BEARING	DISTANCE
L1	S09°33'42"E	297.51'
L2	N80°26'17"E	125.00'
L3	S09°34'33"E	6.16'
L4	S80°26'17"W	225.00'
L5	N09°59'31"E	128.08'
L6	S89°43'01"W	5.08'
L7	N08°29'47"W	179.58'
L8	S81°30'12"W	20.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	34.59'	430.06'	4°36'28"	S07°15'28"E	34.58'
C2	261.00'	825.00'	18°07'34"	S18°37'30"E	259.91'
C3	655.07'	2030.05'	18°29'19"	N00°44'52"E	652.23'

K K
LB #7991

KUHAR SURVEYING & MAPPING, LLC

1501 RIDGEWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
Phone: 386-672-0002 WWW.KUHARSURVEYING.COM

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SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, LEGEND, NOTES, SIGNATURE AND SEAL.

SKETCH	
DATE:	5/11/2026
PROJECT:	K24017
FILE:	K24017 WORKSHEET.DWG
FIELD BOOK: N/A	PAGE: N/A
SHEET 1 OF 2	1" = 400'

K:\KUHAR PROJECTS 2024\KUHAR 24017 – MATANZAS TRACT 10 PLAT – BOB DICKINSON – ALEX U\DWG\K24017 WORKSHEET.DWG

LEGAL DESCRIPTION

A PORTION OF RESEVED PARCEL "C", LAKEVIEW – SECTION 37 PALM COAST PARK AT PALM COAST, AS RECORDED IN MAP BOOK 13, PAGES 1 THROUGH 29 INCLUSIVE, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF SAID RESERVED PARCEL "C" (SAID POINT BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG THE NORTHERLY LINE OF SAID PARCEL "C", NORTH 89°26'28" EAST FOR A DISTANCE OF 338.33 FEET; THENCE DEPARTING SAID NORTHERLY LINE SOUTH 09°19'20" EAST FOR A DISTANCE OF 461.65 FEET TO A NON-TANGENT CURVE TO THE LEFT HAVING AN ARC LENGTH OF 34.59 FEET, A RADIUS OF 430.06 FEET, A CENTRAL AGLE OF 04°36'28", A CHORD BEARING OF SOUTH 07°15'28" EAST AND A CHORD LENGTH OF 34.58 FEET TO A POINT OF TANGENCY; THENCE SOUTH 09°33'42" EAST FOR A DISTANCE OF 297.51 FEET; THENCE NORTH 80°26'17" EAST FOR A DISTANCE OF 125.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF LONDON DRIVE, A 60-FOOT WIDE PUBLIC RIGHT-OF-WAY PER SAID PLAT OF LAKEVIEW SECTION 37; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 09°34'33" EAST FOR A DISTANCE OF 6.16 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 80°26'17" WEST FOR A DISTANCE OF 225.00 FEET; THENCE SOUTH 09°33'43" EAST FOR A DISTANCE OF 1640.61 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 261.00 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 18°07'34", A CHORD BEARING OF SOUTH 18°37'30" EAST AND A CHORD DISTANCE OF 259.91 FEET TO A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE ALONG SAID LINE SOUTH 78°45'33" WEST FOR A DISTANCE OF 524.16 FEET TO THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE FOR THE FOLLOWING FIVE (5) COURSES; THENCE NORTH 09°59'31" EAST FOR A DISTANCE OF 128.08 FEET; THENCE SOUTH 89°43'01" WEST FOR A DISTANCE OF 5.08 FEET; THENCE NORTH 09°59'31" EAST FOR A DISTANCE OF 253.32 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 655.07 FEET, A RADIUS OF 2030.05 FEET, A CENTRAL ANGLE OF 18°29'19", A CHORD BEARING OF NORTH 00°44'52" EAST AND A CHORD DISTANCE OF 652.23 FEET TO A POINT OF TANGENCY; THENCE NORTH 08°29'47" WEST FOR A DISTANCE OF 179.58 FEET; THENCE SOUTH 81°30'12" WEST FOR A DISTANCE OF 20.00 FEET; THENCE NORTH 08°29'47" WEST FOR A DISTANCE OF 1583.88 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 19.41 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. THE LEGAL DESCRIPTION AS SHOWN HEREON WAS PREPARED BY THE UNDERSIGNED. THIS IS NOT A BOUNDARY SURVEY.

2. BEARINGS BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 1 HAVING A BEARING OF N08°29'47"W (PLAT).

3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

4. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH AND DESCRIPTION WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. NO TITLE WORK HAS BEEN PROVIDED TO THE UNDERSIGNED FOR THIS PARCEL OF LAND OR ADJACENT PARCELS.

5. UNDERGROUND FOUNDATIONS AND UTILITIES (IF ANY) NOT SHOWN HEREON.

6. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER.

7. SYMBOLS SHOWN HEREON SUCH AS VALVES AND UTILITY POLES ARE NOT TO SCALE.

8. THE PURPOSE OF THIS SKETCH AND DESCRIPTION WAS TO PREPARE A DESCRIPTION FOR ADMINISTRAIVE PURPOSES, AS REQUESTED BY THE CLIENT.

9. THE UNDERSIGNED MAKES NO CLAIMS AS TO OWNERSHIP AND/OR RIGHTS OF POSSESSION.

ABBREVIATIONS – LEGEND

N/F	NOW OR FORMERLY
MB	MAP BOOK
PG	PAGE
PGS	PAGES
ORB	OFFICIAL RECORDS BOOK
R/W	RIGHT OF WAY
U.E.	UITILITY EASEMENT
A.E.	ACCESS EASEMENT

CERTIFIED TO:
ALEX USTILOVSKY; CHIUMENTO LAW.

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050 THRU 17.053, FLORIDA ADMINISTRATIVE CODE.

Kenneth J Kuhar

Digitally signed by Kenneth J Kuhar
Date: 2026.05.11 12:51:09 -04'00'

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105

K K
LB #7991

KUHAR SURVEYING & MAPPING, LLC
1501 RIDGEWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
Phone: 386-672-0002 WWW.KUHARSURVEYING.COM

© 2023 KUHAR SURVEYING & MAPPING, LLC

DESCRIPTION	
DATE: 5/11/2026	
PROJECT: K24017	
FILE: K24017 WORKSHEET.DWG	
FIELD BOOK: N/A	PAGE: N/A
SHEET 1 OF 2	1" = N/A

K:\KUHAR PROJECTS 2024\KUHAR 24017 – MATANZAS TRACT 10 PLAT – BOB DICKINSON – ALEX U\DWG\K24017 WORKSHEET.DWG

Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Meredith Wearsch
Mark Hall
Eric R. Sloan, *of-counsel*

Michael D. Chiumento III
Managing Partner
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CHIUMENTO LAW

145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

2 Camino Del Mar
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

April 2, 2026

RE: Lakeview Estates
Matanzas GC Palm Coast, LLC
Parcel Identification Number: 07-11-31-7037-0RP0A-0002
07-11-31-7037-0RP0A-0011
07-11-31-7037-0RP0A-0140

To Whom It May Concern:

Matanzas GC Palm Coast, LLC, a Florida limited liability company is the owner of approximately 182 acres located in the L Section of Palm Coast (formerly known as the Matanzas Golf Course) and as further demonstrated on the attached map identified on **Exhibit "A".**

Currently, the owner has an application into the City of Palm Coast for the First Amendment to the Master Planned Development Agreement. The intent of the application to amend is to allow for development on Tract 3 and amend the allowed uses on Tract 8 along U.S. Highway 1. This Amendment will also incorporate the dedication by the developer to the City of a park. This request is consistent with the City's comprehensive plan and land development regulations.

As required by City Code, we will be having a neighborhood meeting on **Tuesday, April 14, 2026 at 6:00 p.m. at the Cafeteria (Room 511 & 512) of Indian Trails Middle School, 5505 Belle Terre Parkway, Palm Coast, Florida 32137** (see attached **Exhibit "B"** with directions on how to enter the school) to answer any of your questions. It is open to the public.

Sincerely yours,

Michael D. Chiumento III

EXHIBIT A



JEFFERSON DAVIS WATERWAY
INTERSTATE-95
(LIMITED ACCESS R/W - WIDTH VARIES - ASPHALT ROADWAY)
BELLE TERRE WATERWAY
U.S. HIGHWAY 1
(R/W WIDTH VARIES - ASPHALT ROADWAY)
LONDON DRIVE (60' R/W)
LAKEVIEW BOULEVARD (60' R/W)
LEAVER DRIVE (50'R/W)
LEARNING LANE (50' R/W)
LEAF LANE (50' R/W)
LEAVER DRIVE (50' R/W)
LONDON WATERWAY (100')
LEMA PL (50')
LEMAY PL (50' R/W)
SECTION LINE (TYPICAL)
LEMA LANE (50' R/W)
LEE DRIVE (50' R/W)
LEE PL
LEE DRIVE (50' R/W)
LEIDEL DRIVE (50' R/W)
LEIGHTON LANE (50' R/W)
RESERVED PARCEL B
RESERVED PARCEL R-1
LONDON DRIVE (60' R/W)
LONDONDERRY DRIVE (60' R/W)
LEWIS PL (50')
LEWIS DRIVE (50' R/W)
LEWISSHIRE WAY (50' R/W)
LEWISSHIRE PL (50' R/W)
LAKE SUCCESS DRIVE (50' R/W)
LAKE CHARLES LANE (50' R/W)
LAKE PLACID LANE (50' R/W)
LAKE SUCCESS DRIVE (50' R/W)
LAKE PL (50' R/W)
LINDSAY DRIVE (50' R/W)
LINDBERG LANE (50' R/W)
LINCOLN LANE (50' R/W)
LARAMIE DRIVE (60' R/W)
LARCHMONT PL
LAREDO PL
LANCELOT DRIVE (50'R/W)
LARKSPUR WAY (50'R/W)
1
2
3
4
5
6
7
8
9
10
21
22
27
28
MATANZAS WOODS
DEVELOPMENT TRACTS
SCALE 1"=300'
0
300
600
N

EXHIBIT "B"

Enter at northern gate of Indian Trails and park in the Sigma Parking lot.



Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal, P.A.*
Kareen Movsesyan
Sydney N. Stoneburner
Eric R. Sloan
Thomas R. Pycraft *
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Paul H. Threatt

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CHIUMENTO LAW

Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com

Proudly serving Flagler and Volusia Counties for over 50 years

April 30, 2026

City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164
Via E-Mail Only

RE: Lakeview Estates
Matanzas GC Palm Coast, LLC
Parcel Identification Number: 07-11-31-7037-0RP0A-0002
07-11-31-7037-0RP0A-0011
07-11-31-7037-0RP0A-0140

Dear Sir or Madam:

On Tuesday, April 14, 2026 the Applicant, Matanzas GC Palm Coast, LLC conducted a neighborhood information meeting held at the Cafeteria (Room 511 & 512) of Indian Trails Middle School, 5505 Belle Terre Parkway, Palm Coast, Florida 32137. As noted by the attached sign-in sheet, more than fifty (50) people from the public attended. Present at the meeting were myself, applicant representative and City Planner.

During the neighborhood meeting, the attendees asked several questions regarding the aforementioned application. Below is a reproduction of those questions/concerns and the Applicant's response in *italics* directly beneath the question.

- **Will this project increase density beyond what is currently allowed or expected?**

The rezoning request is being evaluated in accordance with the City's Comprehensive Plan and Land Development Code. Any proposed density will remain within the parameters established or approved through the rezoning process and will not exceed what is ultimately authorized by the City.

- **How will existing viewshed protections be preserved or modified?**

Site design will take into account applicable buffering, setbacks, and landscaping requirements to help preserve visual character. Any modifications to existing viewshed conditions would be subject

to City review and compliance with adopted standards.

- **Are any structures or improvements planned directly adjacent to or behind my property?**

Specific site layout details are still being refined. Future development plans will comply with all required setbacks, buffering, and compatibility standards to ensure appropriate transitions between uses.

- **Which parcels or tracts are proposed for development, and what are their current designations?**

The rezoning application identifies the subject parcels under consideration. All current and proposed land use and zoning designations are documented in the application materials submitted to the City for review.

- **Will you commit to continued investigation and remediation of any arsenic or environmental contamination issues?**

Any environmental concerns will be addressed in accordance with applicable state and federal regulations. Appropriate assessments and, if necessary, remediation efforts will be conducted to ensure the property meets required safety standards.

- **Do you intend to convey any remaining portions of the property to the City of Palm Coast?**

There are no commitments at this time regarding conveyance of additional property. Any such action would be coordinated with the appropriate governing agencies if it becomes relevant.

- **Will any undeveloped portions of the property be placed into a permanent conservation easement?**

The potential for conservation areas or easements will be evaluated as part of the overall development planning process and in coordination with City requirements and environmental considerations.

- **How will utilities (water, sewer, stormwater, electric) be extended and managed for this development?**

Utility infrastructure will be designed and constructed in coordination with the City and relevant service providers. All systems will meet applicable capacity, design, and regulatory requirements.

- **What analysis has been performed regarding potential impacts on surrounding property values?**

Property value impacts are influenced by a variety of market factors. The project will be designed to meet City standards and compatibility requirements, which are intended to support orderly and beneficial development.

- **Do you dispute or acknowledge concerns that the project may negatively affect nearby property values?**

We understand that property value concerns are important to residents. While outcomes can vary, the project will adhere to City regulations and design standards intended to promote compatibility and protect community character.

- **Will there be new or modified access points to U.S. Highway 1, and how will traffic be managed?**

Access and traffic circulation will be evaluated through required traffic studies and coordinated with the appropriate transportation agencies. Any improvements or modifications will be subject to agency approval.

- **What measures will be implemented to address flooding or stormwater impacts in the area?**

Stormwater management systems will be designed in accordance with local and state regulations

to ensure proper drainage, retention, and water quality treatment, minimizing impacts to surrounding properties.

- **How will local wildlife and habitat displacement be addressed?**

Environmental features and habitat considerations will be evaluated during the planning process. Development will comply with applicable environmental regulations and incorporate mitigation measures where required.

- **What provisions are being made for school transportation and student safety?**

The project will coordinate with the local school district regarding transportation needs. Roadway and pedestrian infrastructure will be designed to meet safety standards applicable to school access.

- **How will anticipated population increases affect school capacity and overcrowding?**

School capacity is managed by the local school district. Any impacts will be addressed through the district's planning processes, and applicable impact fees or requirements will be met.

- **What impact will this project have on local taxes or assessments?**

The project is expected to contribute to the local tax base. Any applicable impact fees or assessments will be paid in accordance with City and County requirements.

- **What is the timeline for development of any proposed park or recreational facilities?**

If recreational amenities are included, their timing will be aligned with the overall development phasing plan and subject to City review and approval.

- **Who will be responsible for funding, constructing, and maintaining the park?**

Responsibility for funding, construction, and maintenance will be determined as part of the development approvals and may involve the developer, a homeowners' association, or other entities as approved by the City.

Sincerely,



Michael D. Chiumento III
Attorney
MDC/cm

Lakeview Estates
Matanzas GC Palm Coast, LLC

NEIGHBORHOOD MEETING – TUESDAY April 14, 2026

NAME	ADDRESS	PHONE NUMBER	E-MAIL ADDRESS
Angelo Crispin	49 Londonderry Dr.	347 239 9942	operatoracrise@yahoo.com
ALBA SCALISE	240 London Dr	845-702-8919	pescalise@Gmail.com.
Kenneth Lenning	232 London Dr		Kenii01.04@yahoo.com
Michele Lenning	232 London Dr.		mlpteach4@yahoo.com
John Furlong	35 London Dr.		John8of9@aol.com
Diane Furlong	35 London Dr.		dcat56@gmail.com
LUZ CURRAS	205 London DR.	917-744-3741	LUZCURRAS@Gmail.com
Karla Lehmann	32 Leidel Dr		Karcar14@hotmail.com
Amy Beaver	73 LANCELOT DRIVE	386-302-7220	
Celeste J. Lyon	75 Lancelot Drive	832-439-0539	

Lorraine DeArmoff	130 Laramie Drive	410-322-3640	LABoushell@gmail.com
Michael DeArmoff	130 Laramie	443 466 3736	dearmoff7@yahoo.com
ALEX GREEN	60 LANCELOT DR.	610-637-9291	ALEXGREEN1GMAIL.COM
PETER/SANDY CAVALIERE	125 LARAMIE DR	(386) 453-4431	petercavaliere@bellsouth.net
Mary Thomas	119 London DR	(772) 240-8710	marytea57@gmail.com
Art White	119 London DR	(772) 678-2433	arw757@yahoo.com
Amy Jean Skidmore	56 Leidel Dr.	(608) 899-5982	amyjscanFL@gmail.com
Sandy Hitchens	62 Leidel Dr	843-492-1645	sandy.hitchens@yahoo.com
Lorraine Call	53 Leidel Dr.	917-751-1622	CallML@outlook.com
Deborah O'Neal	132 London Dr.	386 302-2833	Oprime2do@gmail.com
Ginger Taylor	130 London DR.	215-802-2838	—
JAIRO CASTRO	1 LEIDEL DRIVE	917-678-4868	jairoski@gmail.com

Mark Kirkelie & Barbara	9 Lee Pl.	615-498-0622	mkirkelie@bellsouth.net
Jeffrey + Shandy Ward	45 Londonderry Dr	402-699-6160	jsward0708@gmail.com
[redacted]	[redacted]		[redacted]
RAYMOND SPIEWAK	70 LEE	(508) 330-8775	rjspiewak@gmail.com
Bill & Natalya Olivier	30 Leidel Dr	315-922-8635	tdub1963@yahoo.com
DIANA MINOTTI	207 LONDON	386.237.3233	dianadmfa@gmail.com
PERRY MINOTTO	207 London	386.237.2140	perrydmfa@gmail.com
Yves Frederic	59 Lee Dr	386-366-3856	Jadolore_99@Yahoo.com
Denise Halle	5 Lake Charles Lane	732-406-0359	dtowell123@gmail.com
Davina & Fernando Leitzelar	74 Lee DR	207-228-4693	dfleitzelar@yahoo.com
GARY BIEDERMANN	50 MATANZAS LAKES DR	828 778 9506	BIEDERMANN63@GMAIL.COM
George Melo	6 Lemisdale	917-295-1799	GMFJC2010@Gmail.com

NAME	ADDRESS	PHONE #	E MAIL
JACK & NANCY CAYOUETTE	163 LONDON DR.	386-445-5607	~~[illegible]~~ nancycayouette@gmail.com
RICHARD B. RICCARDI	224 LONDON DR	2013625220	RICHSHINDO@YAHOO
Keith Flynn	47 Londonderry	386-503-3525	Kflynn@marineland.net
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Donna Stack	2 Lake Success Place	718 309 7555	ddstack4307@gmail.com
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Ann Doherty	155 London Dr.	352.455.9595	Storecoups@gmail.com
Karen & Steve Williams	190 London Dr	386-864-0927	Kwilliams33036@yahoo
GENE WAGGAMAN	53 LONDONDERRY	203-249-1961	EWAGGAMAN@GMAIL.COM
Shaun Schich	55 Londonderry Dr	919 961 4650	JAVAC88@gmail.com
Corinne Schich	55 Londonderry Dr	904-806-8060	dolancorinne@yahoo.com

NAME	ADDRES	PHONE #	EMAIL
BARBARA MCFARLANE	219 LONDON DR.	—	—
Ernelia Cespedes	218 London Dr	386 864 0408	—
Jackie Dempsey	195 London Dr.	386-446-4430	jackie dose yahoo.com
Alton W. Dempsey Sr.	195 London Drive	386-446-4430	
Karen & Stephen Berko	56 Lee Dr.	—	Kaberko@gmail.com
Kathy Lukach	46 Matanzas Cove Dr		

NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)

COUNTY OF FLAGLER X
STATE OF FLORIDA X

Before me this _____day of May, 20 26 personally appeared Thomas Davidson who after providing personally known as identification and who ____ **did**, ____ **did not** take an oath, and who being duly sworn, deposes and says as follows: "I have read and fully understand the provisions of this instrument".

Two (2) signs have been posted on the subject property subject to a rezoning as described with **Application #** _____

✓ **At least fourteen (14) calendar days before the hearing date advertising the date, time, and location of the Planning & Land Development Regulation Board (PLDRB)**

OR

_____ **At least seven (7) days before the hearing date advertising the date, time, and location of the City Council hearing.**

Signature of Responsible Party

Thomas Davidson
Printed Name

145 City Pl. Ste 301, Palm Coast FL 32164
Mailing Address

Signature of Person Taking Acknowledgement

Caroline McNeil
Name of Acknowledger (Typed, Printed or Stamped)

NOTARY PUBLIC STATE OF FLORIDA
CAROLINE MCNEIL
MY COMMISSION # HH 536164
EXPIRES: October 6, 2028

SEAL

This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.

ORDINANCE NO. 2021-01
LAKEVIEW ESTATES MPD
DEVELOPMENT AGREEMENT
APPLICATION #4150

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP FOR 280.6 +/- ACRES OF CERTAIN REAL PROPERTY PREVIOUSLY KNOWN AS THE MATANZAS GOLF COURSE AND GENERALLY LOCATED BETWEEN 0.5 TO 1.25 MILES NORTH OF MATANZAS WOODS PARKWAY, WEST OF I-95, AND EAST OF US HIGHWAY 1, AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A" FROM MASTER PLANNED DEVELOPMENT WITHOUT A DEVELOPMENT AGREEMENT TO LAKEVIEW ESTATES MASTER PLANNED DEVELOPMENT (MPD) WITH A DEVELOPMENT AGREEMENT AS PER SECTION 2.09 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; BY ALLOWING INSTITUTIONAL USES ALONG US HIGHWAY 1; CLUSTERED RESIDENTIAL USES AT AN OVERALL DENSITY OF UP TO ONE DWELLING UNIT PER ACRE WITH TOWNHOMES IN THE AREA LOCATED SOUTH OF LONDON DRIVE AND WEST OF LONDONDERRY DRIVE AND SINGLE-FAMILY HOMES OVER THE REMAINDER OF THE RESIDENTIALLY USED PROPERTY; AND ESTABLISHING VIEW PROTECTION ZONES AND WETLAND CONSERVATION AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Subject Property on the City's original zoning map in 1999/2000 had a Flagler County zoning designation of Urban Single-Family Residential (R-1B); and

WHEREAS, the Golf Course Community (GCC) Zoning District was created when the initial chapters of the Unified Land Development Code were adopted by Palm Coast through Ordinance 2005-33; and

WHEREAS, the Golf Course Community Zoning District was converted to the Master Planned Development (MPD) Zoning District by Palm Coast through Ordinance 2008-23; and

WHEREAS, the Subject Property ceased to operate as a golf course in or around 2007, and since that time, has not been used for any purpose other than vacant land; and

WHEREAS, the Subject Property has Future Land Use Map (FLUM) designations of Greenbelt and Conservation.

WHEREAS, Matanzas GC Palm Coast, LLC ("Owner") is the Owner of the 280.6 +/- acres of property further described in "Attachment A"("Subject Property") and has agreed to enter into the Lakeview Estates Master Plan Development Agreement, attached hereto as "Attachment B" ("Development Agreement"); and

WHEREAS, the Owner has requested to amend the Master Planned Development Zoning District by adding a Development Agreement in order to allow for 8.3 +/- acres of institutional uses along US Highway 1 and clustered homes at a density of up to one unit per acre on the balance of the land designated Greenbelt on the Future Land Use Map; and

WHEREAS, the Planning and Land Development Regulation Board ("PLDRB") and City Staff of the City of Palm Coast have recommended approval of this Ordinance and the Development Agreement, as modified by the PLDRB, and the PLDRB has found the requested changes and Development Agreement 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, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; 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 and Development Agreement set forth herein 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 its regularly scheduled meeting conducted on November 18, 2020, 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 rezoning as set forth hereunder; and

WHEREAS, the Owner has fully complied with the requirements of City of Palm Coast Unified Land Development Code and the MPD Zoning District by agreeing to the MPD Development Agreement to permit the approved 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, 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. MPD Rezoning. The Palm Coast City Council, pursuant to the Land Development Code of the City of Palm Coast hereby rezones the Subject Property from Master Planned Development without a Development Agreement to Lakeview Estates Master Planned Development Agreement ("MPD") and enacts this Ordinance creating the Lakeview Estates MPD Development Agreement, attached hereto as "Attachment B," for the property generally located between 0.5 and 1.25 miles north of Matanzas Woods Parkway, west of Interstate 95 and east of US Highway 1, 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 5th day of January 2021.

Adopted on second reading after due public notice and hearing City of Palm Coast this 19th day of January 2021.

CITY OF PALM COAST, FLORIDA

M Holland

MILISSA HOLLAND, MAYOR

ATTEST:

Virginia D Smith

VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

WILLIAM E. REISCHMANN, JR.
CITY ATTORNEY

Attachments:
Attachment A – Legal Description
Attachment B – MPD Development Agreement

G:\Docs\Cities\Palm Coast\Ordinances\STANDARD FORMS REVIEW\FINAL FORMS\MPD Amendment Ordinance Template 3-2-18 CDR.doc

ATTACHMENT "A"
LEGAL DESCRIPTION

MATANZAS WOODS GOLF COURSE:

Reserved Parcel "A", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northeast corner of Block 165 of said Plat of Lakeview; thence North 89°30'56" East 21.68 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 349.56 feet, a radius of 800.00 feet, a central angle of 25°02'07" and a chord bearing South 26°22'21" East, 346.78 feet to a point of tangency; thence South 38°53'25" East 2087.61 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 266.63 feet, a radius of 1120.00 feet, a central angle of 13°38'23" and a chord bearing South 32°04'13" East, 265.99 feet to a point of tangency; thence South 25°15'02" East 772.55 feet to a point of cusp; thence northwesterly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 66°04'26" West 196.12 feet to a point; thence South 16°53'50" East 110.00 feet to a point on a curve; thence westerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing South 64°44'57" West 11.62 feet to a point; thence North 33°36'15" West 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 15°34'21" West 196.12 feet to a point of tangency; thence South 25°15'02" East 100.25 feet to a point on a curve; thence southwesterly along a curve to the left having an arc length of 217.30 feet, a radius of 280.98 feet, a central angle of 44°18'38" and a chord bearing South 42°35'39" West 211.92 feet to a point of tangency; thence South 08°35'49" West 179.39 feet; thence North 81°24'11" West 913.66 feet; thence South 08°35'49" West 125.00 feet; thence North 81°24'11" West 40.00 feet; thence North 08°35'49" East 125.00 feet; thence North 81°24'11" West 125.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 180.00 feet, a radius of 225.00 feet, a central angle of 45°50'12" and a chord bearing South 75°40'43" West,175.24 feet to a point; thence South 37°14'23" East, 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 77.08 feet, a radius of 100.00 feet, a central angle of 44°09'48" and a chord bearing South 30°40'43" West 75.19 feet to a point of tangency; thence South 08°35'49" West, 237.34 feet; thence North 81°24'11" West 87.50 feet; thence North 51°24'11" West 130.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 87°46'25" West,196.12 feet to a point; thence South 43°02'58" East 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'26" and a chord bearing South 38°35'49" West 11.62 feet to a point; thence North 59°45'24" West 110.00 feet; thence South 38°35"49" West 128.21 feet; thence North 51°24'11" West 1018.03 feet; thence North 38°35'49" East 380.00 feet;

thence South 51°24'11" East 500.00 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00, a central angle of 90°00'00" and a chord bearing North 83°35'49" East, 318.20 feet to a point; thence North 51°24'11" West 125.00 feet; thence North 38°35"49" East 230.92 feet; thence South 51°24'11" East 100.00 feet; thence South 81°24'11" East 993.30 feet to a point of curvature; thence northeasterly along a curve to the left having an arc length of 431.48 feet, a radius of 225.00 feet, a central angle of 109°52'35" and a chord bearing North 43°39'32" East, 368.34 feet to a point of tangency; thence North 11°16'46" West 478.51 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 245.29 feet, a radius of 225.00 feet, a central angle of 62°27'41" and a chord bearing North 42°30'36" West, 233.32 feet to a point; thence North 08°35'49" East 77.01 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing North 36°24'11" West 318.20 feet to a point; thence westerly along a curve to the left having an arc length of 446.47 feet, a radius of 150.00 feet, a central angle of 170°32'16" and a chord bearing North 76°40'19" West 298.98 feet to a point of tangency; thence South 08°35'49" West 149.66 feet; thence North 81°24'11" West 50.00 feet; thence North 08°35'49" East 125.00 feet; thence North 78°43'26" West 153.29 feet; thence North 09°33'43" West 148.11 feet; thence South 69°50'14" East 67.79 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 146.25 feet, a radius of 150.00 feet, a central angle of 55°51'48" and a chord bearing North 87°23'42" East,140.53 feet to a point; thence North 30°32'12" West 110.00 feet to a point on a curve; thence northeasterly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 51°06'35" East 11.62 feet to a point; thence South 47°14'37" East 110.00 feet to a point on a curve; thence northerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'48" and a chord bearing North 01°55'59" East 196.12 feet to a point of tangency; thence North 38°53'25" West 326.21 feet; thence North 80°07'23" West 122.65 feet; thence North 09°33'42" West 80.00 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 166.36 feet, a radius of 325.00 feet, a central angle of 29°19'42" and a chord bearing North 24°13'34" West,164.55 feet to a point of tangency; thence North 38°53'25" West 200.00 feet; thence South 51°06'35" West 125.00 feet; thence North 38°53'25" West 20.00 feet; thence North 51°06'35" East 125.00 feet; thence North 38°53'25" West 178.81 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 292.66 feet, a radius of 325.00 feet, a central angle of 51°35'39" and a chord bearing North 64°41'14" West, 282.87 feet to a point of tangency; thence South 89°30'56" West 678.94 feet to a point of curvature; thence southwesterly along a curve to the left having an arc length of 389.08 feet, a radius of 225.00 feet, a central angle of 99°04'39" and a chord bearing South 39°58'37" West, 342.38 feet to a point of cusp; thence North 09°33'43" West 137.22 feet; thence North 00°29'04" West 425.00 feet; thence North 89°30'56" East 1200.00 feet; thence North 00°29'04" West 125.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "C", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northwest corner of said Reserved Parcel "C"; thence North 89°26'28" East 630.08 feet; thence South 38°43'02" West 202.91 feet; thence South 51°40'07" East 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 250.77 feet, a radius of 300.00 feet; a central angle of 47°53'36" and a chord bearing South 14°23'05" West 243.53 feet to a point of tangency; thence South 09°33'43" East 403.87 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 520.00 feet, thence North 80°26'17" East 125.00 feet; thence South 09°33'43" East 40.00 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 980.61 feet to a point of curvature; thence southerly along a curve to the left having an arc length of 441.04 feet, a radius of 725.00 feet, a central angle of 34°51'17" and a chord bearing South 26°59'21" East, 434.27 feet to a point; thence North 45°35'00" East 55.00 feet; thence South 44°25'00" East 67.22 feet; thence North 39°51'14" East 73.36 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 13.16 feet, a radius of 600.00 feet; a central angle of 01°15'25" and a chord bearing South 50°46'29" East 13.16 feet to a point of tangency; thence South 51°24'11" East 170.76 feet; thence South 54°59'31" West 770.58 feet; thence North 35°00'29" West 649.53 feet to a point on the east right of way line of U.S. Highway No.1; thence northerly along said right of way line of the following six courses; run North 09°59'31" East 128.08 feet; thence South 89°43'01" West 5.08 feet; thence North 09°59'31" East 253.32 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 655.06 feet, a radius of 2030.05 feet, a central angle of 18°29'18" and a chord bearing North 00°44'52" East, 652.23 feet to a point of tangency; thence North 08°29'47" West 179.58 feet; thence South 81°30'12" West 20.00 feet; thence North 08°29'47" West 1583.88 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "D" Lake View - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most northerly corner of said Reserved Parcel "D"; thence South 38'53'28" East 93.32 feet; thence North 89°30'56" East 936.80 feet; thence South 00°29'04" East 432.94 feet; thence South 09°33'42" East 57.28 feet to a cusp point; thence northwesterly along a curve to the left having an arc length of 317.78 feet, a radius of 225.00 feet; a central angle of 80°55'21" and a chord bearing North 50°01'23" West 292.02 feet to a point of tangency; thence South 89°30'56" West 846.10 feet; thence North 09°33'43" West 149.00 feet to a point of curvature; thence northerly along a curve to the right having an arc length of 254.23 feet, a radius of 240.00 feet, a central angle of 60°41'38" and a chord bearing North 20°47'06" East, 242.51 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows: From a POINT OF BEGINNING, being the most southerly corner at said Reserved Parcel "E"; thence North 64°44'58" East 526.36 feet; thence North 25°15'02" West 335.20 feet; thence South 64°44'58" West 125.00 feet; thence North 25°15'02" West 620.00 feet to a point of curvature; thence northwesterly along a curve to the right having an arc length of 60.46 feet, a radius of 425.00 feet, a central angle of 08°09'02" and a chord bearing North 21°10'31" West, 60.41 feet to the southeasterly corner of a parcel described in Official Records Book 492, pages 936-939; thence northerly along the boundary of said parcel described in Official Records Book 492, pages 936-939 for the following five courses; thence South 72°54'00" West 10.00 feet; thence North 53°38'13" West 20.65 feet; thence South 05°01'26" West 11.50 feet; thence North 10°42'21" West 31.82 feet; thence North 01°05'36" East 53.63 feet; thence North 85°41'45" East 24.67 feet to the boundary of above said Reserved Parcel "2", being a point on a curve; thence northerly along a curve to the right having an arc length of 28.33 feet, a radius of 425.00 feet; a central angle of 03°49'11" and a chord bearing North 02°23'39" West 28.33 feet to a point of tangency; thence North 00°29'04" West 1536.30 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point; thence South 85°19'06" East 128.73 feet; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 202.47 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of

16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 1003.67 feet; thence South 25°15'02" East 260.04 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 19°44'58" West, 318.20 feet to a point of tangency; thence South 64°44'58" West 800.00 feet; thence South 25°15'02" East 300.00 feet; thence North 64°44'58" East 910.00 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'11" and a chord bearing North 85°37'33" East, 302.90 feet to a point; thence South 16°30'09" West 125.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 34.00 feet, a radius of 300.00 feet, a central angle of 06°29'36" and a chord bearing South 70°15'03" East 33.98 feet to a point; thence North 22°59'45" East 125.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'13" and a chord bearing South 46°07'39" East 302.91 feet to a point of cusp; thence North 25°15'02" West 822.28 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 561.16 feet, a radius of 275.00 feet, a central angle of 116°54'59" and a chord bearing North 33°12'28" East, 468.74 feet to a point of tangency; thence South 88°20'03" East 756.56 feet; thence South 07°23'44" West 126.38 feet to a point of on a curve; thence easterly along a curve to the right having an arc length of 150.15 feet, a radius of 150.00 feet, a central angle of 57°21'14" and a chord bearing South 53°55'39" East 143.96 feet to a point of tangency; thence South 25°15'02" East 40.00 feet; thence North 64°44'58" East 125.00 feet to the easterly line of Belle Terre Waterway; thence North 25°15'02" West along said easterly line of Belle Terre Waterway for a distance of 862.29 feet to a point of curvature; thence depart said boundary line of said Reserved Parcel "2" and run westerly along the southerly line of Jefferson Davis Waterway for the following four courses: run westerly along a curve to the left having an arc length of 921.97 feet, a radius of 825.00 feet, a central angle of 64°01'49" and a chord bearing North 57°15'57" West, 874.74 feet to a point of tangency; thence North 89°16'51" West 858.76 feet to a point of curvature; thence westerly along a curve to the right having an arc length of 411.10 feet, a radius of 675.00 feet, a central angle of 34°53'44" and a chord bearing North 71°49'59" West, 404.78 feet to a point of tangency; thence North 54°23'07" West 585.58 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 177.30 feet, a radius of 825.00 feet, a central angle of 12°18'47" and a chord bearing North 60°32'31" West,176.96 feet to a point on the westerly boundary of said Reserved Parcel "2"; thence southerly and westerly along said westerly boundary of said Reserved Parcel "E" for the following seven courses: South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southeasterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 331.52 feet, a radius of 720.00 feet, a

central angle of 26°22'53" and a chord bearing South 25°41 '59" East 328.59 feet to a point of tangency; thence South 38°53'25" East 1801.29 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Part of Government Sections 21 and 22, Township 10 South, Range 30 East, Flagler County, Florida being that part of PARCEL NO. 2 of the property described in Official Records Book 142, pages 278-279, lying south of Jefferson Davis Waterway and being more particularly described as follows:
From a POINT OF REFERENCE being a point on the easterly boundary line of the above described PARCEL NO. 2, said point being the northwest corner of Reserved Parcel "2" as shown on the recorded plat of Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida; thence South 29°30'56" West along the easterly boundary of said PARCEL NO. 2 being also along the westerly boundary of said Reserved Parcel "E" for a distance of 390.35 feet to the POINT OF BEGINNING; thence continue along the easterly and southerly boundary of said PARCEL NO. 2 being also along the westerly and northerly boundary of said Reserved Parcel "E" for the following seven courses: run South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southwesterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence northerly along a curve to the right having an arc length of 151.10 feet, a radius of 720.00 feet, a central angle of 12°01'28" and a chord bearing North 06°29'48" West 150.83 feet to a point; thence South 89°30'56" West 1280.00 feet to the northwest corner of Block 164 of said plat of Lakeview; thence North 12°53'48" East along the southerly line of said Jefferson Waterway for a distance of 297.66 feet to a point on a curve; thence northeasterly along a curve to the right having an arc length of 913.19 feet, a radius of 825.00 feet, a central angle of 63°25'15" and a chord bearing North 39°41'03" East 867.28 feet to a point of tangency; thence North 71°23'41" East 1251.37 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 603.42 feet, a radius of 825.00 feet; a central angle of 41°54'25" and a chord bearing South 87°39'07" East, 590.05 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

All of that land vacated in the Subdivision Plat Of Lakeview - Section 37 Palm Coast Map Book 13 Pages 1 through 29, per Resolution 95-56 as recorded in Official Records Book 538 at Pages 1611 through 1613, Public Records of Flagler County, Florida, being described as follows:
BEGINNING at the southwesterly corner of Lot 22, Block 143 of the aforesaid Lakeview - Section 37; thence North 80°26'17" East a distance of 49.47 feet to a point of curvature of a curve to the right; thence northeasterly along said curve having a radius of 300.00 feet, a central angle of 14°34'59" an arc of 76.36 feet and a chord bearing North

87°43'47" East, 76.15 feet to a point on a non-tangent line; thence North 09°33'43" West, a distance of 1273.40 feet; thence North 80°26'17" East a distance of 124.48 feet; thence South 47°01'13" East a distance of 97.49 feet to a point on a non-tangent curve; thence northeasterly along a curve to the right having a radius of 150.00 feet; a central angle of 08°07'48", an arc length of 21.28 feet and a chord bearing North 47°02'41" East, 21.27 feet to a point of tangency; thence North 51°06'35" East a distance of 100.00 feet; thence South 38°53'25" East a distance of 50.00 feet; thence South 51°06'35" West a distance of 100.00 feet to a point of curvature; thence southwesterly along a curve to the left having a radius of 100.00 feet, central angle of 05°43'46, an arc length of 10.00 feet and a chord bearing South 48°14'42" West,10.00 feet to a point on a non-tangent line; thence South 50°07'21" East a distance of 153.93 feet; thence South 51°06'35" West a distance of 20.25 feet; thence South 09°33'43" East a distance of 936.00 feet; thence South 35°36'55" East a distance of 82.42 feet; thence South 81°24'11" East a distance of 240.00 feet; thence South 08°35'49" West a distance of 125.00 feet; thence South 81°24'11" East a distance of 27.55 feet to a point on a non-tangent curve; thence southwesterly along curve to the left having a radius of 40.00 feet, a central angle of 77°21'52", an arc of 54.01 feet and a chord bearing South 08°35'49" West 50.00 feet to a point on a non-tangent line; thence North 81°24'11" West a distance of 4.59 feet; thence South 08°35'49" West a distance of 125.00 feet; thence North 81°24'11" West a distance of 480.00 feet; thence South 84°38'20" West a distance of 69.97 feet; thence North 03°00'11" West a distance of 144.02 feet to a point on a non-tangent curve; thence southwesterly along a curve to the left having a radius of 250.00 feet, a central angle of 13°34'27", an arc of 59.23 feet and a chord bearing South 87°13'31" West, 59.09 feet to a point of tangency; thence South 80°26'17" West a distance of 51.03 feet to a point on a non-tangent curve; thence northwesterly along a curve to the left having a radius of 200.00 feet, a central angle of 07°10'51" an arc of 25.07 feet and a chord bearing North 05°58'17" West 25.05 feet to a point of tangency; thence North 09°33'43" West a distance of 25.00 feet to the POINT OF Beginning, the above described parcel of land is situated in Section 22, Township 10 South, Range 30 East, Flagler County, Florida.

ALSO INCLUDING:

Part of Reserved Parcel "R-1", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most easterly corner of said Reserved Parcel "R-1"; thence South 38°35'49" West along the southeasterly line of said Reserved Parcel "R-1" for a distance of 767.47 feet; thence North 51°24'11" West 1300.81 feet to the most westerly corner of said Reserved Parcel "R-1"; thence North 54°59'31" East,148.96 feet; thence South 59°22'19" East 485.17 feet; thence South 73°43'22" East 217.49 feet; thence North 77°17'42" East 363.21 feet; thence North 38°35'49" East 191.24 feet; thence South 51°24'11" East 350.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E" according to the Subdivision Plat Lakeview Section 37, Palm Coast, recorded in Map Book 13, Pages 1 Through 29, of the Public Records of Flagler County, Florida, being more particularly described as follows: A POINT OF REFERENCE being the northeast corner of Lot 1, Block 75; thence North 25°15'02" West along the west line of Belle Terre Waterway a distance of 862.29 feet to THE POINT OF BEGINNING; thence departing Belle Terre Waterway (as platted) 921.97 feet along the arc of a curve to the left (concave southerly) have a central angle of 64°01'49", a radius of 825.00 feet, a chord bearing of North 57°15'57" West and a chord distance of 874.74 feet to a point of tangency, thence North 89°16'51" West a distance of 858.76 feet to a point of curvature; thence 411.10 feet along the arc of a curve to the right (concave northerly) having a central angle of 34°53'44", a radius of 675.00 feet, a chord Bearing of North 71°49'59" West and a chord distance of 404.78 feet to the end of said curve being a point on the boundary of Jefferson Davis Waterway as recorded in Official Records Book 549, Pages 966 through 990, of the Public Records of Flagler County, Florida; thence North 35°36'53" East along said waterway a distance of 30.00 feet to a point on a non-tangent curve; thence easterly 392.83 feet along the arc of a curve to the left (concave northerly)having a central angle of 34°53'44", a radius of 645.00 feet, a chord bearing of South 71°49'59" East and a chord distance of 386.79 feet to a point of tangency; thence South 89°16'51" East a distance of 858.76 feet to a point of curvature; thence 955.50 feet along the arc of a curve to the right concave southwesterly having a central angle of 64°01'49", a radius of 855.00 feet, a chord bearing of South 57°15'57" East and a chord distance of 906.54 feet to the end of said curve; thence South 64°44'58" West a distance of 30.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD 5), BEING A PORTION OF LONDON WATERWAY, LAKEVIEW SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 26, LOCATED IN GOVERNMENT SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF ASHWOOD WATERWAY (A 300 FOOT RIGHT-OF-WAY) PER SAID LAKEVIEW SECTION 37, WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, (STATE ROAD 5, A 175 FOOT RIGHT-OF-WAY AT THIS POINT); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 35°00'29" EAST ALONG SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY FOR A DISTANCE OF 649.53 FEET TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID ASHWOOD WATERWAY LINE NORTH 54°59'31" EAST ALONG THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY FOR A DISTANCE OF 770.58 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LONDON DRIVE, (A 60 FOOT RIGHT-OF-WAY), PER SAID LAKEVIEW-SECTION 37; THENCE DEPARTING THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY SOUTH 51°24'11" EAST ALONG SAID RIGHT-

OF-WAY LINE FOR A DISTANCE OF 104.24 FEET TO THE SOUTHERLY LINE OF SAID LONDON WATERWAY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 54'59'31" WEST ALONG SAID SOUTHERLY LINE OF LONDON WATERWAY FOR A DISTANCE OF 800.00 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY; THENCE NORTH 35°00'29" WEST ALONG SAID ASHWOOD WATERWAY LINE FOR A DISTANCE OF 100.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

ATTACHMENT "B"
MPD DEVELOPMENT AGREEMENT

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

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RECORDED IN THE RECORDS OF
Tom Bexley Clerk of the Circuit Court & Comptroller
Flagler FL

Michael D. Chiumento III, Esq.
Chiumento Dwyer Hertel Grant
145 City Place, Suite 301
Palm Coast, FL 32164

Return to:
City Clerk
City Hall
160 Lake Avenue
Palm Coast, FL 32164

---------- [SPACE ABOVE THIS LINE FOR RECORDING DATA] ----------

LAKEVIEW ESTATES

MASTER PLAN DEVELOPMENT AGREEMENT

THIS MASTER PLAN DEVELOPMENT AGREEMENT, (herein referred to as the "Development Agreement") is made and executed this 19th day of January, 2021, 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 owner of the subject property, **MATANZAS GC PALM COAST, LLC**, a Florida limited liability company (herein referred to from time-to-time as the "Owner" regardless of whether singular or plural ownership status) whose address is 200 Ocean Crest Drive, Unit 111, Palm Coast, Florida 32137.

WITNESSETH:

WHEREAS, the Owner is the fee simple title owner of certain real property consisting of 280.6 +/- acres located in the City of Palm Coast, Flagler County, Florida, more particularly described in the legal description attached hereto as **Exhibit "A"** and incorporated herein ("Subject Property"); and

WHEREAS, the Subject Property ceased to operate as a golf course in or around 2007, and since said time, has not been used for any purpose other than vacant land; and

WHEREAS, the Subject Property has Future Land Use Map (FLUM) designations of Greenbelt and Conservation.

WHEREAS, the Owner requests approval for a Master Planned Development ("MPD") on the Subject Property, subject to the conditions set forth in this Development Agreement; and

WHEREAS, the Owner 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 Planning and Land Use Regulations Board (PLDRB) and the City of Palm Coast City Council ("City Council") find that this Development Agreement is consistent with the City's Comprehensive Plan (2035) (the "Comprehensive Plan") and Unified 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, additional conditions of approval may also be included within the minutes of relevant meetings of the (PLDRB) and City Council. Furthermore, any

representations or promises made by the Owner 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, 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.

NOW, THEREFORE, it is hereby resolved and agreed by and between the City and the Owner that the Owner's application for a Master Planned Development is approved subject to the Development Agreement's 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 Owner have relied.

SECTION 2. REPRESENTATIONS OF OWNER.

(a) The Owner hereby represents and warrants to the City that the Owner is the fee simple record title owner of the Subject Property in accordance with the title opinion or title certification provided by the Owner to the City 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 Owner 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 Owner 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.

(c) The Owner 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 Owner 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 Owner fails to attain the joinder and consent, then the Owner shall lose all rights and benefits deriving hereunder.

SECTION 3. APPROVAL OF MASTER PLAN DEVELOPMENT

(a). The City Council at its business meeting of January 5, 2021, approved a Master Plan Development for the Subject Property subject to the terms and conditions of this Development Agreement.

(b). The Owner 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.

The Subject Property has two Comprehensive Plan FLUM designations, Greenbelt on approximately 276.3 +/- acres and Conservation on approximately 4.3 +/- acres. The current MPD zoning on the property will be maintained and this Development Agreement shall govern all development on the Subject Property as defined herein. Consistent with the Comprehensive Plan and the Greenbelt FLUM, residential units may be developed at one unit per acre. Institutional uses proposed on Greenbelt FLUM acreage shall be deducted from the one-unit per acre residential unit calculations. The Project proposes 8.3 +/- acres of Greenbelt FLUM for institutional uses within the Greenbelt FLUM. As a result, 268 residential units are permitted to be clustered within the remaining 268.0 +/- acres of Greenbelt FLUM. The Owner may develop a residential and institutional development as depicted on the Lakeview Estates Conceptual Master Plan, attached hereto as **Exhibit "B"** and as further defined herein ("Project"). **Exhibit "B-1"** through **Exhibit "B-8"** further define the project and illustrate allowable uses within each Tract. The uses on each Tract (shall be as follows which are consistent with the Conceptual Site Plan:

TRACT	USE	LDC Designation to be used for Development Standards purposes only
1	Uses on this tract will be single-family residential homes along with View Protection Zones (VPZ), wetland preservation, stormwater pond creation, and community amenities including exterior storage of	SFR-1

	boats and RVs exclusively for residents residing in the community that will be totally screened from view from off-site properties, Lakeview Boulevard and London Drive.	
2	Uses on this tract primarily consist of View Protection Zones, wetlands, natural buffers, and stormwater ponds. In addition, the property is limited to single family residential dwellings view protection zones, natural buffers, and stormwater ponds.	SFR-2 and P&G
3	This tract is designated as View Protection Zones and natural buffers.	P&G
4	Uses on this tract primarily consist of View Protection Zones/conservation, and wetlands. The property is limited to single family residential dwellings.	SFR-2 and P&G
5	This Tract is designated as a View Protection Zone/conservation.	P&G
6	This Tract is designated as a View Protection Zone	P&G
7	Uses on this tract primarily consist of View Protection Zone and an existing pond. The property is limited to single family residential dwellings.	SFR-2 and P&G
8	Use of this Tract is limited to townhouses, single-family, View Protection Zones, and existing pond. FLUM areas designated Conservation shall be field verified prior to development and the boundaries between the Greenbelt and Conservation areas shall be modified accordingly on the FLUM.	MFR-1[1], SFR-1and P&G
9	Use of this Tract will be limited to 8.3 acres of institutional uses meeting the PSP zoning standards except the maximum building height shall be 35 feet and there shall be a minimum View Protection Zone of 150 feet in width along its eastern property line where it abuts the rear of all existing platted residential lots. All remaining areas include View Protection Zones, new and existing ponds, and natural buffers.	PSP and P&G
10	Use of this Tract is limited to single family residential units with View Protection Zones.	SFR-2

[1] There is a height limitation of thirty-five (35) feet for townhouses, a minimum living area of 1,000 sq. ft. with at least a one-car garage per unit and a minimum setback of 150' from all existing single-family platted lots imposed on this use.

1. TRACT 1: Tract 1 shall be permitted to develop into a single family detached residential community consistent with the City's SFR-1 zoning district

standards. This community will contain its own private amenities which may include a club house, pools, activities room, exercise trails and self-storage of boats and recreational vehicles limited to residents use only. It shall have two (2) entrances onto Lakeview Drive. Stormwater ponds will be developed on site to contain all runoff as required by Federal, State and City rules. In the areas that abut existing residential platted lots, a View Protection Zone ("VPZ") will be required (See Section 10.7). Prior to application for Subdivision Master Plan or Site Plan Approval, an applicant shall ensure that the VPZ is designed in such a fashion that it maintains the Lot Owners' view of the Subject Property consistent with the City's Land Development Code (LDC). Also prior to the above-mentioned application, an applicant shall demonstrate that Tract 1 is or shall be free from environmental hazards and safe for human occupation as regulated by Federal, State and local law including, but not limited to, the Florida Department of Environmental Protection ("FDEP"). The existing golf course maintenance building may be utilized during construction of the residential community on Tract 1 but shall be removed prior to completion of the infrastructure for the residential community.

2. TRACT 2: Tract 2 shall be maintained as a VPZ except for the area depicted on Exhibit "B-2" Tract Plan for single family residential lots. The single family residential area shall be developed consistent with the SRF-2 zoning district standards. As a condition of approval of these lots, a VPZ shall be provided to specifically address the adjacent existing single-family platted lots.

3. TRACT 3: Tract 3 is designated as VPZ and natural buffers.

4. TRACT 4: Tract 4 shall be mostly preserved as a natural area through the use of VPZs and Conservation Easements over existing wetlands. The on-site wetlands are intended to be preserved and, if impacted, avoidance and minimization techniques will be required pursuant to Federal, State and local law. Consistent with Exhibit "B-4" Tract Plan, some single-family residential lots may be developed consistent with the SFR-2 zoning designation standards, however they will be required to provide a VPZ if behind existing platted residential lots.

5. TRACT 5: Tract 5 shall be a VPZ. No development shall be permitted on Tract 5.

6. TRACT 6: Tract 6 shall be a VPZ.

7. TRACT 7: Tract 7 shall be maintained as a VPZ except for the areas depicted on Exhibit "B-6" Tract Plan for single family residential lots. The single family residential areas shall be developed consistent with the SRF-2 zoning district and shall provide a VPZ behind existing platted residential lots.

8. TRACT 8: Tract 8 shall be permitted to be developed consistent with the development standard for the LDC zoning classification of MFR-1 but limited to townhouses. Single-family homes could also be developed using the SFR-1 standards. Notwithstanding said designation, no development on this tract shall exceed thirty-five (35) feet in height. All townhouse development on Tract 8 shall be set back a minimum of 150 feet from any existing single-family platted lot. The existing pond shall be preserved for the benefit of adjacent property owners. The area designated Conservation on the FLUM can be field verified by the Owner through all applicable governmental

agencies and areas designated as uplands may be reclassified to Greenbelt on the FLUM and then utilized for residential purposes.

9. TRACT 9: The easterly 150 feet of Tract 9 that is located behind existing residential platted lots located along the westerly side of London Drive shall be maintained as a VPZ to ensure protection of natural areas. Stormwater areas are also permitted on Tract 9. PSP (institutional) uses with a height limit of 35 feet will be permitted on 8.3 acres of the remaining area. Prior to making any application for development, the Owner shall prepare a conceptual site plan and hold a neighborhood meeting consistent with the requirements of the LDC. Any development application for Tract 9 shall require final action by the PLDRB.

10. Tract 10: Tract 10 shall be permitted to develop single family detached residential units consistent with the LDC SFR-2 zoning district standards. Additionally, a VPZ is required to be provided as shown on the Exhibit "B-8" Tract Plan.

11. In addition to the above, Tracts 1, 8 and 9 of the Project shall be integrated internally and externally by a series of pedestrian pathways and roadways and developed in conformance with the LDC and this Development Agreement.

12. All common areas, VPZ, stormwater ponds and natural areas shall be maintained by a POA or third party determined acceptable to the City.

SECTION 5. FUTURE LAND USE MAP (FLUM).

The future land use designation for the Subject Property is primarily Greenbelt. More specifically about 276.3 +/- acres are designated Greenbelt and the remaining 4.3 +/- acres are designated Conservation. Policy 1.1.1.2 of the Comprehensive Plan establishes the density and intensity for each land use category and zoning district. The density for

Greenbelt is one dwelling unit/acre. Density calculations are not permitted for Conservation areas or Greenbelt lands utilized for PSP (institutional) uses.

SECTION 6. APPROVAL OF CONCEPTUAL PLAN AND DEVELOPMENT REVIEW PROCESS.

(a) The City Council, at its regular meeting on January 19, 2021, adopted Ordinance 2021-_____for a Master Planned Development affecting the Subject Property subject to the terms and conditions of this Development Agreement.

(b) The Owner acknowledges 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 provisions of the then current LDC shall be applicable to the Subject Property unless otherwise specifically stated herein. Any City Code provision not specifically identified will not be affected by the terms of this Development Agreement and will be subject to enforcement as if no Development Agreement were in effect.

(d) The Conceptual Site Plan, Exhibit "B", generally depicts the layout of the Project and delineates the approximate property boundaries, streets, property lines, general location of lots and intended uses. Exhibits B-1 through B-8 depict the layout of the Project in more detail and where a conflict exists between Exhibit "B" and Exhibits B-1 through B-8, the more detailed Exhibits B-1 through B-8 shall govern.

SECTION 7. MODIFICATIONS TO THE CONCEPTUAL SITE PLAN.

Modifications to the exact location and number of lots, roadways, primary sidewalk/pathway system, and other improvements may be requested by the Owner and

approved by the Land Use Administrator during review of construction documents, site plans, or Subdivision Master Plan for the Project or portions thereof, as long as the development standards contained in this Development Agreement are maintained. Moreover, the Land Use Administrator is authorized to approve those modifications to the Conceptual Site Plan as allowed by Code, and any construction documents, and Subdivision Master Plan for the Subject Property or portions thereof provided that: (1) The location of the VPZs are not reduced or relocated, (2) The maximum building height is not exceeded, (3) Property setbacks and landscape buffers are not modified, and (4) the approved plans maintain the development standards in this Development Agreement. In accordance with the Land Development Code, future neighborhood meetings may be required. Distance notification requirements will be from the applicable development tract consistent with the neighborhood meeting requirements.

SECTION 8. PERMITTED USES.

ALL USES ON THE PROPERTY SHALL BE CONSISTENT WITH THIS AGREEMENT AND SPECIFICALLY SECTION 4, ABOVE. NOTWITHSTANDING SUCH, THE OWNER AGREES TO FULLY COMPLY WITH THE FOLLOWING USE RESTRICTIONS ON THE SUBJECT PROPERTY. THE OWNER MUST DEVELOP THE SUBJECT PROPERTY CONSISTENT WITH THE CONCEPTUAL SITE PLAN, EXCEPT AS OTHERWISE PROVIDED IN SECTION 8 OF THIS DEVELOPMENT AGREEMENT.

8.1 USE RESTRICTIONS.

(a) Any use of any portion of the Subject Property not designated in Section 4 (inclusive of all exhibits included therein), on the Conceptual Site Plan shall be prohibited.

(b) Except as provided elsewhere in this Development Agreement, any modification to the Development Agreement that proposes a change of uses approved herein, increases the intensity or types of development, or removes, decreases or modifies the location of a VPZ shall require the approval of the City Council, following the review and recommendation of the PLDRB.

8.2 VEHICULAR/NON-VEHICULAR AND PEDESTRIAN ACCESS, PARKING AND INTERCONNECTIVITY.

(a) The Conceptual Plan integrates pedestrian, bicycle, and vehicular traffic circulation systems within, and outside of, the Subject Property and with adjacent rights-of-ways. All uses shall have access to a roadway but are not required to front on a dedicated road. The City shall be granted access to all roadways to ensure that public safety is maintained.

(b) There shall be at a minimum two (2) methods of entrance and exit consistent with the City's Comprehensive Plan and LDC.

SECTION 9. LAND DEVELOPMENT CODE NON-APPLICABILITY.

The development of the Project shall proceed in accordance with the terms of this Development Agreement. In the event of an inconsistency between the terms of this Development Agreement and the LDC, the terms of this Development Agreement shall prevail except as it pertains to MPD regulations within the LDC. In the event of an inconsistency between the terms of this Development Agreement and the Conceptual Site Plan, the terms of this Development Agreement shall prevail. Where specific requirements are not contained in this Development Agreement, the LDC shall apply but

only to the extent that it does not conflict with the provisions of this Development Agreement or the general intent of the Conceptual Site Plan.

SECTION 10. FACILITY COMMITMENTS.

(a) Unless otherwise described elsewhere in this Development Agreement, the Owner agrees that the City is not responsible for the construction or creation of public facilities or capacity to facilitate the development of the Subject Property. No building permits or development permits shall be issued for the Subject Property unless adequate capacity of concurrency monitored facilities are available concurrent with the impact on said facilities by the Project.

(b) PRIVATE AND PUBLIC IMPROVEMENTS: The Owner, its successors, and assigns, agree to construct, at a minimum, the following on-site improvements, at their sole and exclusive expense, as a condition of this Development Agreement and in addition to the payment of all impact fees relating to the development of the Subject Property, unless otherwise provided for herein; parking areas; roads, utilities; master stormwater system; sidewalks; lighting; recreational facilities, and perimeter buffer landscaping. In addition to the foregoing on-site improvements, the Owner must complete any required remediation of contamination in accordance with FDEP/State regulations and provide a performance bond to the City for the remediation work. Bonds for the work described herein shall be in a form acceptable by the City. The Owner agrees that the City has shown an essential nexus between a legitimate City interest and the conditions, if any, imposed herein. The Owner further agrees that all proposed conditions are roughly proportional to the impact the development will have upon the public, based upon an individualized determination by the City that the required

conditions are related in both nature and extent to the impacts of the proposed Project. Nothing herein shall be deemed a prohibited exaction under Fla. Stat. 70.45, and Owner agrees it has not suffered any damages under that statute.

(c) SIDEWALKS AND PEDESTRIAN PATHS: The Owner shall provide a system of sidewalks on the tracts with direct access from Lakeview Boulevard to ensure that pedestrians maintain easy and safe access to all uses as depicted on the Conceptual Site Plan. The Owner shall provide community sidewalks that are a minimum of five (5) feet wide on only one side of the internal roadway system on Tract 1 as may be required. Owner shall be obligated to provide sidewalks on the portion of the Tract 9 property that abuts US Highway 1. Owner shall not be obligated to provide sidewalks on the scattered single-family lots with direct access from Lee Drive, Leidel Drive, London Drive, Lake Success Drive, Lindsay Drive, or Lewis Drive.

(d) ACCESS: Ingress and egress needed for the Project shall be provided, constructed, and maintained by Owner, its successors, and assigns.

(f) MOWING: The Owner, or a POA, shall continue to pick up trash and mow the rights-of-way that are adjacent to the Subject Property along Lakeview Boulevard, Leaver Drive, London Drive, and Lake Success Drive.

SECTION 11. DEVELOPMENT STANDARDS.

11.1 PARKING: Parking requirements shall be consistent with the LDC.

11.2 OPEN SPACE: Minimum open space shall be forty percent (40%) of the Subject Property's gross area. Open space is defined in the LDC and includes on-site stormwater ponds and all open space within the Property. Flexibility to the minimum open space requirements shall be as provided by the LDC, which may include, but not be

limited to, green building principles, land donation, or other mechanisms that would justify a lower percentage of open space, if approved by the Land Use Administrator. Open space shall be maintained by either the actual owner of the property, a POA, or other method satisfactory to the Owner and the City.

11.3 WATER/WASTEWATER: The Project is located wholly within the City limits and is therefore within the City's water and wastewater service areas. All permanent uses within the Project will be served by the City. The City shall be the service provider for potable water and wastewater service for the Project. The City is under no obligation to accept the dedication of any facility.

11.4 TRANSPORTATION CONCURRENCY: Transportation concurrency shall be addressed during the Preliminary Plat or Technical Site Plan process.

11.5 STORMWATER AND DRAINAGE:

(a) The Owner, or a POA, shall be responsible for designing, permitting, constructing, and maintaining the means of conveyance of stormwater runoff from the Project to the stormwater facility including, but not limited to, all stormwater lines, ditches, culverts, and other stormwater facilities that are necessary to convey the stormwater runoff to the Stormwater Facility (the "Owner's Stormwater System").

(b) The Owner shall grant any and all drainage and utility easements to the City which are deemed necessary to serve the public utilities.

(c) The Owner shall construct a stormwater management system that provides treatment and attenuation as required by St. Johns River Water Management District ("SJRWMD") and the City's LDC. Best Management Practices ("BMPs") shall be used during and after construction to minimize erosion and sedimentation and to properly

manage runoff for both stormwater quantity and quality. BMPs shall be in accordance with the FDEP and Florida Department of Transportation ("FDOT") design standards and details.

(d) Stormwater piping, swales, and ditches shall be designed to convey a ten (10)-year, twenty-four (24)-hour storm event. Stormwater detention facilities shall be designed to meet water quality and attenuation requirements by SJRWMD and the City's LDC.

(e) Existing drainage conveyance along the northern property line, as indicated on the Conceptual Site Plan, shall be maintained through the use of drainage swales and/or storm drainage piping.

11.6 LANDSCAPING: All landscaping and irrigation shall comply with the LDC.

11.7 VIEW PROTECTION ZONES (VPZ): The Conceptual Site Plan provides for areas designated as View Protection Zones which shall protect a property owner's view of the Subject Property pursuant to Section 3.03.04(J) of the LDC. VPZs shall be designed and approved by the City prior to any site plan, Subdivision Master Plan or plat approval. Prior to the approval of any residential or institutional designation on Tracts 1, 2, 8 or 9, the Owner shall utilize the following VPZ guidelines in order to minimize adverse impacts on any abutting single-family residentially zoned areas:

- Views of the Subject Property from the rear yards of all existing platted lots located within any residentially zoned districts directly abutting the Subject Property shall be maintained. Peripheral (i.e. side) views from these lots may

be impacted by new development and new development may be visible from existing development;

- Views of the Subject Property from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical; and
- A VPZ must be established in one of the following ways:

  1) The VPZ must be included in a subdivision plat of the Subject Property and designated as a natural buffer area, with the responsibility for maintenance on the Owner, POA or other entity determined acceptable to the City; or

  2) The Owner must record a conservation easement over the VPZ area.

- All VPZ areas must be maintained in a natural state. Vegetation removal and mowing is prohibited, except to the extent these activities are undertaken to remove fire or safety hazards. Should removal activities be required due to a hazard, documentation of the hazard must be provided to the City prior to any vegetation removal and the applicable City approvals/permits granted.

11.8 LIGHTING: All lighting shall be designed to minimize light pollution to off-site properties and to comply with the LDC.

11.9 FIRE PROTECTION: Fire protection requirements for the Project will be met through a system of fire hydrants installed on the Subject Property by the Owner in accordance with City standards. The locations of fire hydrants shall be shown on all construction documents, site plans, or preliminary plats. The water requirements for the fire system will be served by the City's Utility Department. The Project shall comply

with the City's fire protection requirements. The City will provide fire protection services to the Project in accordance with established local response agreements.

11.10 UTILITIES: The Owner shall be responsible for any and all costs associated with the extension of existing City utilities to the Subject Property that may be required to serve this Project. All internal utility lines for the Project shall be placed underground.

11.11 INTERCONNECTIVITY AND ACCESS: All units within the Subject Property shall be interconnected by roadways and sidewalks as called for by the City's Comprehensive Plan. Tract 1 shall provide two points of access onto Lakeview Boulevard.

11.12 RESOURCE PROTECTION:

(a) Except as depicted on the Conceptual Site Plan and in this Development Agreement, the Owner shall comply with the resource protection requirements of the LDC.

(b) Natural upland buffers may be required by Chapter 10 of the LDC.

11.13 WETLANDS: An Environmental Assessment for the Subject Property was performed. All wetlands identified on **Exhibit "B"** shall be conserved and shall not be impacted with exception to the wetlands located on the north side of Tract 1. Owner and City shall, in good faith, determine if it is feasible, reasonable, and necessary for the health, safety, and welfare of the public to impact the wetlands to the north of Tract 1 to expand the City's stormwater capacity.

11.14 LOW IMPACT DEVELOPMENT PRACTICES: To further conservation practices identified in the LDC, the Project shall incorporate into the construction,

operation, and maintenance of all facilities, conservation strategies to include but not be limited to:

(a) Water Conservation:

i. Native, drought tolerant plant materials;

ii. St. Johns River Water Management District Florida Water Star program for protection of water resources;

iii. Turf grass – Irrigated area(s) shall not exceed 50% of landscape areas;

iv. Separate irrigation zones shall be required for turf, non-turf areas; and

v. Landscape areas shall not be irrigated using high-volume irrigation systems unless high pressure compensating spray heads are utilized.

All irrigation systems shall employ, at minimum, a rain shut-off device such as a soil moisture sensor or smart irrigation system capable of analyzing and ascertaining weather conditions and time of year. These restrictions shall be clearly stated in the Project's Covenants, Conditions and Restrictions ("CC&Rs"), should they be created.

11.15 PROHIBITION OF DISCHARGES: The Owner shall comply with the City of Palm Coast Code of Ordinances, Article VI, Prohibition of Discharges, and all applicable Local, State, Federal, and City water quality laws, rules, regulations, and ordinances.

11.16 STORMWATER POLLUTION PREVENTION: A stormwater pollution prevention plan shall be attached to and incorporated into the construction and permit

documents pursuant to the requirements of applicable Federal, State, and City regulations.

11.17 WILDLIFE PROTECTION: In the event that listed species have been determined to be residing on, or otherwise be significantly dependent on the Subject Property, the Owner shall obtain the necessary permits from the Florida Fish and Wildlife Conservation Commission and other applicable agencies. Activities associated with listed flora and fauna and shall comply with the LDC. Bear Smart Community principles shall be integrated into design and operations. The intent is to minimize human-animal conflicts from black bear and other species that may be drawn to area attractants.

11.18 SIGNAGE: The Owner may construct signage consistent with the LDC after receiving necessary permits.

11.19 MODEL HOMES: Up to five model homes on Tract 1can be constructed, occupied, and operated under Section 4.19.02 of the LDC. Sales and leasing activities shall be limited to properties located within the Project. Construction and Certificates of Occupancies shall be issued consistent with the City and state rules, regulations, and codes.

11.20 POLLUTANTS: Prior to issuance of any development permit, the Owner shall ensure there are no environmental hazards affecting any development located on the Subject Property and that the Subject Property is safe for human occupation. Contaminant assessment activities including soil and or groundwater sampling shall be conducted by a qualified professional that is authorized to assess and make recommendations for such activities per Florida Department of Environmental Protection standards and shall be consistent with applicable Florida Statutes. Upon

application for a Site Plan or Subdivision Master Plan, the Owner shall provide the City with all studies or reports required by Federal and State agencies, including but not limited to the FDEP and the Army Corp of Engineers. If soil or groundwater contamination is above State concentration levels, remedial action in accordance with FDEP standards shall be accomplished prior to construction activities within the affected area. No project identified on the Concept Plan may occur without strict compliance with this section.

11.21 SCHOOLS: Prior to the approval of any development plan of Tract 1, 3 or 8, the Owner shall coordinate with the Flagler County School District for the location and dedication of a bus stop if necessary.

SECTION 12. PHASING OF DEVELOPMENT.

(a) The Subject Property may be developed in multiple phases. Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure on the Subject Property), the Owner shall submit a Subdivision Master Plan or Site Plan for the relevant phase. Each tract of the Project will include infrastructure to support the proposed uses, including water and wastewater service, drainage, roads, vehicular, and pedestrian access facilities. All infrastructure necessary to support each phase that is constructed on the Subject Property shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times. No clearing of land may occur until Preliminary Plat or Site Plan approval is provided for that specific phase of development.

(b) Roadways shall be constructed concurrently with development of adjacent lots to insure that contiguous roadways are available at all times prior to the issuance of any building permits for that phase. To avoid unnecessary construction and repair costs, internal sidewalks may be constructed adjacent to each lot at the time the home is constructed and prior to the Certificate of Occupancy, and each home's building permit shall be conditioned on this requirement.

(c) The Subdivision Process: Subdivision of the property shall comply with Chapter 177, Florida Statutes and the City's Unified Land Development Regulations. The Conceptual Site Plan depicts the general layout of the Project and the various Tracts which are, as of the date of this Agreement, under unified title. Subsequent transfer of title to any Tract or other portion of the Property may be transferred in its entirety without platting if in compliance with Chapter 177, Florida Statutes. No infrastructure improvements may be made until approved by the City and other governing agencies.

SECTION 13. LOT AND BUILDING STANDARDS.

13.1 LOT DIMENSIONAL STANDARDS: All development Standards shall comply with the City of Palm Coast's LDC and those standards provided in Section 4 of this Agreement. If there is a conflict between the two, the standards provided in Section 4 shall control.

13.2 ARCHITECTURE: Shall be consistent with the City's LDC.

SECTION 14. LIST OF OUTSTANDING PERMITS/APPROVALS AND PROPER SEQUENCING.

(a) The failure of the Development Agreement to address any specific City, County, State, or Federal permit, condition, term, or restriction shall not relieve the

Owner of the requirement of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

(b) All required City, County, State, or Federal permits shall be obtained prior to commencement of construction. This Development Agreement is not Preliminary Plat or Site Plan approval and the Owner remains responsible for complying with all provisions of the Land Development Code unless provided elsewhere in this Development Agreement.

SECTION 15. DEVELOPMENT FEES.

The Owner acknowledges and agrees that the City has enacted citywide impact fees and may in the future increase the amount of those fees. Except as provided for herein regarding park system impact fees, the Owner acknowledges that the Subject Property shall be subject to all fees in effect at the time of permitting.

SECTION 16. COMMON AREAS AND MAINTENANCE.

For all common areas, to ensure the long-term ownership, maintenance, and control of those areas, prior to the issuance of any building permit and before recording the final plat, the Owner shall maintain or establish a POA, in accordance with Florida law, comprised of the owners of lots or parcels with the development. The POA documentation shall be subject to the prior reasonable review of the City to ensure adequate provisions for the ongoing care and maintenance of the common areas. The documentation, whether contained in a deed restriction or otherwise, shall provide for the permanent maintenance of the Common Areas by the POA, minimum insurance requirements for the Association, adequate mechanisms to force financial participation by members of the POA, and restrictions on the ability to amend these requirements without

the City's approval. The City shall not be required to accept ownership or maintenance of any of the Project's common elements including but not limited to landscaping and buffers.

SECTION 17. BREACH, ENFORCEMENT, ALTERNATIVE DISPUTE, AND CONFLICT 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, and the City and Owner are unable to resolve the issues, the parties shall attempt to resolve all disputes informally. In the event of a failure to informally resolve all disputes, the City and Owner 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 will be selected solely by the City. The parties shall equally pay all costs of mediation.

(c) In the event of conflict between the terms of this Development Agreement and the LDC, the provisions of this Development Agreement shall prevail.

SECTION 18. 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 Owner at its address set forth below (or such other address as may be hereafter be designated in writing by such party).

(b) Any such notice must be personally delivered or sent by certified mail, overnight courier, facsimile, or telecopy.

(c) Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier, telecopy, or facsimile) 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, FL 32164

As to the Owner: Matanzas GC Palm Coast, LLC.
200 Ocean Crest Drive, Unit 111
Palm Coast, FL 32137

With copies to: Michael D. Chiumento III, Esq.
Chiumento Dwyer Hertel Grant
145 City Place, Suite 301
Palm Coast, FL 32164

SECTION 19. SEVERABILITY.

The terms and provisions of this Development Agreement are not severable and in the event any portion of this Development Agreement shall be found to be invalid or illegal, then the entire Development Agreement shall be null and void.

SECTION 20. 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 Owner 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 Owner has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Agreement.

SECTION 21. GOVERNING LAW, VENUE, AND 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.

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

(d) 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 the entire area of the City, such as requiring compliance with the City capital facilities plan, parks master plan (including 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 lawfully imposed impact fees applicable to the Owner and the development of the Conceptual Plan authorized hereunder.

SECTION 22. TERM / EFFECTIVE DATE.

(a) This Development Agreement shall be effective upon approval by the City Council and execution of this Development Agreement by all parties (the "Effective Date").

(b) This Development Agreement provides an initial timeframe of seven (7) years to commence development from the Effective Date.

(c) Should development not commence within the initial established timeframe, the term of this Development Agreement may be modified by action of the City Council, at City Council's discretion. Failure to obtain an extension shall cause the zoning of all lands encumbered to revert to the previous equivalent zoning designation.

SECTION 23. RECORDATION.

Upon approval by the City Council 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 fourteen (14) days after its execution by the City, and the Development Agreement shall run with the land. The Owner shall pay the costs to record this Development Agreement.

SECTION 24. 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 25. SPECIFIC PERFORMANCE / TIME IS OF THE ESSENCE.

(a) Strict compliance shall be required with each and every provision of this Development Agreement. The parties agree that each has the remedy of specific performance of these obligations.

(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 26. ATTORNEYS' 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, litigation at the trial, or appellate level.

SECTION 27. 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: 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 28. INDEMNIFICATION.

The Owner shall indemnify for and save the City harmless from and against any and all liability, claims for damages and suits for any injury to any person or persons, or damages to any property of any kind whatsoever arising out of in any way connected with the Owner's development of the Subject Property as provided in this Development Agreement. This agreement by the Owner to indemnify and hold the City harmless shall include, but not be limited to: all charges, expenses, and costs, including reasonable attorneys' fees, both at trial and on appeal, incurred by the City on account of or by reason of such injuries, damages, liability, claims, suits, or losses and all damages arising therefrom.

SECTION 29. ENFORCEMENT; CITY'S RIGHT TO TERMINATE DEVELOPMENT AGREEMENT.

(a) This Development Agreement shall continue to be enforceable, unless lawfully terminated, notwithstanding any subsequent changes in any applicable law.

(b) The failure by the Owner to perform each and every one of its obligations hereunder shall constitute a default, entitling the City to pursue whatever remedies are available to it under Florida law or equity, including, without limitation, an action for specific performance and/or injunctive relief, or alternatively, the termination of this Development Agreement. 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 Owner written notice of said default. Upon receipt of said notice, the Owner 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 an action or terminating

this Development Agreement. If thirty (30) days is not considered by the parties to be a reasonable period in which to cure the default, the cure period shall be extended to such cure period acceptable to the City, but in no case shall that cure period exceed ninety (90) days from initial notification of default. Upon termination of the Development Agreement, the Owner shall immediately be divested of all rights and privileges granted hereunder.

SECTION 30. 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 31. EXHIBITS.

Each exhibit referred to and attached to this Development Agreement is an essential part of this Development Agreement. The exhibits and any amendments or revisions thereto, even if not physically attached hereto, shall be treated as if they are part of this Development Agreement.

SECTION 32. INTERPRETATION.

(a) The Owner 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 34. 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.

SECTION 35. 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 36. MODIFICATIONS, AMENDMENTS AND NON-WAIVER.

(a) Unless provided for elsewhere in this Development Agreement, (1) Amendments to and waivers of the provisions herein shall be made by the parties only in writing by formal amendment, and (2) 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 37. ENTIRE AGREEMENT AND 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 Parties have executed this Development Agreement on the dates set forth below.

CITY OF PALM COAST,

FLORIDA

M Holland

Milissa Holland, Mayor

ATTEST:

Kathleen E. Tedder for

Virginia A. Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:

William E. Reischmann, Jr., Esq.
City Attorney

STATE OF FLORIDA)
COUNTY OF FLAGLER)

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2021, by **Milissa Holland**, Mayor of the **City of Palm Coast, Florida**, who is □ personally known to me or □ has produced _____ as identification.

Jeanne A Montaruli

Signature

JEANNE A MONTARULI
Notary Public - State of Florida
Commission # GG 284017
My Comm. Expires Feb 8, 2023
Bonded through National Notary Assn.

(Seal)

Jeanne A Montaruli

Printed Name

Title or Rank

Serial Number / Commission Number

WITNESSES:

Vincent L Sullivan

(print)

Caroline McNeil

(print)

"OWNER"

Matanzas GC Palm Coast, LLC., a Florida limited liability company

By: Alex Ustilovsky

Alexander Ustilovsky, Manager

STATE OF FLORIDA)
COUNTY OF FLAGLER)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10 day of February, 2021, by **Alexander Ustilovsky**, Manager, of **Matanzas GC Palm Coast, LLC** a Florida limited liability company, on behalf of the company, who is ☒ personally known to me or ☐ has produced _____ as identification.

Signature

(Seal)

VINCENT L. SULLIVAN
MY COMMISSION # GG 937722
EXPIRES: December 8, 2023
Bonded Thru Notary Public Underwriters

Vincent L. Sullivan

Printed Name

Notary

Title or Rank

GG937722

Serial Number / Commission Number

EXHIBIT "A"

MATANZAS WOODS GOLF COURSE:

Reserved Parcel "A", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northeast corner of Block 165 of said Plat of Lakeview; thence North 89°30'56" East 21.68 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 349.56 feet, a radius of 800.00 feet, a central angle of 25°02'07" and a chord bearing South 26°22'21" East, 346.78 feet to a point of tangency; thence South 38°53'25" East 2087.61 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 266.63 feet, a radius of 1120.00 feet, a central angle of 13°38'23" and a chord bearing South 32°04'13" East, 265.99 feet to a point of tangency; thence South 25°15'02" East 772.55 feet to a point of cusp; thence northwesterly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 66°04'26" West 196.12 feet to a point; thence South 16°53'50" East 110.00 feet to a point on a curve; thence westerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing South 64°44'57" West 11.62 feet to a point; thence North 33°36'15" West 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 15°34'21" West 196.12 feet to a point of tangency; thence South 25°15'02" East 100.25 feet to a point on a curve; thence southwesterly along a curve to the left having an arc length of 217.30 feet, a radius of 280.98 feet, a central angle of 44°18'38" and a chord bearing South 42°35'39" West 211.92 feet to a point of tangency; thence South 08°35'49" West 179.39 feet; thence North 81°24'11" West 913.66 feet; thence South 08°35'49" West 125.00 feet; thence North 81°24'11" West 40.00 feet; thence North 08°35'49" East 125.00 feet; thence North 81°24'11" West 125.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 180.00 feet, a radius of 225.00 feet, a central angle of 45°50'12" and a chord bearing South 75°40'43" West,175.24 feet to a point; thence South 37°14'23" East, 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 77.08 feet, a radius of 100.00 feet, a central angle of 44°09'48" and a chord bearing South 30°40'43" West 75.19 feet to a point of tangency; thence South 08°35'49" West, 237.34 feet; thence North 81°24'11" West 87.50 feet; thence North 51°24'11" West 130.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 87°46'25" West,196.12 feet to a point; thence South 43°02'58" East 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'26" and a chord bearing South 38°35'49" West 11.62 feet to a point; thence North 59°45'24" West 110.00 feet; thence South 38°35"49" West 128.21 feet; thence North 51°24'11" West 1018.03 feet; thence North 38°35'49" East 380.00 feet; thence South 51°24'11" East 500.00 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00, a central angle of

90°00'00" and a chord bearing North 83°35'49" East, 318.20 feet to a point; thence North 51°24'11" West 125.00 feet; thence North 38°35"49" East 230.92 feet; thence South 51°24'11" East 100.00 feet; thence South 81°24'11" East 993.30 feet to a point of curvature; thence northeasterly along a curve to the left having an arc length of 431.48 feet, a radius of 225.00 feet, a central angle of 109°52'35" and a chord bearing North 43°39'32" East, 368.34 feet to a point of tangency; thence North 11°16'46" West 478.51 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 245.29 feet, a radius of 225.00 feet, a central angle of 62°27'41" and a chord bearing North 42°30'36" West, 233.32 feet to a point; thence North 08°35'49" East 77.01 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing North 36°24'11" West 318.20 feet to a point; thence westerly along a curve to the left having an arc length of 446.47 feet, a radius of 150.00 feet, a central angle of 170°32'16" and a chord bearing North 76°40'19" West 298.98 feet to a point of tangency; thence South 08°35'49" West 149.66 feet; thence North 81°24'11" West 50.00 feet; thence North 08°35'49" East 125.00 feet; thence North 78°43'26" West 153.29 feet; thence North 09°33'43" West 148.11 feet; thence South 69°50'14" East 67.79 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 146.25 feet, a radius of 150.00 feet, a central angle of 55°51'48" and a chord bearing North 87°23'42" East,140.53 feet to a point; thence North 30°32'12" West 110.00 feet to a point on a curve; thence northeasterly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 51°06'35" East 11.62 feet to a point; thence South 47°14'37" East 110.00 feet to a point on a curve; thence northerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'48" and a chord bearing North 01°55'59" East 196.12 feet to a point of tangency; thence North 38°53'25" West 326.21 feet; thence North 80°07'23" West 122.65 feet; thence North 09°33'42" West 80.00 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 166.36 feet, a radius of 325.00 feet, a central angle of 29°19'42" and a chord bearing North 24°13'34" West,164.55 feet to a point of tangency; thence North 38°53'25" West 200.00 feet; thence South 51°06'35" West 125.00 feet; thence North 38°53'25" West 20.00 feet; thence North 51°06'35" East 125.00 feet; thence North 38°53'25" West 178.81 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 292.66 feet, a radius of 325.00 feet, a central angle of 51°35'39" and a chord bearing North 64°41'14" West, 282.87 feet to a point of tangency; thence South 89°30'56" West 678.94 feet to a point of curvature; thence southwesterly along a curve to the left having an arc length of 389.08 feet, a radius of 225.00 feet, a central angle of 99°04'39" and a chord bearing South 39°58'37" West, 342.38 feet to a point of cusp; thence North 09°33'43" West 137.22 feet; thence North 00°29'04" West 425.00 feet; thence North 89°30'56" East 1200.00 feet; thence North 00°29'04" West 125.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "C", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northwest corner of said Reserved Parcel "C"; thence North 89°26'28" East 630.08 feet; thence South 38°43'02" West 202.91 feet; thence South 51°40'07" East 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 250.77 feet, a radius of 300.00 feet; a central angle of 47°53'36" and a chord bearing South 14°23'05" West 243.53 feet to a point of tangency; thence South 09°33'43" East 403.87 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 520.00 feet, thence North 80°26'17" East 125.00 feet; thence South 09°33'43" East 40.00 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 980.61 feet to a point of curvature; thence southerly along a curve to the left having an arc length of 441.04 feet, a radius of 725.00 feet, a central angle of 34°51'17" and a chord bearing South 26°59'21" East, 434.27 feet to a point; thence North 45°35'00" East 55.00 feet; thence South 44°25'00" East 67.22 feet; thence North 39°51'14" East 73.36 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 13.16 feet, a radius of 600.00 feet; a central angle of 01°15'25" and a chord bearing South 50°46'29" East 13.16 feet to a point of tangency; thence South 51°24'11" East 170.76 feet; thence South 54°59'31" West 770.58 feet; thence North 35°00'29" West 649.53 feet to a point on the east right of way line of U.S. Highway No.1; thence northerly along said right of way line of the following six courses; run North 09°59'31" East 128.08 feet; thence South 89°43'01" West 5.08 feet; thence North 09°59'31" East 253.32 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 655.06 feet, a radius of 2030.05 feet, a central angle of 18°29'18" and a chord bearing North 00°44'52" East, 652.23 feet to a point of tangency; thence North 08°29'47" West 179.58 feet; thence South 81°30'12" West 20.00 feet; thence North 08°29'47" West 1583.88 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "D" Lake View - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most northerly corner of said Reserved Parcel "D"; thence South 38'53'28" East 93.32 feet; thence North 89°30'56" East 936.80 feet; thence South 00°29'04" East 432.94 feet; thence South 09°33'42" East 57.28 feet to a cusp point; thence northwesterly along a curve to the left having an arc length of 317.78 feet, a radius of 225.00 feet; a central angle of 80°55'21" and a chord bearing North 50°01'23" West 292.02 feet to a point of tangency; thence South 89°30'56" West 846.10 feet; thence North 09°33'43" West 149.00 feet to a point of curvature; thence northerly along a curve to the right having an arc length of 254.23 feet, a radius of 240.00 feet, a central angle of 60°41'38" and a chord bearing North 20°47'06" East, 242.51 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows: From a POINT OF BEGINNING, being the most southerly corner at said Reserved Parcel "E"; thence North 64°44'58" East 526.36 feet; thence North 25°15'02" West 335.20 feet; thence South 64°44'58" West 125.00 feet; thence North 25°15'02" West 620.00 feet to a point of curvature; thence northwesterly along a curve to the right having an arc length of 60.46 feet, a radius of 425.00 feet, a central angle of 08°09'02" and a chord bearing North 21°10'31" West, 60.41 feet to the southeasterly corner of a parcel described in Official Records Book 492, pages 936-939; thence northerly along the boundary of said parcel described in Official Records Book 492, pages 936-939 for the following five courses; thence South 72°54'00" West 10.00 feet; thence North 53°38'13" West 20.65 feet; thence South 05°01'26" West 11.50 feet; thence North 10°42'21" West 31.82 feet; thence North 01°05'36" East 53.63 feet; thence North 85°41'45" East 24.67 feet to the boundary of above said Reserved Parcel "2", being a point on a curve; thence northerly along a curve to the right having an arc length of 28.33 feet, a radius of 425.00 feet; a central angle of 03°49'11" and a chord bearing North 02°23'39" West 28.33 feet to a point of tangency; thence North 00°29'04" West 1536.30 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point; thence South 85°19'06" East 128.73 feet; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 202.47 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of

16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 1003.67 feet; thence South 25°15'02" East 260.04 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 19°44'58" West, 318.20 feet to a point of tangency; thence South 64°44'58" West 800.00 feet; thence South 25°15'02" East 300.00 feet; thence North 64°44'58" East 910.00 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'11" and a chord bearing North 85°37'33" East, 302.90 feet to a point; thence South 16°30'09" West 125.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 34.00 feet, a radius of 300.00 feet, a central angle of 06°29'36" and a chord bearing South 70°15'03" East 33.98 feet to a point; thence North 22°59'45" East 125.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'13" and a chord bearing South 46°07'39" East 302.91 feet to a point of cusp; thence North 25°15'02" West 822.28 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 561.16 feet, a radius of 275.00 feet, a central angle of 116°54'59" and a chord bearing North 33°12'28" East, 468.74 feet to a point of tangency; thence South 88°20'03" East 756.56 feet; thence South 07°23'44" West 126.38 feet to a point of on a curve; thence easterly along a curve to the right having an arc length of 150.15 feet, a radius of 150.00 feet, a central angle of 57°21'14" and a chord bearing South 53°55'39" East 143.96 feet to a point of tangency; thence South 25°15'02" East 40.00 feet; thence North 64°44'58" East 125.00 feet to the easterly line of Belle Terre Waterway; thence North 25°15'02" West along said easterly line of Belle Terre Waterway for a distance of 862.29 feet to a point of curvature; thence depart said boundary line of said Reserved Parcel "2" and run westerly along the southerly line of Jefferson Davis Waterway for the following four courses: run westerly along a curve to the left having an arc length of 921.97 feet, a radius of 825.00 feet, a central angle of 64°01'49" and a chord bearing North 57°15'57" West, 874.74 feet to a point of tangency; thence North 89°16'51" West 858.76 feet to a point of curvature; thence westerly along a curve to the right having an arc length of 411.10 feet, a radius of 675.00 feet, a central angle of 34°53'44" and a chord bearing North 71°49'59" West, 404.78 feet to a point of tangency; thence North 54°23'07" West 585.58 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 177.30 feet, a radius of 825.00 feet, a central angle of 12°18'47" and a chord bearing North 60°32'31" West,176.96 feet to a point on the westerly boundary of said Reserved Parcel "2"; thence southerly and westerly along said westerly boundary of said Reserved Parcel "E" for the following seven courses: South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southeasterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 331.52 feet, a radius of 720.00 feet, a

central angle of 26°22'53" and a chord bearing South 25°41 '59" East 328.59 feet to a point of tangency; thence South 38°53'25" East 1801.29 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Part of Government Sections 21 and 22, Township 10 South, Range 30 East, Flagler County, Florida being that part of PARCEL NO. 2 of the property described in Official Records Book 142, pages 278-279, lying south of Jefferson Davis Waterway and being more particularly described as follows:
From a POINT OF REFERENCE being a point on the easterly boundary line of the above described PARCEL NO. 2, said point being the northwest corner of Reserved Parcel "2" as shown on the recorded plat of Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida; thence South 29°30'56" West along the easterly boundary of said PARCEL NO. 2 being also along the westerly boundary of said Reserved Parcel "E" for a distance of 390.35 feet to the POINT OF BEGINNING; thence continue along the easterly and southerly boundary of said PARCEL NO. 2 being also along the westerly and northerly boundary of said Reserved Parcel "E" for the following seven courses: run South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southwesterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence northerly along a curve to the right having an arc length of 151.10 feet, a radius of 720.00 feet, a central angle of 12°01'28" and a chord bearing North 06°29'48" West 150.83 feet to a point; thence South 89°30'56" West 1280.00 feet to the northwest corner of Block 164 of said plat of Lakeview; thence North 12°53'48" East along the southerly line of said Jefferson Waterway for a distance of 297.66 feet to a point on a curve; thence northeasterly along a curve to the right having an arc length of 913.19 feet, a radius of 825.00 feet, a central angle of 63°25'15" and a chord bearing North 39°41'03" East 867.28 feet to a point of tangency; thence North 71°23'41" East 1251.37 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 603.42 feet, a radius of 825.00 feet; a central angle of 41°54'25" and a chord bearing South 87°39'07" East, 590.05 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

All of that land vacated in the Subdivision Plat Of Lakeview - Section 37 Palm Coast Map Book 13 Pages 1 through 29, per Resolution 95-56 as recorded in Official Records Book 538 at Pages 1611 through 1613, Public Records of Flagler County, Florida, being described as follows:
BEGINNING at the southwesterly corner of Lot 22, Block 143 of the aforesaid Lakeview - Section 37; thence North 80°26'17" East a distance of 49.47 feet to a point of curvature of a curve to the right; thence northeasterly along said curve having a radius of 300.00 feet, a central angle of 14°34'59" an arc of 76.36 feet and a chord bearing North

87°43'47" East, 76.15 feet to a point on a non-tangent line; thence North 09°33'43" West, a distance of 1273.40 feet; thence North 80°26'17" East a distance of 124.48 feet; thence South 47°01'13" East a distance of 97.49 feet to a point on a non-tangent curve; thence northeasterly along a curve to the right having a radius of 150.00 feet; a central angle of 08°07'48", an arc length of 21.28 feet and a chord bearing North 47°02'41" East, 21.27 feet to a point of tangency; thence North 51°06'35" East a distance of 100.00 feet; thence South 38°53'25" East a distance of 50.00 feet; thence South 51°06'35" West a distance of 100.00 feet to a point of curvature; thence southwesterly along a curve to the left having a radius of 100.00 feet, central angle of 05°43'46, an arc length of 10.00 feet and a chord bearing South 48°14'42" West,10.00 feet to a point on a non-tangent line; thence South 50°07'21" East a distance of 153.93 feet; thence South 51°06'35" West a distance of 20.25 feet; thence South 09°33'43" East a distance of 936.00 feet; thence South 35°36'55" East a distance of 82.42 feet; thence South 81°24'11" East a distance of 240.00 feet; thence South 08°35'49" West a distance of 125.00 feet; thence South 81°24'11" East a distance of 27.55 feet to a point on a non-tangent curve; thence southwesterly along curve to the left having a radius of 40.00 feet, a central angle of 77°21'52", an arc of 54.01 feet and a chord bearing South 08°35'49" West 50.00 feet to a point on a non-tangent line; thence North 81°24'11" West a distance of 4.59 feet; thence South 08°35'49" West a distance of 125.00 feet; thence North 81°24'11" West a distance of 480.00 feet; thence South 84°38'20" West a distance of 69.97 feet; thence North 03°00'11" West a distance of 144.02 feet to a point on a non-tangent curve; thence southwesterly along a curve to the left having a radius of 250.00 feet, a central angle of 13°34'27", an arc of 59.23 feet and a chord bearing South 87°13'31" West, 59.09 feet to a point of tangency; thence South 80°26'17" West a distance of 51.03 feet to a point on a non-tangent curve; thence northwesterly along a curve to the left having a radius of 200.00 feet, a central angle of 07°10'51" an arc of 25.07 feet and a chord bearing North 05°58'17" West 25.05 feet to a point of tangency; thence North 09°33'43" West a distance of 25.00 feet to the POINT OF Beginning, the above described parcel of land is situated in Section 22, Township 10 South, Range 30 East, Flagler County, Florida.

ALSO INCLUDING:

Part of Reserved Parcel "R-1", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most easterly corner of said Reserved Parcel "R-1"; thence South 38°35'49" West along the southeasterly line of said Reserved Parcel "R-1" for a distance of 767.47 feet; thence North 51°24'11" West 1300.81 feet to the most westerly corner of said Reserved Parcel "R-1"; thence North 54°59'31" East,148.96 feet; thence South 59°22'19" East 485.17 feet; thence South 73°43'22" East 217.49 feet; thence North 77°17'42" East 363.21 feet; thence North 38°35'49" East 191.24 feet; thence South 51°24'11" East 350.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E" according to the Subdivision Plat Lakeview Section 37, Palm Coast, recorded in Map Book 13, Pages 1 Through 29, of the Public Records of Flagler County, Florida, being more particularly described as follows: A POINT OF REFERENCE being the northeast corner of Lot 1, Block 75; thence North 25°15'02" West along the west line of Belle Terre Waterway a distance of 862.29 feet to THE POINT OF BEGINNING; thence departing Belle Terre Waterway (as platted) 921.97 feet along the arc of a curve to the left (concave southerly) have a central angle of 64°01'49", a radius of 825.00 feet, a chord bearing of North 57°15'57" West and a chord distance of 874.74 feet to a point of tangency, thence North 89°16'51" West a distance of 858.76 feet to a point of curvature; thence 411.10 feet along the arc of a curve to the right (concave northerly) having a central angle of 34°53'44", a radius of 675.00 feet, a chord Bearing of North 71°49'59" West and a chord distance of 404.78 feet to the end of said curve being a point on the boundary of Jefferson Davis Waterway as recorded in Official Records Book 549, Pages 966 through 990, of the Public Records of Flagler County, Florida; thence North 35°36'53" East along said waterway a distance of 30.00 feet to a point on a non-tangent curve; thence easterly 392.83 feet along the arc of a curve to the left (concave northerly)having a central angle of 34°53'44", a radius of 645.00 feet, a chord bearing of South 71°49'59" East and a chord distance of 386.79 feet to a point of tangency; thence South 89°16'51" East a distance of 858.76 feet to a point of curvature; thence 955.50 feet along the arc of a curve to the right concave southwesterly having a central angle of 64°01'49", a radius of 855.00 feet, a chord bearing of South 57°15'57" East and a chord distance of 906.54 feet to the end of said curve; thence South 64°44'58" West a distance of 30.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD 5), BEING A PORTION OF LONDON WATERWAY, LAKEVIEW SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 26, LOCATED IN GOVERNMENT SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF ASHWOOD WATERWAY (A 300 FOOT RIGHT-OF-WAY) PER SAID LAKEVIEW SECTION 37, WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, (STATE ROAD 5, A 175 FOOT RIGHT-OF-WAY AT THIS POINT); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 35°00'29" EAST ALONG SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY FOR A DISTANCE OF 649.53 FEET TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID ASHWOOD WATERWAY LINE NORTH 54°59'31" EAST ALONG THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY FOR A DISTANCE OF 770.58 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LONDON DRIVE, (A 60 FOOT RIGHT-OF-WAY), PER SAID LAKEVIEW-SECTION 37; THENCE DEPARTING THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY SOUTH 51°24'11" EAST ALONG SAID RIGHT-

OF-WAY LINE FOR A DISTANCE OF 104.24 FEET TO THE SOUTHERLY LINE OF SAID LONDON WATERWAY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 54'59'31" WEST ALONG SAID SOUTHERLY LINE OF LONDON WATERWAY FOR A DISTANCE OF 800.00 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY; THENCE NORTH 35°00'29" WEST ALONG SAID ASHWOOD WATERWAY LINE FOR A DISTANCE OF 100.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

EXHIBIT "B"

LAKEVIEW ESTATES CONCEPTUAL SITE PLAN



EXHIBIT "B-1"

TRACT 1 **LAKEVIEW ESTATES TRACT PLAN**

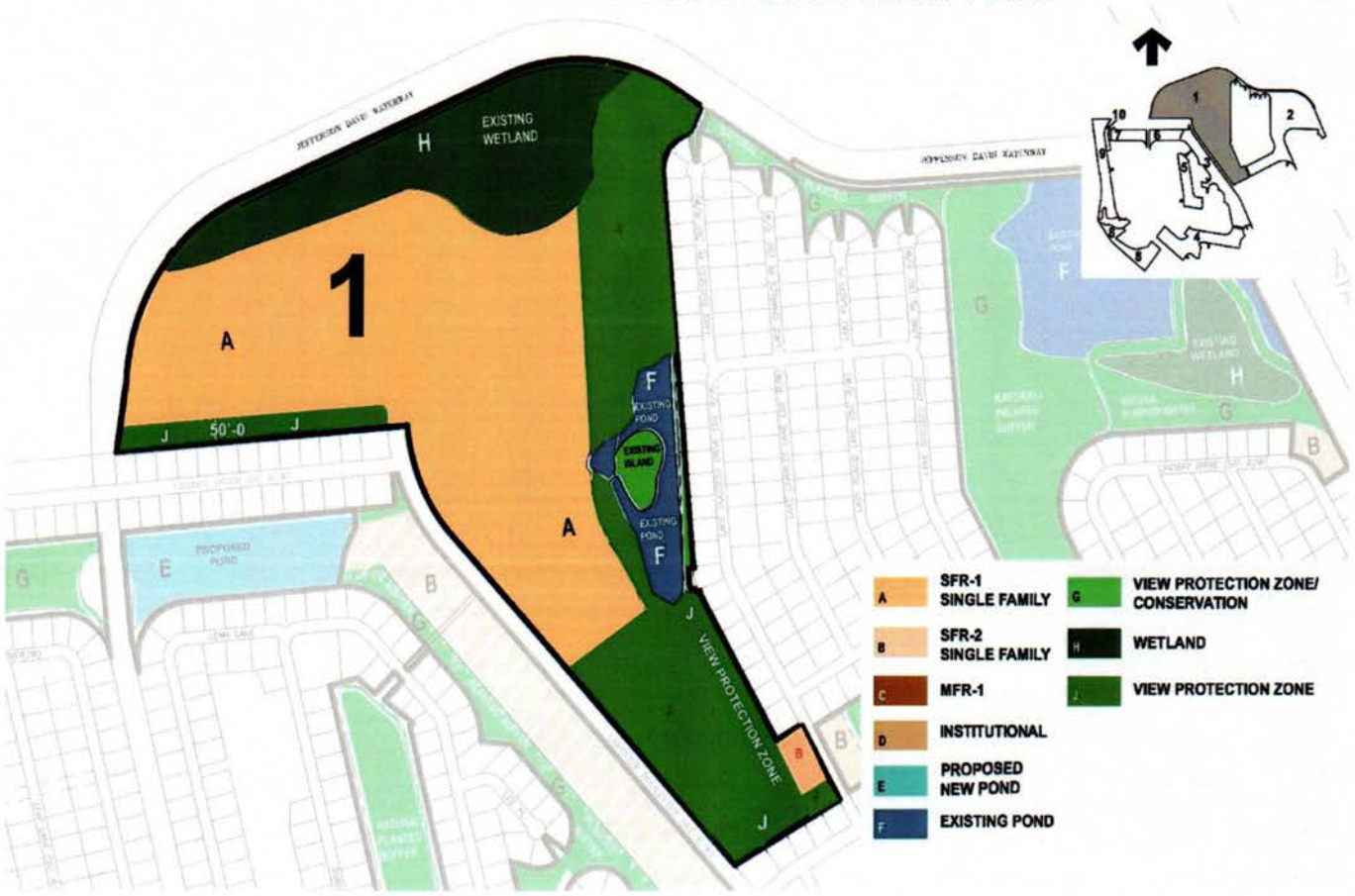


EXHIBIT "B-2"

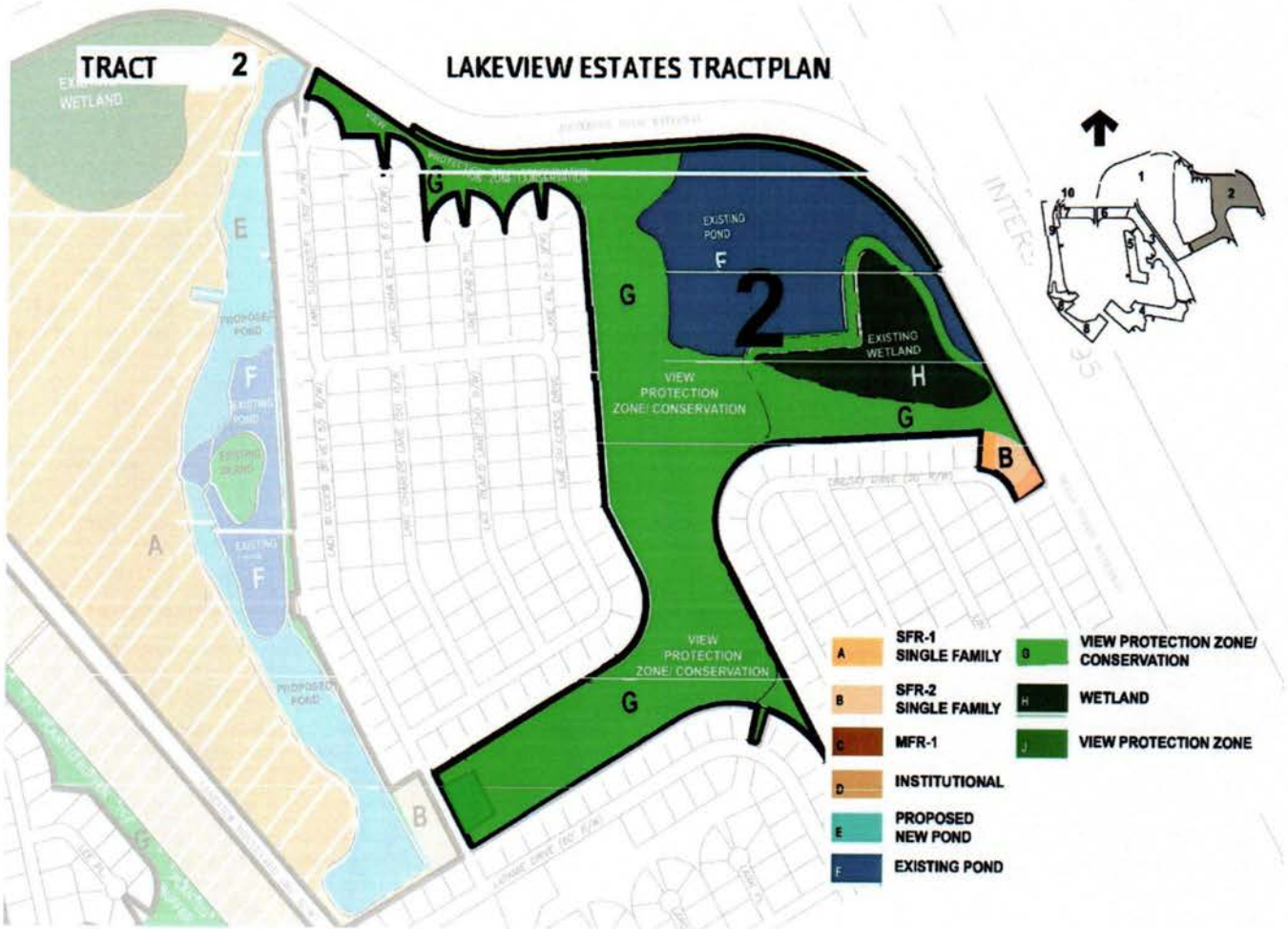

TRACT 2
LAKEVIEW ESTATES TRACTPLAN
EXISTING WETLAND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
PROPOSED POND
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
INSTITUTIONAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE

EXHIBIT "B-3"

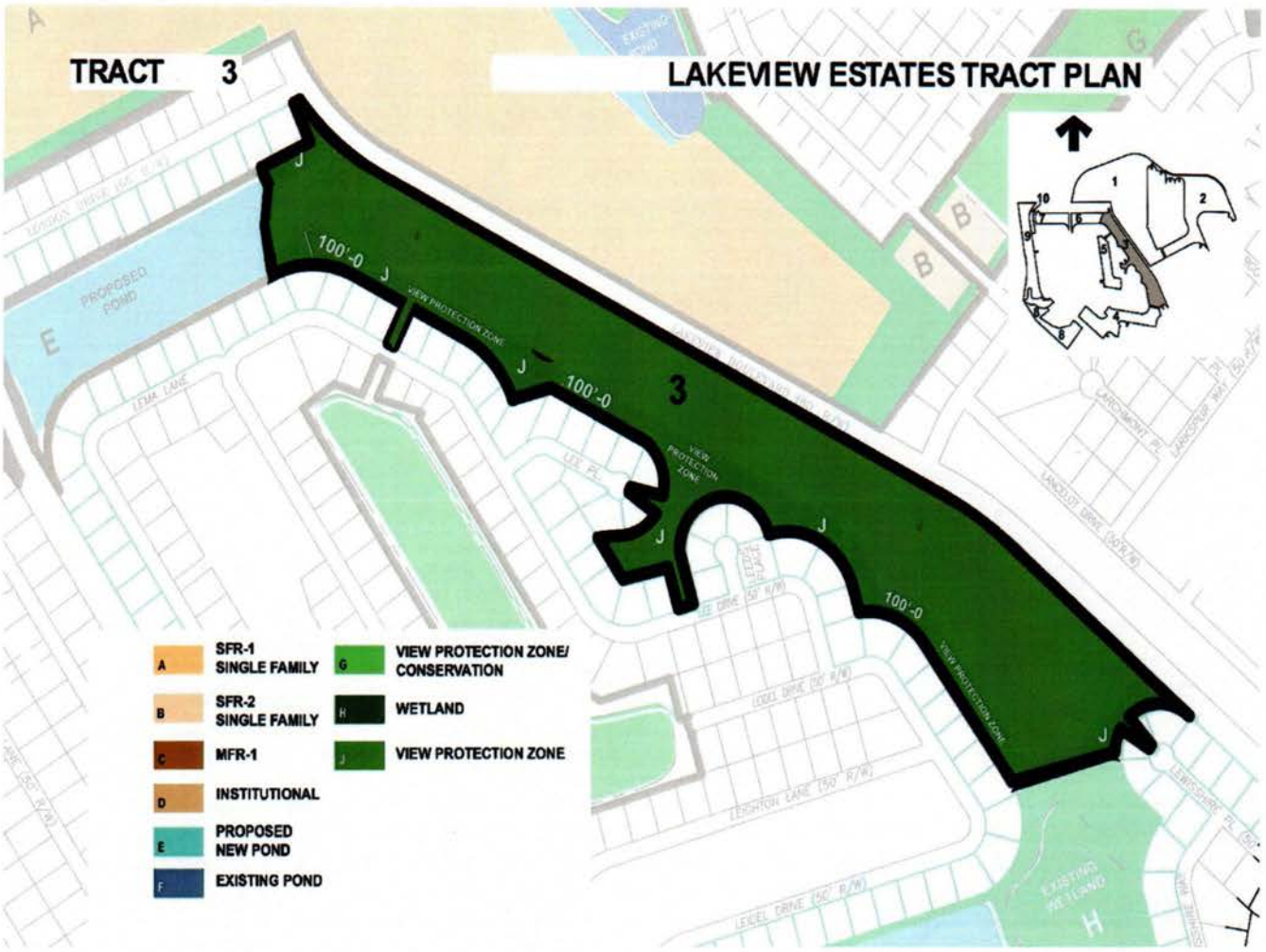

TRACT 3
LAKEVIEW ESTATES TRACT PLAN
PROPOSED POND
LEMA LANE
100'-0
VIEW PROTECTION ZONE
3
EXISTING WETLAND
H
A SFR-1 SINGLE FAMILY
B SFR-2 SINGLE FAMILY
C MFR-1
D INSTITUTIONAL
E PROPOSED NEW POND
F EXISTING POND
G VIEW PROTECTION ZONE/ CONSERVATION
H WETLAND
J VIEW PROTECTION ZONE

EXHIBIT "B-4"


TRACT 4
LAKEVIEW ESTATES TRACT PLAN
LEIGHTON LANE (50' R/W)
LEWIS DRIVE (50' R/W)
VIEW PROTECTION ZONE
4
EXISTING WETLAND
H
VIEW PROTECTION ZONE
B
Limit of 3 lots
G
H
B
Limit of 3 lots
J
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
INSTITUTIONAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE

EXHIBIT "B-5"

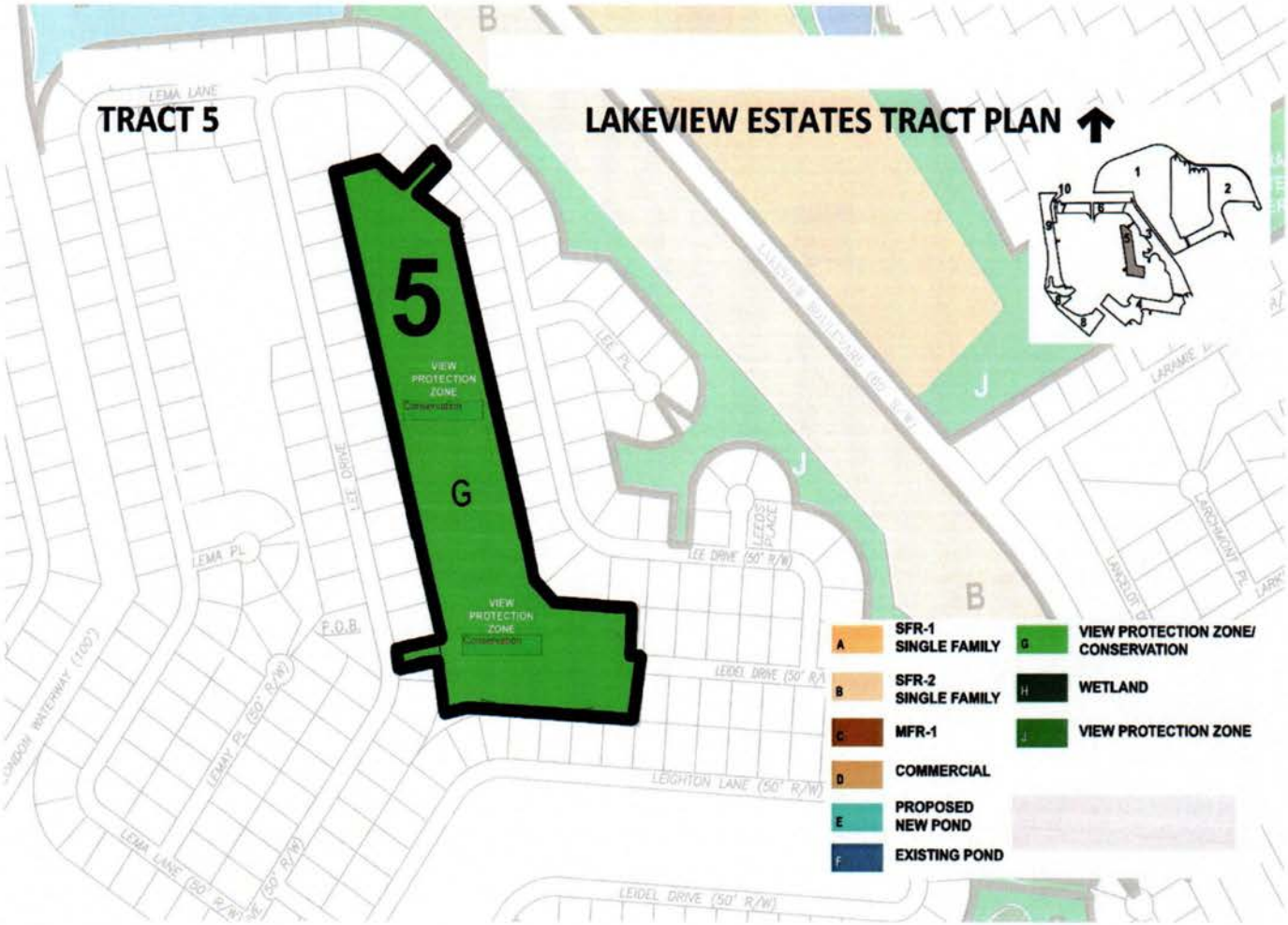

TRACT 5
LAKEVIEW ESTATES TRACT PLAN
5
VIEW PROTECTION ZONE
Conservation
G
VIEW PROTECTION ZONE
Conservation
LEMA LANE
LEMA PL
LEE DRIVE
LEE PL
LEE DRIVE (50' R/W)
LEIDEL DRIVE (50' R/W)
LEIGHTON LANE (50' R/W)
LEMAY PL (50' R/W)
LEMA LANE (50' R/W)
LARAMIE
LARCHMONT PL
LANCELOT
F.O.B.
A SFR-1 SINGLE FAMILY
B SFR-2 SINGLE FAMILY
C MFR-1
D COMMERCIAL
E PROPOSED NEW POND
F EXISTING POND
G VIEW PROTECTION ZONE/ CONSERVATION
H WETLAND
J VIEW PROTECTION ZONE

EXHIBIT "B-6"

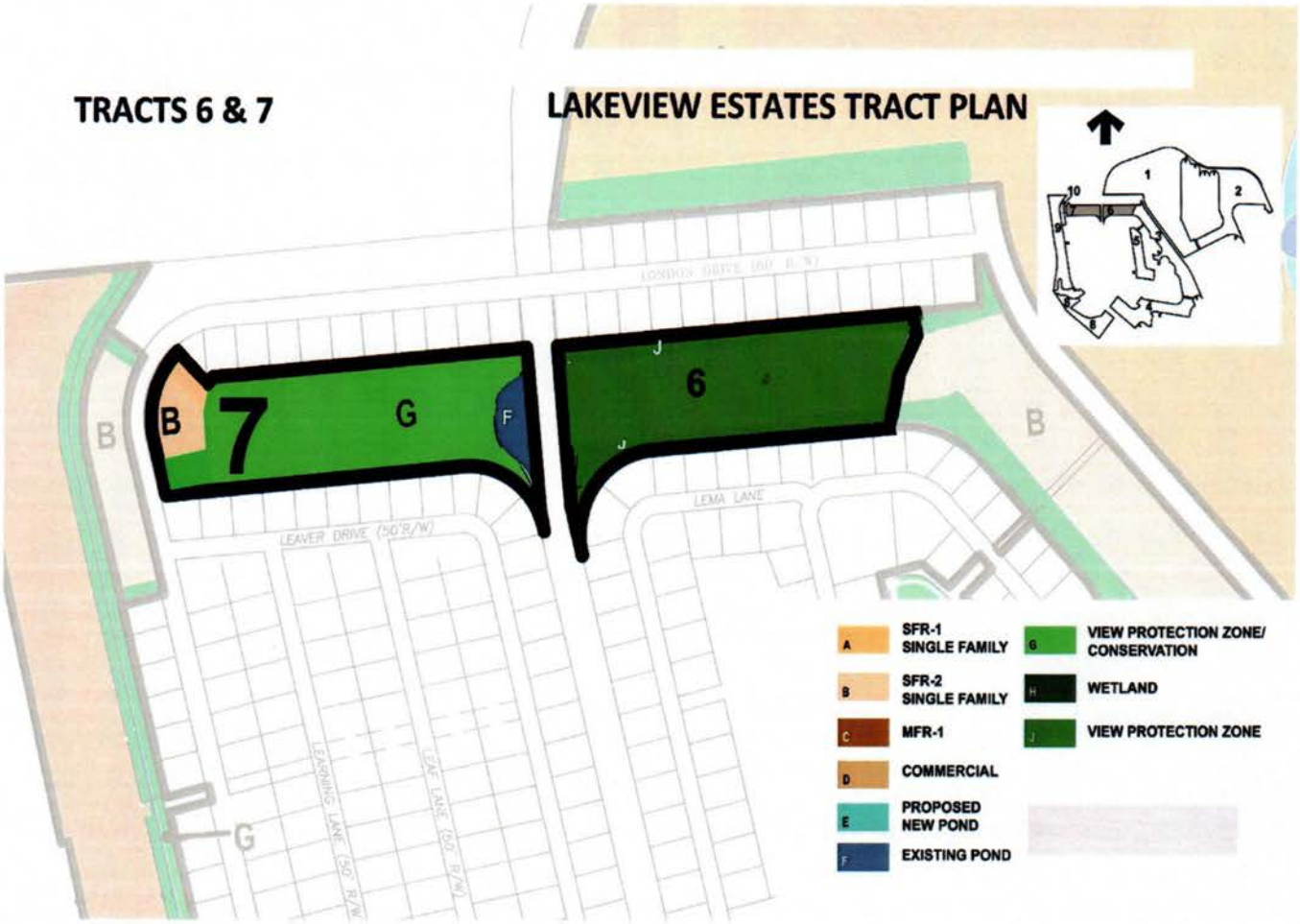

TRACTS 6 & 7
LAKEVIEW ESTATES TRACT PLAN
LONDON DRIVE (80' R/W)
LEAVER DRIVE (50'R/W)
LEMA LANE
LEARNING LANE (50' R/W)
LEAF LANE (50' R/W)
B
7
G
F
6
J
G
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
COMMERCIAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE

EXHIBIT "B-7"

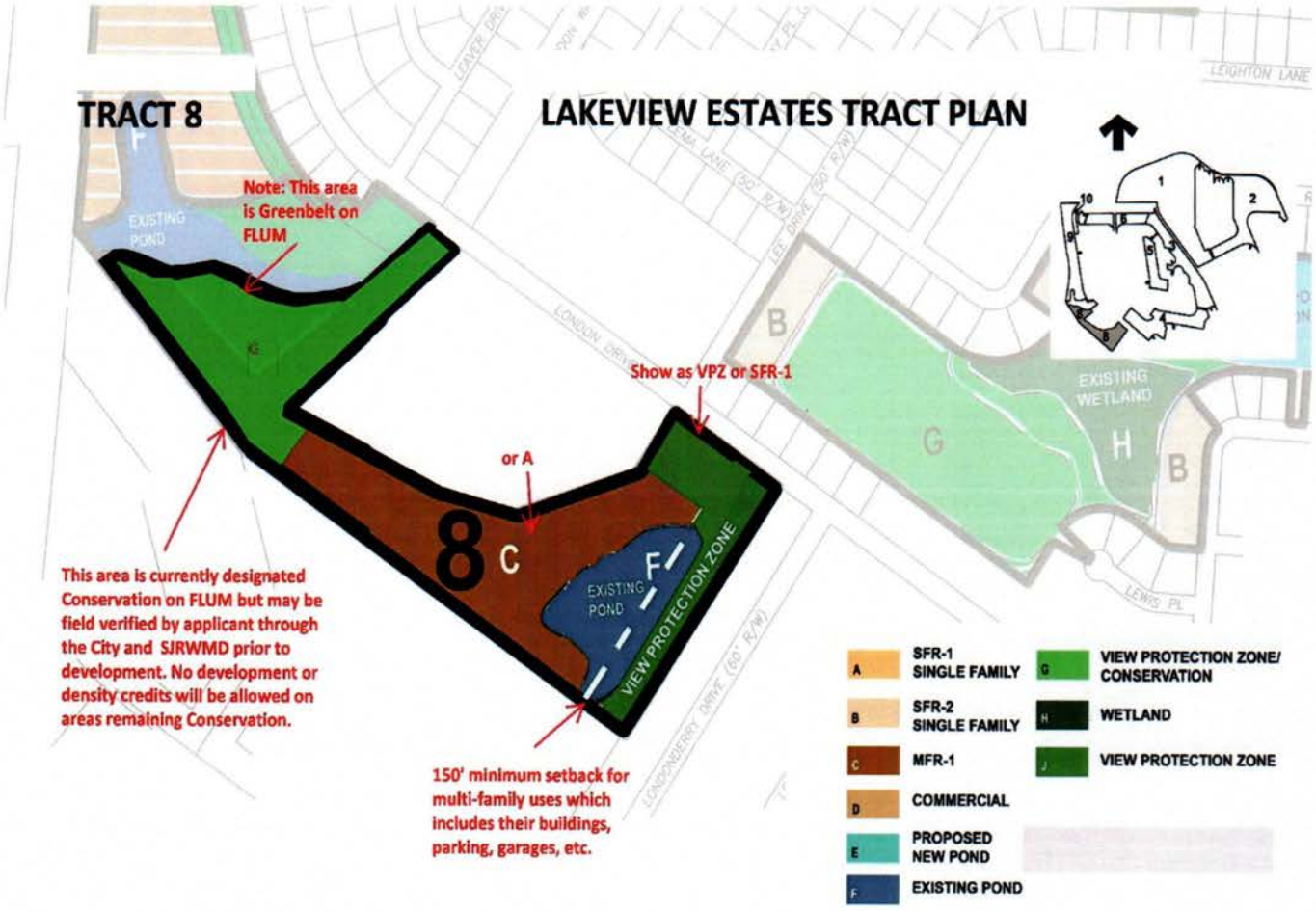
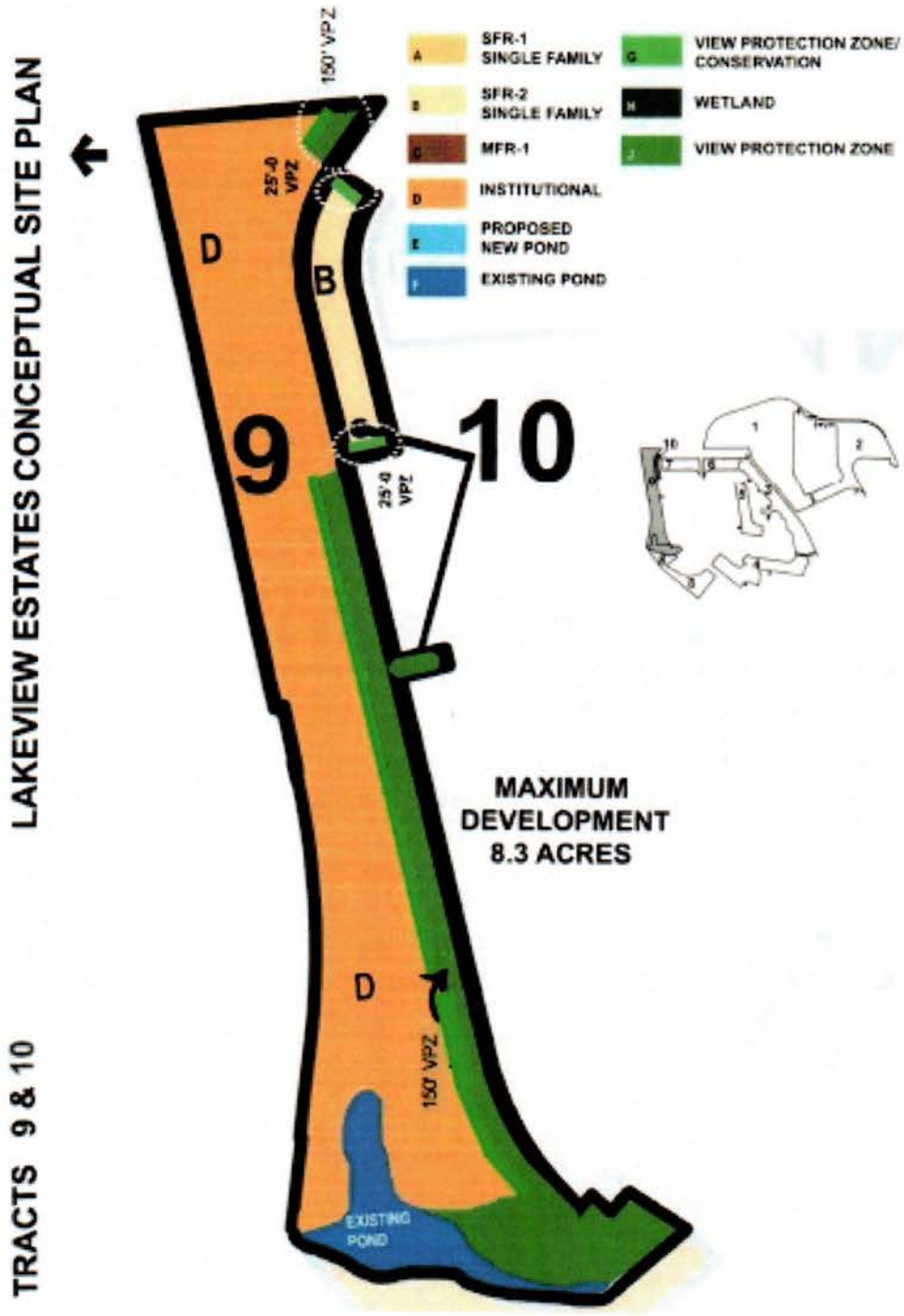

TRACT 8
LAKEVIEW ESTATES TRACT PLAN
Note: This area is Greenbelt on FLUM
EXISTING POND
Show as VPZ or SFR-1
or A
8
C
F
EXISTING POND
VIEW PROTECTION ZONE
This area is currently designated Conservation on FLUM but may be field verified by applicant through the City and SJRWMD prior to development. No development or density credits will be allowed on areas remaining Conservation.
150' minimum setback for multi-family uses which includes their buildings, parking, garages, etc.
LEIGHTON LANE
LEWIS PL
B
G
H
B
EXISTING WETLAND
A SFR-1 SINGLE FAMILY
B SFR-2 SINGLE FAMILY
C MFR-1
D COMMERCIAL
E PROPOSED NEW POND
F EXISTING POND
G VIEW PROTECTION ZONE/ CONSERVATION
H WETLAND
J VIEW PROTECTION ZONE

EXHIBIT "B-8"


LAKEVIEW ESTATES CONCEPTUAL SITE PLAN
TRACTS 9 & 10
150' VPZ
25'-0 VPZ
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
INSTITUTIONAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE
D
B
9
10
25'-0 VPZ
MAXIMUM DEVELOPMENT 8.3 ACRES
D
150' VPZ
EXISTING POND

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026

Agenda Item:
I.5

Department **Division**	COMMUNITY DEVELOPMENT PLANNING	**Amount** **Org/Account #**	
Subject:	ORDINANCE 2026-XX LAKEVIEW ESTATES MPD AMENDMENT - APPLICATION #5575		
Presenter:	**Michael Hanson, A.I.C.P, Senior Planner**		

Attachments:

1. Presentation
2. Ordinance
3. Proposed MPD Amendment: Redline and Clean Copies
4. Proposed MPD Exhibits B & C: Conceptual Plan, Tract 9 COM-2 Uses
5. Staff Report
6. Business Impact Estimate
7. Map Series
8. Applicant Cover letter, Application, Corporate ID, Owner's Authorization
9. Applicant's MPD Amendment Analysis, Environmental Report, Proposed Conceptual View Protection Exhibit
10. Public Notice
11. Recorded MPD Ordinance
12. Applicant Comparison of MPD Changes between 9/1/2026 and 9/15/2026 Meetings

Background:

UPDATED BACKGROUND FROM THE SEPTEMBER 1, 2026, BUSINESS MEETING:

At the September 1, 2026, Business Meeting, City Council tabled the item to the September 15, 2026, Business Meeting. An overview of the applicant's MPD Development Agreement changes are as follows:

- City Community Park: The applicant has added language to ensure the owner shall demonstrate that arsenic levels on Tract 8 are under limits for human occupation as regulated by Federal, State, and Local regulations prior to conveyance of the Tract to the City.
- Project Description: Now includes a line providing the to date utilization of the residential entitlements (221) and remaining balance (39, assuming the FLUM amendment is approved).
- Tract utilization table for Tract 9 is also updated to limit commercial uses to a cap of 250,000 square feet (SF) of development, and provides a new exhibit (Exhibit "C" to the MPD which provides clarification on the COM-2 uses the applicant is seeking.
- Text for Tract 3 has been reworded to clarify that potential development on Tract 3 shall maintain a minimum 50-foot View Protection Zone (VPZ), and ensures that the VPZ may not be cleared during development of the tract.

- Text for Tract 9 has been reworded to reference the intensity cap of 250,000 SF. Additionally, language has been provided to allow for potential waiver reductions to the landscaping buffers adjacent to US-1 and parking requirements. Such waivers are worded to follow existing LDC requirements for landscape betterment plans (approved by PLDRB), or parking flexibility studies based on Institute of Traffic Engineers' Parking Manual (administratively approved by the LUA in the LDC). These potential waivers are designed to ensure that the 100' VPZ on Tract 9 is maintained.
- Section 4 – 13 added.
    - "Prior to filing any application for development of Tract 3 or Tract 9, the Owner shall either (1) place a conservation easement over portions of the Subject Property prohibited from being developed ("Undeveloped Property") with the terms of such easement in a form acceptable to the City's LUA or (2) convey the Undeveloped Property pursuant to a mutually agreeable purchase and sale agreement approved by the LUA."

ORIGINAL BACKGROUND FROM THE SEPTEMBER 1, 2026, BUSINESS MEETING:

Request: The applicant proposes to amend the existing Lakeview Estates Master Planned Development (MPD) Development Agreement (DA) in order to:

- Add the ability for the developer to site Single-Family Residential (SFR-2) sized residential lots to Tract 3 with access limited to Lakeview Boulevard.
- Add the ability for the developer to site stormwater ponds to Tract 3, Tract 6, Tract 7.
- Replace the ability for the developer to site (Multifamily Residential) MFR-1 and SFR-1 sized residential lots to Tract 8 with the ability to site a City Park site. It also reduces the minimum 150 feet setback from any existing single-family platted lot on Tract 8 to 100 feet.
- Replace the ability for the developer to site ±8.3 acres of Public Semi-Public (PSP) with ±20 acres of General Commercial (COM-2) uses, limited to a maximum of 35 feet, and providing emergency access from US Highway 1 to London Drive. Further the COM-2 uses are limited to not allow a special exception for mini-warehouses, office warehouses, or self-storage. Note: the proposed use of 20 acres as COM-2 is based on the potential approval of a related Future Land Use Map (FLUM) Amendment application, and if developed for commercial uses would reduce the overall remaining residential entitlements from 51 to 39 dwelling units.
- Reduce the existing View Protection Zone (VPZ) on Tract 3 to 50 feet and on Tract 10 from 150 feet to 100 feet. The VPZ depth for tract 4 is defined as 50 feet. The proposed text adds the requirement for enhanced screening and additional plantings to the satisfaction of the Land Use Administrator (LUA) or their designee to shield the view of adjacent residential properties within VPZs.
- Add the ability of residential property owners within the MPD with lots with a size of 10,000 or greater square feet to be able to construct a garage for recreational vehicles as an accessory use to lots with a principal dwelling unit, subject to maximum impervious surface and building setbacks.

Background: The subject property was developed as the 18-hole Matanzas Woods Golf Course by ITT and opened in 1985. The golf course permanently closed in 2007. In April 2019, Matanzas GC Palm Coast, LLC purchased the property. The initial City Zoning Map in 1999/2000 showed the subject property having the

Flagler County zoning designation of Urban Single-Family Residential (R-1B). Flagler County's Land Development Code (LDC) has the R-1B Zoning District which allowed for single-family residential homes and also recreational areas that are accessory to residential developments. The R-1B zoning district allowed for up to 3 units per acre. In 2004 the City adopted its Comprehensive Plan and designated the subject property as Greenbelt on the Future Land Use Map (FLUM). The Greenbelt designation reduced the overall density on the subject property to 1 unit per acre.

On July 5, 2005, the City Council adopted the initial chapters of our Land Development Code (Ordinance No. 2005-33) which created the Golf Course Community (GCC) Zoning District. The GCC Zoning District allowed density of one home/per acre and also setup significant standards for the redevelopment of any golf course areas into residential uses. These guidelines, located in section 3.03.04.J of our LDC, were added to minimize adverse impacts to abutting single family residential zoned areas. On October 21, 2008, the City Council adopted Ordinance 2008-23 which implemented the City's first complete Land Development Code and also converted the Golf Course Community (GCC) Zoning District to MPD without a DA.

On January 19, 2021, the City Council approved Ordinance 2021-01 which rezoned the existing MPD to add the existing DA at the applicant's request during public hearing. The previous rezoning application had significant public participation at all facets of the rezoning process from the neighborhood meeting, which drew approximately 250 to 350 residents the two Planning and Land Development Board (PLDRB) meetings drawing approximately 50 to 60 residents and 30 to 35 residents respectively.

Project Description: The property owner using clustering provisions of the LDC, the overall acreage of the project, and a field verified conservation area of ±0.2 acres ended up with residential entitlements of ±272 dwelling units (du). To date, 221 lots have received varying levels of approval (Preliminary and Final plats) between Tracts 1, 2, 4, 7, and 10 resulting in the project retaining 51 residential entitlements. The applicant's requested MPD DA Amendment relies on the potential approval of their requested FLUM amendment and has the effect of reducing the remaining residential entitlements from 51 du to 39 du due to the planned development of ±20 acres of COM-2 uses on Tract 9.

- The applicant is proposing to site the remaining 39 residential entitlements on Tract 3, which would require the approval of the MPD DA amendment and subsequent platting applications by the applicant. The vision that the applicant provided was that these lots would be designed to be ±10,000 square feet or larger to make use of their proposed language for recreational vehicle garages, but at a minimum size lots meeting the Unified Land Development Code (LDC) requirements of the SFR-2 zoning district, which requires 7,500-square-foot lots which are compatible with the existing platted single-family residential lots found on nearby Lee Drive.
- The DA provides language for siting additional stormwater retention ponds in Tracts 3, 6, and 7, which supports the City's recent effort to add additional stormwater retention in the area by vacating Learning Lane and Leaf Lane.
- The applicant is also requesting to amend the allowed use on tract 8 to convey the City a site for a future City park at no cost and not subject to park impact fee credits.
- Additionally, the applicant is requesting to permit ±20 acres of COM-2 uses on a portion of Tract 9 adjacent to US Highway 1.

Public Participation: The applicant hosted a neighborhood meeting as required by Unified Land Development Code (LDC) Section 2.05.02 at 5:30 p.m. Tuesday April 14th, 2026, in the cafeteria of Indian Trails Middle School. The applicant also met the public notice requirements of LDC Section 2.05.03. The neighborhood meeting had approximately 125 attendees. Applicant submitted documentation summarizing the neighborhood meetings that has been attached to the agenda item. Prior to the Planning and Land Development Regulation Board (PLDRB) meeting on May 20, 2026, staff was contacted by several members of the public requesting clarifying information pertaining to public hearing dates or to access to application materials, which staff has provided. The applicant has met their public notice requirements.

Planning and Land Development Regulation Board Meeting: The PLDRB heard the Comprehensive Plan Amendment, application #5576, and its companion MPD Amendment, application #5575, at their May 20, 2026 meeting.

During the evening, the PLDRB unanimously approved a motion to delay public comment on the Comprehensive Plan Amendment until after the companion MPD Amendment, application #5575, had been presented to the PLDRB as well. 10 members of the public spoke in opposition to the proposed Comprehensive Plan Amendment and MPD Amendment.

The PLDRB voted five to one in favor of recommending approval of the Comprehensive Plan Amendment subject to the concurrent adoption of staff's draft FLUE Policy 1.1.2.5 serving as a site specific limiting policy capping the intensity and density of the 20-acre portion of Tract 9 of the Lakeview Estate MPD.

The PLDRB voted six to zero in favor of recommending denial of the MPD Amendment subject to criteria analysis of LDC Section 2.05.05A finding the application contrary to public interest based on compelling evidence presented by the public during public comment in addition to analysis of LDC Sections 3.03.04.J1 and 3.03.04.J2.

This is a quasi judicial item, please disclose any ex parte communication.

Recommended Action:
THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD RECOMMENDS THAT THE CITY COUNCIL FINDS THE PROPOSED MPD AMENDMENT (APPLICATION NO. 5575) NOT CONSISTENT WITH THE COMPREHENSIVE PLAN AND DENY THE APPLICATION

City Council
Public Hearing

Lakeview Estates
FLUM and MPD Amendment
AR # 5575 & 5576

Revised 9/10/2026

Lakeview Estates
Future Land Use Map Amendment
Analysis and Recommendation
AR # 5576

Future Land Use Map Amendment

Findings Summary

- Public facilities are available to accommodate the impact of the FLUM amendment,
- Environmental standards for development will need to be met,
- Requested FLUM designation is consistent with the surrounding land use and development pattern,
- Requested FLUM is appropriate on US -1,
- The FLUM amendment is consistent with various policies of the Comprehensive Plan

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Future Land Use Map Amendment

Recommendation

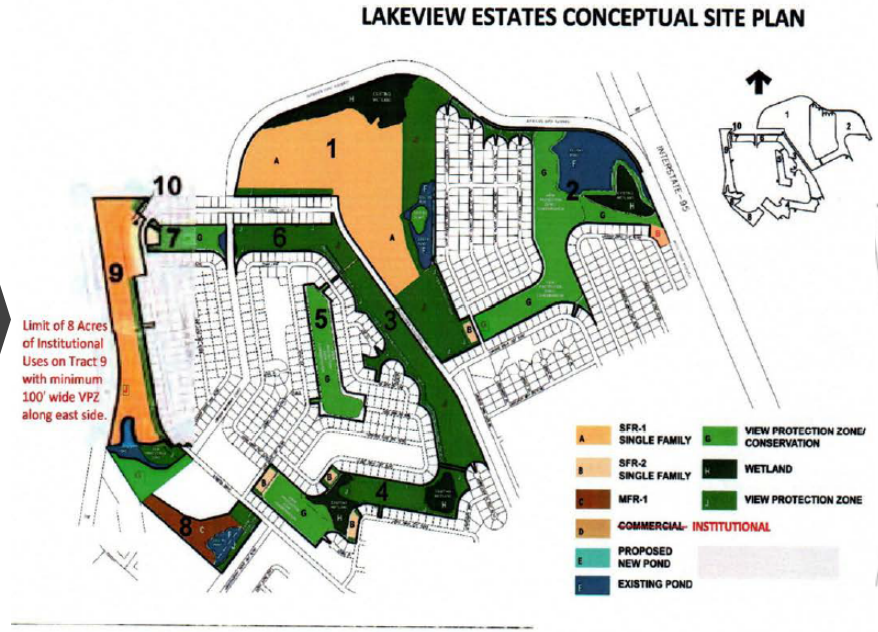
The Planning and Land Development Regulation Board recommends that City Council find Application #5576 consistent with the Comprehensive Plan and approve the FLUM amendment from Greenbelt to Mixed Use, subject to the concurrent adoption of FLUE Policy 1.1.2.5 limiting the site's developmental potential.

Lakeview Estates
Master Planned Development Amendment
Analysis & Recommendation
AR # 5575

Existing vs. Proposed

MPD Amendment

Tract Map Comparison



Ordinance 2021-01
Lakeview Estates MPD Development Agreement
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Updated for 9.15 Council Meeting

Proposed Conceptual Map Changes 9-1 to 9-15

MPD Amendment

Tract Map Comparison





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MPD Amendment

Project Amendments

The property owner, using clustering provisions of the LDC, the overall acreage of the project, and a field verified conservation area of ±0.2 acres ended up with residential entitlements of ±272 dwelling units (du). To date, 221 lots have received varying levels of approval (Preliminary and Final plats) between Tracts 1, 2, 4, 7, and 10 resulting in the project retaining 51 residential entitlements. The applicant's requested MPD DA Amendment relies on the potential approval of their requested FLUM amendment and has the effect of reducing the remaining residential entitlements from 51 du to 39 du due to the planned development of ±20 acres of COM-2 uses on Tract 9.

- The applicant is proposing to site the remaining 39 residential entitlements on Tract 3, these lots will likely be designed to be ±10,000 square feet or larger to make use of their proposed language for recreational vehicle garages, but at a minimum size lots meeting the Unified Land Development Code (LDC) requirements of the SFR-2 zoning district, which requires 7,500-square-foot lots which are compatible with the existing platted single-family residential lots found on nearby Lee Drive.
- The DA provides language for siting additional stormwater retention ponds in Tracts 3, 6, and 7, which supports the City's recent effort to add additional stormwater retention in the area by vacating Learning Lane and Leaf Lane.
- The applicant is also requesting to amend the allowed use on tract 8 to convey the City a site for a future City park at no cost and not subject to park impact fee credits.

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Updated for 9.15 Council Meeting

MPD Amendment

MPD DA Changes

9-1 to 9-15 versions

Following the City Council Meeting on 9/1/2026 the applicant has modified the proposed MPD Development Agreement Amendment and associated exhibits.

1. City Community Park: The applicant has added language to ensure the owner shall demonstrate that arsenic levels on Tract 8 are under limits for human occupation as regulated by Federal, State, and Local regulations prior to conveyance of the Tract to the City.
2. Project Description: Now includes a line providing the to date utilization of the residential entitlements (221) and remaining balance (39, assuming the FLUM amendment is approved).
3. Tract utilization table for Tract 9 is also updated to limit commercial uses to a cap of 250,000 square feet (SF) of development, and provides a new exhibit (Exhibit “C” to the MPD which provides clarification on the COM-2 uses the applicant is seeking.
4. Text for Tract 3 has been reworded to clarify that potential development on Tract 3 shall maintain a minimum 50-foot View Protection Zone (VPZ), and ensures that the VPZ may not be cleared during development of the tract.

Changes continue on next slide.

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Updated for 9.15 Council Meeting

MPD Amendment

MPD DA Changes

9-1 to 9-15 versions

5. Text for Tract 9 has been reworded to reference the intensity cap of 250,000 SF. Additionally, language has been provided to allow for potential waiver reductions to the landscaping buffers adjacent to US-1 and parking requirements. Such waivers are worded to follow existing LDC requirements for landscape betterment plans (approved by PLDRB), or parking flexibility studies based on Institute of Traffic Engineers' Parking Manual (administratively approved by the LUA in the LDC). These potential waivers are designed to ensure that the 100' VPZ on Tract 9 is maintained.
6. Section 4 – 13 added.

   "Prior to filing any application for development of Tract 3 or Tract 9, the Owner shall either (1) place a conservation easement over portions of the Subject Property prohibited from being developed ("Undeveloped Property") with the terms of such easement in a form acceptable to the City's LUA or (2) convey the Undeveloped Property pursuant to a mutually agreeable purchase and sale agreement approved by the LUA."

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MPD Amendment

View Protection Zones – LDC Sec. 3.03.04(J)

The term and utilization of VPZ was established within the Lakeview Estates MPD DA that was adopted in 2021 to be consistent with the Land Development Code regulations related to development in former GCC Districts.

Section 3.03.04(J) of the LDC provides the following redevelopment criteria:

J. *Existing golf course communities. Existing golf courses communities located within the former Golf Course Communities (GCC) District seeking to add residential units must comply with the standards established for the Master Planned Development (MPD) District. In addition, the development shall utilize the following guidelines in order to minimize adverse impacts on any abutting single-family residentially zoned areas.*

1. *Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e. side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.*

2. *Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.*

3. *Multifamily uses shall be surrounded by fairways, clubhouse, and/or other golf course facilities to buffer single-family areas within the same development. The multifamily uses shall not be located within 150 feet from any existing, platted lots located within a residentially zoned area.*

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

A. *The proposed development must not be in conflict with or contrary to the public interest;*
B. *The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;*
C. *The proposed development must not impose a significant financial liability or hardship for the City;*
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;*
E. *The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes.*

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- The proposed MPD amendment ultimately would reduce the remaining residential entitlements from 51 to 39 remaining du on the subject property as ±20 acres would be slotted for commercial development adjacent to US Highway 1.
- The conveyance of Tract 8 as a City park site without requiring the City to buy the land or for park impact fee credits is a benefit to the neighborhood.
- The proposed residential uses on Tract 3 adjacent to Lakeview Boulevard are likely the most significant impact to the surrounding neighborhood; however, the minimum sizes of the proposed residences would match the existing residential neighborhood's zoning of SFR-2.
- The applicant's request to be able to site recreational vehicle garages as an accessory use on any residential lot 10,000 or more square feet has the potential to reduce the need of residents with recreational vehicles or boats from having to utilize private off-site storage options.
- The neighborhood meeting did have ±125 individuals attend, so there is clearly a vested interest by the public in the proposed MPD DA amendment; however, due to the nature of the neighborhood meeting and its technical limitations, it is difficult to gauge consensus on the public's interest.

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

The request is consistent with the Comprehensive Plan. However, its staff's opinion that the applicant's request is not totally consistent with the following sections of the Unified Land Development Code (LDC):

- ***Section 3.03.04.J.1.*** *Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e. side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.*
- ***Section 3.03.04.J.2.*** *Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.*

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- Potable water and sewer services are available to serve the project.
- Through the development review process, further analysis of the development impact on public infrastructure will be completed.

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;

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- The project already has approved residential entitlements to support a total of 272 du on the site. The proposed MPD Amendment reduces the overall density of the project area by reducing the residential entitlements 260 units. At this time 221 residential entitlements have been used. Additionally, it provides land for a public park site, and language to require emergency access to US Highway 1.
- At this time the proposed amendment does not create by itself an unreasonable hazard; however, during the platting process, City review staff shall evaluate the proposed project to ensure compliance with all applicable code requirements.

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

MPD Amendment

LDC Sec. 2.05.05 Criteria Analysis

- The subject property will be required to comply with the MPD Development Agreement, City's Land Development Code (LDC), Comprehensive Plan, and the requirements of all other applicable local, state and federal agencies throughout the development process.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

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

B. Consistency with the general intent of the LDC.

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

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

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.

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

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MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis (continued)

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

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.

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

J. Impact upon the environment or natural resources.

K. Impact on the economy of any affected area.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The proposed application remains consistent with and will further the goals and objectives of the Comprehensive Plan.

B. Consistency with the general intent of the LDC.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The development standards in the MPD remain generally consistent with the standards established by the LDC.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The proposed changes will not cause the MPD Agreement to further depart from customary standards in the LDC.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The proposed uses are similar to existing developments. The neighborhood of the Matanzas Woods area includes SFR-1, SFR-2, SFR-3 and MFR-1 zoning districts. The proposed development is compatible with those zoning districts. In addition, a neighborhood park is compatible with the residential uses found in the area. The height limitation on tract 9 and enhanced vegetative buffers within the VPZ areas help to ensure compatibility with the existing neighborhood. Furthermore, staff's VPZ recommendation helps to ensure compatibility with adjacent existing properties.

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.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- As required by the LDC, future development applications will be analyzed in further detail to determine if there is adequate public infrastructure capacity to serve the development. Other public service needs will also be reviewed in more detail as the development review progresses. For example, future applications for development will require further environmental analysis, utility agreements, coordination with Flagler Schools, etc. before approval. The subject project will be required to pay applicable 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.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The developer has not shown any specific phasing of the project. However, various tracts within the MPD are situated where they can adequately be developed independently through the platting process.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The applicant previously submitted a Transportation Impact Study when the application was heard in 2021 that demonstrated that all roadways within the study area with the project's traffic included will operate at the City's adopted level of service. This amendment reduces the overall density of the MPD and the applicant has requested a site-specific limiting policy to cap the amount of traffic on Tract 9 to what is currently allowed. The applicant did not provide an updated Transportation Impact Analysis (TIA) with this application after making a request to City Administration, so staff is unable to evaluate the proposed distribution on US Highway 1 for the ±20-acre commercial site. An updated TIA shall be required during the Technical Site Plan stage of Tract 9's commercial development for further review.

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.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The MPD DA amendment reduces residential density, provides additional stormwater, a City park site without cost to the City, and commercial uses along US Highway 1's expanding commercial corridor which could ultimately reduce trip ends to other areas of the City when developed. This project is consistent with the requirements of an MPD to provide a public benefit.

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

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The request adds more commercially designated land to the City and results in a minor reduction of density of the MPD. The proposed uses are similar to the existing residential neighborhood and do not request a reduction in lot sizes from the existing adjacent neighborhood. The proposed height limitation helps ensure compatibility with the existing residential land uses, and although the VPZ areas are reduced in width from the approved MPD DA, the language for enhanced vegetative screening helps buffer existing land uses from those within the MPD.

J. Impact upon the environment or natural resources.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The landowners will be required to submit all applicable environmental reports or studies as required by the LDC during subsequent development. These studies will include environmental resource assessments, cultural resources, soil and groundwater analyses, stormwater calculations, floodplain analysis, and threatened and endangered species studies as applicable during the site plan or platting process for any new project within the MPD.

K. Impact on the economy of any affected area.

MPD Amendment

LDC Sec. 2.09.04 Criteria Analysis

- The residents that will inhabit these new homes will have a positive impact on State and local income including permit and impact fees, taxes, and other sources. The project will also provide a significant number of constructions jobs, which should have a positive direct and indirect impact on the local economy. Further the applicant's analysis of the commercial development at Tract 9 estimates that ±250,000 gross square feet could be developed which will enhance the City's nonresidential tax base.

MPD Amendment

Findings Summary

- Public facilities are available to accommodate the impact of the MPD amendment,
- The requested MPD amendment meets the developmental criteria of LDC Sections 2.05.05 and 2.09.04,
- The requested MPD amendment is generally consistent with the Comprehensive Plan and Unified Land Development Code.

MPD Amendment
PLDRB

- The Planning and Land Development Regulation Board (PLDRB) heard the Comprehensive Plan Amendment, application #5576, and its companion MPD Amendment, application #5575, at their May 20, 2026 meeting.

- During the evening, the PLDRB unanimously approved a motion to delay public comment on the Comprehensive Plan Amendment until after the companion MPD Amendment, application #5575, had been presented to the PLDRB as well. 10 members of the public spoke in opposition to the proposed Comprehensive Plan Amendment and MPD Amendment.

- The PLDRB voted five to one in favor of recommending approval of the Comprehensive Plan Amendment subject to the concurrent adoption of staff's draft FLUE Policy 1.1.2.5 serving as a site specific limiting policy capping the intensity and density of the 20-acre portion of Tract 9 of the Lakeview Estate MPD.

- The PLDRB voted six to zero in favor of recommending denial of the MPD Amendment subject to criteria analysis of LDC Section 2.05.05A finding the application contrary to public interest based on compelling evidence presented by the public during public comment in addition to analysis of LDC Sections 3.03.04.J1 and 3.03.04.J2.

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MPD Amendment Recommendation

The Planning and Land Development Regulation Board recommends that the City Council finds the proposed MPD Amendment (Application No. 5575) not consistent with the Comprehensive Plan and deny the application.

Next Steps

- The developer will be required to submit for a Technical Site Plan application prior to developing Tract 9 and will need to plat Tract 3.
- Depending on the gross square footage of development on Tract 9, it may be required to come back to either the PLDRB or City Council.

Staff is available for any questions and the applicant's team is in attendance.

Thank you.

ORDINANCE NO. 2026-_____
FIRST AMENDMENT TO THE LAKEVIEW ESTATES MASTER PLAN DEVELOPMENT AGREEMENT
APPLICATION 5575

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE LAKEVIEW ESTATES MASTER PLAN DEVELOPMENT AGREEMENT, AS ESTABLISHED IN SECTION 2.09 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE, FOR ±280.6 ACRES OF CERTAIN REAL PROPERTY PREVIOUSLY KNOWN AS THE MATANZAS GOLF COURSE AND DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBERS 07-11-31-7037-0RP0A-0002, 07-11-31-7037-0RP0A-0011, AND 07-11-31-7037-0RP0A-0140, GENERALLY LOCATED BETWEEN 0.5 TO 1.25 MILES NORTH OF MATANZAS WOODS PARKWAY, WEST OF INTERSTATE 95, AND EAST OF US HIGHWAY 1, AND BEING MORE PARTICULARLY DESCRIBED IN ATTACHED EXHIBIT A; MODIFYING PERMITTED USES ON TRACTS: 3, 6, 7, 8, AND 9; CONDITIONALLY PERMITTING RECREATIONAL VEHICLE GARAGES FOR ALL TRACTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY, CONFLICTS; AND AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast ("City"), as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, MATANZAS GC PALM COAST LLC, a Florida limited liability company ("Owner") is the Owner of the property further described in "Attachment A" and have entered into the Development Agreement as recorded in Official Records Book 2530, Pages 1215 through 1265 of the public records of Flagler County, Florida ("Development Agreement"); and

WHEREAS, the Owner has requested to amend the Development Agreement in order to modify permitted uses and provide for some revised developmental standards Lakeview Estates MPD; 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) at its regularly scheduled meeting conducted on May 20, 2026, 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 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. 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 the Development Agreement, attached hereto as "Attachment B", for the property generally located between 0.5 to 1.25 miles north of Matanzas Woods Parkway, west of Interstate 95, and east of US Highway 1 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 the first reading after due public notice and hearing this 1st day of September, 2026.

ADOPTED on the second reading after due public notice and hearing this 20th day of October, 2026.

ATTEST: CITY OF PALM COAST

_____ _____
KALEY COOK, CITY CLERK MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

_____
MARCUS DUFFY, CITY ATTORNEY

Attachments:
Exhibit “A” Legal Description
Exhibit “B” Amended MPD Development Agreement

EXHIBIT “A”

LEGAL DESCRIPTION

MATANZAS WOODS GOLF COURSE:

Reserved Parcel "A", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northeast corner of Block 165 of said Plat of Lakeview; thence North 89°30'56" East 21.68 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 349.56 feet, a radius of 800.00 feet, a central angle of 25°02'07" and a chord bearing South 26°22'21" East, 346.78 feet to a point of tangency; thence South 38°53'25" East 2087.61 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 266.63 feet, a radius of 1120.00 feet, a central angle of 13°38'23" and a chord bearing South 32°04'13" East, 265.99 feet to a point of tangency; thence South 25°15'02" East 772.55 feet to a point of cusp; thence northwesterly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 66°04'26" West 196.12 feet to a point; thence South 16°53'50" East 110.00 feet to a point on a curve; thence westerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing South 64°44'57" West 11.62 feet to a point; thence North 33°36'15" West 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 15°34'21" West 196.12 feet to a point of tangency; thence South 25°15'02" East 100.25 feet to a point on a curve; thence southwesterly along a curve to the left having an arc length of 217.30 feet, a radius of 280.98 feet, a central angle of 44°18'38" and a chord bearing South 42°35'39" West 211.92 feet to a point of tangency; thence South 08°35'49" West 179.39 feet; thence North 81°24'11" West 913.66 feet; thence South 08°35'49" West 125.00 feet; thence North 81°24'11" West 40.00 feet; thence North 08°35'49" East 125.00 feet; thence North 81°24'11" West 125.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 180.00 feet, a radius of 225.00 feet, a central angle of 45°50'12" and a chord bearing South 75°40'43" West,175.24 feet to a point; thence South 37°14'23" East, 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 77.08 feet, a radius of 100.00 feet, a central angle of 44°09'48" and a chord bearing South 30°40'43" West 75.19 feet to a point of tangency; thence South 08°35'49" West, 237.34 feet; thence North 81°24'11" West 87.50 feet; thence North 51°24'11" West 130.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 87°46'25" West,196.12 feet to a point; thence South 43°02'58" East 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'26" and a chord bearing South 38°35'49" West 11.62 feet to a point; thence North 59°45'24" West 110.00 feet; thence South 38°35"49" West 128.21 feet; thence North 51°24'11" West 1018.03 feet; thence North 38°35'49" East 380.00 feet; thence South 51°24'11" East 500.00 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00, a central angle of 90°00'00" and a chord bearing North 83°35'49" East, 318.20 feet to a point; thence North 51°24'11" West 125.00 feet; thence North 38°35"49" East 230.92 feet; thence South 51°24'11" East 100.00 feet; thence South 81°24'11" East 993.30 feet to a point of

curvature; thence northeasterly along a curve to the left having an arc length of 431.48 feet, a radius of 225.00 feet, a central angle of 109°52'35" and a chord bearing North 43°39'32" East, 368.34 feet to a point of tangency; thence North 11°16'46" West 478.51 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 245.29 feet, a radius of 225.00 feet, a central angle of 62°27'41" and a chord bearing North 42°30'36" West, 233.32 feet to a point; thence North 08°35'49" East 77.01 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing North 36°24'11" West 318.20 feet to a point; thence westerly along a curve to the left having an arc length of 446.47 feet, a radius of 150.00 feet, a central angle of 170°32'16" and a chord bearing North 76°40'19" West 298.98 feet to a point of tangency; thence South 08°35'49" West 149.66 feet; thence North 81°24'11" West 50.00 feet; thence North 08°35'49" East 125.00 feet; thence North 78°43'26" West 153.29 feet; thence North 09°33'43" West 148.11 feet; thence South 69°50'14" East 67.79 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 146.25 feet, a radius of 150.00 feet, a central angle of 55°51'48" and a chord bearing North 87°23'42" East,140.53 feet to a point; thence North 30°32'12" West 110.00 feet to a point on a curve; thence northeasterly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 51°06'35" East 11.62 feet to a point; thence South 47°14'37" East 110.00 feet to a point on a curve; thence northerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'48" and a chord bearing North 01°55'59" East 196.12 feet to a point of tangency; thence North 38°53'25" West 326.21 feet; thence North 80°07'23" West 122.65 feet; thence North 09°33'42" West 80.00 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 166.36 feet, a radius of 325.00 feet, a central angle of 29°19'42" and a chord bearing North 24°13'34" West,164.55 feet to a point of tangency; thence North 38°53'25" West 200.00 feet; thence South 51°06'35" West 125.00 feet; thence North 38°53'25" West 20.00 feet; thence North 51°06'35" East 125.00 feet; thence North 38°53'25" West 178.81 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 292.66 feet, a radius of 325.00 feet, a central angle of 51°35'39" and a chord bearing North 64°41'14" West, 282.87 feet to a point of tangency; thence South 89°30'56" West 678.94 feet to a point of curvature; thence southwesterly along a curve to the left having an arc length of 389.08 feet, a radius of 225.00 feet, a central angle of 99°04'39" and a chord bearing South 39°58'37" West, 342.38 feet to a point of cusp; thence North 09°33'43" West 137.22 feet; thence North 00°29'04" West 425.00 feet; thence North 89°30'56" East 1200.00 feet; thence North 00°29'04" West 125.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "C", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northwest corner of said Reserved Parcel "C"; thence North 89°26'28" East 630.08 feet; thence South 38°43'02" West 202.91 feet; thence South 51°40'07" East 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 250.77 feet, a radius of 300.00 feet; a central angle of 47°53'36" and a chord bearing South 14°23'05" West 243.53 feet to a point of tangency; thence South

09°33'43" East 403.87 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 520.00 feet, thence North 80°26'17" East 125.00 feet; thence South 09°33'43" East 40.00 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 980.61 feet to a point of curvature; thence southerly along a curve to the left having an arc length of 441.04 feet, a radius of 725.00 feet, a central angle of 34°51'17" and a chord bearing South 26°59'21" East, 434.27 feet to a point; thence North 45°35'00" East 55.00 feet; thence South 44°25'00" East 67.22 feet; thence North 39°51'14" East 73.36 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 13.16 feet, a radius of 600.00 feet; a central angle of 01°15'25" and a chord bearing South 50°46'29" East 13.16 feet to a point of tangency; thence South 51°24'11" East 170.76 feet; thence South 54°59'31" West 770.58 feet; thence North 35°00'29" West 649.53 feet to a point on the east right of way line of U.S. Highway No.1; thence northerly along said right of way line of the following six courses; run North 09°59'31" East 128.08 feet; thence South 89°43'01" West 5.08 feet; thence North 09°59'31" East 253.32 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 655.06 feet, a radius of 2030.05 feet, a central angle of 18°29'18" and a chord bearing North 00°44'52" East, 652.23 feet to a point of tangency; thence North 08°29'47" West 179.58 feet; thence South 81°30'12" West 20.00 feet; thence North 08°29'47" West 1583.88 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "D" Lake View - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most northerly corner of said Reserved Parcel "D"; thence South 38'53'28" East 93.32 feet; thence North 89°30'56" East 936.80 feet; thence South 00°29'04" East 432.94 feet; thence South 09°33'42" East 57.28 feet to a cusp point; thence northwesterly along a curve to the left having an arc length of 317.78 feet, a radius of 225.00 feet; a central angle of 80°55'21" and a chord bearing North 50°01'23" West 292.02 feet to a point of tangency; thence South 89°30'56" West 846.10 feet; thence North 09°33'43" West 149.00 feet to a point of curvature; thence northerly along a curve to the right having an arc length of 254.23 feet, a radius of 240.00 feet, a central angle of 60°41'38" and a chord bearing North 20°47'06" East, 242.51 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most southerly corner at said Reserved Parcel "E"; thence North 64°44'58" East 526.36 feet; thence North 25°15'02" West 335.20 feet; thence South 64°44'58" West 125.00 feet; thence North 25°15'02" West 620.00 feet to a point of curvature; thence northwesterly along a curve to the right having an arc length of 60.46 feet, a radius of 425.00 feet, a central angle of 08°09'02" and a chord bearing North 21°10'31" West, 60.41 feet to the southeasterly corner of a parcel described in Official Records Book 492, pages 936-939; thence northerly along the boundary of said parcel described in Official Records Book 492, pages 936-939 for the following five courses; thence South 72°54'00"

West 10.00 feet; thence North 53°38'13" West 20.65 feet; thence South 05°01'26" West 11.50 feet; thence North 10°42'21" West 31.82 feet; thence North 01°05'36" East 53.63 feet; thence North 85°41'45" East 24.67 feet to the boundary of above said Reserved Parcel "2", being a point on a curve; thence northerly along a curve to the right having an arc length of 28.33 feet, a radius of 425.00 feet; a central angle of 03°49'11" and a chord bearing North 02°23'39" West 28.33 feet to a point of tangency; thence North 00°29'04" West 1536.30 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point; thence South 85°19'06" East 128.73 feet; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 202.47 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 1003.67 feet; thence South 25°15'02" East 260.04 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 19°44'58" West, 318.20 feet to a point of tangency; thence South 64°44'58" West 800.00 feet; thence South 25°15'02" East 300.00 feet; thence North 64°44'58" East 910.00 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'11" and a chord bearing North 85°37'33" East, 302.90 feet to a point; thence South 16°30'09" West 125.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 34.00 feet, a radius of 300.00 feet, a central angle of 06°29'36" and a chord bearing South 70°15'03" East 33.98 feet to a point; thence North 22°59'45" East 125.00 feet

to a point on a curve; thence southeasterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'13" and a chord bearing South 46°07'39" East 302.91 feet to a point of cusp; thence North 25°15'02" West 822.28 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 561.16 feet, a radius of 275.00 feet, a central angle of 116°54'59" and a chord bearing North 33°12'28" East, 468.74 feet to a point of tangency; thence South 88°20'03" East 756.56 feet; thence South 07°23'44" West 126.38 feet to a point of on a curve; thence easterly along a curve to the right having an arc length of 150.15 feet, a radius of 150.00 feet, a central angle of 57°21'14" and a chord bearing South 53°55'39" East 143.96 feet to a point of tangency; thence South 25°15'02" East 40.00 feet; thence North 64°44'58" East 125.00 feet to the easterly line of Belle Terre Waterway; thence North 25°15'02" West along said easterly line of Belle Terre Waterway for a distance of 862.29 feet to a point of curvature; thence depart said boundary line of said Reserved Parcel "2" and run westerly along the southerly line of Jefferson Davis Waterway for the following four courses: run westerly along a curve to the left having an arc length of 921.97 feet, a radius of 825.00 feet, a central angle of 64°01'49" and a chord bearing North 57°15'57" West, 874.74 feet to a point of tangency; thence North 89°16'51" West 858.76 feet to a point of curvature; thence westerly along a curve to the right having an arc length of 411.10 feet, a radius of 675.00 feet, a central angle of 34°53'44" and a chord bearing North 71°49'59" West, 404.78 feet to a point of tangency; thence North 54°23'07" West 585.58 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 177.30 feet, a radius of 825.00 feet, a central angle of 12°18'47" and a chord bearing North 60°32'31" West,176.96 feet to a point on the westerly boundary of said Reserved Parcel "2"; thence southerly and westerly along said westerly boundary of said Reserved Parcel "E" for the following seven courses: South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southeasterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 331.52 feet, a radius of 720.00 feet, a central angle of 26°22'53" and a chord bearing South 25°41 '59" East 328.59 feet to a point of tangency; thence South 38°53'25" East 1801.29 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Part of Government Sections 21 and 22, Township 10 South, Range 30 East, Flagler County, Florida being that part of PARCEL NO. 2 of the property described in Official Records Book 142, pages 278-279, lying south of Jefferson Davis Waterway and being more particularly described as follows:
From a POINT OF REFERENCE being a point on the easterly boundary line of the above described PARCEL NO. 2, said point being the northwest corner of Reserved Parcel "2" as shown on the recorded plat of Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida; thence South 29°30'56" West along the easterly boundary of said PARCEL NO. 2 being also along the westerly boundary of said Reserved Parcel "E" for a distance of 390.35 feet to the POINT OF BEGINNING; thence continue along the easterly and southerly boundary of said PARCEL NO. 2 being also along the westerly and northerly boundary of said Reserved

Parcel "E" for the following seven courses: run South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southwesterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence northerly along a curve to the right having an arc length of 151.10 feet, a radius of 720.00 feet, a central angle of 12°01'28" and a chord bearing North 06°29'48" West 150.83 feet to a point; thence South 89°30'56" West 1280.00 feet to the northwest corner of Block 164 of said plat of Lakeview; thence North 12°53'48" East along the southerly line of said Jefferson Waterway for a distance of 297.66 feet to a point on a curve; thence northeasterly along a curve to the right having an arc length of 913.19 feet, a radius of 825.00 feet, a central angle of 63°25'15" and a chord bearing North 39°41'03" East 867.28 feet to a point of tangency; thence North 71°23'41" East 1251.37 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 603.42 feet, a radius of 825.00 feet; a central angle of 41°54'25" and a chord bearing South 87°39'07" East, 590.05 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

All of that land vacated in the Subdivision Plat Of Lakeview - Section 37 Palm Coast Map Book 13 Pages 1 through 29, per Resolution 95-56 as recorded in Official Records Book 538 at Pages 1611 through 1613, Public Records of Flagler County, Florida, being described as follows:
BEGINNING at the southwesterly corner of Lot 22, Block 143 of the aforesaid Lakeview - Section 37; thence North 80°26'17" East a distance of 49.47 feet to a point of curvature of a curve to the right; thence northeasterly along said curve having a radius of 300.00 feet, a central angle of 14°34'59" an arc of 76.36 feet and a chord bearing North 87°43'47" East, 76.15 feet to a point on a non-tangent line; thence North 09°33'43" West, a distance of 1273.40 feet; thence North 80°26'17" East a distance of 124.48 feet; thence South 47°01'13" East a distance of 97.49 feet to a point on a non-tangent curve; thence northeasterly along a curve to the right having a radius of 150.00 feet; a central angle of 08°07'48", an arc length of 21.28 feet and a chord bearing North 47°02'41" East, 21.27 feet to a point of tangency; thence North 51°06'35" East a distance of 100.00 feet; thence South 38°53'25" East a distance of 50.00 feet; thence South 51°06'35" West a distance of 100.00 feet to a point of curvature; thence southwesterly along a curve to the left having a radius of 100.00 feet, central angle of 05°43'46, an arc length of 10.00 feet and a chord bearing South 48°14'42" West,10.00 feet to a point on a non-tangent line; thence South 50°07'21" East a distance of 153.93 feet; thence South 51°06'35" West a distance of 20.25 feet; thence South 09°33'43" East a distance of 936.00 feet; thence South 35°36'55" East a distance of 82.42 feet; thence South 81°24'11" East a distance of 240.00 feet; thence South 08°35'49" West a distance of 125.00 feet; thence South 81°24'11" East a distance of 27.55 feet to a point on a non-tangent curve; thence southwesterly along curve to the left having a radius of 40.00 feet, a central angle of 77°21'52", an arc of 54.01 feet and a chord bearing South 08°35'49" West 50.00 feet to a point on a non-tangent line; thence North 81°24'11" West a distance of 4.59 feet; thence South 08°35'49" West a distance of 125.00 feet; thence North 81°24'11" West a distance of 480.00 feet; thence South 84°38'20" West a distance of 69.97 feet; thence North 03°00'11" West a distance of 144.02 feet to a point on a non-tangent curve; thence southwesterly along

a curve to the left having a radius of 250.00 feet, a central angle of 13°34'27", an arc of 59.23 feet and a chord bearing South 87°13'31" West, 59.09 feet to a point of tangency; thence South 80°26'17" West a distance of 51.03 feet to a point on a non-tangent curve; thence northwesterly along a curve to the left having a radius of 200.00 feet, a central angle of 07°10'51" an arc of 25.07 feet and a chord bearing North 05°58'17" West 25.05 feet to a point of tangency; thence North 09°33'43" West a distance of 25.00 feet to the POINT OF Beginning, the above described parcel of land is situated in Section 22, Township 10 South, Range 30 East, Flagler County, Florida.

ALSO INCLUDING:

Part of Reserved Parcel "R-1", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most easterly corner of said Reserved Parcel "R-1"; thence South 38°35'49" West along the southeasterly line of said Reserved Parcel "R-1" for a distance of 767.47 feet; thence North 51°24'11" West 1300.81 feet to the most westerly corner of said Reserved Parcel "R-1"; thence North 54°59'31" East,148.96 feet; thence South 59°22'19" East 485.17 feet; thence South 73°43'22" East 217.49 feet; thence North 77°17'42" East 363.21 feet; thence North 38°35'49" East 191.24 feet; thence South 51°24'11" East 350.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E" according to the Subdivision Plat Lakeview Section 37, Palm Coast, recorded in Map Book 13, Pages 1 Through 29, of the Public Records of Flagler County, Florida, being more particularly described as follows:
A POINT OF REFERENCE being the northeast corner of Lot 1, Block 75; thence North 25°15'02" West along the west line of Belle Terre Waterway a distance of 862.29 feet to THE POINT OF BEGINNING; thence departing Belle Terre Waterway (as platted) 921.97 feet along the arc of a curve to the left (concave southerly) have a central angle of 64°01'49", a radius of 825.00 feet, a chord bearing of North 57°15'57" West and a chord distance of 874.74 feet to a point of tangency, thence North 89°16'51" West a distance of 858.76 feet to a point of curvature; thence 411.10 feet along the arc of a curve to the right (concave northerly) having a central angle of 34°53'44", a radius of 675.00 feet, a chord Bearing of North 71°49'59" West and a chord distance of 404.78 feet to the end of said curve being a point on the boundary of Jefferson Davis Waterway as recorded in Official Records Book 549, Pages 966 through 990, of the Public Records of Flagler County, Florida; thence North 35°36'53" East along said waterway a distance of 30.00 feet to a point on a non-tangent curve; thence easterly 392.83 feet along the arc of a curve to the left (concave northerly)having a central angle of 34°53'44", a radius of 645.00 feet, a chord bearing of South 71°49'59" East and a chord distance of 386.79 feet to a point of tangency; thence South 89°16'51" East a distance of 858.76 feet to a point of curvature; thence 955.50 feet along the arc of a curve to the right concave southwesterly having a central angle of 64°01'49", a radius of 855.00 feet, a chord bearing of South 57°15'57" East and a chord distance of 906.54 feet to the end of said curve; thence South 64°44'58" West a distance of 30.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD 5), BEING A PORTION OF LONDON WATERWAY, LAKEVIEW SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 26, LOCATED IN GOVERNMENT SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF ASHWOOD WATERWAY (A 300 FOOT RIGHT-OF-WAY) PER SAID LAKEVIEW SECTION 37, WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, (STATE ROAD 5, A 175 FOOT RIGHT-OF-WAY AT THIS POINT); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 35°00'29" EAST ALONG SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY FOR A DISTANCE OF 649.53 FEET TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID ASHWOOD WATERWAY LINE NORTH 54°59'31" EAST ALONG THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY FOR A DISTANCE OF 770.58 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LONDON DRIVE, (A 60 FOOT RIGHT-OF-WAY), PER SAID LAKEVIEW-SECTION 37; THENCE DEPARTING THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY SOUTH 51°24'11" EAST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 104.24 FEET TO THE SOUTHERLY LINE OF SAID LONDON WATERWAY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 54'59'31" WEST ALONG SAID SOUTHERLY LINE OF LONDON WATERWAY FOR A DISTANCE OF 800.00 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY; THENCE NORTH 35°00'29" WEST ALONG SAID ASHWOOD WATERWAY LINE FOR A DISTANCE OF 100.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

LESS AND EXCEPT:

A PARCEL OF LAND LYING IN SECTIONS 22 AND 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF RESERVED PARCEL "E" AS SHOWN ON THE PLAT LAKEVIEW -- SECTION 37 PALM COAST PARK AT PALM COAST, MAP BOOK 13, PAGES 1 THROUGH 29 AND DESCRIBED IN OFFICIAL RECORDS BOOK 2354, PAGES 1028 THROUGH 1036, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND A PORTION OF PARCEL NO. 2, AS DESCRIBED IN OFFICIAL RECORDS BOOK 142, PAGES 278 THROUGH 279, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING, BEING THE MOST SOUTHERLY CORNER OF SAID RESERVED PARCEL "E"; THENCE NORTH 38°53'25" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKEVIEW BOULEVARD AS SHOWN ON SAID PLAT OF LAKEVIEW - SECTION 37, PALM COAST PARK AT PALM COAST A DISTANCE OF 1801.29 FEET TO A POINT OF CURVATURE: THENCE CONTINUE ALONG THE

EASTERLY RIGHT-OF-WAY OF SAID LAKEVIEW BOULEVARD NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 331.51 FEET, A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 26°22'51" AND A CHORD BEARING AND A CHORD BEARING NORTH 25°41'59" WEST A DISTANCE OF 328.59 FEET TO THE SOUTHERLY LINE OF SAID PARCEL NO. 2; THENCE DEPARTING SAID SOUTHERLY LINE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 151.11 FEET, A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 12°01'29" AND A CHORD BEARING NORTH 06°29'48" WEST A DISTANCE OF 150.83 FEET TO A POINT; THENCE SOUTH 89°30'56" WEST A DISTANCE OF 1280.00 FEET TO THE SOUTHERLY LINE OF JEFFERSON DAVIS WATERWAY AS SHOWN ON SAID PLAT LAKEVIEW - SECTION 37, PALM COAST PARK AT PALM COAST; THENCE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY NORTH 12°53'48" EAST A DISTANCE OF 297.66 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF JEFFERSON DAVIS WATERWAY AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 913.19 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 63°25'14" AND A CHORD BEARING NORTH 39°41'03" EAST A DISTANCE OF 867.28 FEET TO THE POINT OF TANGENCY, THENCE NORTH 71°23'41" EAST STILL ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY A DISTANCE OF 1251.37 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 603.41 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 41°54'23" AND A CHORD BEARING SOUTH 87°39'07" EAST A DISTANCE OF 590.05 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL NO. 2, SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID RESERVED PARCEL "E"; THENCE CONTINUE ALONG E"; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 177.30 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 12°18'48" AND A CHORD BEARING SOUTH 60°32'31" EAST A DISTANCE OF 176.96 FEET TO THE POINT OF EAST A DISTANCE OF 176.96 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY SOUTH 54°23'07" EAST A DISTANCE OF 147.50 FEET; THENCE DEPARTING THE SOUTHERLY LINE OF SAID EAST A DISTANCE OF 147.50 FEET; THENCE DEPARTING THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY AND THROUGH SAID RESERVED PARCEL "E" SOUTH 35°36'53" WEST A DISTANCE OF 120.96 FEET TO A NON-TANGENTIAL CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 213.75 FEET, A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 81°38'50" AND A CHORD BEARING SOUTH 40°20'20" WEST A DISTANCE OF 196.12 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°29'04" EAST A DISTANCE OF 1536.30 FEET TO A POINT OF CURVATURE; THENCE S0UTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 28.34 FEET, A RADIUS OF 425.00 FEET, A CENTRAL ANGLE OF 03°49'12" AND A CHORD BEARING SOUTH 02°23'39" EAST A DISTANCE OF 28.33 FEET TO THE NORTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 492, PAGES 936 THROUGH 939, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE BOUNDARY LINE OF SAID PARCEL THE FOLLOWING FIVE (6) COURSES; 1) SOUTH 85°41'45" WEST A DISTANCE OF 24.67

FEET, 2) SOUTH 01°05'36" WEST A WEST A DISTANCE OF 24.67 FEET, 2) SOUTH 01°05'36" WEST A DISTANCE OF 53.63 FEET, 3) SOUTH 10°42'21" EAST A DISTANCE OF 31.82 FEET, 4) NORTH 75°01'26" EAST A DISTANCE OF 11.50 FEET, 5) SOUTH 53°38'13" EAST A DISTANCE OF 20.65 FEET, 6) NORTH 72°54'00" EAST A DISTANCE OF 10.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL, SAID CORNER ALSO BEING A POINT OF CURVATURE; THENCE DEPARTING SAID BOUNDARY AND ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 60.46 FEET, A RADIUS OF 425.00 FEET, A CENTRAL ANGLE OF 08°09'03" AND A CHORD BEARING SOUTH 21°10'31" EAST A DISTANCE OF 60.41 FEET TO THE POINT OF TANGENCY: THENCE SOUTH 25°15'02" EAST A DISTANCE OF 620.00 FEET; THENCE NORTH 64°44'58" EAST A DISTANCE OF 125.00 FEET; THENCE SOUTH 25°15'02" EAST A DISTANCE OF 335.20 FEET; THENCE SOUTH 64°44'58" WEST A DISTANCE OF 526.36 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"
AMENDED MPD DEVELOPMENT AGREEMENT

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

Prepared by:
Michael D. Chiumento III, Esq.
Chiumento Law, PLLC
145 City Place, Suite 301
Palm Coast, FL 32164

Return to:
City of Palm Coast, City Clerk
160 Lake Avenue
Palm Coast, FL 32164

LAKEVIEW ESTATES
FIRST AMENDMENT TO THE
MASTER PLANNED DEVELOPMENT AGREEMENT

THIS, FIRST AMENDMENT TO THE MASTER PLANNED DEVELOPMENT AGREEMENT, (hereinafter referred to as the "Amendment") is made and executed this _____ day of _____, 2026, 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 **MATANZAS GC PALM COAST, LLC,** a Florida limited liability company (herein referred to from time-to-time as the "Owner" regardless of whether singular or plural ownership status) whose address is 200 Ocean Crest Drive, Unit 1111, Palm Coast, Florida 32137.

RECITALS

1. On or about January 19, 2021, the City approved the Lakeview Estates Master Planned Development Agreement (the "MPD").
2. Pursuant to the citizen survey dated June 19 and 20, 2021, City desires to own, permit and develop a park for the residents of Palm Coast.
3. The Owner desires to convey to the City sufficient lands for purpose of a park and amend the PUD to allow for areas of the property to be developed consistent with the present densities and intensities.

4. The City and Owner enter into this Amendment to the MPD to achieve their respective goals and objectives.
5. The City of Palm Coast City Council ("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 PLDRB, which voted six to zero to recommend denial at their regularly scheduled meeting conducted on May 20, 2026; and
6. 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 after complete deliberation, 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
7. The City Council 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 resolved and agreed by and between the City and the Owner that the Owner's application for an Amendment to the MPD is approved, and the parties agree to the following:

FINDINGS OF FACT:

(a) The aforementioned recitals are taken as true, incorporated herein by reference and made a material part of this Amendment.

(b) This Amendment is consistent with (1) the State's Comprehensive Plan as set forth in Chapter 187, Florida Statutes and (2) the City's Comprehensive Plan.

(c) The public hearing to consider this Amendment was properly noticed and held by the City Council pursuant Florida State law and the City's Land Development Code.

CITY COMMUNITY PARK:

At no cost to the City and not subject to City Park Impact Free Credits, the Owner shall convey to the City approximately fifteen (15) acres on a tract of land (the "City Park Site") as generally

depicted on Amended Conceptual Site Plan (**Ex. "A"**) which replaces the Conceptual Site Plan in the MPD. Said conveyance shall take place within one hundred twenty (120) days of execution of this Amendment. The conveyances of lands pursuant to the Amendment shall be free from all encumbrances except easements, reservations, and restrictions acceptable to each other, together with all appurtenances pertaining to the conveyance. Owner will prepay taxes for the year of closing pursuant to Fla. Stat. 196.295. and all special assessments which may have been levied or certified prior to closing on the City Park Site. Sixty (60) days before Closing, the Owner will cause the title company of its choice to issue and deliver to City ALTA title commitments to issue a policy in the amount of the assessed value of the City Park Site, accompanied by one copy of each document supporting any exceptions to the title commitment. The Owner will execute a standard form owner's affidavit and such other affidavits as may be reasonably required by the City, the Title Company, or the Closing Agent. The Owner will also execute an Affidavit of interest in Real Property pursuant to Fla. Stat. 286.23. The Owner will execute affidavits declaring that the City Park Site does not currently contain any Hazardous Substances in violation of any applicable environmental laws or regulations, including but not limited to Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act. 42 U.S.C. Section 9601 et seq. any "super lien" laws, any super fund laws, or similar federal or state laws, or any successor statutes ("Environmental Laws"), nor to Owner's knowledge has any clean-up of their properties occurred pursuant to the Environmental Laws which could give rise to liability to reimburse any governmental authority for the costs of such clean-up or result in a lien or encumbrance. Moreover, prior to conveyance, the Owner shall demonstrate that Tract 8 arsenic levels are under the limit for human occupation as regulated by Federal, State and local law including, but not limited to, the Florida Department of Environmental Protection ("FDEP").

SECTION 4 PROJECT DESCRIPTION.

Section 4 "Project Description" of the MPD Development Agreement shall be deleted in its entirety and replaced with the following:

The Subject Property has ~~two~~ three (3) Comprehensive Plan FLUM designations, Greenbelt on approximately 260~~276.3~~ +/- acres, Mixed Use (20 +/-acres) and Conservation on approximately ~~4.3~~.19 +/- acres. The current MPD zoning on the property will be maintained and this Development Agreement shall govern all development on the Subject Property as defined herein. Consistent with the Comprehensive Plan and the Greenbelt FLUM, residential units may be developed at one unit per acre. ~~Institutional uses proposed on Greenbelt FLUM acreage shall be deducted from the one-unit per acre residential unit calculations.~~ The project proposes 208~~.3~~ +/- acres of ~~Greenbelt~~Mixed Use FLUM for ~~institutional~~commercial uses within the Tract 9.~~Greenbelt FLUM.~~ As a result, 26~~8~~0 residential units are permitted to be clustered within the remaining 26~~8~~0.0 +/- acres of Greenbelt FLUM at the Owner's discretion. To date, 221 residential units have been permitted, leaving the remaining residential unit balance at 39. The Owner may develop a residential and ~~institutional~~commercial development as depicted on the Lakeview Estates Conceptual Master Plan, attached hereto as **Exhibit "B"** and as further defined herein ("Project"). **Exhibit "B-1"** through **Exhibit "B-8"** –further define the project and illustrate allowable uses within each Tract. The uses on each Tract (shall be as follows which are consistent with the Conceptual Site Plan:

TRACT	USE	LDC Designation to be used for Development Standards purposes only
1	Uses on this tract will be single-family residential homes along with View Protection Zones (VPZ), wetland preservation, stormwater pond creation, and community	SFR-1

	amenities including exterior storage of boats and RVs exclusively for residents residing in the community that will be totally screened from view from off-site properties, Lakeview Boulevard and London Drive.	
2	Uses on this tract primarily consist of View Protection Zones, wetlands, natural buffers, and stormwater ponds. In addition, the property is limited to single family residential dwellings, view protection zones, natural buffers, and stormwater ponds.	SFR-2 and P&G
3	Uses on this tract primarily consist of single-family residential homes, View Protection Zones as further discussed below, wetlands, natural buffers, and stormwater ponds. ~~This tract is designated as View Protection Zones, and natural buffers.~~	SFR-2 or P&G
4	Uses on this tract primarily consist of View Protection Zones/conservation, stormwater and wetlands. The property is limited to single family residential dwellings.	SFR-2 and P&G
5	This Tract is designated as a View Protection Zone/conservation.	P&G
6	Uses on this tract primarily consist of View Protection Zones, wetlands, natural buffers, and stormwater ponds. ~~This Tract is designated as a View Protection Zone~~	P&G
7	Uses on this tract primarily consist of View Protection Zone, wetlands, natural buffers, stormwater retention, ~~and~~ an existing pond, and single-family residential dwellings. ~~The property is limited to single family residential dwellings.~~	SFR-2 and P&G
8	Use of this Tract is limited to ~~townhouses, single-family~~a City Park, View Protection Zones, and existing pond. FLUM areas designated Conservation shall be field verified prior to development and the boundaries between the Greenbelt and Conservation areas shall be modified accordingly on the FLUM.	~~MFR-1[1], SFR-1 and~~ P&G
9	Use of this Tract will be limited to 250,000 sq. ft. ~~8.320 acres of institutional~~ commercial uses meeting the ~~PSP~~ COM-2 zoning standards as further provided in Ex. "C". The ~~except the~~ maximum building height shall be 35 feet and there shall be a minimum View Protection	~~PSP~~ COM-2 & P&G

	Zone of 1~~5~~000 feet in width along its eastern property line where it abuts the rear of all existing platted residential lots. All remaining areas include View Protection Zones, new and existing ponds, and natural buffers. This Tract shall also provide Emergency access to US Highway 1 from London Drive.	
10	Use of this Tract is limited to single family residential units with View Protection Zones.	SFR-2

~~[1]There is a height limitation of thirty-five (35) feet for townhouses, a minimum living area of 1,000 sq. ft. with at least a one-car garage per unit and a minimum setback of 150' from all existing single-family platted lots imposed on this use.~~

1. TRACT 1: Tract 1 shall be permitted to develop into a single family detached residential community consistent with the City's SFR-1 and SFR-2 zoning district standards and as depicted on the Conceptual Plan. This community will contain its own private amenities which may include a club house, pools, activities room, exercise trails and self-storage of boats and recreational vehicles limited to residents use only. It shall have two (2) entrances onto Lakeview Drive. Stormwater ponds will be developed on site to contain all runoff as required by Federal, State and City rules. In the areas that abut existing residential platted lots, a View Protection Zone ("VPZ") will be required (See Section 10.7). Prior to application for Subdivision Master Plan or Site Plan Approval, an applicant shall ensure that the VPZ is designed in such a fashion that it maintains the Lot Owners' view of the Subject Property consistent with the City's Land Development Code (LDC). Also prior to the above-mentioned application, an applicant shall demonstrate that Tract 1 is or shall be free from environmental hazards and safe for human occupation as regulated by Federal, State and local law including, but not limited to, the Florida Department of Environmental Protection ("FDEP"). The existing golf course maintenance building may be utilized during construction of the residential community on Tract 1 but shall be removed prior to completion of the infrastructure for the residential community.

2. TRACT 2: Tract 2 shall be maintained as a VPZ except for the area depicted on **Exhibit "B-2"** Tract Plan for single family residential lots. The single family residential area shall be developed consistent with the SFR-2 zoning district standards as provided herein. As a condition of approval of these lots, a VPZ shall be provided to specifically address the adjacent existing single-family platted lots. Stormwater retention is allowed.

3. TRACT 3: Tract 3 may be developed with~~is designated as a fifty (50) foot VPZ,~~ SFR-2, P&G, ~~and~~ natural buffers, and stormwater retention uses, subject to maintaining a minimum fifty (50) foot VPZ. Moreover, development of Tract 3 shall be limited to include two (2) access points and shared driveway to Lakeview Blvd. The VPZ shall (i) be a minimum of fifty feet (50') in width, (ii) minimize the impact to the existing tree canopy adjacent to the existing residential properties, and (iii) use enhanced screening adding additional planting, to include use of canopy trees, understory trees, and shrubbery, to shield the view of adjacent residential properties. The enhanced screening shall be to the satisfaction of the Land Use Administrator or their designee. At no time shall development of Tract 3 permit the clearing of the VPZ.

4. TRACT 4: Tract 4 shall be mostly preserved as a natural area through the use of VPZs and Conservation Easements over existing wetlands. The on-site wetlands are intended to be preserved and, if impacted, avoidance and minimization techniques will be required pursuant to Federal, State and local law. Consistent with **Exhibit "B-4"** Tract Plan, some single-family residential lots may be developed consistent with SFR-2 zoning designation standards, however they will be required to provide a fifty (50) foot VPZ if behind existing platted residential lots.

5. TRACT 5: Tract 5 shall be a VPZ. No development shall be permitted on Tract 5.

6. TRACT 6: Tract 6 shall be a VPZ and stormwater.

7. TRACT 7: Tract 7 shall be maintained as a fifty (50) foot VPZ except for the areas depicted on **Exhibit "B-6"** Tract Plan for single family residential lots, or stormwater retention. The single family residential areas shall be developed consistent with the SFR-2 zoning district and shall provide a VPZ behind existing platted residential lots. The VPZ shall use enhanced screening adding additional planting, to include use of canopy trees, understory trees, and shrubbery, to shield the view of adjacent residential properties. The enhanced screening shall be to the satisfaction of the Land Use Administrator or their designee.

8. TRACT 8: Tract 8 shall be permitted to be developed consistent with the City Park site described on Page 3, the development standard for the LDC zoning classification of ~~MFR-1 but limited to townhouses~~P&G. ~~Single-family homes could also be developed using the SFR-1 standards. Notwithstanding said designation, n~~No development on this tract shall exceed thirty-five (35) feet in height. All ~~townhouse~~ development on Tract 8 shall be set back a minimum of ~~150~~ 100 feet from any existing single-family platted lot. The existing pond shall be preserved for the benefit of adjacent property owners. ~~The area designated Conservation on the FLUM can be field verified by the Owner through all applicable governmental agencies and areas designated as uplands may be reclassified to Greenbelt on the FLUM and then utilized for residential purposes.~~

9. TRACT 9: The easterly ~~150~~ 100 feet of Tract 9 that is located behind existing residential platted lots located along the westerly side of London Drive shall be maintained as a VPZ to ensure protection of adjacent residents' existing views and natural areas. This VPZ shall use enhanced screening adding additional planting, to include use of canopy trees, understory trees, and shrubbery, to shield the view of adjacent residential properties. The enhanced screening shall be to the satisfaction of the Land Use Administrator or their designee. Stormwater areas are also

permitted on Tract 9. ~~PSP (institutional)~~ ~~General~~ Commercial uses consistent with the COM-2 zoning designation (See, Ex. "C") shall be limited to a maximum of 250,000 gross square feet of development over the tract. All structures and buildings shall have ~~with~~ a height limit of 35 feet ~~will be permitted on 208.3 acres of the remaining area~~. Special Exceptions for mini-warehouses, office~~r~~ warehouses, or self-storage shall not be authorized. Prior to making any application for development, the Owner shall prepare a conceptual site plan and hold a neighborhood meeting consistent with the requirements of the LDC. Any development application for Tract 9 shall require final action by the PLDRB. Development on this tract shall make every intent to meet the requirements of the MPD and Land Development Code; however, a waiver may be requested ~~which shall be permitted~~ to (i) grant a decrease in the US#1 Highway landscape buffers and/or (ii) approve a reduction in parking space requirements ~~as certified by a licensed traffic engineer both~~ with the intent to enhance the VPZ for the Tract. ~~.~~ Any waivers granted to landscaping buffers adjacent to US#1 Highway shall follow the LDC requirements for alternative landscape betterment plans. Any waivers to the minimum parking requirements shall require a parking flexibility study to demonstrate the parking need for the use based on the Institute of Traffic Engineers' Parking Manual or follow the LDC requirements for parking flexibility. A stabilized emergency access from London Drive shall be provided through the tract to US Highway 1.

10. TRACT 10: Tract 10 shall be permitted to develop single family detached residential units consistent with the LDC SFR-2 zoning district standards. Additionally, a VPZ is required to be provided as shown on the **Exhibit "B-8"** Tract Plan.

11. ~~In addition to the above, Tracts 1, 8 and 9 of the Project shall be integrated internally and externally by a series of pedestrian pathways and roadways and developed in conformance with the LDC and this Development Agreement.~~

~~12.~~ ~~All~~ commons areas, VPZ, stormwater ponds and natural areas shall be maintained by a POA or third party determined acceptable to the City.

12. All lots greater than 10,000 square feet shall have the right to construct RV garages so long as such are ancillary to a residential dwelling unit and consistent with the LDC. Lot sizes that are at least 10,000 square feet in size shall be capable of accommodating RV garages. RV garage types are detached RV garages, regular garages with an attached bay, or garages that are part of the house's main structure. Garages that are detached from the principal structure shall be designed and constructed so that the roof and exterior walls of the garage are of similar architecture, materials, and colors as the exterior of the principal structure. All garage~~s~~ types may exceed the height of the first story of the principal dwelling unit. RV garages may exceed the 30 foot depth and 500 square foot limitation in the LDC, but shall be limited to not be larger than 50 percent of the living area of the principal dwelling unit.

13. Prior to filing any application for development of Tract 3 or Tract 9, the Owner shall either (1) place a conservation easement over portions of the Subject Property prohibited from being developed ("Undeveloped Property") with the terms of such easement in a form acceptable to the City's LUA or (2) convey the Undeveloped Property pursuant to a mutually agreeable purchase and sale agreement approved by the LUA.

GENERAL CONDITIONS OF THIS AMENDMENT:

(a) Except as provided herein, all other terms of the MPD DA shall remain in full force and effect. The provisions of this Amendment shall bind and inure to the benefits of the parties hereto, their heirs, executors, administrators, successors and assigns.

(b) In the event of a conflict between the terms of this Amendment and the MPD DA, the terms of this Amendment shall govern.

(c) The Owner hereby represents to the City that all required joinders and consents have been obtained and set forth in properly executed form on this Amendment. 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 Amendment. It is the responsibility of the Owner to ensure that said subordination occur in a form and substance acceptable to the City Attorney prior to the City's execution of this Amendment.

IN WITNESS, WHEREOF, the City of Palm Coast and the Owners have caused this Amendment to be duly executed by its duly authorized representative(s) as the date first above written.

WITNESSES:

_____
Print Name:

_____
Print Name:

"OWNER"
MATANZAS GC PALM COAST, LLC, a Florida limited liability company

By:_____
Alexander Ustilovsky, Manager

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2026, by Alexander Ustilovsky, as Manager of Matanzas GC Palm Coast, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced _____ as identification.

_____
NOTARY PUBLIC

CITY OF PALM COAST, FLORIDA

_____
Michael Norris, Mayor

ATTEST:

_____
Kaley Cook, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Marcus Duffy
City Attorney

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2026 by Michael Norris, Mayor of the City of Palm Coast, who is personally known to me or who has produced _____ as identification.

_____
NOTARY PUBLIC

Prepared by:
Michael D. Chiumento III, Esq.
Chiumento Law, PLLC
145 City Place, Suite 301
Palm Coast, FL 32164

Return to:
City of Palm Coast, City Clerk
160 Lake Avenue
Palm Coast, FL 32164

LAKEVIEW ESTATES
FIRST AMENDMENT TO THE
MASTER PLANNED DEVELOPMENT AGREEMENT

THIS, FIRST AMENDMENT TO THE MASTER PLANNED DEVELOPMENT AGREEMENT, (hereinafter referred to as the "Amendment") is made and executed this _____ day of _____, 2026, 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 **MATANZAS GC PALM COAST, LLC,** a Florida limited liability company (herein referred to from time-to-time as the "Owner" regardless of whether singular or plural ownership status) whose address is 200 Ocean Crest Drive, Unit 1111, Palm Coast, Florida 32137.

RECITALS

1. On or about January 19, 2021, the City approved the Lakeview Estates Master Planned Development Agreement (the "MPD").
2. Pursuant to the citizen survey dated June 19 and 20, 2021, City desires to own, permit and develop a park for the residents of Palm Coast.
3. The Owner desires to convey to the City sufficient lands for purpose of a park and amend the PUD to allow for areas of the property to be developed consistent with the present densities and intensities.

4. The City and Owner enter into this Amendment to the MPD to achieve their respective goals and objectives.
5. The City of Palm Coast City Council ("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 PLDRB, which voted six to zero to recommend denial at their regularly scheduled meeting conducted on May 20, 2026; and
6. 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 after complete deliberation, 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
7. The City Council 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 resolved and agreed by and between the City and the Owner that the Owner's application for an Amendment to the MPD is approved, and the parties agree to the following:

FINDINGS OF FACT:

(a) The aforementioned recitals are taken as true, incorporated herein by reference and made a material part of this Amendment.

(b) This Amendment is consistent with (1) the State's Comprehensive Plan as set forth in Chapter 187, Florida Statutes and (2) the City's Comprehensive Plan.

(c) The public hearing to consider this Amendment was properly noticed and held by the City Council pursuant Florida State law and the City's Land Development Code.

CITY COMMUNITY PARK:

At no cost to the City and not subject to City Park Impact Free Credits, the Owner shall convey to the City approximately fifteen (15) acres on a tract of land (the "City Park Site") as generally

depicted on Amended Conceptual Site Plan (**Ex. "A"**) which replaces the Conceptual Site Plan in the MPD. Said conveyance shall take place within one hundred twenty (120) days of execution of this Amendment. The conveyances of lands pursuant to the Amendment shall be free from all encumbrances except easements, reservations, and restrictions acceptable to each other, together with all appurtenances pertaining to the conveyance. Owner will prepay taxes for the year of closing pursuant to Fla. Stat. 196.295. and all special assessments which may have been levied or certified prior to closing on the City Park Site. Sixty (60) days before Closing, the Owner will cause the title company of its choice to issue and deliver to City ALTA title commitments to issue a policy in the amount of the assessed value of the City Park Site, accompanied by one copy of each document supporting any exceptions to the title commitment. The Owner will execute a standard form owner's affidavit and such other affidavits as may be reasonably required by the City, the Title Company, or the Closing Agent. The Owner will also execute an Affidavit of interest in Real Property pursuant to Fla. Stat. 286.23. The Owner will execute affidavits declaring that the City Park Site does not currently contain any Hazardous Substances in violation of any applicable environmental laws or regulations, including but not limited to Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act. 42 U.S.C. Section 9601 et seq. any "super lien" laws, any super fund laws, or similar federal or state laws, or any successor statutes ("Environmental Laws"), nor to Owner's knowledge has any clean-up of their properties occurred pursuant to the Environmental Laws which could give rise to liability to reimburse any governmental authority for the costs of such clean-up or result in a lien or encumbrance. Moreover, prior to conveyance, the Owner shall demonstrate that Tract 8 arsenic levels are under the limit for human occupation as regulated by Federal, State and local law including, but not limited to, the Florida Department of Environmental Protection ("FDEP").

SECTION 4 PROJECT DESCRIPTION.

Section 4 "Project Description" of the MPD Development Agreement shall be deleted in its entirety and replaced with the following:

The Subject Property has three (3) Comprehensive Plan FLUM designations, Greenbelt on approximately 260 +/- acres, Mixed Use (20 +/-acres) and Conservation on approximately .19 +/- acres. The current MPD zoning on the property will be maintained and this Development Agreement shall govern all development on the Subject Property as defined herein. Consistent with the Comprehensive Plan and the Greenbelt FLUM, residential units may be developed at one unit per acre. The project proposes 20 +/- acres of Mixed Use FLUM for commercial uses within the Tract 9. As a result, 260 residential units are permitted to be clustered within the remaining 260.0 +/- acres of Greenbelt FLUM at the Owner's discretion. To date, 221 residential units have been permitted, leaving the remaining residential unit balance at 39. The Owner may develop a residential and commercial development as depicted on the Lakeview Estates Conceptual Master Plan, attached hereto as **Exhibit "B"** and as further defined herein ("Project"). **Exhibit "B-1"** through **Exhibit "B-8"** further define the project and illustrate allowable uses within each Tract. The uses on each Tract (shall be as follows which are consistent with the Conceptual Site Plan:

TRACT	USE	LDC Designation to be used for Development Standards purposes only
1	Uses on this tract will be single-family residential homes along with View Protection Zones (VPZ), wetland preservation, stormwater pond creation, and community amenities including exterior storage of boats and RVs exclusively for residents residing in the community that will be totally screened from view from off-site properties, Lakeview Boulevard and London Drive.	SFR-1

2	Uses on this tract primarily consist of View Protection Zones, wetlands, natural buffers, and stormwater ponds. In addition, the property is limited to single family residential dwellings, view protection zones, natural buffers, and stormwater ponds.	SFR-2 and P&G
3	Uses on this tract primarily consist of single-family residential homes, View Protection Zones as further discussed below, wetlands, natural buffers, and stormwater ponds.	SFR-2 or P&G
4	Uses on this tract primarily consist of View Protection Zones/conservation, stormwater and wetlands. The property is limited to single family residential dwellings.	SFR-2 and P&G
5	This Tract is designated as a View Protection Zone/conservation.	P&G
6	Uses on this tract primarily consist of View Protection Zones, wetlands, natural buffers, and stormwater ponds.	P&G
7	Uses on this tract primarily consist of View Protection Zone, wetlands, natural buffers, stormwater retention, an existing pond, and single-family residential dwellings.	SFR-2 and P&G
8	Use of this Tract is limited to a City Park, View Protection Zones, and existing pond. FLUM areas designated Conservation shall be field verified prior to development and the boundaries between the Greenbelt and Conservation areas shall be modified accordingly on the FLUM.	P&G
9	Use of this Tract will be limited to 250,000 sq. ft. commercial uses meeting the COM-2 zoning standards as further provided in Ex. “C”. The maximum building height shall be 35 feet and there shall be a minimum View Protection Zone of 100 feet in width along its eastern property line where it abuts the rear of all existing platted residential lots. All remaining areas include View Protection Zones, new and existing ponds, and natural buffers. This Tract shall also provide Emergency access to US Highway 1 from London Drive.	COM-2 & P&G
10	Use of this Tract is limited to single family residential units with View Protection Zones.	SFR-2

1. TRACT 1: Tract 1 shall be permitted to develop into a single family detached residential community consistent with the City's SFR-1 and SFR-2 zoning district standards and as depicted on the Conceptual Plan. This community will contain its own private amenities which may include a club house, pools, activities room, exercise trails and self-storage of boats and recreational vehicles limited to residents use only. It shall have two (2) entrances onto Lakeview Drive. Stormwater ponds will be developed on site to contain all runoff as required by Federal, State and City rules. In the areas that abut existing residential platted lots, a View Protection Zone ("VPZ") will be required (See Section 10.7). Prior to application for Subdivision Master Plan or Site Plan Approval, an applicant shall ensure that the VPZ is designed in such a fashion that it maintains the Lot Owners' view of the Subject Property consistent with the City's Land Development Code (LDC). Also prior to the above-mentioned application, an applicant shall demonstrate that Tract 1 is or shall be free from environmental hazards and safe for human occupation as regulated by Federal, State and local law including, but not limited to, the Florida Department of Environmental Protection ("FDEP"). The existing golf course maintenance building may be utilized during construction of the residential community on Tract 1 but shall be removed prior to completion of the infrastructure for the residential community.

2. TRACT 2: Tract 2 shall be maintained as a VPZ except for the area depicted on **Exhibit "B-2"** Tract Plan for single family residential lots. The single family residential area shall be developed consistent with the SFR-2 zoning district standards as provided herein. As a condition of approval of these lots, a VPZ shall be provided to specifically address the adjacent existing single-family platted lots. Stormwater retention is allowed.

3. TRACT 3: Tract 3 may be developed with SFR-2, P&G, natural buffers, and stormwater retention uses, subject to maintaining a minimum fifty (50) foot VPZ. Moreover,

development of Tract 3 shall be limited to include two (2) access points and shared driveway to Lakeview Blvd. The VPZ shall (i) be a minimum of fifty feet (50') in width, (ii) minimize the impact to the existing tree canopy adjacent to the existing residential properties, and (iii) use enhanced screening adding additional planting, to include use of canopy trees, understory trees, and shrubbery, to shield the view of adjacent residential properties. The enhanced screening shall be to the satisfaction of the Land Use Administrator or their designee. At no time shall development of Tract 3 permit the clearing of the VPZ.

4. TRACT 4: Tract 4 shall be mostly preserved as a natural area through the use of VPZs and Conservation Easements over existing wetlands. The on-site wetlands are intended to be preserved and, if impacted, avoidance and minimization techniques will be required pursuant to Federal, State and local law. Consistent with **Exhibit "B-4"** Tract Plan, some single-family residential lots may be developed consistent with SFR-2 zoning designation standards, however they will be required to provide a fifty (50) foot VPZ if behind existing platted residential lots.

5. TRACT 5: Tract 5 shall be a VPZ. No development shall be permitted on Tract 5.

6. TRACT 6: Tract 6 shall be a VPZ and stormwater.

7. TRACT 7: Tract 7 shall be maintained as a fifty (50) foot VPZ except for the areas depicted on **Exhibit "B-6"** Tract Plan for single family residential lots, or stormwater retention. The single family residential areas shall be developed consistent with the SFR-2 zoning district and shall provide a VPZ behind existing platted residential lots. The VPZ shall use enhanced screening adding additional planting, to include use of canopy trees, understory trees,

and shrubbery, to shield the view of adjacent residential properties. The enhanced screening shall be to the satisfaction of the Land Use Administrator or their designee.

8. TRACT 8: Tract 8 shall be permitted to be developed consistent with the City Park site described on Page 3, the development standard for the LDC zoning classification of P&G. No development on this tract shall exceed thirty-five (35) feet in height. All development on Tract 8 shall be set back a minimum of 100 feet from any existing single-family platted lot. The existing pond shall be preserved for the benefit of adjacent property owners.

9. TRACT 9: The easterly 100 feet of Tract 9 that is located behind existing residential platted lots located along the westerly side of London Drive shall be maintained as a VPZ to ensure protection of adjacent residents' existing views and natural areas. This VPZ shall use enhanced screening adding additional planting, to include use of canopy trees, understory trees, and shrubbery, to shield the view of adjacent residential properties. The enhanced screening shall be to the satisfaction of the Land Use Administrator or their designee. Stormwater areas are also permitted on Tract 9. Commercial uses consistent with the COM-2 zoning designation (See, Ex. "C") shall be limited to a maximum of 250,000 gross square feet of development over the tract. All structures and buildings shall have a height limit of 35 feet. Special Exceptions for mini-warehouses, office warehouses, or self-storage shall not be authorized. Prior to making any application for development, the Owner shall prepare a conceptual site plan and hold a neighborhood meeting consistent with the requirements of the LDC. Any development application for Tract 9 shall require final action by the PLDRB. Development on this tract shall make every intent to meet the requirements of the MPD and Land Development Code; however, a waiver may be requested to (i) grant a decrease in the US#1 Highway landscape buffers and/or (ii) approve a reduction in parking space requirements with the intent to enhance the VPZ for the Tract. Any

waivers granted to landscaping buffers adjacent to US#1 Highway shall follow the LDC requirements for alternative landscape betterment plans. Any waivers to the minimum parking requirements shall require a parking flexibility study to demonstrate the parking need for the use based on the Institute of Traffic Engineers' Parking Manual or follow the LDC requirements for parking flexibility. A stabilized emergency access from London Drive shall be provided through the tract to US Highway 1.

10. TRACT 10: Tract 10 shall be permitted to develop single family detached residential units consistent with the LDC SFR-2 zoning district standards. Additionally, a VPZ is required to be provided as shown on the **Exhibit "B-8"** Tract Plan.

11. All commons areas, VPZ, stormwater ponds and natural areas shall be maintained by a POA or third party determined acceptable to the City. 12. All lots greater than 10,000 square feet shall have the right to construct RV garages so long as such are ancillary to a residential dwelling unit and consistent with the LDC. Lot sizes that are at least 10,000 square feet in size shall be capable of accommodating RV garages. RV garage types are detached RV garages, regular garages with an attached bay, or garages that are part of the house's main structure. Garages that are detached from the principal structure shall be designed and constructed so that the roof and exterior walls of the garage are of similar architecture, materials, and colors as the exterior of the principal structure. All garage types may exceed the height of the first story of the principal dwelling unit. RV garages may exceed the 30 foot depth and 500 square foot limitation in the LDC, but shall be limited to not be larger than 50 percent of the living area of the principal dwelling unit. 13. Prior to filing any application for development of Tract 3 or Tract 9, the Owner shall either (1) place a conservation easement over portions of the Subject Property prohibited from being developed ("Undeveloped Property") with the terms of such easement in a form acceptable to the City's LUA or (2)

convey the Undeveloped Property pursuant to a mutually agreeable purchase and sale agreement approved by the LUA.

GENERAL CONDITIONS OF THIS AMENDMENT:

(a) Except as provided herein, all other terms of the MPD DA shall remain in full force and effect. The provisions of this Amendment shall bind and inure to the benefits of the parties hereto, their heirs, executors, administrators, successors and assigns.

(b) In the event of a conflict between the terms of this Amendment and the MPD DA, the terms of this Amendment shall govern.

(c) The Owner hereby represents to the City that all required joinders and consents have been obtained and set forth in properly executed form on this Amendment. 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 Amendment. It is the responsibility of the Owner to ensure that said subordination occur in a form and substance acceptable to the City Attorney prior to the City's execution of this Amendment.

IN WITNESS, WHEREOF, the City of Palm Coast and the Owners have caused this Amendment to be duly executed by its duly authorized representative(s) as the date first above written.

WITNESSES:

_____
Print Name:

_____
Print Name:

"OWNER"
MATANZAS GC PALM COAST, LLC, a Florida limited liability company

By:_____
Alexander Ustilovsky, Manager

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2026, by Alexander Ustilovsky, as Manager of Matanzas GC Palm Coast, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced _____ as identification.

_____
NOTARY PUBLIC

CITY OF PALM COAST, FLORIDA

_____
Michael Norris, Mayor

ATTEST:

_____
Kaley Cook, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Marcus Duffy
City Attorney

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2026 by Michael Norris, Mayor of the City of Palm Coast, who is personally known to me or who has produced _____ as identification.

_____
NOTARY PUBLIC

LAKEVIEW ESTATES CONCEPTUAL SITE PLAN



A	SFR-1 SINGLE FAMILY	G	VIEW PROTECTION ZONE/ CONSERVATION
B	SFR-2 SINGLE FAMILY	H	WETLAND
C	MFR-1	J	VIEW PROTECTION ZONE
D	COMMERCIAL	K	PROPOSED CITY PARK
E	STORMWATER POND		
F	EXISTING POND		

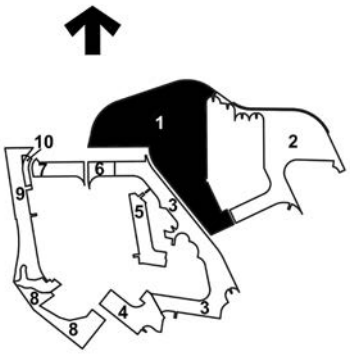
MPD AMENDMENT 09.15.26

SEE REVISED TRACT PLANS

Exhibit "B-1"

LAKEVIEW ESTATES TRACT PLAN

TRACT 1





A	SFR-1 SINGLE FAMILY	G	VIEW PROTECTION ZONE/ CONSERVATION
B	SFR-2 SINGLE FAMILY	H	WETLAND
C	MFR-1	J	VIEW PROTECTION ZONE
D	COMMERCIAL	K	PROPOSED CITY PARK
E	STORMWATER POND		
F	EXISTING POND		

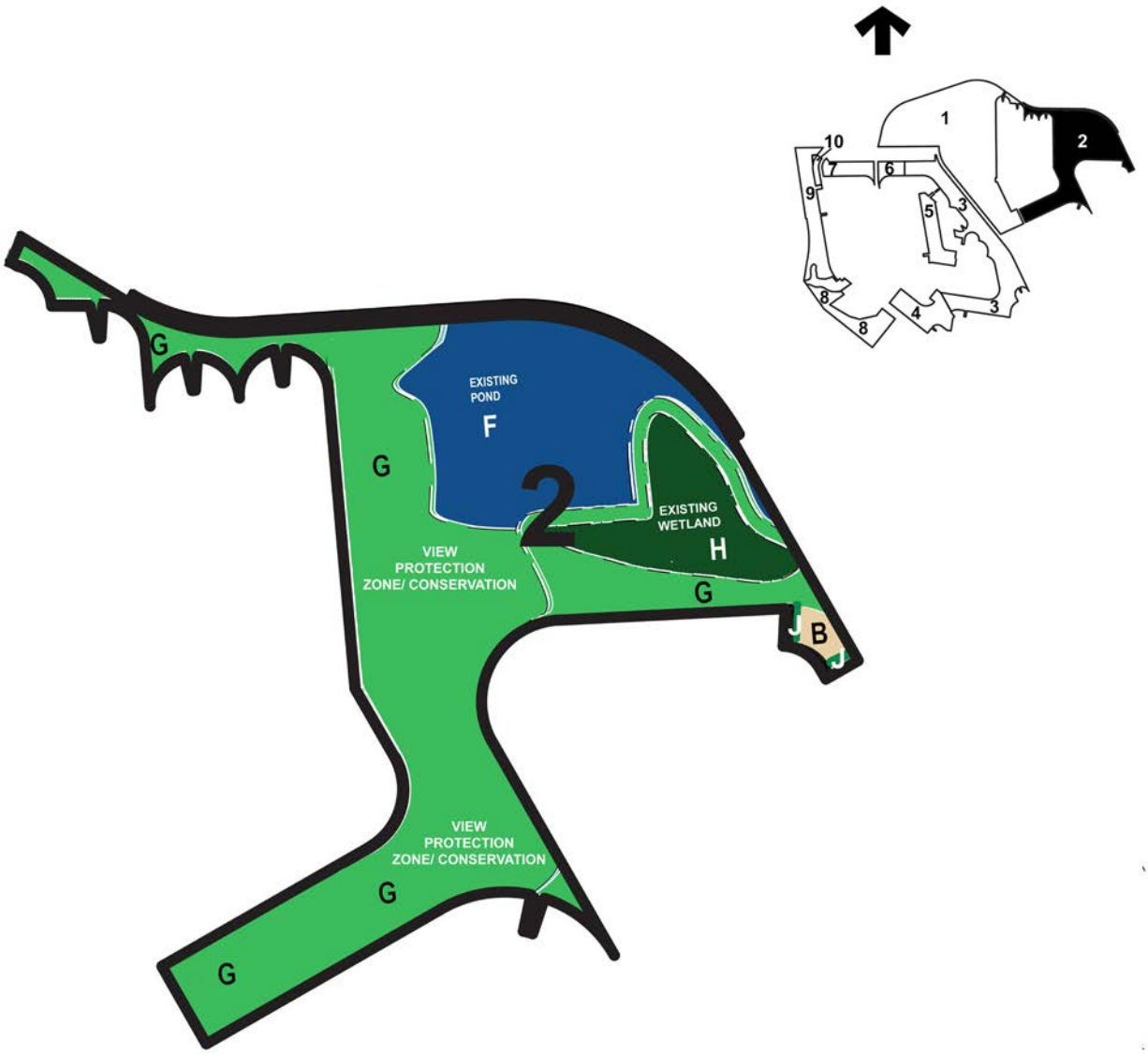
MPD AMENDMENT 09.15.26
NO AMENDMENT TO TRACT 1

Exhibit "B-2"

LAKEVIEW ESTATES TRACT PLAN

REVISED

TRACT 2



MPD AMENDMENT 09.15.26

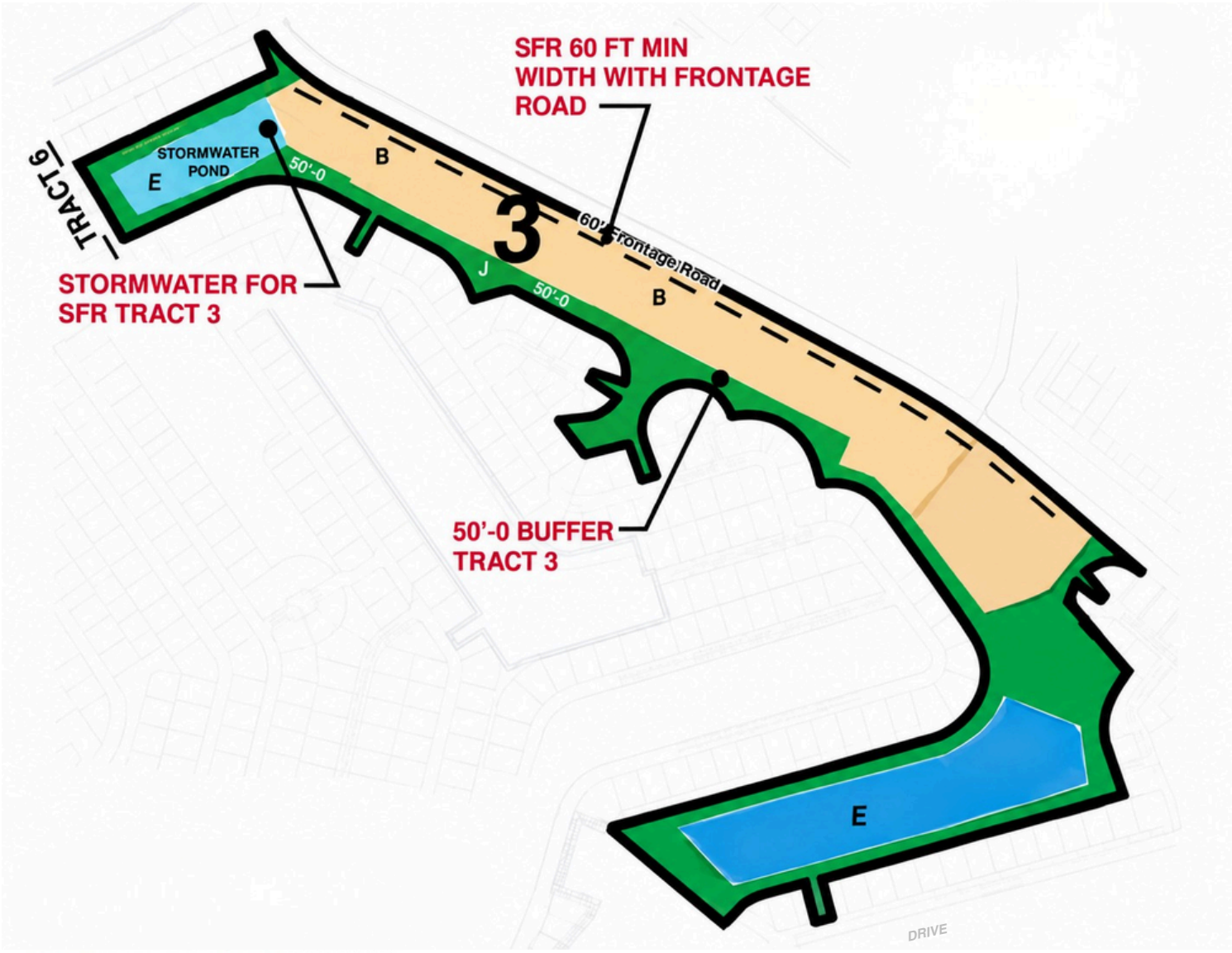
AMENDMENT TRACT 2

Exhibit "B-3"

LAKEVIEW ESTATES TRACT PLAN

REVISED

TRACT 3



B SFR-2 SINGLE FAMILY	H WETLAND
C MFR-1	J VIEW PROTECTION ZONE
D COMMERCIAL	K PROPOSED CITY PARK
E STORMWATER POND	
F EXISTING POND	

MPDAMENDMENT 09.15.26

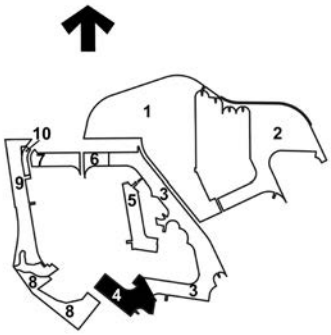
AMENDMENT TRACT 3

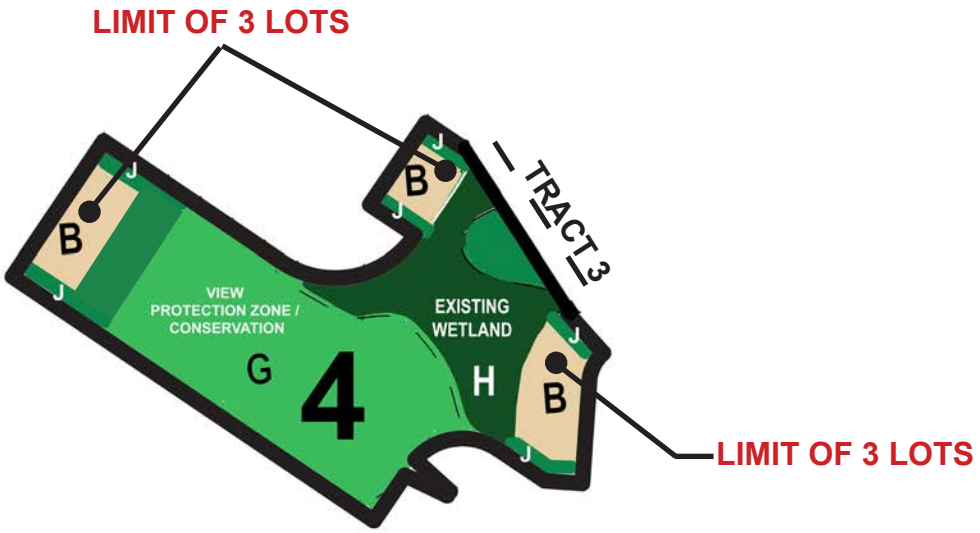
Exhibit "B-4"

LAKEVIEW ESTATES TRACT PLAN

REVISED

TRACT 4





A	SFR-1 SINGLE FAMILY	G	VIEW PROTECTION ZONE/ CONSERVATION
B	SFR-2 SINGLE FAMILY	H	WETLAND
C	MFR-1	J	VIEW PROTECTION ZONE
D	COMMERCIAL	K	PROPOSED CITY PARK
E	STORMWATER POND		
F	EXISTING POND		

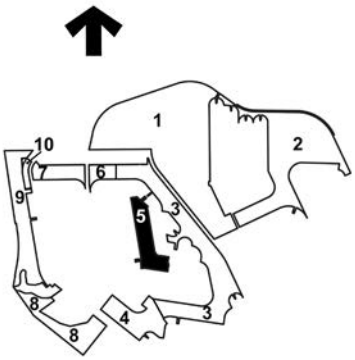
MPD AMENDMENT 09.15.26

AMENDMENT TRACT 4

Exhibit "B-5"

LAKEVIEW ESTATES TRACT PLAN

TRACT 5





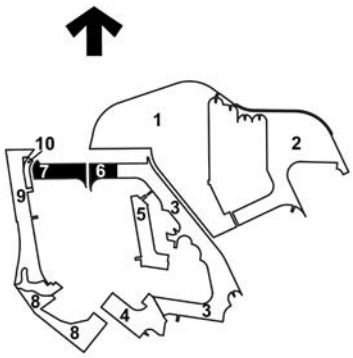
A	SFR-1 SINGLE FAMILY	G	VIEW PROTECTION ZONE/ CONSERVATION
B	SFR-2 SINGLE FAMILY	H	WETLAND
C	MFR-1	J	VIEW PROTECTION ZONE
D	COMMERCIAL	K	PROPOSED CITY PARK
E	STORMWATER POND		
F	EXISTING POND		

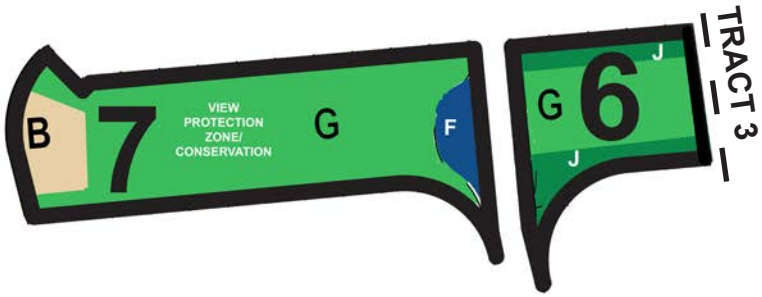
MPD AMENDMENT 09.15.26

NO AMENDMENT TRACT 5

Exhibit "B-6"

LAKEVIEW ESTATES TRACT PLAN
REVISED
TRACTS 6 & 7





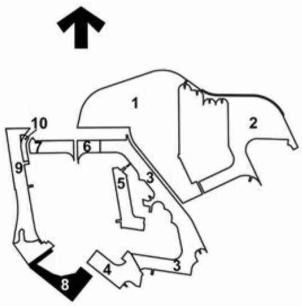
A	SFR-1 SINGLE FAMILY	G	VIEW PROTECTION ZONE/ CONSERVATION
B	SFR-2 SINGLE FAMILY	H	WETLAND
C	MFR-1	J	VIEW PROTECTION ZONE
D	COMMERCIAL	K	PROPOSED CITY PARK
E	STORMWATER POND		
F	EXISTING POND		

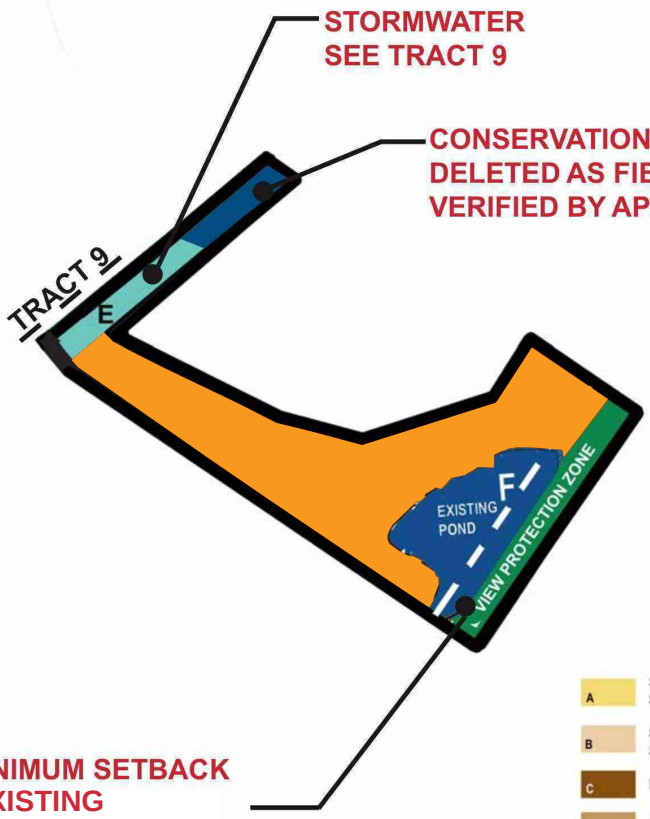
MPD AMENDMENT 09.15.26

AMENDMENT TRACT 6
NO AMENDMENT TRACT 7

Exhibit "B-7"

LAKEVIEW ESTATES TRACT PLAN
REVISED
TRACT 8



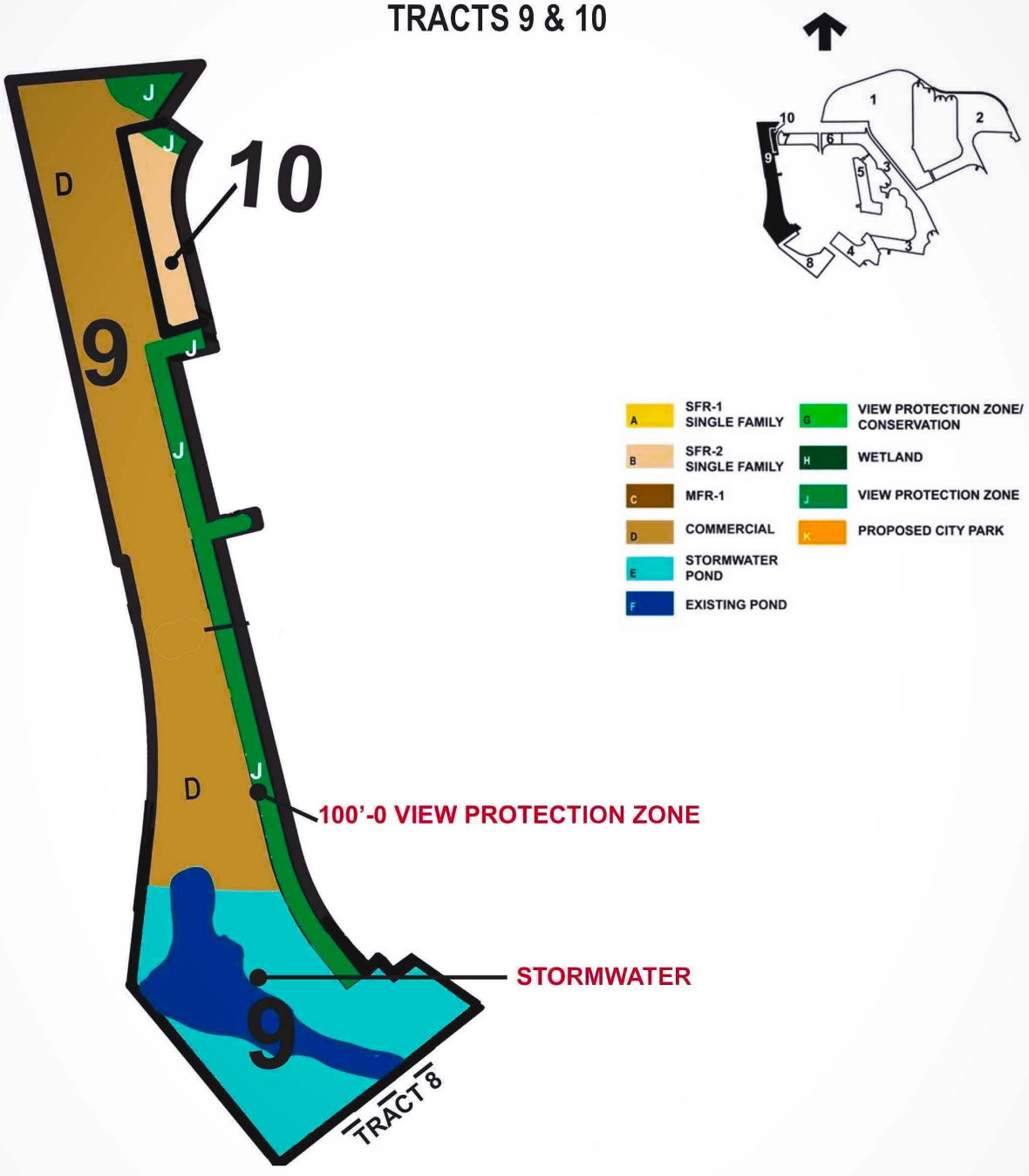


A	SFR-1 SINGLE FAMILY	G	VIEW PROTECTION ZONE/ CONSERVATION
B	SFR-2 SINGLE FAMILY	H	WETLAND
C	MFR-1	J	VIEW PROTECTION ZONE
D	COMMERCIAL	K	PROPOSED CITY PARK
E	STORMWATER POND		
F	EXISTING POND		

MPD AMENDMENT 09.15.26
AMENDMENT TRACT 8

Exhibit "B-8"

LAKEVIEW ESTATES TRACT PLAN
REVISED
TRACTS 9 & 10



MPD AMENDMENT 09.15.26
AMENDMENT TRACTS 9 & 10

CITY OF PALM COAST – COM-2 DISTRICT USES

Summary of uses shown in the COM-2 column of the Palm Coast Land Development Code use table

PERMITTED USES (P) – CIVIC / FOOD / OFFICE

Civic / Institutional

- Town halls, libraries, museums
- Police, fire and postal service
- Civic clubs and fraternal organizations
- ~~Hospice services~~
- Hospitals
- Houses of worship / religious institutions
- Nonprofit organizations

Eating / Drinking / Entertainment

- Drinking establishments – no outdoor entertainment
- Beer, wine and liquor stores
- Cafeterias, coffee/donut shops, snack bars, sandwich shops, delicatessens and bakeries
- Performing arts facilities
- Pizza delivery and takeout places
- Fast-food restaurants
- Sit-down restaurants

Education / Labs / Office

- Elementary / secondary schools
- Medical and diagnostic laboratories
- Dental laboratories
- Multiuse buildings
- Banks and credit unions
- Mail order facilities
- Medical and professional offices
- Outpatient care facilities
- Pharmacies
- Scientific and technical services
- Temporary employment agencies / management services
- Veterinarians (without kennels; post-operative care only)

PERMITTED USES (P) – RECREATION / RESIDENTIAL / RETAIL

Recreation / Residential

- ~~Bed and breakfast inns~~
- ~~Hotels~~
- ~~Commercial marinas~~
- ~~Motels~~
- Indoor recreation
- Assisted living facilities / nursing homes
- Live Local mixed-use residential developments

Retail Sales

- Art dealers
- ~~Building material stores~~
- Clothing and accessory stores
- Retail
- Florists
- Food and beverage stores / supermarkets
- Furniture and home furnishings stores
- Home improvement centers
- Large-scale retail centers
- Lawn and garden equipment / supply stores
- Model home centers
- Pet stores
- ~~Plant nurseries~~
- ~~Photo finishing~~
- Small box discount stores
- Sporting goods, hobby, book and music stores
- Used merchandise stores

PERMITTED USES (P) – SERVICES / TRAINING / VEHICLES

Business / Personal Services

- Printing and publishing
- All other business services
- Adult day care centers
- Child day care centers
- Funeral homes
- All other personal service uses
- ~~Landscaping services~~

Training / Utilities

- ~~Automobile driver schools~~
- Technical / trade schools
- Municipal pump stations and well sites
- ~~Passenger transit or rail stations~~

Vehicle / Fuel Uses

- Convenience stores with fueling facilities
- ~~Motorcycle dealers~~
- Service stations
- ~~Taxi and limousine services~~

SPECIAL EXCEPTION USES (S)

- Drinking establishments with outdoor entertainment
- Microbreweries
- Colleges / universities
- Building contractors
- ~~Electronic game promotion establishments~~
- Public parks and recreation facilities
- Outdoor recreation
- ~~Caretaker dwellings~~
- Dormitories
- Automotive parts / accessories / tires
- Bail bonding
- ~~Tarot card, psychic and palm readings~~

SPECIAL EXCEPTION USES (S) – continued

- Tattooing, body piercing and other body art
- Kennels and animal boarding
- Repair services for commercial / industrial machinery and equipment
- ~~L.P. gas dealer and bulk storage~~
- ~~Power generation and distribution facilities~~
- ~~Automotive, recreational vehicle and boat dealers~~
- Car washes
- Commercial / industrial machinery and equipment rental / leasing
- Vehicle rental / leasing
- Vehicle repair
- ~~Miniwarehouses, office warehouses and self-storage~~
- Warehouse / distribution facilities under 50,000 sq. ft.

Limited designation: Wireless communication facilities are shown as "L" in the COM-2 column. This summary reproduces the use classifications only; applicable definitions, use-specific limitations, special-exception criteria and development standards remain controlling.

Exhibit "C"

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT FOR LAKEVIEW ESTATES MPD AMENDMENT
CITY COUNCIL
PUBLIC HEARING ON SEPTEMBER 1, 2026

OVERVIEW

Application Number:	5575
Applicant:	Michael Chiumento III, Esq. Chiumento Law, agent for owner
Property Description:	Generally located between 0.5 to 1.25 miles north of Matanzas Woods Parkway, west of Interstate 95, and east of US Highway 1
Property Owner:	Matanzas GC Palm Coast LLC
Parcel ID #:	07-11-31-7037-0RP0A-0002, 07-11-31-7037-0RP0A-0011, 07-11-31-7037-0RP0A-0011
Current FLUM:	Greenbelt
Current Zoning:	Lakeview Estates Master Planned Development (MPD)
Current Use:	Partially developed
Size of Property:	±280.6 acres
Requested Action:	Amend the Lakeview Estates MPD Development Agreement to modify permitted uses on Tracts: 3, 6, 7, 8, and 9; conditionally permit recreational vehicle garages for all tracts.

ANALYSIS

REQUESTED ACTION

The applicant proposes to amend the existing Lakeview Estates Master Planned Development (MPD) Development Agreement (DA) in order to:

- Add the ability for the developer to site Single-Family Residential (SFR-2) sized residential lots to Tract 3 with access limited to Lakeview Boulevard.
- Add the ability for the developer to site stormwater ponds to Tract 3, Tract 6, Tract 7.
- Replace the ability for the developer to site (Multifamily Residential) MFR-1 and SFR-1 sized residential lots to Tract 8 with the ability to site a City Park site. It also reduces the minimum 150 feet setback from any existing single-family platted lot on Tract 8 to 100 feet.
- Replace the ability for the developer to site ±8.3 acres of Public Semi-Public (PSP) with ±20 acres of General Commercial (COM-2) uses, limited to a maximum of 35 feet, and providing emergency access from US Highway 1 to London Drive. Further the COM-2 uses are limited to not allow a special exception for mini-warehouses, office warehouses, or self-storage. Note: the proposed use of 20 acres as COM-2 is based on the potential approval of a related Future Land Use Map (FLUM) Amendment application, and if developed for commercial uses would reduce the overall remaining residential entitlements from 51 to 39 dwelling units.

- Reduce the existing View Protection Zone (VPZ) on Tract 3 to 50 feet and on Tract 10 from 150 feet to 100 feet. The VPZ depth for tract 4 is defined as 50 feet. The proposed text adds the requirement for enhanced screening and additional plantings to the satisfaction of the Land Use Administrator (LUA) or their designee to shield the view of adjacent residential properties within VPZs.
- Add the ability of residential property owners within the MPD with lots with a size of 10,000 or greater square feet to be able to construct a garage for recreational vehicles as an accessory use to lots with a principal dwelling unit, subject to maximum impervious surface and building setbacks.

BACKGROUND/SITE HISTORY

The subject property was developed as the 18-hole Matanzas Woods Golf Course by ITT and opened in 1985. The golf course permanently closed in 2007. In April 2019, Matanzas GC Palm Coast, LLC purchased the property. The initial City Zoning Map in 1999/2000 showed the subject property having the Flagler County zoning designation of Urban Single-Family Residential (R-1B). Flagler County's Land Development Code (LDC) has the R-1B Zoning District which allowed for single-family residential homes and also recreational areas that are accessory to residential developments. The R-1B zoning district allowed for up to 3 units per acre. In 2004 the City adopted its Comprehensive Plan and designated the subject property as Greenbelt on the Future Land Use Map (FLUM). The Greenbelt designation reduced the overall density on the subject property to 1 unit per acre.

On July 5, 2005, the City Council adopted the initial chapters of our Land Development Code (Ordinance No. 2005-33) which created the Golf Course Community (GCC) Zoning District. The GCC Zoning District allowed density of one home/per acre and also setup significant standards for the redevelopment of any golf course areas into residential uses. These guidelines, located in section 3.03.04.J of our LDC, were added to minimize adverse impacts to abutting single family residential zoned areas. On October 21, 2008, the City Council adopted Ordinance 2008-23 which implemented the City's first complete Land Development Code and also converted the Golf Course Community (GCC) Zoning District to MPD without a DA.

On January 19, 2021, the City Council approved Ordinance 2021-01 which rezoned the existing MPD to add the existing DA at the applicant's request during public hearing. The previous rezoning application had significant public participation at all facets of the rezoning process from the neighborhood meeting, which drew approximately 250 to 350 residents the two Planning and Land Development Board (PLDRB) meetings drawing approximately 50 to 60 residents and 30 to 35 residents respectively.

PROJECT DESCRIPTION

The property owner using clustering provisions of the LDC, the overall acreage of the project, and a field verified conservation area of ±0.2 acres ended up with residential entitlements of ±272 dwelling units (du). To date, 221 lots have received varying levels of approval (Preliminary and Final plats) between Tracts 1, 2, 4, 7, and 10 resulting in the project retaining 51 residential entitlements. The applicant's requested MPD DA Amendment relies on the potential approval of their requested FLUM amendment and has the effect of reducing the remaining residential entitlements from 51 du to 39 du due to the planned development of ±20 acres of COM-2 uses on Tract 9.

- The applicant is proposing to site the remaining 39 residential entitlements on Tract 3, which would require the approval of the MPD DA amendment and subsequent platting applications by the applicant. The vision that the applicant provided was that these lots would be designed to be ±10,000 square feet or larger to make use of their proposed language for recreational vehicle garages, but at a minimum size lots meeting the Unified Land Development Code (LDC) requirements of the SFR-2 zoning district, which requires 7,500-square-foot lots which are compatible with the existing platted single-family residential lots found on nearby Lee Drive.
- The DA provides language for siting additional stormwater retention ponds in Tracts 3, 6, and 7, which supports the City's recent effort to add additional stormwater retention in the area by vacating Learning Lane and Leaf Lane.
- The applicant is also requesting to amend the allowed use on tract 8 to convey the City a site for a future City park at no cost and not subject to park impact fee credits.
- Additionally, the applicant is requesting to permit ±20 acres of COM-2 uses on a portion of Tract 9 adjacent to US Highway 1.

LAND USE AND ZONING INFORMATION

SURROUNDING LAND USES:

NORTH:	FLUM:	DRI-Mixed Use; Conservation; Agriculture & Timberlands (Flagler County)
	Zoning:	PSP; COM-2; Rural Estate (EST-2); MPD; Agriculture (Flagler County)
EAST:	FLUM:	Residential; Greenbelt; Agriculture & Timberlands (Flagler County)
	Zoning:	SFR-2; SFR-3
SOUTH:	FLUM:	Residential
	Zoning:	SFR-2; SFR-3
WEST:	FLUM:	DRI-Mixed Use
	Zoning:	MPD

VPZ Guidelines LDC Section 3.03.04(J)

The City approved its first city wide zoning and complete LDC in 2008, which eliminated the Golf Course Community (GCC) Zoning District. However, regulations related to future development within the previous GCC Zoning District remained in the LDC. The term and utilization of VPZ was established within the Lakeview Estates MPD DA that was adopted in 2021 to be consistent with the Land Development Code regulations related to development in former GCC Districts.

Section 3.03.04(J) of the LDC provides the following redevelopment criteria:

J. *Existing golf course communities. Existing golf courses communities located within the former Golf Course Communities (GCC) District seeking to add residential units must comply with the standards established for the Master Planned Development (MPD) District. In addition, the development shall utilize the following guidelines in order to minimize adverse impacts on any abutting single-family residentially zoned areas.*

1. *Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e.*

side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.
2. *Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.*
3. *Multifamily uses shall be surrounded by fairways, clubhouse, and/or other golf course facilities to buffer single-family areas within the same development. The multifamily uses shall not be located within 150 feet from any existing, platted lots located within a residentially zoned area.*

The LDC does not quantify the depth or thickness of the VPZ. More than likely it was not quantified since both factors (width of VPZ and amount of vegetative screening) affect the quality of a VPZ. Based on subsection 1, it is clear, that new development does not need to be completely out of view and may be visible from existing properties.

The applicant's draft MPD DA has requested modifications to several Tract's VPZs. While the applicant is able to make the requests, staff worked with the applicant to add the following provision: "The VPZ shall use enhanced screening adding additional planting, to include use of canopy trees, understory trees, and shrubbery, to shield the view of adjacent residential properties. The enhanced screening shall be to the satisfaction of the Land Use Administrator or their designee". The applicants proposed VPZ changes are summarized as follows:

- Tract 3 – defining depth of VPZ to 50 feet.
- Tract 4 - defining depth of VPZ to 50 feet.
- Tract 7 – defining depth of VPZ to 50 feet.
- Tract 9 - reducing the defined VPZ depth from 150 feet to 100 feet.

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 MPD amendment ultimately would reduce the remaining residential entitlements from 51 to 39 remaining du on the subject property as ±20 acres would be slotted for commercial development adjacent to US Highway 1. The development of COM-2 uses would be compatible with the commercial development pattern along the US Highway 1 corridor, and depending on potential end users could provide needed commercial services to the northwest portion of the City which ultimately could reduce trip ends to Palm Coast Parkway. The conveyance of Tract 8 as a City park site without requiring the City to buy the land or for park impact fee credits is a benefit to the neighborhood. The proposed residential uses on Tract 3 adjacent to Lakeview Boulevard are likely the most significant impact to the surrounding neighborhood; however, the minimum sizes of the proposed residences would match the existing residential neighborhood's zoning of SFR-2. The applicant's request to be able to site recreational vehicle garages as an accessory use on any residential lot 10,000 or more square feet has the potential to reduce the need of residents with recreational vehicles or boats from having to utilize private off-site storage options. Allowing more tracts to support stormwater retention may have a positive effect for the overall neighborhood regarding stormwater and drainage. The neighborhood meeting did have ±125 individuals attend, so there is clearly a vested interest by the public in the proposed MPD DA amendment; however, due to the nature

of the neighborhood meeting and its technical limitations, it is difficult to gauge consensus on the public's interest.

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 Comprehensive Plan. The following policies are provided for elaboration:

- **Chapter 1 Future Land Use Element (FLUE):**

  Policy 1.1.1.2 The future land use designations shall permit the zoning districts listed and generally described in the following table. The maximum densities and intensities for each future land use designation and zoning district are also included in the table……..

  The maximum allowable density for residential uses within the Greenbelt designation is one (1) unit per acre after subtracting lands that are designated for non-residential uses. The proposed COM-2 use requires the associated FLUM amendment, as those uses are more intense than what the Greenbelt designation requires; however, the compact area requested to be designated as Mixed Use follows the character of the developmental pattern exhibited along the US Highway 1 commercial corridor.

  Policy 1.1.2.3 In order to allow for clustering of residential units to create rural communities and minimize the need for extensive infrastructure, the Greenbelt land use designation may include MPDs or PRDs having lot sizes of less than one (1) acre with common open spaces provided that the development's overall density does not exceed one (1) unit per acre.

  The residential component of the MPD DA does not exceed a density of one dwelling unit per acre. Nonresidential components are subtracted from the overall residential land to ensure that additional density is not created. With the associated FLUM amendment, a site specific limiting policy is provided which ensures that designating the proposed ±20-acre commercial site does not create density entitlements consistent with the normal Mixed Use designation in effort to ensure compliance with this policy and the overall character of the development.

  -Objective 1.1.4 – Discourage Urban Sprawl – Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.

  The project site is a bifurcated pocket of land that was previously utilized as a golf course. The proposed FLUM amendment and MPD DA amendment ultimately reduce the remaining density of the project area and keep the development compacted minimizing sprawl. Additionally supporting a variety of land uses – residential, stormwater, park land, commercial development support the applicability of this FLUE policy.

  -Policy 1.3.1.3 – The City shall encourage development to locate in the areas where public facilities, infrastructure, and services are available. Where there are deficiencies and where appropriate, the City shall require the developer to provide or extend the facilities as necessary to accommodate development. Applicable impact fees shall be used by the City consistent with State law to offset the costs of the City providing facilities.

The proposed MPD amendment does not expand into areas which are currently not served by public facilities or infrastructure. During the subsequent platting or Technical Site Plan applications, the developer shall be subject to the cost of connecting to municipal services.

Other supporting Comprehensive Plan policies include:

Policy 1.1.2.1 - Permitted uses within a mixed use development shall follow those allowed within the corresponding zoning districts associated with the Future Land Use designation. Deviations from the land development regulation 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.

Policy 3.3.2.4 – An analysis of compatibility is required when a new non-residential use is proposed to locate next to existing residential uses. Compatibility analyses during Land Use Amendments, Zoning Amendments, or Site Plan applications may include, but are not limited to, review of the following circumstances and attributes of the new development in comparison to the existing development pattern within a 500 foot vicinity of the parcel boundary of the subject parcel proposed for development or redevelopment:

a. A comparison of lot sizes, intensity, and/or density to understand potential trip generation of the new use.
b. Location in proximity of a collector or arterial roadway, or a transit stop to determine vehicle miles traveled of the new development that may impact existing residential uses.
c. A comparison of the scale of the building envelope(s) including floor area ratio and height.
d. Locations of ingress and egress, and whether or not there are multiple alternate roadways for access to the new development.
e. Hours of operation of a non-residential use.
f. Any creation of noise, smoke, glare, fumes, aromas, or other potential nuisance generating activities.
g. Installation of vegetative buffers, and setback provisions provided with the plan for development.
h. Any nuisance abatement provisions of the new development.

In review of the criteria listed in Policy 3.3.2.4, staff finds that the proposed MPD DA amendment provides a ±20-acre site for COM-2 uses on the western portion of Tract 9. This is adjacent to US Highway 1, and the applicant provides language for emergency access to the residential neighborhood. The height is capped to 35 feet which is the maximum building height of a single-family residence per the LDC, and they propose a 100-foot VPZ with enhanced vegetative screening to the satisfaction of the LUA. The impacts of any potential use will be analyzed during the Technical Site Plan stage for potential incompatibility of hours of operation, and creation of potential nuisance generating activities. The applicant has already requested a site-specific limiting policy capping the maximum trips to what could potentially be constructed under the current MPD DA and FLUM designation. Additionally, Tract 8 is being conveyed to the City for a future City park site. City parks are generally considered compatible with residential development; however, these criteria will be analyzed upon the development of a potential City park in the future.

Staff Finding: Its staff's opinion that the applicant's request is not totally consistent with the following sections of the Unified Land Development Code (LDC):

Section 3.03.04.J.1. *Existing direct golf course views from the rear yards of all existing, platted lots located within any residentially zoned districts directly abutting the site shall be maintained. Peripheral (i.e. side) views from these existing rear yards may be impacted by new development and new development may be visible from existing development.*

Staff finds that the applicant has not provided evidence and reasonable assurances that the existing direct golf course views have been maintained throughout the entire project.

Section 3.03.04.J.2. *Existing golf course views from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical.*

The existing golf course views across a right-of-way or a water body in staff's opinion are not being maintained consistently throughout the entire project. That said, the proposed language in the MPD DA amendment requiring the developer to provide enhanced vegetative screening to the satisfaction of the LUA helps the existing residents from being visually impacted by the proposed developments.

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

Staff Finding: Potable water and sewer services are available nearby to serve the project. The developer will be required to pay applicable impact fees to ensure that the City does not have a financial liability for the project.

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 project already has approved residential entitlements to support a total of 272 du on the site. The proposed MPD Amendment reduces the overall density of the project area by reducing the residential entitlements 260 units. At this time 221 residential entitlements have been used. Additionally, it provides land for a public park site, and language to require emergency access to US Highway 1. At this time the proposed amendment does not create by itself an unreasonable hazard; however, during the platting process, City review staff shall evaluate the proposed project to ensure compliance with all applicable code requirements.

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 MPD Development Agreement, City's Land Development Code (LDC), Comprehensive Plan, and the requirements of all other applicable local, state and federal 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: The proposed application remains consistent with and will further the goals and objectives of the Comprehensive Plan.

B. Consistency with the general intent of the LDC.

Staff Finding: The development standards in the MPD remain generally consistent with the standards established by the LDC.

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

Staff Finding: The proposed changes will not cause the MPD Agreement to further depart from customary standards in the LDC.

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

Staff Finding: The proposed uses are similar to existing developments. The neighborhood of the Matanzas Woods area includes SFR-1, SFR-2, SFR-3 and MFR-1 zoning districts. The proposed development is compatible with those zoning districts. In addition, a neighborhood park is compatible with the residential uses found in the area. The height limitation on tract 9 and enhanced vegetative buffers within the VPZ areas help to ensure compatibility with the existing neighborhood. Furthermore, staff's VPZ recommendation helps to ensure compatibility with adjacent existing properties.

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: As required by the LDC, future development applications will be analyzed in further detail to determine if there is adequate public infrastructure capacity to serve the development. Other public service needs will also be reviewed in more detail as the development review progresses. For example, future applications for development will require further environmental analysis, utility agreements, coordination with Flagler Schools, etc. before approval. The subject project will be required to pay applicable 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 developer has not shown any specific phasing of the project. However, various tracts within the MPD are situated where they can adequately be developed independently through the platting process.

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

Staff Finding: The applicant previously submitted a Transportation Impact Study when the application was heard in 2021 that demonstrated that all roadways within the study area with the project's traffic included will operate at the City's adopted level of service. This amendment reduces the overall density of the MPD and the applicant has requested a site-specific limiting policy to cap the amount of traffic on Tract 9 to what is currently allowed. The applicant did not provide an updated Transportation Impact Analysis (TIA) with this application after making a request to City Administration, so staff is unable to evaluate the proposed distribution on US Highway 1 for the ±20-acre commercial site. An updated TIA shall be required during the Technical Site Plan stage of Tract 9's commercial development for further review.

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 MPD DA amendment reduces residential density, provides additional stormwater, a City park site without cost to the City, and commercial uses along US Highway 1's expanding commercial corridor which could ultimately reduce trip ends to other areas of the City when developed. This project is consistent with the requirements of an MPD to provide a public benefit.

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

Staff Finding: The request adds more commercially designated land to the City and results in a minor reduction of density of the MPD. The proposed uses are similar to the existing residential neighborhood and do not request a reduction in lot sizes from the existing adjacent neighborhood. The proposed height limitation helps ensure compatibility with the existing residential land uses, and although the VPZ areas are reduces in width from the approved MPD DA, the language for enhanced vegetative screening helps buffer existing land uses from those within the MPD.

J. Impact upon the environment or natural resources.

Staff Finding: The landowners will be required to submit all applicable environmental reports or studies as required by the LDC during subsequent development. These studies will include environmental resource assessments, cultural resources, soil and groundwater analyses, stormwater calculations, floodplain analysis, and threatened and endangered species studies as applicable during the site plan or platting process for any new project within the MPD.

K. Impact on the economy of any affected area.

Staff Finding: The residents that will inhabit these new homes will have a positive impact on State and local income including permit and impact fees, taxes, and other sources. The project will also provide a significant number of constructions jobs, which should have a positive direct and indirect impact on the local economy. Further the applicant's analysis of the commercial development at Tract 9 estimates that ±250,000 gross square feet could be developed which will enhance the City's nonresidential tax base.

PUBLIC PARTICIPATION

The applicant hosted a neighborhood meeting as required by Unified Land Development Code (LDC) Section 2.05.02 at 5:30 p.m. Tuesday April 14th, 2026, in the cafeteria of Indian Trails Middle School. The applicant also met the public notice requirements of LDC Section 2.05.03. The neighborhood meeting had approximately 125 attendees. Applicant submitted documentation summarizing the neighborhood meetings that has been attached to the agenda item.

Prior to the Planning and Land Development Regulation Board (PLDRB) meeting on May 20, 2026, staff was contacted by several members of the public requesting clarifying information pertaining to public hearing dates or to access to application materials, which staff has provided. The applicant has met their public notice requirements.

PLANNING AND LAND DEVELOPMENT REGULATION BOARD MEETING

The PLDRB heard the Comprehensive Plan Amendment, application #5576, and its companion MPD Amendment, application #5575, at their May 20, 2026 meeting.

During the evening, the PLDRB unanimously approved a motion to delay public comment on the Comprehensive Plan Amendment until after the companion MPD Amendment, application #5575, had been presented to the PLDRB as well. 10 members of the public spoke in opposition to the proposed Comprehensive Plan Amendment and MPD Amendment.

The PLDRB voted five to one in favor of recommending approval of the Comprehensive Plan Amendment subject to the concurrent adoption of staff's draft FLUE Policy 1.1.2.5 serving as a site specific limiting policy capping the intensity and density of the 20-acre portion of Tract 9 of the Lakeview Estate MPD.

The PLDRB voted six to zero in favor of recommending denial of the MPD Amendment subject to criteria analysis of LDC Section 2.05.05A finding the application contrary to public interest based on compelling evidence presented by the public during public comment in addition to analysis of LDC Sections 3.03.04.J1 and 3.03.04.J2.

RECOMMENDATION

The Planning and Land Development Regulation Board recommends that the City Council finds the proposed MPD Amendment (Application No. 5575) not consistent with the Comprehensive Plan and deny the application.

THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164

BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)

Meeting Date: June 16, 2026
Ordinance Number: 2026-XX
Posted To Webpage: May 13, 2026

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE LAKEVIEW ESTATES MASTER PLAN DEVELOPMENT AGREEMENT, AS ESTABLISHED IN SECTION 2.09 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE, FOR ±280.6 ACRES OF CERTAIN REAL PROPERTY PREVIOUSLY KNOWN AS THE MATANZAS GOLF COURSE AND DESCRIBED AS TAX PARCEL IDENTIFICATION NUMBERS 07-11-31-7037-0RP0A-0002, 07-11-31-7037-0RP0A-0011, AND 07-11-31-7037-0RP0A-0140, GENERALLY LOCATED BETWEEN 0.5 TO 1.25 MILES NORTH OF MATANZAS WOODS PARKWAY, WEST OF INTERSTATE 95, AND EAST OF US HIGHWAY 1, AND BEING MORE PARTICULARLY DESCRIBED IN ATTACHED EXHIBIT A; MODIFYING PERMITTED USES ON TRACTS: 3, 6, 7, 8, AND 9; CONDITIONALLY PERMITTING RECREATIONAL VEHICLE GARAGES FOR ALL TRACTS; PROVIDING FOR SEVERABILITY, CONFLICTS; AND AN EFFECTIVE DATE.

The sections below <u>are not</u> required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

__ 1. Ordinances required for compliance with federal or state law or regulation;
__ 2. Ordinances relating to the issuance or refinancing of debt;

__ 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
__ 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
__ 5. Emergency ordinances;
__ 6. Ordinances relating to procurement; or
X 7. Ordinances enacted to implement the following:

a. Development orders, and development agreements, and development permits, as those terms are defined in S 163.3164, and development agreements, as authorized by the Florida Local Government Development Acts SS. 163.3220-163.3243;
b. Comprehensive Plan amendments and land development regulation amendments initiated by an application by a private party other than the city;
__ c. Sections 190.005 and 190.046;
__ d. Section 553.73, relating to the Florida Building Code; or
__ e. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

This ordinance implemented to amend development agreements relating to the subject parcels has been initiated from a private party other than the City, and therefore exempt from addressing the following sections.

ECONOMIC IMPACT ON BUSINESS

a. Estimated number of businesses impacted: Not applicable.

b. Types of businesses affected: Not applicable.

Estimated direct economic impact: Not applicable.

Negative impact: Not applicable.

Compliance Costs: Not applicable.

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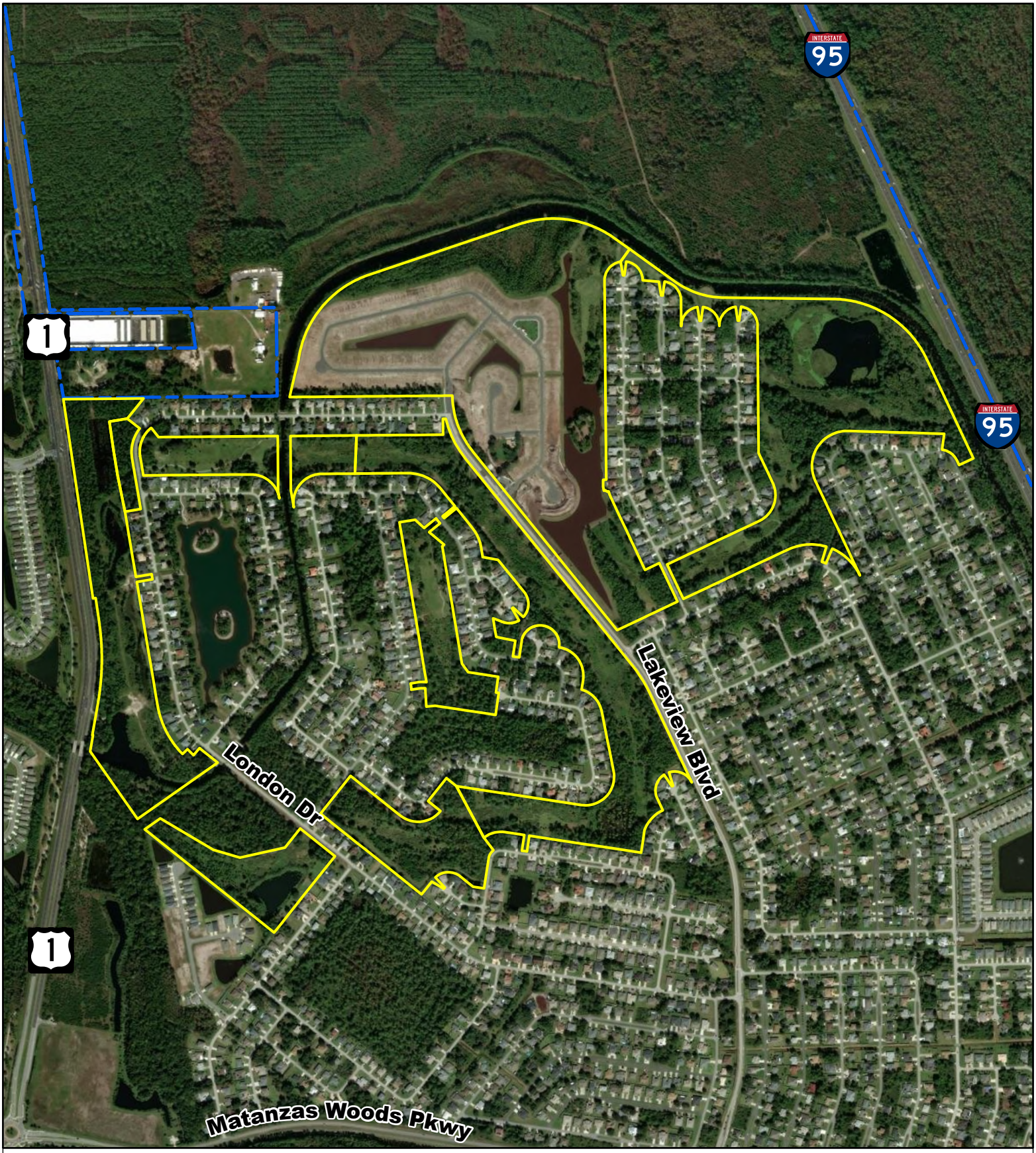


Close Up Aerial

Palm Coast City Limits

Subject Properties

N
W E
S

0 1,000 Feet

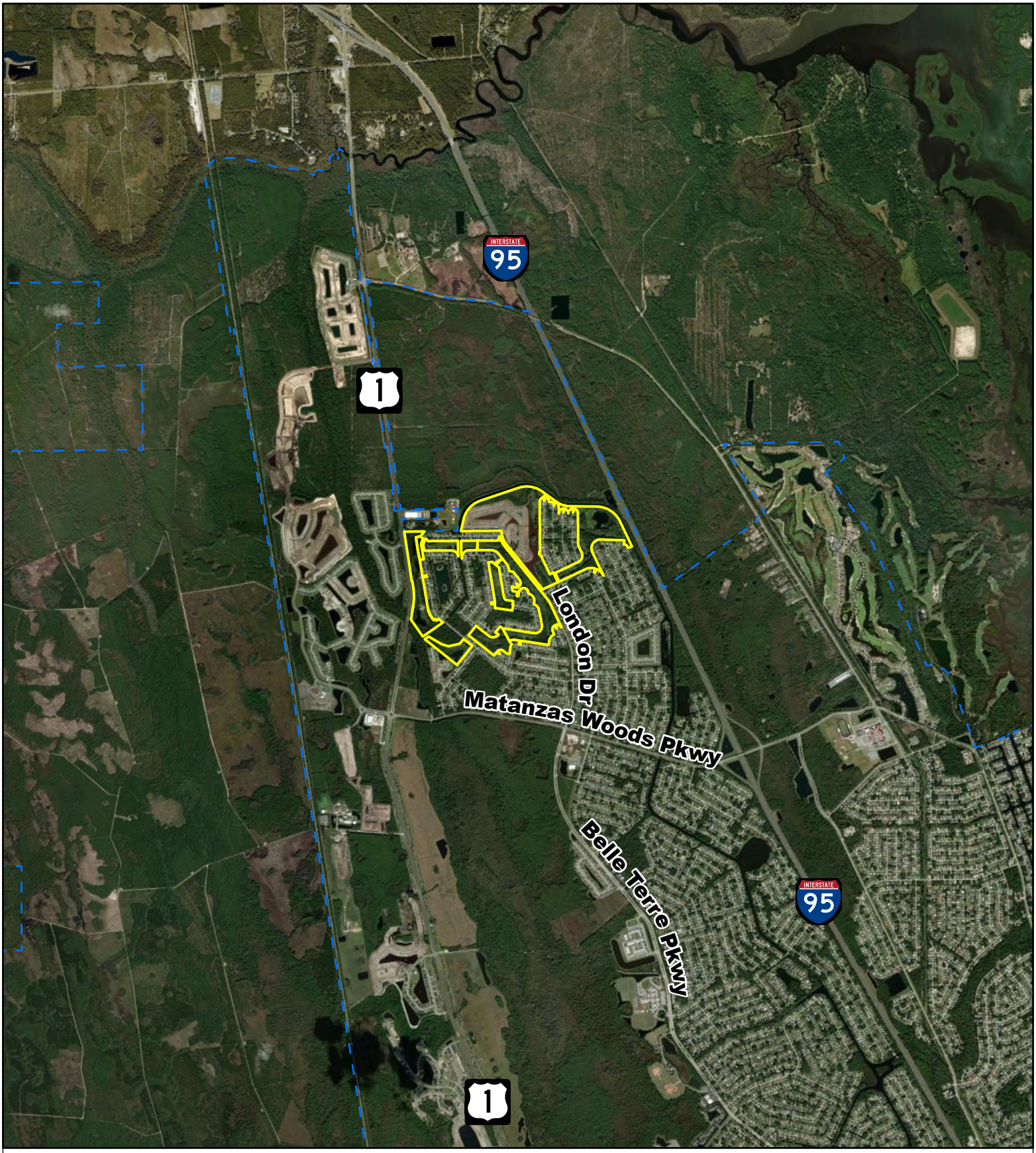
CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

Map Provided by the Planning Division

Date: 4/24/2026

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.

Document Path: H:\7.0 GIS\3.0 Projects\Michael Hanson\Lakeview Estates MPD\Working\Working.aprx



Distant Aerial

Palm Coast City Limits

Subject Property

N
W E
S

0 4,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

Map Provided by the Planning Division

Date: 4/24/2026

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Document Path: H:\7.0 GIS\3.0 Projects\Michael Hanson\Lakeview Estates MPD\Working\Working.aprx



Future Land Use Map

Palm Coast City Limits
Subject Properties

Palm Coast FLUM
Canals

Conservation
DRI-Mixed Use
Greenbelt
Institutional
Mixed Use

Residential
AGRICULTURE & TIMBERLANDS, Annexed Area, Flagler County FLUM adopted

Unincorporated Flagler Future Land Use
AGRICULTURE & TIMBERLANDS
CONSERVATION

N
W E
S

0 1,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

Map Provided by the Planning Division

Date: 4/24/2026

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.

Document Path: H:\7.0 GIS\3.0 Projects\Michael Hanson\Lakeview Estates MPD\Working\Working.aprx



Proposed Future Land Use Map

Palm Coast City Limits
Subject Properties

Palm Coast FLUM
Canals
Conservation
DRI-Mixed Use
Greenbelt
Institutional
Mixed Use
Residential
AGRICULTURE & TIMBERLANDS, Annexed Area, Flagler County FLUM adopted

Unincorporated Flagler Future Land Use
AGRICULTURE & TIMBERLANDS
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W
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CITY OF PALM COAST, FLORIDA
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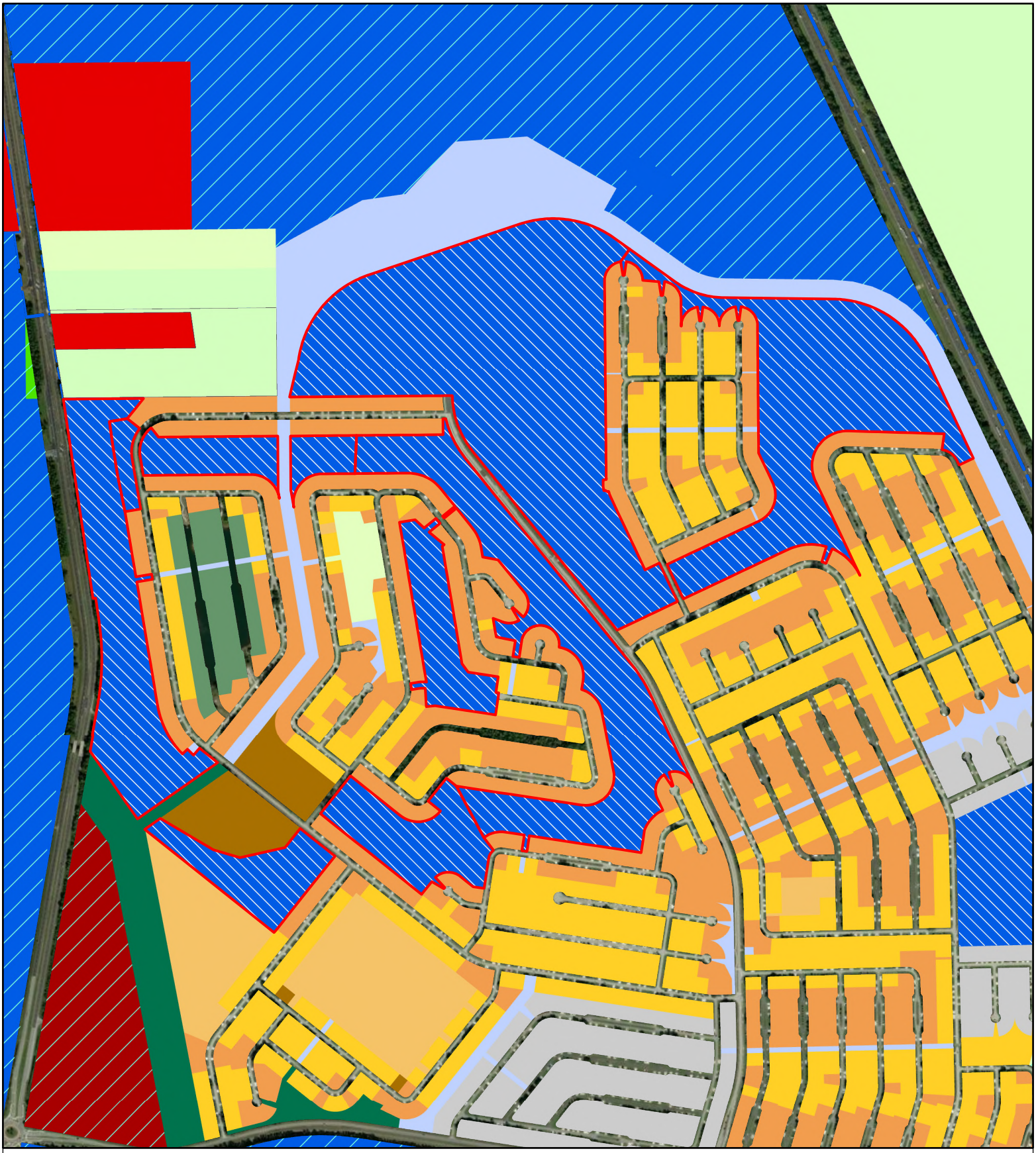
Document Path: H:\7.0 GIS\3.0 Projects\Michael Hanson\Lakeview Estates MPD\Working\Working.aprx



Zoning Map

- Palm Coast City Limits
- Subject Properties

Palm Coast Zoning Districts

- AGR
- COM-2
- COM-3
- DPX
- EST-1
- EST-2
- MFR-1
- P & G
- PRS
- PSP
- SFR-1
- SFR-2
- SFR-3
- MPD, MPD post 11-16-08 designation
- MPD, MPD pre 11-16-08 designation

Unincorporated Flagler Zoning

- AC

N W E S

0 1,000 Feet

CITY OF PALM COAST, FLORIDA — PALM COAST — INCORPORATED 1999

Map Provided by the Planning Division

Date: 4/24/2026

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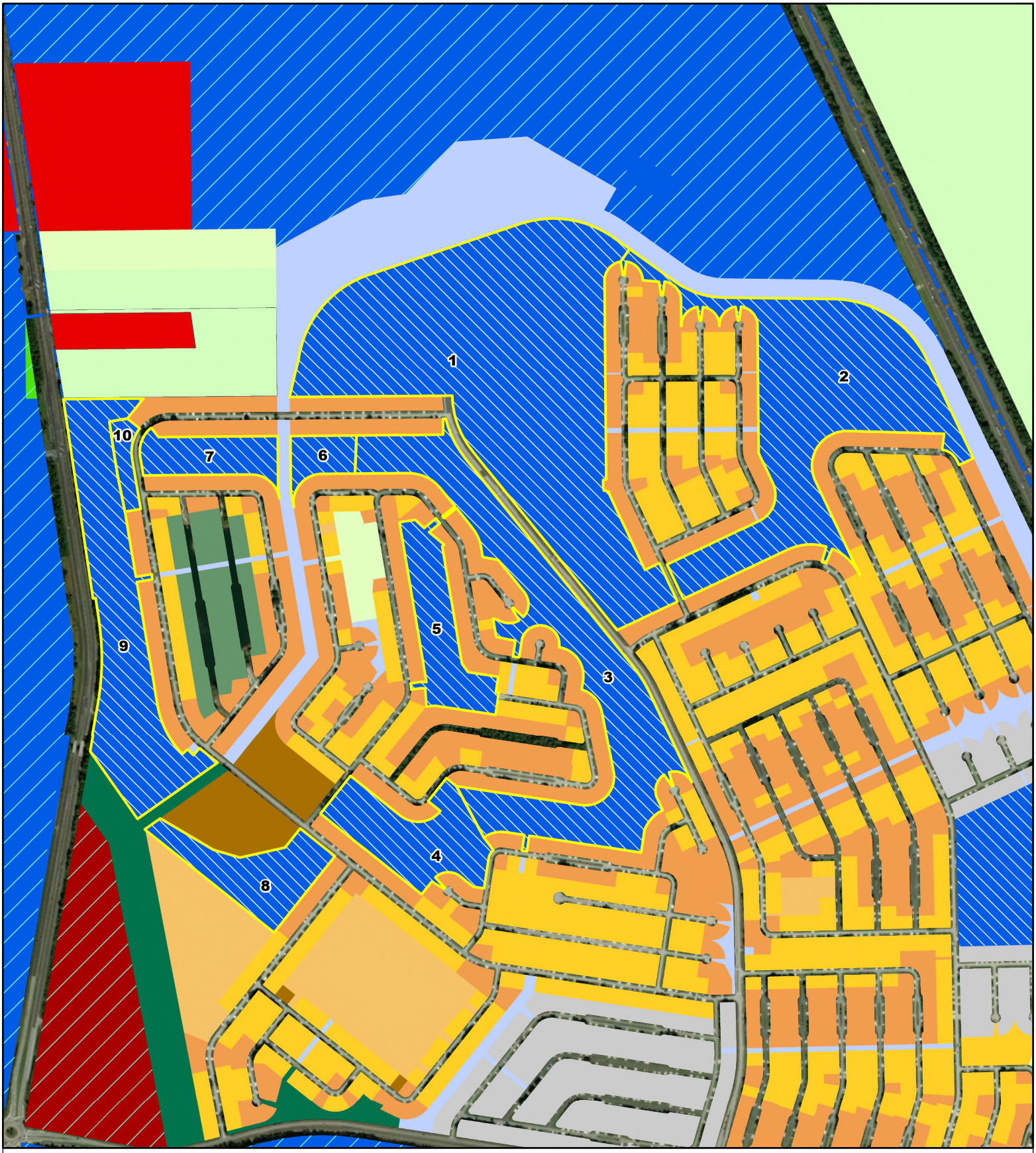
Document Path: H:\7.0 GIS\3.0 Projects\Michael Hanson\Lakeview Estates MPD\Working\Working.aprx



Zoning Map

Palm Coast City Limits
Subject Property

Palm Coast Zoning Districts
AGR
COM-2
COM-3
DPX
EST-1
EST-2
MFR-1
P & G
PRS
PSP
SFR-1
SFR-2
SFR-3
MPD, MPD post 11-16-08 designation
MPD, MPD pre 11-16-08 designation

Unincorporated Flagler Zoning
AC

N
W E
S

0 1,000 Feet

CITY OF PALM COAST, FLORIDA
PALM COAST
INCORPORATED 1999

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Date: 4/24/2026

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Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*
Tom Pycraft, of-counsel

Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com

CHIUMENTO LAW

145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

2 Camino Del Mar
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

October 23, 2023

City of Palm Coast
Attn: Ray Tyner
160 Lake Avenue
Palm Coast, FL 32164

RE: City of Palm Coast Park Dedication / Lakeview Estates Amendment

Dear Mr. Tyner:

It has been a pleasure to work with the City in its efforts to provide a community park for the Matanzas Woods neighborhood. We reviewed the City's updated parks plan as provided in the P.O.P Report and agree that a park for the residents in this part of the City is long overdue. Therefore, my client is willing to give lands to the City for purposes of community park.

In this light, please find enclosed applications to (i) amend the Comprehensive Plan designation for a portion of the Owner's property and (ii) rezone portions of the property to provide for the donation of +/- 11 ac of land to the City for the community park and additional lands to be developed. Note however, that these applications do not provide for any new residential development rights. The maximum residential development is actually decreased from the present MPD Agreement.

Rezoning Application

The enclosed application requests an Amendment to the MPD Agreement. Rather than provide an amended and restated agreement, the application provides a simple amendment focusing on the specific changes. We have included a redline version for your convenience to show the proposed changes. In general, the proposed amendment (i) reduces the number of residential units to be developed on the property from 268 to 260; (2) broadens the commercial uses on Tract 9, (iii) conveys an +/- 11acres of land to the City for a community park, and (iv) allows residential development on other areas of the property.

These proposed changes remain consistent with the City's comprehensive plan and other land development regulations. We will provide a consistency analysis under separate cover in the next week or so. The proposed changes serve a public purpose in that the community requested a

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community park in this area as provided in the P.O.P Report. We look forward to your comments and hope to placed on the December Planning Board agenda.

Comprehensive Plan Amendment

Also enclosed is an application to amend the Comprehensive Plan designation on a portion of the Property. Specifically, Tract #9 is located on U.S.1 adjacent to the entrance of 1500 units subdivision commonly known as Sawmill Creek. Presently, Tract #9 allows for the development of non-residential uses. The proposed amendment request that the Land Use designation be changed from Greenbelt to Mixed Use to allow for a broader range of commercial uses on that Tract. The goal and objective is to promote economic development and jobs in this area of Palm Coast, increase the commercially zone property in an attempt to balance the community's tax base, and (iii) provide residents in this area with local commercial opportunities minimizing their trip lengths which adversely impact other City roadways such as Palm Coast Parkway.

Conclusion

We appreciate the opportunity to work with the City in its efforts to provide the citizens a community park. We too believe a park in this area of Palm Coast is benefit for the residents in the Matanzas Woods neighborhood. From a planning perspective, this application will not only benefit those residents but will also benefit all the residents in the northeast portion of the City by providing parks, recreation, shopping opportunities for them while lessening traffic impacts on other City roads.

Once you have had an opportunity to review these applications, we respectfully request a meeting to discuss your questions concerns and changes.

Sincerely,

Michael D. Chiumento III
Attorney
MDC/cm

Enclosures

GENERAL - APPLICATION

DATE	10/23/2023
APPLICATION TYPE	REZONING MASTER PLANNED DEVELOPMENT

PROJECT NAME	Lakeview Estates				
LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS)	398 LAKEVIEW BLVD PALM COAST FL 32164				
PROPERTY APPRAISER'S PARCEL NUMBER	07-11-31-7037-0RP0A-0002				
LEGAL DESCRIPTION	277.40 ACRES ALL OF RESERVE PARCELS, A,B,C,D,E & PT OF VACATED PC SEC 38, OR 47 PG 273 & PT OF VACATED PC SEC 37,OR 538 PG 1611 (EX .0626 AC OF RP E,OR 479/577) OR 550 PG 1626(MATANZAS				
SUBDIVISION NAME	SECTION 37-LAKEVIEW				
SECTION	07	BLOCK	0RP0A	LOT	0002
PROPERTY ACRES	132.46	PROPERTY SQ FT	5769958		
FUTURE LAND USE MAP DESIGNATION	GREENBELT	EXISTING ZONE DISTRICT	MPD		
OVERLAY DISTRICT					
COMMUNITY PANEL NUMBER	120684	MAP PANEL DATE	06/06/2018		
FLOOD ZONE	A				
PRESENT USE OF PROPERTY	MASTER PLANNED DEVELOPMENT				

DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS)

Amendment to MPD

PROPOSED NUMBER OF LOTS		IS THERE EXISTING MORTGAGE?	No

OWNER	APPLICANT / AGENT
Name: MATANZAS GC PALM COAST LLC	Name: MICHAEL D. CHIUMENTO III
Mailing Address: UNIT 1111 200 OCEAN CREST DRIVE PALM COAST, FL 32137	Mailing Address: 145 CITY PLACE SUITE 301 PALM COAST, FL 32164
Phone Number: (386) 445-8900	Phone Number: (386) 445-8900
E-mail Address: MICHAEL3@LEGALTEAMFORLIFE.COM	E-mail Address: CMCNEIL@LEGALTEAMFORLIFE.COM
MORTGAGE HOLDER	**ENGINEER OR PROFESSIONAL**
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ARCHITECT	**TRAFFIC ENGINEER**
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
SURVEYOR	**LANDSCAPE ARCHITECT**
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ATTORNEY	
Name:	
Mailing Address:	
Phone Number:	
E-mail Address:	

APPLICANT / OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning

APPLICANT / OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of perjury, I declare that all the information contained in this development application is true and correct. By signing this Electronic Submission Form, I consent to use electronic communications, electronic records, and electronic signatures rather than paper documents for the form(s) provided on this web site. I understand that my electronic signature is legally binding, as stated by 2016 Florida Statutes Title XXXIX Chapter 668 Section 50

Signature of Property Owner or Applicant

MICHAEL CHIUMENTO

GENERAL APPLICATION: ☐ Rezoning ☐ Special Exception
☐ Nonstatutory Land Division/Parcel Reconfiguration ☐ Vacating Plat
☐ Subdivision Master Plan ☐ Preliminary Plat ☐ Final Plat
☐ Master Site Plan ☐ Nonresidential Controlling Master Site Plan
☐ Technical Site Plan ☐ Site Plan Addition ☐ Development Order Modification
☐ Variance ☐ Parking Flexibility
☐ Wireless Communication Facility (new structure)

CD Plus Application #: _____ Application Submittal Date: _____
Fee Paid: $_____ Date of Acceptance: _____
Employee Name Accepting Application (print name): _____
Rejected on _____ Rejected by: _____
Reason for Rejection: _____

A. PROJECT NAME: Lakeview Estates

B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): 398 Lakeview Blvd., Palm Coast, FL 32137

C. PROPERTY APPRAISER'S PARCEL NUMBER(s): 07-11-31-7037-0RP0A-0002, 07-11-31-7037-0RP0A-0140
07-11-31-7037-0RP0A-0011

D. LEGAL DESCRIPTION: _____ Subdivision Name; ____ Section; _____ Block; _____ Lot
See attached Exhibit "A"

E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: _____

F. FUTURE LAND USE MAP DESIGNATION: Greenbelt EXISTING ZONING DISTRICT: MPD

OVERLAY DISTRICT: _____

G. FLOOD ZONE: _____ COMMUNITY PANEL NUMBER: _____ DATE: _____

H. PRESENT USE OF PROPERTY: Vacant

I. DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS):
Amend MPD Agreement

J. PROPOSED NUMBER OF LOTS: Addition of 3 lots

K. CHECK APPROPRIATE BOX FOR SITE PLAN:

☒ Tier 1 (up to 40,000 sq. ft. / 40 units)

☐ Tier 2 (up to 100,000 sq. ft. / 100 units)

☐ Tier 3 (exceeding 100,000 sq. ft. / 100 units)

L. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:
Comp Plan Amendment

M. WATER/SEWER PROVIDER: To be provided by City of Palm Coast

N. IS THERE AN EXISTING MORTGAGE? ☐ Yes ☒ No

10/23/2023 02:24 pm IP:[10.10.250.10] Packet No: 91816

OWNER:	APPLICANT / AGENT:
Name: Matanzas GC Palm Coast, LLC	Name: Michael D. Chiumento III, Esq.
Mailing Address: 9401 W. Colonial Drive, Unit 728 Ocoee, FL 34761	Mailing Address: 145 City Place, Suite 301 Palm Coast, FL 32164
Phone Number:	Phone Number: michael3@legalteamforlife.com
E-mail Address:	E-mail Address: 386-445-8900 ext 102

MORTGAGE HOLDER:	ENGINEER OR PROFESSIONAL:
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

PLANNER:	TRAFFIC ENGINEER:
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

SURVEYOR:	LANDSCAPE ARCHITECT:
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

ATTORNEY:	DEVELOPER OR DOCKMASTER:
Name: Michael D. Chiumento III, Esq.	Name:
Mailing Address: 145 City Place, Suite 301 Palm Coast, FL 32164	Mailing Address:
Phone Number: 386-445-8900 ext 102	Phone Number:
E-mail Address: michael3@legalteamforlife.com	E-mail Address:

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:
Signature of owner OR person authorized to represent this application

Signature(s) _____

Printed or typed name(s): Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC

NOTARY: This instrument was acknowledged before me on this 3rd **day of** October, **20** 23 **by**

Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC **who is/are personally known to me, or who has/have produced**

_____ **as identification.** (SEAL)

CAROLINE MONEIL
MY COMMISSION # HH 023447
EXPIRES: October 6, 2024
Bonded Thru Notary Public Underwriters

_____
Signature of Notary Public, State of Florida

Property Owner Letter of Authorization

****************IF APPLICANT IS NOT THE PROPERTY OWNER**************

Dear Planning Manager,

I / We, Matanzas GC Palm Coast, LLC, a Florida limited liability company

(**All** property owners)

being the current property owner(s) of the property legally described as Parcel Number(s)

07-11-31-7037-0RP0A-0002, 07-11-31-7037-0RP0A-0011, 07-11-31-7037-0RP0A-0140

and also described as Subdivision Matanzas Golf Course/Lakeview Estates,

Section_____, Block _____, Lot _____, OR

Street Address or Physical Location:
398 Lakeview Blvd., Palm Coast, FL 32137

Do hereby designate and authorize

Michael D. Chiumento III, Esq.

(name of agent / applicant)

representing Matanzas GC Palm Coast, LLC

(Individual or Corporate Name)

to sign on my/our behalf, as my/our agent to submit an application for a

Rezoning & Comprehensive Plan Amendment

(type of application)

for the property described above.

Signature of property owner

Alexander Ustilovsky, Manager, Matanzas GC Palm Coast, LLC

Print name

Signature of property owner

Print name

NOTARY: This instrument was acknowledged before me on this 3rd **day of** October, **20**23 **by** Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC **who is/are personally known to me, or who has/have produced** _____ **as identification.**

CAROLINE MCNEIL
MY COMMISSION # HH 023447
EXPIRES: October 6, 2024
Bonded Thru Notary Public Underwriters

(SEAL)

Signature of Notary Public, State of Florida

AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF FLORIDA

COUNTY OF FLAGLER

COMES NOW, Alexander Ustilovsky, being first duly sworn, who deposes and says:

(1) That he/she is the Manager, an officer of Matanzas GC Palm Coast, LLC corporation existing under the laws of the State of Florida.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: Rezoning Application & Comp Plan Amendment Application relating to the following described real property:

See attached Exhibit "A"

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

Alexander Ustilovsky

Signature

Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC

Print name

Signature

Print name

NOTARY: This instrument was acknowledged before me on this 3rd **day of** October, **20**23 **by** Alexander Ustilovsky, as Manager of Matanzas GC Palm Coast, LLC **who is/are personally known to me, or who has/have produced** _____ **as identification.**

(SEAL)

Caroline McNeil

Signature of Notary Public, State of Florida

CAROLINE MCNEIL
MY COMMISSION # HH 023447
EXPIRES: October 6, 2024
Bonded Thru Notary Public Underwriters

AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF FLORIDA

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Alexander Ustilovsky

Signature

Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC

Print name

Signature

Print name

NOTARY: This instrument was acknowledged before me on this 3rd **day of** October, **20**23 **by** Alexander Ustilovsky, as Manager of Matanzas GC Palm Coast, LLC **who is/are personally known to me, or who has/have produced** _____ **as identification.**

(SEAL)

Caroline McNeil

Signature of Notary Public, State of Florida

CAROLINE MCNEIL
MY COMMISSION # HH 023447
EXPIRES: October 6, 2024
Bonded Thru Notary Public Underwriters

10/23/2023 02:21 pm IP:[10.10.250.10] Packet No: 91816

Property Owner Letter of Authorization

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Dear Planning Manager,

I / We, Matanzas GC Palm Coast, LLC, a Florida limited liability company

(**All** property owners)

being the current property owner(s) of the property legally described as Parcel Number(s)

07-11-31-7037-0RP0A-0002, 07-11-31-7037-0RP0A-0011, 07-11-31-7037-0RP0A-0140

and also described as Subdivision Matanzas Golf Course/Lakeview Estates,

Section_____, Block _____, Lot _____, OR

Street Address or Physical Location:
398 Lakeview Blvd., Palm Coast, FL 32137

Do hereby designate and authorize

Michael D. Chiumento III, Esq.

(name of agent / applicant)

representing Matanzas GC Palm Coast, LLC

(Individual or Corporate Name)

to sign on my/our behalf, as my/our agent to submit an application for a

Rezoning & Comprehensive Plan Amendment

(type of application)

for the property described above.

Signature of property owner

Alexander Ustilovsky, Manager, Matanzas GC Palm Coast, LLC

Print name

Signature of property owner

Print name

NOTARY: This instrument was acknowledged before me on this 3rd **day of** October, **20**23 **by** Alexander Ustilovsky, Manager of Matanzas GC Palm Coast, LLC **who is/are personally known to me, or who has/have produced** _____ **as identification.**

CAROLINE MCNEIL
MY COMMISSION # HH 023447
EXPIRES: October 6, 2024
Bonded Thru Notary Public Underwriters

(SEAL)

Signature of Notary Public, State of Florida

10/23/2023 02:21 pm IP:[10.10.250.10] Packet No: 91816

Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Jared T. Trent
Sydney L. Nix
Eric R. Sloan, *of-counsel*
Andrew C. Grant, *of-counsel*
Tom Pycraft, of-counsel

Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com

CHIUMENTO LAW

145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

2 Camino Del Mar
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

April 1, 2024

City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164
Attn: Ray Tyner

RE: Matanzas Golf Course

Dear Mr. Tyner:

I have examined the title with respect to the property described in Exhibit A attached hereto and made part hereof. Based upon my examination of the title search, it is my legal opinion that as of **March 18, 2024**, that fee simple title to the property is vested in **MATANZAS GC PALM COAST, LLC, a Florida limited liability company.** subject to the following matters:

1. All matters as shown on the plat of Lakeview-Section 37 Palm Coast Park at Palm Coast, a subdivision recorded in Plat Book 13, pages 1 through 29, inclusive, of the Public Records of Flagler County, Florida.

2. Covenants and Restrictions recorded in Official Records Book 47, page 295 and amended in Official Records Book 48, page 225, Official Records Book 76, page 267, Official Records Book 81, page 560, Official Records Book 95, page 254, Official Records Book 100, page 9, Official Records Book 119, page 641, Official Records Book 218, page 594 and amended in Official Records Book 278, page 447, Public Records of Flagler County, Florida.

3. Agreement between Palm Coast Utility Corporation and Sunsport Recreation, Inc. recorded in Official Records Book 283, Page 396, Public Records of Flagler County, Florida.

4. Agreement between Palm Coast Utility Corporation and Sunsport Recreation, Inc. recorded in Official Records Book 293, Page 871, Public Records of Flagler County, Florida.

5. Agreement between Palm Coast Utility Corporation and Sunsport Recreation, Inc. recorded in Official Records Book 293, Page 875, Public Records of Flagler County, Florida.

6. Drainage Easement recorded in Official Records Book 549, page 991, Assignment of Reserved Rights recorded in Official Records Book 602, page 53 and Amendment to Drainage Easement to add Additional Lands recorded in Official Records Book 1680, page 1751, Public Records of Flagler County, Florida.

7. Declaration of Restrictive Covenants and Easements recorded in Official Records Book 550, Page 1568, Public Records of Flagler County, Florida.

8. Terms and conditions of the Access Easement Agreement in favor of Commonwealth Palm Coast Corporation recorded in Official Records Book 550, Page 1682, assigned to The Grand Club, LLC, by Assignment of Access Easements recorded in Official Records Book 1118, page 859, Public Records of Flagler County, Florida.

9. Access Easement Agreement in favor of Commonwealth Palm Coast Corporation recorded in Official Records Book 550, Page 1688, assigned to The Grand Club, LLC, by Assignment of Access Easements recorded in Official Records Book 1118, page 859, Public Records of Flagler County, Florida.

10. Drainage Easement Agreement in favor of Palm Coast Community Service Corporation recorded in Official Records Book 550, Page 1750 together with the Amendment to Drainage Easement to add Additional Lands recorded in Official Records Book 1680, page 1681, Public Records of Flagler County, Florida.

11. Declaration of Covenants recorded In Official Records Book 1118, page 868, Public Records of Flagler County, Florida.

12. Easement Agreement for Utilities recorded In Official Records Book 1579, page 472, Public Records of Flagler County, Florida.

13. Development Order(s) recorded in Official Records Book 1599, page 511 and Official Records Book 1615, page 638, Public Records of Flagler County, Florida.

14. Lease and Access Agreement dated March 1, 2008 by and between The Grand Club, LLC, (Landlord) and Palm Coast Outdoor, Inc. (Tenant) together with First Amendment dated October 8, 2008 and Second Amendment dated February 25, 2011 as evidenced by the Memorandum of Lease recorded In Official Records Book 1807, page 683 and Assignment and Assumption of Lease Agreement recorded in Official Records Book 1814, page 159, Public Records of Flagler County, Florida.

15. Lease Agreement dated February 20, 2014 as evidenced by the Lease Memorandum recorded In Official Records Book 1999, Page 1476 and Assignment and Assumption of Lease Agreement recorded in O.R. Book 2354, Page 1621, Public Records of Flagler County, Florida. Seller's Certificate recorded in O.R. Book 2354, Page 1051, Public Records of Flagler County, Florida.

16. Lakeview Estates Master Plan Development Agreement between City of Palm Coast, a Florida municipal corporation and Matanzas GC Palm Coast, LLC, a Florida limited liability company as recorded in O.R. Book 2530, Page 1215, Public Records of Flagler County, Florida.

17. City of Palm Coast Development Order approval for Lakeview Estates Tract 1 Subdivision Master Plan recorded in O.R. Book 2647, Page 1522, Public Records of Flagler County, Florida.

18. City of Palm Coast Subdivision Preliminary Plat Development Order approval for Lakeview Estates Tract 1 recorded in O.R. Book 2756, Page 793, Public Records of Flagler County, Florida.

19. Lakeview Estates Master Plan Development Agreement between City of Palm Coast, a Florida municipal corporation and Matanzas GC Palm Coast, LLC, a Florida limited liability company as recorded in O.R. Book 2530, Page 1215, Public Records of Flagler County, Florida.

Sincerely yours,

Michael D. Chiumento III
MC/cm

EXHIBIT "A"

MATANZAS WOODS GOLF COURSE:

Reserved Parcel "A", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northeast corner of Block 165 of said Plat of Lakeview; thence North 89°30'56" East 21.68 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 349.56 feet, a radius of 800.00 feet, a central angle of 25°02'07" and a chord bearing South 26°22'21" East, 346.78 feet to a point of tangency; thence South 38°53'25" East 2087.61 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 266.63 feet, a radius of 1120.00 feet, a central angle of 13°38'23" and a chord bearing South 32°04'13" East, 265.99 feet to a point of tangency; thence South 25°15'02" East 772.55 feet to a point of cusp; thence northwesterly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 66°04'26" West 196.12 feet to a point; thence South 16°53'50" East 110.00 feet to a point on a curve; thence westerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing South 64°44'57" West 11.62 feet to a point; thence North 33°36'15" West 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 15°34'21" West 196.12 feet to a point of tangency; thence South 25°15'02" East 100.25 feet to a point on a curve; thence southwesterly along a curve to the left having an arc length of 217.30 feet, a radius of 280.98 feet, a central angle of 44°18'38" and a chord bearing South 42°35'39" West 211.92 feet to a point of tangency; thence South 08°35'49" West 179.39 feet; thence North 81°24'11" West 913.66 feet; thence South 08°35'49" West 125.00 feet; thence North 81°24'11" West 40.00 feet; thence North 08°35'49" East 125.00 feet; thence North 81°24'11" West 125.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 180.00 feet, a radius of 225.00 feet, a central angle of 45°50'12" and a chord bearing South 75°40'43" West,175.24 feet to a point; thence South 37°14'23" East, 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 77.08 feet, a radius of 100.00 feet, a central angle of 44°09'48" and a chord bearing South 30°40'43" West 75.19 feet to a point of tangency; thence South 08°35'49" West, 237.34 feet; thence North 81°24'11" West 87.50 feet; thence North 51°24'11" West 130.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 87°46'25" West,196.12 feet to a point; thence South 43°02'58" East 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'26" and a chord bearing South 38°35'49" West 11.62 feet to a point; thence North 59°45'24" West 110.00 feet; thence South 38°35"49" West 128.21 feet; thence North 51°24'11" West 1018.03 feet; thence North 38°35'49" East 380.00 feet; thence South 51°24'11" East 500.00 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00, a central angle of 90°00'00" and a chord bearing North 83°35'49" East, 318.20 feet to a point; thence North 51°24'11" West 125.00 feet; thence North 38°35"49" East 230.92 feet; thence South 51°24'11" East 100.00 feet; thence South 81°24'11" East 993.30 feet to a point of

curvature; thence northeasterly along a curve to the left having an arc length of 431.48 feet, a radius of 225.00 feet, a central angle of 109°52'35" and a chord bearing North 43°39'32" East, 368.34 feet to a point of tangency; thence North 11°16'46" West 478.51 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 245.29 feet, a radius of 225.00 feet, a central angle of 62°27'41" and a chord bearing North 42°30'36" West, 233.32 feet to a point; thence North 08°35'49" East 77.01 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing North 36°24'11" West 318.20 feet to a point; thence westerly along a curve to the left having an arc length of 446.47 feet, a radius of 150.00 feet, a central angle of 170°32'16" and a chord bearing North 76°40'19" West 298.98 feet to a point of tangency; thence South 08°35'49" West 149.66 feet; thence North 81°24'11" West 50.00 feet; thence North 08°35'49" East 125.00 feet; thence North 78°43'26" West 153.29 feet; thence North 09°33'43" West 148.11 feet; thence South 69°50'14" East 67.79 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 146.25 feet, a radius of 150.00 feet, a central angle of 55°51'48" and a chord bearing North 87°23'42" East,140.53 feet to a point; thence North 30°32'12" West 110.00 feet to a point on a curve; thence northeasterly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 51°06'35" East 11.62 feet to a point; thence South 47°14'37" East 110.00 feet to a point on a curve; thence northerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'48" and a chord bearing North 01°55'59" East 196.12 feet to a point of tangency; thence North 38°53'25" West 326.21 feet; thence North 80°07'23" West 122.65 feet; thence North 09°33'42" West 80.00 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 166.36 feet, a radius of 325.00 feet, a central angle of 29°19'42" and a chord bearing North 24°13'34" West,164.55 feet to a point of tangency; thence North 38°53'25" West 200.00 feet; thence South 51°06'35" West 125.00 feet; thence North 38°53'25" West 20.00 feet; thence North 51°06'35" East 125.00 feet; thence North 38°53'25" West 178.81 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 292.66 feet, a radius of 325.00 feet, a central angle of 51°35'39" and a chord bearing North 64°41'14" West, 282.87 feet to a point of tangency; thence South 89°30'56" West 678.94 feet to a point of curvature; thence southwesterly along a curve to the left having an arc length of 389.08 feet, a radius of 225.00 feet, a central angle of 99°04'39" and a chord bearing South 39°58'37" West, 342.38 feet to a point of cusp; thence North 09°33'43" West 137.22 feet; thence North 00°29'04" West 425.00 feet; thence North 89°30'56" East 1200.00 feet; thence North 00°29'04" West 125.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "C", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northwest corner of said Reserved Parcel "C"; thence North 89°26'28" East 630.08 feet; thence South 38°43'02" West 202.91 feet; thence South 51°40'07" East 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 250.77 feet, a radius of 300.00 feet; a central angle of 47°53'36" and a chord bearing South 14°23'05" West 243.53 feet to a point of tangency; thence South

09°33'43" East 403.87 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 520.00 feet, thence North 80°26'17" East 125.00 feet; thence South 09°33'43" East 40.00 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 980.61 feet to a point of curvature; thence southerly along a curve to the left having an arc length of 441.04 feet, a radius of 725.00 feet, a central angle of 34°51'17" and a chord bearing South 26°59'21" East, 434.27 feet to a point; thence North 45°35'00" East 55.00 feet; thence South 44°25'00" East 67.22 feet; thence North 39°51'14" East 73.36 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 13.16 feet, a radius of 600.00 feet; a central angle of 01°15'25" and a chord bearing South 50°46'29" East 13.16 feet to a point of tangency; thence South 51°24'11" East 170.76 feet; thence South 54°59'31" West 770.58 feet; thence North 35°00'29" West 649.53 feet to a point on the east right of way line of U.S. Highway No.1; thence northerly along said right of way line of the following six courses; run North 09°59'31" East 128.08 feet; thence South 89°43'01" West 5.08 feet; thence North 09°59'31" East 253.32 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 655.06 feet, a radius of 2030.05 feet, a central angle of 18°29'18" and a chord bearing North 00°44'52" East, 652.23 feet to a point of tangency; thence North 08°29'47" West 179.58 feet; thence South 81°30'12" West 20.00 feet; thence North 08°29'47" West 1583.88 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "D" Lake View - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most northerly corner of said Reserved Parcel "D"; thence South 38'53'28" East 93.32 feet; thence North 89°30'56" East 936.80 feet; thence South 00°29'04" East 432.94 feet; thence South 09°33'42" East 57.28 feet to a cusp point; thence northwesterly along a curve to the left having an arc length of 317.78 feet, a radius of 225.00 feet; a central angle of 80°55'21" and a chord bearing North 50°01'23" West 292.02 feet to a point of tangency; thence South 89°30'56" West 846.10 feet; thence North 09°33'43" West 149.00 feet to a point of curvature; thence northerly along a curve to the right having an arc length of 254.23 feet, a radius of 240.00 feet, a central angle of 60°41'38" and a chord bearing North 20°47'06" East, 242.51 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most southerly corner at said Reserved Parcel "E"; thence North 64°44'58" East 526.36 feet; thence North 25°15'02" West 335.20 feet; thence South 64°44'58" West 125.00 feet; thence North 25°15'02" West 620.00 feet to a point of curvature; thence northwesterly along a curve to the right having an arc length of 60.46 feet, a radius of 425.00 feet, a central angle of 08°09'02" and a chord bearing North 21°10'31" West, 60.41 feet to the southeasterly corner of a parcel described in Official Records Book 492, pages 936-939; thence northerly along the boundary of said parcel described in Official Records Book 492, pages 936-939 for the following five courses; thence South 72°54'00"

West 10.00 feet; thence North 53°38'13" West 20.65 feet; thence South 05°01'26" West 11.50 feet; thence North 10°42'21" West 31.82 feet; thence North 01°05'36" East 53.63 feet; thence North 85°41'45" East 24.67 feet to the boundary of above said Reserved Parcel "2", being a point on a curve; thence northerly along a curve to the right having an arc length of 28.33 feet, a radius of 425.00 feet; a central angle of 03°49'11" and a chord bearing North 02°23'39" West 28.33 feet to a point of tangency; thence North 00°29'04" West 1536.30 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point; thence South 85°19'06" East 128.73 feet; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 202.47 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 1003.67 feet; thence South 25°15'02" East 260.04 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 19°44'58" West, 318.20 feet to a point of tangency; thence South 64°44'58" West 800.00 feet; thence South 25°15'02" East 300.00 feet; thence North 64°44'58" East 910.00 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'11" and a chord bearing North 85°37'33" East, 302.90 feet to a point; thence South 16°30'09" West 125.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 34.00 feet, a radius of 300.00 feet, a central angle of 06°29'36" and a chord bearing South 70°15'03" East 33.98 feet to a point; thence North 22°59'45" East 125.00 feet

to a point on a curve; thence southeasterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'13" and a chord bearing South 46°07'39" East 302.91 feet to a point of cusp; thence North 25°15'02" West 822.28 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 561.16 feet, a radius of 275.00 feet, a central angle of 116°54'59" and a chord bearing North 33°12'28" East, 468.74 feet to a point of tangency; thence South 88°20'03" East 756.56 feet; thence South 07°23'44" West 126.38 feet to a point of on a curve; thence easterly along a curve to the right having an arc length of 150.15 feet, a radius of 150.00 feet, a central angle of 57°21'14" and a chord bearing South 53°55'39" East 143.96 feet to a point of tangency; thence South 25°15'02" East 40.00 feet; thence North 64°44'58" East 125.00 feet to the easterly line of Belle Terre Waterway; thence North 25°15'02" West along said easterly line of Belle Terre Waterway for a distance of 862.29 feet to a point of curvature; thence depart said boundary line of said Reserved Parcel "2" and run westerly along the southerly line of Jefferson Davis Waterway for the following four courses: run westerly along a curve to the left having an arc length of 921.97 feet, a radius of 825.00 feet, a central angle of 64°01'49" and a chord bearing North 57°15'57" West, 874.74 feet to a point of tangency; thence North 89°16'51" West 858.76 feet to a point of curvature; thence westerly along a curve to the right having an arc length of 411.10 feet, a radius of 675.00 feet, a central angle of 34°53'44" and a chord bearing North 71°49'59" West, 404.78 feet to a point of tangency; thence North 54°23'07" West 585.58 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 177.30 feet, a radius of 825.00 feet, a central angle of 12°18'47" and a chord bearing North 60°32'31" West,176.96 feet to a point on the westerly boundary of said Reserved Parcel "2"; thence southerly and westerly along said westerly boundary of said Reserved Parcel "E" for the following seven courses: South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southeasterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 331.52 feet, a radius of 720.00 feet, a central angle of 26°22'53" and a chord bearing South 25°41 '59" East 328.59 feet to a point of tangency; thence South 38°53'25" East 1801.29 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Part of Government Sections 21 and 22, Township 10 South, Range 30 East, Flagler County, Florida being that part of PARCEL NO. 2 of the property described in Official Records Book 142, pages 278-279, lying south of Jefferson Davis Waterway and being more particularly described as follows:
From a POINT OF REFERENCE being a point on the easterly boundary line of the above described PARCEL NO. 2, said point being the northwest corner of Reserved Parcel "2" as shown on the recorded plat of Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida; thence South 29°30'56" West along the easterly boundary of said PARCEL NO. 2 being also along the westerly boundary of said Reserved Parcel "E" for a distance of 390.35 feet to the POINT OF BEGINNING; thence continue along the easterly and southerly boundary of said PARCEL NO. 2 being also along the westerly and northerly boundary of said Reserved

Parcel "E" for the following seven courses: run South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southwesterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence northerly along a curve to the right having an arc length of 151.10 feet, a radius of 720.00 feet, a central angle of 12°01'28" and a chord bearing North 06°29'48" West 150.83 feet to a point; thence South 89°30'56" West 1280.00 feet to the northwest corner of Block 164 of said plat of Lakeview; thence North 12°53'48" East along the southerly line of said Jefferson Waterway for a distance of 297.66 feet to a point on a curve; thence northeasterly along a curve to the right having an arc length of 913.19 feet, a radius of 825.00 feet, a central angle of 63°25'15" and a chord bearing North 39°41'03" East 867.28 feet to a point of tangency; thence North 71°23'41" East 1251.37 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 603.42 feet, a radius of 825.00 feet; a central angle of 41°54'25" and a chord bearing South 87°39'07" East, 590.05 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

All of that land vacated in the Subdivision Plat Of Lakeview - Section 37 Palm Coast Map Book 13 Pages 1 through 29, per Resolution 95-56 as recorded in Official Records Book 538 at Pages 1611 through 1613, Public Records of Flagler County, Florida, being described as follows:
BEGINNING at the southwesterly corner of Lot 22, Block 143 of the aforesaid Lakeview - Section 37; thence North 80°26'17" East a distance of 49.47 feet to a point of curvature of a curve to the right; thence northeasterly along said curve having a radius of 300.00 feet, a central angle of 14°34'59" an arc of 76.36 feet and a chord bearing North 87°43'47" East, 76.15 feet to a point on a non-tangent line; thence North 09°33'43" West, a distance of 1273.40 feet; thence North 80°26'17" East a distance of 124.48 feet; thence South 47°01'13" East a distance of 97.49 feet to a point on a non-tangent curve; thence northeasterly along a curve to the right having a radius of 150.00 feet; a central angle of 08°07'48", an arc length of 21.28 feet and a chord bearing North 47°02'41" East, 21.27 feet to a point of tangency; thence North 51°06'35" East a distance of 100.00 feet; thence South 38°53'25" East a distance of 50.00 feet; thence South 51°06'35" West a distance of 100.00 feet to a point of curvature; thence southwesterly along a curve to the left having a radius of 100.00 feet, central angle of 05°43'46, an arc length of 10.00 feet and a chord bearing South 48°14'42" West,10.00 feet to a point on a non-tangent line; thence South 50°07'21" East a distance of 153.93 feet; thence South 51°06'35" West a distance of 20.25 feet; thence South 09°33'43" East a distance of 936.00 feet; thence South 35°36'55" East a distance of 82.42 feet; thence South 81°24'11" East a distance of 240.00 feet; thence South 08°35'49" West a distance of 125.00 feet; thence South 81°24'11" East a distance of 27.55 feet to a point on a non-tangent curve; thence southwesterly along curve to the left having a radius of 40.00 feet, a central angle of 77°21'52", an arc of 54.01 feet and a chord bearing South 08°35'49" West 50.00 feet to a point on a non-tangent line; thence North 81°24'11" West a distance of 4.59 feet; thence South 08°35'49" West a distance of 125.00 feet; thence North 81°24'11" West a distance of 480.00 feet; thence South 84°38'20" West a distance of 69.97 feet; thence North 03°00'11" West a distance of 144.02 feet to a point on a non-tangent curve; thence southwesterly along

a curve to the left having a radius of 250.00 feet, a central angle of 13°34'27", an arc of 59.23 feet and a chord bearing South 87°13'31" West, 59.09 feet to a point of tangency; thence South 80°26'17" West a distance of 51.03 feet to a point on a non-tangent curve; thence northwesterly along a curve to the left having a radius of 200.00 feet, a central angle of 07°10'51" an arc of 25.07 feet and a chord bearing North 05°58'17" West 25.05 feet to a point of tangency; thence North 09°33'43" West a distance of 25.00 feet to the POINT OF Beginning, the above described parcel of land is situated in Section 22, Township 10 South, Range 30 East, Flagler County, Florida.

ALSO INCLUDING:

Part of Reserved Parcel "R-1", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most easterly corner of said Reserved Parcel "R-1"; thence South 38°35'49" West along the southeasterly line of said Reserved Parcel "R-1" for a distance of 767.47 feet; thence North 51°24'11" West 1300.81 feet to the most westerly corner of said Reserved Parcel "R-1"; thence North 54°59'31" East,148.96 feet; thence South 59°22'19" East 485.17 feet; thence South 73°43'22" East 217.49 feet; thence North 77°17'42" East 363.21 feet; thence North 38°35'49" East 191.24 feet; thence South 51°24'11" East 350.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E" according to the Subdivision Plat Lakeview Section 37, Palm Coast, recorded in Map Book 13, Pages 1 Through 29, of the Public Records of Flagler County, Florida, being more particularly described as follows:
A POINT OF REFERENCE being the northeast corner of Lot 1, Block 75; thence North 25°15'02" West along the west line of Belle Terre Waterway a distance of 862.29 feet to THE POINT OF BEGINNING; thence departing Belle Terre Waterway (as platted) 921.97 feet along the arc of a curve to the left (concave southerly) have a central angle of 64°01'49", a radius of 825.00 feet, a chord bearing of North 57°15'57" West and a chord distance of 874.74 feet to a point of tangency, thence North 89°16'51" West a distance of 858.76 feet to a point of curvature; thence 411.10 feet along the arc of a curve to the right (concave northerly) having a central angle of 34°53'44", a radius of 675.00 feet, a chord Bearing of North 71°49'59" West and a chord distance of 404.78 feet to the end of said curve being a point on the boundary of Jefferson Davis Waterway as recorded in Official Records Book 549, Pages 966 through 990, of the Public Records of Flagler County, Florida; thence North 35°36'53" East along said waterway a distance of 30.00 feet to a point on a non-tangent curve; thence easterly 392.83 feet along the arc of a curve to the left (concave northerly)having a central angle of 34°53'44", a radius of 645.00 feet, a chord bearing of South 71°49'59" East and a chord distance of 386.79 feet to a point of tangency; thence South 89°16'51" East a distance of 858.76 feet to a point of curvature; thence 955.50 feet along the arc of a curve to the right concave southwesterly having a central angle of 64°01'49", a radius of 855.00 feet, a chord bearing of South 57°15'57" East and a chord distance of 906.54 feet to the end of said curve; thence South 64°44'58" West a distance of 30.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD 5), BEING A PORTION OF LONDON WATERWAY, LAKEVIEW SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 26, LOCATED IN GOVERNMENT SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF ASHWOOD WATERWAY (A 300 FOOT RIGHT-OF-WAY) PER SAID LAKEVIEW SECTION 37, WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, (STATE ROAD 5, A 175 FOOT RIGHT-OF-WAY AT THIS POINT); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 35°00'29" EAST ALONG SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY FOR A DISTANCE OF 649.53 FEET TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID ASHWOOD WATERWAY LINE NORTH 54°59'31" EAST ALONG THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY FOR A DISTANCE OF 770.58 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LONDON DRIVE, (A 60 FOOT RIGHT-OF-WAY), PER SAID LAKEVIEW-SECTION 37; THENCE DEPARTING THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY SOUTH 51°24'11" EAST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 104.24 FEET TO THE SOUTHERLY LINE OF SAID LONDON WATERWAY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 54'59'31" WEST ALONG SAID SOUTHERLY LINE OF LONDON WATERWAY FOR A DISTANCE OF 800.00 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY; THENCE NORTH 35°00'29" WEST ALONG SAID ASHWOOD WATERWAY LINE FOR A DISTANCE OF 100.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

LESS AND EXCEPT:

A PARCEL OF LAND LYING IN SECTIONS 22 AND 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF RESERVED PARCEL "E" AS SHOWN ON THE PLAT LAKEVIEW -- SECTION 37 PALM COAST PARK AT PALM COAST, MAP BOOK 13, PAGES 1 THROUGH 29 AND DESCRIBED IN OFFICIAL RECORDS BOOK 2354, PAGES 1028 THROUGH 1036, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND A PORTION OF PARCEL NO. 2, AS DESCRIBED IN OFFICIAL RECORDS BOOK 142, PAGES 278 THROUGH 279, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING, BEING THE MOST SOUTHERLY CORNER OF SAID RESERVED PARCEL "E"; THENCE NORTH 38°53'25" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF LAKEVIEW BOULEVARD AS SHOWN ON SAID PLAT OF LAKEVIEW - SECTION 37, PALM COAST PARK AT PALM COAST A DISTANCE OF 1801.29 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE

EASTERLY RIGHT-OF-WAY OF SAID LAKEVIEW BOULEVARD NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 331.51 FEET, A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 26°22'51" AND A CHORD BEARING AND A CHORD BEARING NORTH 25°41'59" WEST A DISTANCE OF 328.59 FEET TO THE SOUTHERLY LINE OF SAID PARCEL NO. 2; THENCE DEPARTING SAID SOUTHERLY LINE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 151.11 FEET, A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 12°01'29" AND A CHORD BEARING NORTH 06°29'48" WEST A DISTANCE OF 150.83 FEET TO A POINT; THENCE SOUTH 89°30'56" WEST A DISTANCE OF 1280.00 FEET TO THE SOUTHERLY LINE OF JEFFERSON DAVIS WATERWAY AS SHOWN ON SAID PLAT LAKEVIEW - SECTION 37, PALM COAST PARK AT PALM COAST; THENCE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY NORTH 12°53'48" EAST A DISTANCE OF 297.66 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF JEFFERSON DAVIS WATERWAY AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 913.19 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 63°25'14" AND A CHORD BEARING NORTH 39°41'03" EAST A DISTANCE OF 867.28 FEET TO THE POINT OF TANGENCY, THENCE NORTH 71°23'41" EAST STILL ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY A DISTANCE OF 1251.37 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 603.41 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 41°54'23" AND A CHORD BEARING SOUTH 87°39'07" EAST A DISTANCE OF 590.05 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL NO. 2, SAID POINT ALSO BEING ON THE WESTERLY LINE OF SAID RESERVED PARCEL "E"; THENCE CONTINUE ALONG E"; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 177.30 FEET, A RADIUS OF 825.00 FEET, A CENTRAL ANGLE OF 12°18'48" AND A CHORD BEARING SOUTH 60°32'31" EAST A DISTANCE OF 176.96 FEET TO THE POINT OF EAST A DISTANCE OF 176.96 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY SOUTH 54°23'07" EAST A DISTANCE OF 147.50 FEET; THENCE DEPARTING THE SOUTHERLY LINE OF SAID EAST A DISTANCE OF 147.50 FEET; THENCE DEPARTING THE SOUTHERLY LINE OF SAID JEFFERSON DAVIS WATERWAY AND THROUGH SAID RESERVED PARCEL "E" SOUTH 35°36'53" WEST A DISTANCE OF 120.96 FEET TO A NON-TANGENTIAL CURVE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 213.75 FEET, A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 81°38'50" AND A CHORD BEARING SOUTH 40°20'20" WEST A DISTANCE OF 196.12 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°29'04" EAST A DISTANCE OF 1536.30 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 28.34 FEET, A RADIUS OF 425.00 FEET, A CENTRAL ANGLE OF 03°49'12" AND A CHORD BEARING SOUTH 02°23'39" EAST A DISTANCE OF 28.33 FEET TO THE NORTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 492, PAGES 936 THROUGH 939, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTHERLY ALONG THE BOUNDARY LINE OF SAID PARCEL THE FOLLOWING FIVE (6) COURSES; 1) SOUTH 85°41'45" WEST A DISTANCE OF 24.67

FEET, 2) SOUTH 01°05'36" WEST A WEST A DISTANCE OF 24.67 FEET, 2) SOUTH 01°05'36" WEST A DISTANCE OF 53.63 FEET, 3) SOUTH 10°42'21" EAST A DISTANCE OF 31.82 FEET, 4) NORTH 75°01'26" EAST A DISTANCE OF 11.50 FEET, 5) SOUTH 53°38'13" EAST A DISTANCE OF 20.65 FEET, 6) NORTH 72°54'00" EAST A DISTANCE OF 10.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL, SAID CORNER ALSO BEING A POINT OF CURVATURE; THENCE DEPARTING SAID BOUNDARY AND ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 60.46 FEET, A RADIUS OF 425.00 FEET, A CENTRAL ANGLE OF 08°09'03" AND A CHORD BEARING SOUTH 21°10'31" EAST A DISTANCE OF 60.41 FEET TO THE POINT OF TANGENCY: THENCE SOUTH 25°15'02" EAST A DISTANCE OF 620.00 FEET; THENCE NORTH 64°44'58" EAST A DISTANCE OF 125.00 FEET; THENCE SOUTH 25°15'02" EAST A DISTANCE OF 335.20 FEET; THENCE SOUTH 64°44'58" WEST A DISTANCE OF 526.36 FEET TO THE POINT OF BEGINNING.

April 3,2024

Bill Hoover
Senior Planner
City of Palm Coast
160 Lake Avenue
Palm Coast, Florida 32164

RE: Matanzas MPD Revision Application
Analysis Review per Subsection 2.05.05 and 2.06.03 of the LDC

Dear Mr. Hoover,

The following is a summary of Review Findings

2.05.05 LDC

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

The proposed rezoning will provide commercial and office uses to meet community demand for retail, services, business and employment opportunities.

B The proposed development must consistent with Comprehensive Plan and provisions of this LDC

The Rezoning provides needed public services and revenues based on projected population and employment growth.

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

The Rezoning will not impose significant financial liability or hardship for the City
The project will enhance the City by improved community wide drainage improvements for Matanzas neighborhood area.

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: and

The development will create a perpetual buffer to the east adjacent to existing residential properties.
The western portion of the property is proposed commercial development adjacent to, and accessed from, US Rt. 1

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

The development of the property will comply with all local, state, and federal laws statutes, ordinances regulations, or codes.

2.06.03 LDC

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.

The Rezoning provides attractive job opportunities with superbly designed commercial area while providing for the diverse needs of the citizens.

B. Its impact on environmental or natural resources.

The Rezoning provides for over 6 acres of natural buffers adjacent to existing residential and US 1 road frontage.

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

The Rezoning from PSP (Public Semi Public) to Com 2 (General Commercial) Will provide general commercial and office uses to meet community demand for retail, services, business and employment opportunities.

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

The Rezoning will have not have adverse impact on schools, sewage disposal, potable, drainage, fire Protection, solid waste or transportation systems.

E Any changes in circumstances or conditions affecting the area.

The continued residential growth in the area will be enhanced with services provided by the proposed Rezoning.

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

The proposed Rezoning with the implementation of proposed buffers protects the health safety,and welfare of the surrounding residents.

G. Whether it accomplishes a legitimate public purpose.

The Rezoning provides legitimate public purpose by providing community needs for services as growth continues.

Environmental Assessment

For the

Matanzas Woods Golf Course Property

Palm Coast, Flagler County, Florida

Prepared By:
Atlantic Ecological Services, LLC
Attention: Jody Sisk
201 Basque Road
St. Augustine, FL 32080
jody@atlanticeco.com
(904) 347-9133

Prepared For:
Matanzas GC Palm Coast, LLC
Attn: Mr. Alex Ustilovsky
200 Ocean Crest Drive, Unit # 1111
Palm Coast, FL 32137

April 2021

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1.0 PROJECT INTRODUCTION

The Matanzas Woods Golf Course property is located within the City of Palm Coast, Flagler County, Florida, in a portion of Sections 21, 22, 27, & 28, Township 10 South, Range 30 East. The project area is approximately 275.96 acres in total size. The proposed project is identified as Flagler County Parcel ID # 07-11-31-7037-ORPOA0002. The subject property is generally located north of Matanzas Woods Parkway, east of US Highway 1, west of Interstate 95, and south of lands associated with the Palm Coast Park DRI. The property consists of an abandoned golf course within the City of Palm Coast. Please see the attached Location Map and Aerial Map within Appendix I for details. The latitude and longitude coordinates for the approximate center of the project are 29.615 North and -81.281 West, as determined via Google Earth.

The applicant for the project is:

Matanzas GC Palm Coast, LLC
Attn: Mr. Alex Ustilovsky
200 Ocean Crest Drive, Unit # 1111
Palm Coast, FL 32137

The subject property was previously permitted as a golf course within St. Johns River Water Management District MSSW# 4-035-0003A. The golf course has been closed since 2007.

Atlantic Ecological Services (AES) conducted an Environmental Assessment (EA) on the Matanzas Woods Golf Course property (herein referred to as the subject property). The subject property was reviewed to determine habitat type's present, boundaries of habitat types, presence of or the potential for protected species, wildlife utilization of the site and other environmental constraints noted during the site visits. This EA report discusses the methods used to conduct the EA, the results thereof and includes several supplementary figures.

Mr. Jody Sisk of AES performed the wetland and protected species review on the subject property. Mr. Sisk currently holds certifications from the City of Palm Coast as a Qualified Environmental Professional, including Gopher Tortoise Agent (#19567), Wetlands (#19568), and Listed Species (#19569).

2.0 EXISTING SITE CONDITIONS

The subject property consists of disturbed uplands, wetlands, and surface water ponds associated with the former golf course. The uplands consist of remnant pine flatwoods and golf course, and the wetlands consists of multiple hardwood forested systems, mixed hardwood/pine systems, freshwater marsh, and surface water ponds.

The communities and land use areas were categorized according to the Florida Department of Transportation (FDOT) (1991) Florida Land Use, Cover and Forms Classification System (FLUCFCS). The communities and land uses observed and delineated on the subject property are described in detail below and are shown on the attached Habitat Map.

2.1 Uplands

Golf Course - Remnant (FLUCCS 182) – Approximately 133.95 acres of the property exists as the remnant fairways, greens, and associated components of the Matanzas Golf Course. These areas exist as a mix of turf grass, ruderal weeds, landscape plants and trees, parking, and associated structures.

Pine Flatwoods (FLUCCS 411) – The remaining uplands, not included in the managed golf course area, found on the subject property are considered remnant pine flatwoods. They were part of the ITT pine plantation prior to the opening of the golf course in the 1980's. Evidence of remnant row planting was identified across the site. This habitat community s approximately 98.24 acres in total size. The canopy is dominated by slash pine (*Pinus elliottii*). Some Chinese tallow (*Sapium sebiferum*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and loblolly bay (*Gordonia lasianthus*) are also located within the uplands, but at much less coverage. The understory is dominated by a thick cover of saw palmetto (*Serenoa repens*). Other species found, but at a much lesser extent, include wax myrtle (*Myrica cerifera*), gallberry (*Ilex glabra*), yaupon holly (Ilex vomitoria), bushy broom grass (*Andropogon glomeratus*), blackberry (*Rubu*s spp.), greenbriar (*Smilax* spp.), bahia grass (*Paspalum notatum*), cogon grass (*Imperata cylindrica*), and bracken fern (*Pteridium aquilinum*).

2.2 Wetlands

Mixed Wetland Hardwoods (FLUCCS 617) – Multiple mixed hardwood wetland systems are located on the subject property totaling approximately 0.2 acres. These wetlands consist primarily of a canopy of red maple (*Acer rubrum*), Chinese tallow, laurel oak, and loblolly bay. The understory includes dahoon holly (*Ilex cassine*), wax myrtle and saw palmetto.

Cypress (FLUCCS 621) – Multiple small, isolated cypress depressions totaling 2.97 acres are located on the subject property. These systems are dominated by cypress (*Taxodium* spp.). Other species include red maple, slash pine, and dahoon holly.

Wetland Mixed Forest (FLUCCS 630) – Multiple mixed hardwood and pine wetlands are located on the subject property. The wetland mixed forest communities combined equal approximately 15.09 acres in total area on the subject property. The canopy is dominated by red maple, sweetgum (*Liquidambar styraciflua*), cypress, Chinese tallow, laurel oak, loblolly bay, and slash pine. The understory includes dahoon holly, wax

myrtle, saw palmetto, shiny lyonia (*Lyonia lucida*), gallberry, and herbaceous species such as Virginia chain fern (*Woodwardia virginica*), beakrush (*Rhynchospora* spp.), and yellow-eyed grass (*Xyris* spp.).

Freshwater Marsh (FLUCCS 641) – One freshwater marsh is located on the subject property totaling approximately 5.33 acres. The marshes are dominated by St. Johns wort (*Hypericum fasciculatum*), maidencane (*Panicum hemitomon*), torpedo grass (*Panicum repens*), Carolina willow (*Salix caroliniana*), red root (*Lacnanthes caroliniana*), and primrose willow (*Ludwigia peruviana*).

2.3 Surface Waters

Ponds (FLUCCS 530) – Approximately 20.18 acres of the subject property exists as surface water ponds associated with the former golf course.

3.0 SOILS

A discussion of each soil type present on the subject property is documented below. Please see the attached Soils Map within Appendix I for the location of each soil type.

Wabasso fine sand (4) – This very deep, nearly level, poorly drained soil is in broad flatwood areas. Individual areas of this soil are irregular in shape and range from 4 to 200 acres. The seasonal high water table is at a depth of 6 to 18 inches for as much as 3 months during most years. It recedes to a depth of more than 40 inches during dry periods.

Hicoria, Riviera, and Gator soils, depressional (8) – This is a very deep, nearly level, poorly drained soil found in depressions in the flatwoods. Individual areas are circular to irregular in shape and range from 3 to 1,500 acres. The undrained areas of this map unit are ponded, as much as 24 inches of water is above the surface for 6 months or more except during extended dry periods.

Myakka fine sand (11) – This is a very deep, nearly level, very poorly drained soil that is in broad flatwood areas. The areas range from 5 to 500 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months of the year. It is at a depth of 10 to 40 inches for more than 6 months of the year.

Placid, Basinger, and St. Johns soil, depressional (12) – These are very deep, poorly drained soils which are present in depressions along flatwoods. Undrained areas are ponded for long periods. They range from 3 to 400 acres in size. In most years, undrained areas are ponded for more than 6 months, and the seasonal high water table is as much as 2 feet above the surface.

Immokalee fine sand (13) – This is a poorly drained, nearly level soil on broad flats and low knolls in flatwoods. Mapped areas of this soil range from 5 to 600 acres. The

seasonal high water table is at a depth of 6 to 18 inches for 2 months and at 10 to 40 inches during periods of lower rainfall in most years under natural conditions. During extended dry periods, the water table recedes to a depth of more than 40 inches.

Valkaria-Smyrna Complex (18) – This is a very deep, nearly level, poorly drained soil on flatwoods. Areas in this soil are irregular and range from 40 to 300 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months of the year. It is at a depth of 10 to 40 inches or more during extended dry periods.

Vakaria fine sand (19) – This is a very deep, nearly level, poorly drained soil on low broad flats and in sloughs connecting depressions. Areas in this soil are irregular and range from 5 to 100 acres in size. The seasonal high water table is at a depth of 0 to 6 inches for 2 to 6 months of the year.

Smyrna fine sand (21) – This is a very deep, poorly drained soil which is present in nearly level flatwoods areas. They range from 4 to 400 acres. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 4 months during wet seasons and at 10 to 40 inches for more than 6 months.

Uderants, moderately wet (29) – This map unit consists of heterogeneous soil material that was removed from other soils and used in land-leveling operations as fill material. Uderants do not have an orderly sequence of soil layers. This soil makes up the areas which were excavated and filled during the construction of the city drainage system in the 1970's.

Pits (30) – This map unit consists of excavated areas from which soil and geologic material was removed for use mainly in road construction and as fill material.

Pomona fine sand (40) – This very deep, poorly drained, nearly level soil is in the broad flatwood areas. Individual areas are irregular in shape and range from 80 to 400 acres in size. The seasonal high water table is at a depth of 6 to 18 inches for 1 to 3 months and is at a depth of 10 to 40 inches for more than 6 months in most years.

4.0 WETLANDS AND SURFACE WATERS

4.1 Methods and Jurisdiction

The wetlands on the subject property fall under the regulatory jurisdiction of the Florida Department of Environmental Protection (federal 404), St. Johns River Water Management District (state) and the City of Palm Coast (local). The criteria used to determine the presence of the boundaries of wetlands and surface waters were in accordance with Chapter 62-340 F.A.C. Approximately 23.57 acres of wetlands, 20.18 acres of surface water ponds, and 0.84 acres of surface water ditches are located on the subject property. Please see the attached Wetland Map within Appendix I.

Multiple wetlands onsite could be considered isolated and therefore not jurisdictional to the State 404 Program. Due to the isolated nature of Wetlands 2-4, 8-12, and 14-16, it is not anticipated each will meet the requirements to be considered Waters of the United States (WotUS).

4.2 Wetland Quality, Impacts, and Mitigation

The wetlands onsite are of moderate quality. The City of Palm Coast will require a 25' average/15' minimum upland buffer due to the quality of wetland. The wetland onsite was assessed utilizing the City of Palm Coast Wetland Quality Assessment Methodology (WQAM). Please see Appendix II for the attached WQAM worksheets.

If wetland impacts are proposed the wetland mitigation could be completed through onsite wetland preservation/enhancement or wetland creation, or through the purchase of mitigation credits from the Fish Tail Swamp Wetland Mitigation Bank or the Brick Road Wetland Mitigation Bank. The project and the proposed mitigation are located within the Matanzas River and Pellicer Creek basin (Basin 9). Both mitigation banks listed above have available credits within the basin.

5.0 WILDLIFE OBSERVATIONS

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Table 5.1 Wildlife species observed on the Matanzas Woods Golf Course Property in Flagler County, Florida.

Taxon	Common Name	Scientific Name	Protected*
Birds	Black vulture	*Coragyps atratus*	No
	Carolina wren	*Thryothorus ludovicianus*	No
	Common grackle	*Quiscalus quiscula*	No
	Grey catbird	*Dumetella carolinensis*	No
	Northern mockingbird	*Mimus polyglottos*	No
	Great blue heron	*Ardea herodias*	No
	White ibis	*Eudocimus albus*	No
	Wood stork	*Mycteria americana*	Yes
	Tri-colored heron	*Egretta tricolor*	Yes
Mammals			
	Nine-banded armadillo	*Dasypus novemcinctus*	No
	Racoon	*Procyon lotor*	No
	Feral pig	*Sus scrofa*	No
	White-tailed deer	*Odocoileus virginianus*	No

6.0 PROTECTED SPECIES

Prior to visiting the site, a background literature search was conducted to compile a list of state and federally protected animal and plant species that could occur on the subject property. The three primary sources of literature reviewed include the Florida Fish and Wildlife Conservation Commission's (FWC) *Florida's Endangered Species, Threatened Species, And Species of Special Concern*, the United States Fish and Wildlife Service's (FWS) Threatened and Endangered Species System (TESS) database, and the Florida Department of Agriculture and Consumer Services (FDACS), Division of Plant Industry's (DPI) *Notes on Florida's Endangered and Threatened Plants*. During the site reconnaissance, observations or evidence of protected species and the likelihood of occurrence of each protected species were noted. Further review was completed following the habitat mapping and descriptions.

6.1 Protected Wildlife Species

The protected animal species with at least some likelihood of occurrence are listed in Table 6.1.1, below. The likelihood of occurrence of each species is noted in the table and those species with at least a moderate likelihood of occurrence are discussed following the table.

Table 6.1.1: Protected wildlife species with the potential to occur on the Matanzas Woods Golf Course Property in Flagler County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FWC	FWS/NMFS		
Alligator mississippiensis	American alligator		T(S/A)	Low	Various aquatic habitats
Dendroica kirtlandii	Kirtland's warbler	E	E	Low	Migrant, utilizing various terrestrial and palustrine habitats
Drymarchon corais couperi	Eastern indigo snake	T	T	Mod	Wide variety of habitats
Egretta caerulea	Little blue heron	T		High	Marshes, ponds, lakes, meadows, streams & mangroves
Egretta tricolor	Tri-colored heron	T		High	Marshes, ponds, lakes, meadows, streams & mangroves
Falco sparverius paulus	Southeastern American kestral	T		Mod	Wide variety of open habitats
Gopherus polyphemus	Gopher tortoise	T	CS	Mod	Sandhills, scrub, hammocks, dry prairies, flatwoods, & ruderal
Grus canadensis pratensis	Florida sandhill crane	T		Mod	Shallow wetlands, freshwater marshes and wet prairies
Haliaeetus	Southern bald		BGEPA	Mod	Coasts, rivers and large

leucocephalus	eagle				lakes in open areas
Mycteria americana	Wood stork	E	E	Obs	Marshes, swamps, streams and mangroves
Ursus americanus floridanus	Florida black bear			Mod	Variety of forested landscapes

Those species listed as having a moderate likelihood of occurrence or higher in Table 6.1 are listed as such due to presence of suitable habitat.

Long-legged waders have a high likelihood of occurrence onsite due to the marsh and surface water ponds found on the subject property. This includes the little blue heron (*Egretta caerulea*), snowy egret (*Egretta thula*), tricolored heron (*Egretta tricolor*), and white ibis (*Eudocimus albus*). It is anticipated these species utilize the wetlands onsite for foraging and roosting. No wading bird rookeries are known or were identified on or near the subject property. Any modifications to the existing surface water ponds would include creation of stormwater ponds. Therefore, this project is not likely to adversely affect any wading bird populations.

While no wood storks (*Mycteria americana*) were observed on the subject property, wood storks have been observed routinely throughout the area. No nesting rookeries were observed. The project site is not located within a Core Foraging Area (CFA) for wood storks. Therefore, this project is not likely to adversely affect the wood stork population.

Florida sandhill cranes (*Grus canadensis pratensis*) are routinely observed in the area. No sandhill cranes were observed on the subject property during the onsite surveys. The marsh wetland and littoral zones of the surface water ponds onsite are considered potential for nesting. No nests or signs of nesting activity were identified. Prior to construction of the site a Florida sandhill crane nest survey should be completed to determine if any nesting pairs are utilizing the site.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus l. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act (BGEPA). Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. No active bald eagle nests are located within 2 miles of the project area. No bald eagle nests were observed on the subject property or adjacent to its boundaries. Therefore, this project is not likely to adversely affect the southern bald eagle.

The southeastern American kestrel (Falco sparverius paulus) is listed as a Species of Special Concern by the FWC. The subject property provides habitat which could be conducive to utilization and nesting by the southeastern American kestrel. It is recommended that southeastern American kestrel surveys be completed prior to

development of the site. The surveys should be conducted in accordance with guidelines set forth within the publication *Ecology and Habitat Protection Needs of the southeastern American kestrel* (Falco sparverius paulus) *on large-scale development sites in Florida*.

A preliminary gopher tortoise (*Gopherus polyphemus*) burrow survey was conducted on the subject property. The gopher tortoise survey was conducted in accordance with the techniques outlined in the publication*, Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Development in Florida*. The gopher tortoise, listed as Threatened by the FWC, is a key component in the determination of habitat suitability for other protected species because of the large number of other animals that will use tortoise burrows for one or more of their life requisites. No potentially occupied gopher tortoise burrows were identified. Prior to construction an updated 100% gopher tortoise survey should be completed.

The eastern indigo snake (*Drymarchon corais couperi*), has a moderate likelihood to occur on the subject property due to the habitats identified. The species is a gopher tortoise commensal species due to its association and utilization of gopher tortoise burrows for their life requisites. Prior to construction a 100% gopher tortoise survey will be completed.

The American alligator (Alligator mississippiensis) is listed as Threatened by the FWS. Best Management Practices (BMP's) should be followed in the case of any individual American alligator entering the project area during construction will be provided ample space to allow the animal to exit the construction zone. Through this management technique, the project is not likely to adversely affect the American alligator.

Florida black bear (Ursus americanus floridanus) have been observed in the vicinity of the subject property along US Highway 1. No signs of Florida black bears were identified on the subject property. Any proposed project for development should adhere to the Florida Bear Smart Communities program. If the development criteria are adhered to then the project is not anticipated to adversely affect the Florida black bear.

No other protected species are anticipated to utilize the subject property.

6.2 Protected Plant Species

The protected plant species with some potential to occur on the subject property are listed in Table 6.2.1, below.

Table 6.2.1: Protected plant species with the potential to occur on the Matanzas Woods Golf Course property, in Palm Coast, Flagler County, Florida.

Species Name	Common Name	Agency Listing		Likelihood of Occurrence	Habitat
		FDACS	FWS		
Asclepias viridula	Southern milkweed	T		Low	Pine flatwoods at wetland margins

Calopogon barbatus	Bearded grass pink	T	Low	Wet pine flatwoods, bogs
Calopogon multiflorus	Many-flowered grass pink	E	Low	Pine flatwoods, esp. recently burned
Encyclia tampensis	Butterfly orchid	CE	Low	Mangrove, cypress and hardwood swamps; hammocks
Epidendrum conopseum	Greenfly orchid	CE	Low	Moist hammocks, cypress and hardwood swamps; epiphytic
Helianthus carnosus	Lakeside sunflower	E	Low	Wet flatwoods
Lilium catesbaei	Catesby's lily	T	Low	Moist pine flatwoods and savannahs
Lycopodiella cernua	Nodding clubmoss	CE	Low	Wet pinelands
Nemastylis floridana	Fall-flowering ixia; celestial lily	E	Low	Swamps, marshes and wet pine flatwoods
Osmunda cinnamomea	Cinnamon fern	CE	Obs	Wet woods and swamps
Osmunda regalis	Royal fern	CE	Obs	Wet woods and swamps
Platanthera blephariglottis	Large white fringed orchid	T	Low	Marshes, and wet, open, grassy areas
Platanthera flava	Southern tubercled orchid;gypsy-spikes	T	Low	Cypress and hardwood swamps
Platanthera nivea	Snowy orchid; bog torch	T	Low	Wet pine flatwoods
Pogonia ophioglossoides	Rose pogonia	T	Low	Marshes and wet, pine flatwoods
Sarracenia minor	Hooded pitcherplant	T	Low	Wet, open, acid pinelands and bogs
Spiranthes brevilabris var. floridana	Florida ladies' tresses	E	Low	Pine flatwoods
Spiranthes laciniata	Lace-lip ladies' tresses	T	Low	Marshes and cypress swamps
Spiranthes longilabris	Long-lip ladies' tresses	T	Low	Marshes and wet pine flatwoods
Spiranthes tuberosa	Little ladies' tresses; little pearl twist	T	Low	Pine flatwoods
Zephyranthes atamasca	Rain lily	T	Low	Wet pine flatwoods and meadows
Zephyranthes simpsonii	Simpson's zephyr lily	T	Low	Wet pine flatwoods and meadows

E= Endangered; T= Threatened; CE= Commercially Exploited

No federally protected plant species are expected to occur on the subject property.

7.0 CULTURAL RESOURCES

A preliminary review of the Florida Master Site File (FMSF) was completed through the Division of Historical Resources (DHR) and the State Historic Preservation Officer (SHPO) for the subject property. One known archaeological resource and one resource group were adjacent to the subject property. US Highway 1 (FL00291) is listed as a linear resource by DHR. No significant impacts to US Highway 1 are anticipated. Davis' Store (FL00248) is listed as an archaeological resource. This resource was identified as part of the Palm Coast Park DRI. The resource is no longer in existence and is not eligible for further evaluation. Please see Appendix III for correspondence from the Florida Master Site File. The project is not anticipated to affect any cultural resources.

8.0 SUMMARY

The Matanzas Woods Golf Course property is located within the City of Palm Coast, Flagler County, Florida. The subject property consists disturbed upland, wetland, and surface water habitats. The property is approximately 275.96 acres in total size.

Multiple wetlands totalling approximately 1.86 acres and surface waters totaling approximately 23.57 acres were delineated on the subject property. In addition to the wetlands, approximately 20.18 acres of surface water ponds, and 0.84 acres of surface water ditches are located on the subject property. The wetlands on the subject property are all considered moderate quality and would therefore require a 25' average/15' minimum upland buffer by the City of Palm Coast. If wetland impacts are proposed the wetland mitigation could be completed through onsite wetland preservation/enhancement or wetland creation, or through the purchase of mitigation credits from the Fish Tail Swamp Wetland Mitigation Bank or the Brick Road Wetland Mitigation Bank.

The subject property provides potential habitat for a multitude of protected wildlife species. Further specific species surveys are recommended prior to construction of the project. Specific surveys for the gopher tortoise, Florida sandhill crane, and southeastern American kestrel should be completed.

No federally protected flora species are anticipated on the subject property.

No known cultural resources are anticipated on or adjacent to the subject property. Therefore, no impacts to cultural resources is anticipated due to development of the property.

Technical Literature References

Chafin, L.G. 2000. *Field Guide to the Rare Animals of Florida*. Florida Natural Areas Inventory, Tallahassee, Florida.

Coile, Nancy C. 1998. *Notes of Florida's Endangered and Threatened Plants*. (Rule 5B-40 Florida's Regulated Plant Index), Botany Contribution 38, 2nd Ed. Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Gaineville, Florida. 119 pp.

Cox, Jeffrey. A. 1987 *Status and Distribution of the Florida Scrub-Jay*. Florida Ornithological Society. Special Publication No. 3, Gainesville, Florida 110 pp.

Cox, James, D. Inkley, R. Kautz. 1987. *Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida*. Florida Game and Freshwater Fish Commission, Nongame Wildlife Program. Technical Report No. 4. Tallahassee, Florida. 69 pp.

Deyrup, Mark, Franz, Richard 1994. *Rare and Endangered Biota of Florida, Volume IV Invertebrates.* Special Committee on Invertebrates, Florida Committee on Rare and Endangered Plants and Animals.

Division of Endangered Species. *Threatened and Endangered Species System*. Web Page Address: http://ecos.fws.gov/tess_public/TESSWebpage. United States Fish and Wildlife Service, Denver, Colorado.

Environmental Laboratory, Wetlands Research Program. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report Y-87-1. Department of the Army, Vicksburg, Mississippi.

Florida Exotic Pest Plant Council. 2005. *List of Florida's Invasive Species.* Internet: http://www.fleppc.org/05list.htm. Florida Exotic Pest Plant Council.

Florida Fish and Wildlife Conservation Commission. 2004. *Florida's Endangered Species, Threatened Species, and Species of Special Concern*. Web Page Address: http://www.wildflorida.org/imperiled/pdf/Endangered-Threatened-Special-Concern-2004.pdf. Florida Fish and Wildlife Conservation Commission.

Gilbert, Carter R., 1992. *Rare and Endangered Biota of Florida, Volume II Fishes.* Special Committee on Fishes, Florida Committee on Rare and Endangered Plants and Animals.

Gilbert, K.M., J.D. Tobe, R.W. Cantrell, M.E. Sweeley, J.R. Cooper. 1995. The *Florida Wetlands Delineation Manual*. Florida Department of Environmental Protection, South Florida Water Management District, St. Johns River Water Management District,

Suwannee River Water Management District, Southwest Florida Water Management District, and Northwest Florida Water Management District. 198 pp.

Hipes, D. D.R. Jackson, K. NeSmith, D. Printiss, K. Brandt. 2001. *Field Guide to the Rare Animals of Florida*. Florida Natural Areas Inventory, Tallahassee, Florida.

Humphrey, Stephen R., 1992. *Rare and Endangered Biota of Florida, Volume I. Mammals*. Special Committee on Mammals, Florida Committee on Rare and Endangered Plants and Animals.

Moler, Paul E., 1992. *Rare and Endangered Biota of Florida, Volume III Amphibians and Reptiles.* Special Committee on Amphibians and Reptiles Florida Committee on Rare and Endangered Plants and Animals.

Natural Resource Conservation Service (Soil Conservation Service at time of publication). Circa 1977. *Soil Survey of Flagler County, Florida*. United States Department of Agriculture.

Rogers, James A. Jr., Kale, Herbert W. III, Smith, Henry T. 1996. *Rare and Endangered Biota of Florida Volume V. Birds*. Special Committee on Birds Florida Committee on Rare and Endangered Plants and Animals.

Surveying and Mapping Office, Thematic Mapping Section. Department of Transportation. 1999. *Florida Land Use, Cover and Forms Classification System* 3rd ed. State of Florida, Department of Administration. 81 pp.

Wunderlin, Richard P. 1998. *Guide to the Vascular Plants of Florida.* University Press of Florida. 804 pp.

Wunderlin, R. P., and B. F. Hansen. 2004. *Atlas of Florida Vascular Plants* (http://www.plantatlas.usf.edu/). [S. M. Landry and K. N. Campbell (application development), Florida Center for Community Design and Research.] Institute for Systematic Botany, University of South Florida, Tampa.

APPENDIX I

FIGURES



Image Source: ESRI 2018
Date: 3-27-19

0 1,500 3,000 Feet

N

Location Map
Matanzas Woods Golf Course
Flagler County, Florida

ATLANTIC ECOLOGICAL SERVICES
WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

Document Path: C:\Users\Owner\Desktop\GIS\Matanzas-Woods-Golf\MXD\aerial.mxd

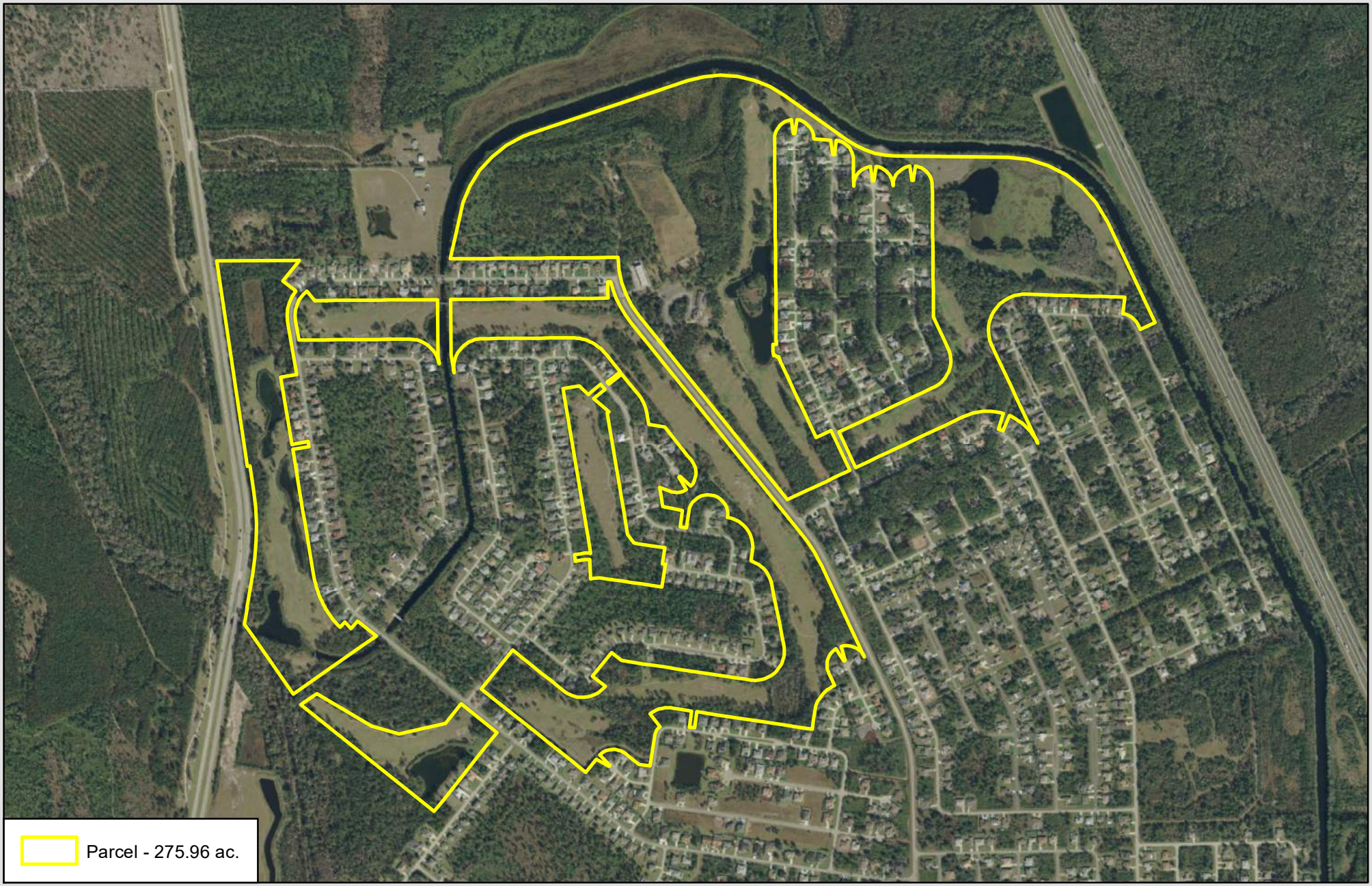

Image Source: ESRI 2017
Date: 3-23-19

0 500 1,000 Feet

N

Aerial Map
Matanzas Woods Golf Course
Flagler County, Florida

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201 Basque Rd | St. Augustine, FL 32080

Document Path: C:\Users\Owner\Desktop\GIS\Matanzas-Woods-Golf\MXD\topo.mxd



Image Source: ESRI 2017
Date: 3-27-19

0 500 1,000 Feet

N

Topographic Map
Matanzas Woods Golf Course
Flagler County, Florida

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201 Basque Rd | St. Augustine, FL 32080

Document Path: C:\Users\Owner\Desktop\GIS\Matanzas-Woods-Golf\MXD\soil.mxd



Image Source: ESRI 2017
Date: 3-23-19

0 500 1,000 Feet

N

Soil Map
Matanzas Woods Golf Course
Flagler County, Florida

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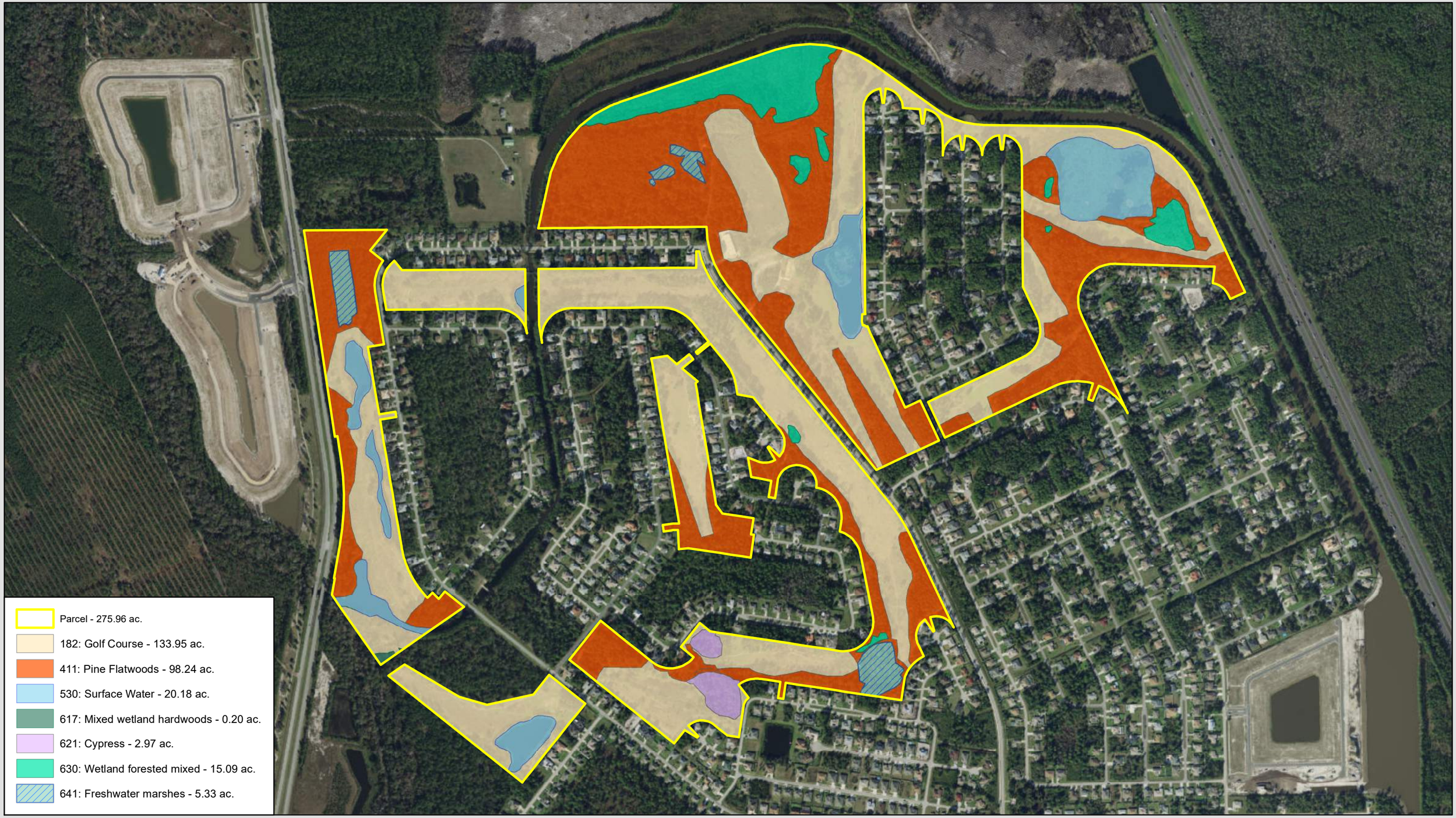

Image Source: ESRI 2019
Date:4-19-21

0 350 700 Feet

N

Habitat Map
Matanzas Woods Golf Course
Flagler County, Florida

ATLANTIC ECOLOGICAL SERVICES
WWW.ATLANTICECO.COM
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Document Path: C:\Users\Owner\Desktop\GIS\Matanzas-Woods-Golf\MXD\Wet-SW-Iso.mxd

W-1
11.50 ac.

W-15
0.35 ac.

W-3
0.35 ac.

Ditch-1
0.29 ac.

W-14
0.18 ac.

SW-1
9.53 ac.

W-2
0.77 ac.

W-4
0.52 ac.

W-13
2.06 ac.

W-8
0.04 ac.

W-5
1.86 ac.

SW-3
0.26 ac.

SW-2
3.44 ac.

Roadside Ditch
(Offsite)

SW-4
1.65 ac.

W-16
0.20 ac.

Ditch-2
0.19 ac.

SW-5
0.90 ac.

W-12
0.87 ac.

SW-6
2.07 ac.

W-10
0.22 ac.

W-6
0.01 ac.

W-7
0.19 ac.

W-9
2.35 ac.

W-11
2.10 ac.

SW-7
2.33 ac.

Ditch-3
0.36 ac.

Surface Water - 20.18ac.
Ditch - 0.84 ac.
Jurisdictional Wetland - 13.76 ac.
Isolated Wetland - 9.81 ac.
Parcel - 275.96 ac.

Image Source: ESRI 2017
Date: 8-12-19

0 350 700 Feet

N

Wetland and Surface Water Map
Matanzas Woods Golf Course
Flagler County, Florida

ATLANTIC ECOLOGICAL SERVICES
WWW.ATLANTICECO.COM
904-347-9133 | jody@atlanticeco.com
201 Basque Rd | St. Augustine, FL 32080

APPENDIX II

HABITAT ASSESSMENTS

PART I – Qualitative Description
Wetland Quality Assessment Method

Site/Project Name	Application Number	Assessment Area Name or Number
Matanzas Woods Golf Course		

FLUCCs code	Further classification (optional)	Impact or Mitigation Site?	Assessment Area Size
617,630, 641			26.20 acre

Basin/Watershed Name/Number	Affected Waterbody (Class)	Special Classification (i.e.OFW, AP, other local/state/federal designation of importance)
9 - Matanzas & Pellicer Creek		

Geographic relationship to and hydrologic connection with wetlands, other surface water, uplands

The site is bound by development and roads

Assessment area description

The wetlands onsite have been impacted by the past pine silviculture, surrounding develpment, and fire suppression.

Significant nearby features	Uniqueness (considering the relative rarity in relation to the regional landscape.)
Roads and homes around the property	N/A

Functions	Mitigation for previous permit/other historic use
Provides cover, roosting, substrate, and/or refuge; food chain support; water quality improvements, flood water storage/attenuation.	N/A

Anticipated Wildlife Utilization Based on Literature Review (List of species that are representative of the assessment area and reasonably expected to be found)	Anticipated Utilization by Listed Species (List species, their legal classification (E, T, SSC), type of use, and intensity of use of the assessment area)
Whitetail deer, bobcat, cottonmouth, Eastern diamondback rattlesnake, pigmy rattlesnake, wading birds, redshouldered hawk, vultures, various passerine birds,	Wading Birds - feeding & roosting ;

Observed Evidence of Wildlife Utilization (List species directly observed, or other signs such as tracks, droppings, casings, nests, etc.):

Additional relevant factors:

Assessment conducted by:	Assessment date(s):
JS	3/25/2019

PART II – Quantification of Assessment Area
Wetland Quality Assessment Method

Site/Project Name	Application Number	Assessment Area Name - Review (Original)
Matanzas Golf Course		
Assessment Area Acreage	**Review (Original) Assessment conducted by:**	**Review (Original) Assessment dates:**
26.20 acre	JS	3/25/19

Scoring Guidance	**Optimal (10)**	**Moderate(7)**	**Minimal (4)**	**Not Present (0)**
The scoring of each indicator is based on what would be suitable for the type of wetland or surface water assessed	Condition is optimal and fully supports wetland/surface water functions	Condition is less than optimal, but sufficient to maintain most wetland/surface water functions	Minimal level of support of wetland/surface water functions	Condition is insufficient to provide wetland/surface water functions

Location and Landscape Support Score: 6	Notes:	Adjacent Landscape Description Development and roads and past land uses and disturbance dramatically affect habitat and wildlife usage.
Water Environment Score: 6	Notes:	Soils Description not appropriate soil composition due to drainage and ditching found offsite Hydrology Description Hydrology has been affected by pine rowing, ditches, and development
Community structure 1. Vegetation and/or 2. Benthic Community Score: 6	Notes:	Vegetation & Wildlife Notations Heavy coverage of Chinese tallow. Fire suppresion has affected biodiversity and age composition. FLUCFCS** Code: 617, 621,630, 641

WQAM Score	Wetland Category Key - Application Package Requirements from Proposed Wetland Impacts		
Sum of above / 30	Minimal (0.00 - 0.40)	Moderate (0.41 - 0.70)	Optimal (0.71 - 1.0)
	Wetland Impact Analysis	Wetland Impact Analysis	Wetland Impact Analysis
	25' avg. 15' min. upland buffer	25' avg. 15' min. upland buffer	50' avg. 25' min. upland buffer
	Compensatory Mitigation	Compensatory Mitigation	Compensatory Mitigation
Score: 0.6	State and federal permits	State and federal permits	State and federal permits
		Avoidance and Minimization Analysis	Avoidance and Minimization Analysis
			No Net Loss' Analysis

APPENDIX III

CULTURAL RESOURCE ASSESSMENT

This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

March 27, 2019

Jody Sisk
Atlantic Ecological Services
904-347-9133
jody@atlanticeco.com

Parcel ID 07-11-31-7037-ORPOA-0002

In response to your inquiry of March 27, 2019, the Florida Master Site File lists one archeological resource and one resource group recorded at the designated area in Flagler County, Florida

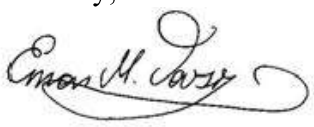
Sections 21, 22, 27, and 28, Township 10 S, Range 30 E

When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

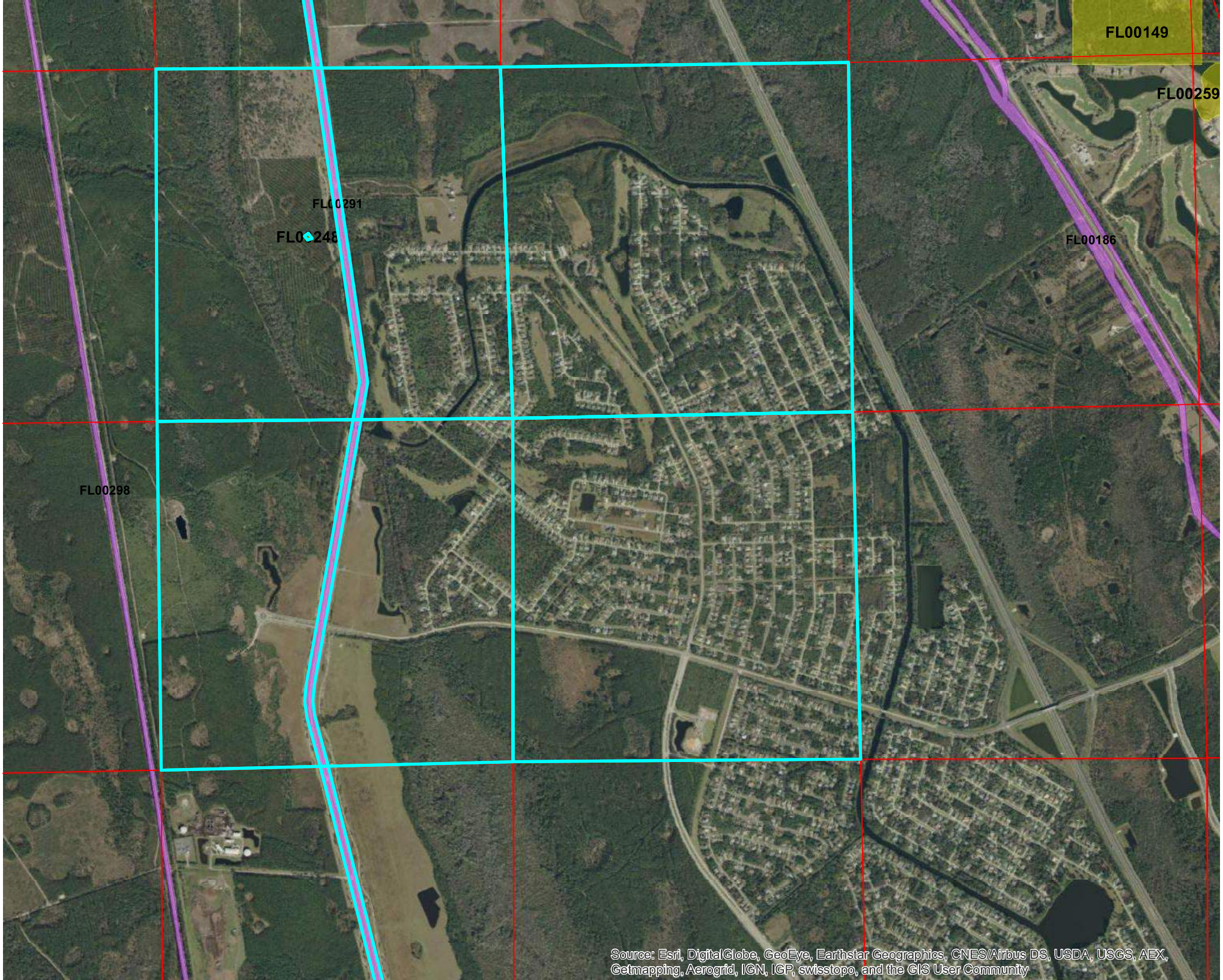


Eman M. Vovsi, Ph.D.
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com

AR=1
SS=0
CM=0
RG=1
BR=0
Total=2

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
FL00248	AR	Davis' Station	Palm Coast		Not Eligible	
FL00291	RG	US-1	Palm Coast	Linear Resource	Not Eligible	


FL00149
FL00259
FL00291
FL00186
FL00298
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

P > 12/20/2004 SB
E

Page 1

☒ Original
☐ Update
(give site#)

ARCHAEOLOGICAL SITE FORM
FLORIDA MASTER SITE FILE
Version 2.2 3/97

Consult *Guide to Archaeological Site Form* for detailed instructions.

Site #8 FL248
Recorder Site# WPC Series
Field Date 00 / 00 / 03
Form Date 02 / 29 / 04

Site Name(s) Davis' Station
Project Name Cultural Resource Survey of West Palm Coast, Flagler
Multiple Listing (DHR only)
FMSF Survey # 16347

Ownership: ☒private-profit ☐private-nonprofit ☐private-individual ☐private-unspecid. ☐city ☐county ☐state ☐federal ☐foreign ☐Native American ☐unknown

USGS 7.5 Map Name & Date ~~Dinner Island NE~~ ESPANOLA
County Flagler

Township 10 Range 30 Section 21 ☐ Check if Irregular Section; Qtr. Section (check all that apply): ☐NE ☒NW ☐SE ☐SW

Landgrant
Tax Parcel # (s)

City / Town (if within 3 mi.) Palm Coast
In Current City Limits? ☐yes ☒no ☐unknown

UTM: Zone ☐16 ☐17 Easting 0 Northing 0

Address / Vicinity of / Route to U.S.1 bisects, adjacent to existing Palm Coast; proposed for annexation

Name of Public Tract (e.g., park)

SETTING *

☒ Land - *terrestrial*
☐ Cave/Sink - *subterranean*
- ☐ terrestrial
- ☐ aquatic
- ☐ intermittently flooded

☐ Wetland - *palustrine*
- ☐ usually flooded
- ☐ sometimes flooded
- ☐ usually dry

☐ Lake/Pond - *lacustrine*
☐ River/Stream/Creek - *riverine*
☐ Tidal - *estuarine*
☐ Saltwater - *marine*
- ☐ marine unspecified
- ☐ "high energy" marine
- ☐ "low energy" marine

☐ Other store/station

STRUCTURES - OR - FEATURES *

☐ aboriginal boat	☐ fort	☐ road segment
☐ agric/farm building	☐ midden	☐ shell midden
☐ burial mound	☐ mill unspecified	☐ shell mound
☒ building remains	☐ mission	☐ shipwreck
☐ cemetery/grave	☐ mound unspecified	☐ subsurface features
☐ dump/refuse	☐ plantation	☐ surface scatter
☐ earthworks	☐ platform mound	☐ well

FUNCTION *

☐ none specified
☐ campsite
☐ extractive site
☐ habitation (prehistoric)
☒ homestead (historic)
☐ farmstead
☐ village (prehistoric)
☐ town (historic)
☐ quarry

Aboriginal *

☐ Alachua	☐ Englewood	☐ Glades unspecif.	☐ St. Augustine	☐ Seminole: 2d War To 3d	
☐ Archaic, Early	☐ Fort Walton	☐ Hickory Pond	☐ St. Johns Ia	☐ Seminole: 3d War On	
☐ Archaic, Middle	☐ Glades Ia	☐ Leon-Jefferson	☐ St. Johns Ib	☐ Seminole unspecified	
☐ Archaic, Late	☐ Glades Ib	☐ Malabar I	☐ St. Johns I unspecified	☐ Swift Creek, Early	
☐ Archaic unspecified	☐ Glades I unspecif.	☐ Malabar II	☐ St. Johns IIa	☐ Swift Creek, Late	
☐ Belle Glade I	☐ Glades IIa	☐ Manasota	☐ St. Johns IIb	☐ Swift Creek, unspecified	
☐ Belle Glade II	☐ Glades IIb	☐ Mount Taylor	☐ St. Johns IIc	☐ Transitional	
☐ Belle Glade III	☐ Glades IIc	☐ Norwood	☐ St. Johns II unspecified	☐ Weeden Island I	
☐ Belle Glade IV	☐ Glades II unspecif.	☐ Orange	☐ St. Johns unspecified	☐ Weeden Island II	
☐ Belle Glade unspecif.	☐ Glades IIIa	☐ Paleoindian	☐ Santa Rosa	☐ Weeden Island unspecif.	
☐ Cades Pond	☐ Glades IIIb	☐ Pensacola	☐ Santa Rosa-Swift Creek	☐ Prehistoric nonceramic	
☐ Deptford	☐ Glades IIIc	☐ Perico Island	☐ Seminole: Colonization	☐ Prehistoric ceramic	
	☐ Glades III unspecif.	☐ Safety Harbor	☐ Seminole: 1st War To 2d	☐ Prehistoric unspecified	

Nonaboriginal *

☐ First Spanish 1513-99
☐ First Spanish 1600-99
☐ First Spanish 1700-1763
☐ First Spanish unspecified
☐ British 1763-1783
☐ Second Spanish 1783-1821
☐ American Territorial 1821-45
☐ American Civil War 1861-65
☐ American 19th Century
☒ American 20th Century
☐ American unspecified
☐ African-American

☐ Other (Less common phases are not check-listed. For historic sites, also give specific dates if known.)
1940s - 1960s roadside store/station/residence

* Consult *Guide to Archaeological Site Form* for preferred descriptions not listed above (data are "coded fields" at the Site File).

Potentially eligible for a local register? ☐yes: name register at right ☒no ☐insufficient info
Individually eligible for National Register? ☐yes ☒no ☐insufficient info
Potential contributor to NR district? ☐yes ☒no ☐insufficient info
Name of local register if eligible:

Explanation of Evaluation (Required if evaluated; limit to 3 lines; attach full justification)
Station demolished

Recommendations for Owner or SHPO Action documentation only

DHR USE ONLY OFFICIAL EVALUATIONS DHR USE ONLY

NR DATE __/__/__
DELIST DATE __/__/__

KEEPER-NR ELIGIBILITY: ☐yes ☐no
SHPO-NR ELIGIBILITY: ☐yes ☑no ☐potentially elig. ☐insufficient info. Date 12/6/04
LOCAL DESIGNATION: Date __/__/__
Local office

National Register Criteria for Evaluation ☐a ☐b ☐c ☐d (See National Register Bulletin 15, p. 2)

ARCHAEOLOGICAL SITE FORM

Site #8 FL248

Consult *Guide to Archaeological Site Form* for detailed instructions.

SITE DETECTION*

- ☐ no field check
- ☒ literature search
- ☒ informant report
- ☒ remote sensing
- ☒ exposed ground
- ☐ posthole digger
- ☐ auger--size:___
- ☒ unscreened shovel
- ☒ screened shovel

SITE BOUNDARIES*

- ☐ bounds unknown
- ☐ none by recorder
- ☒ literature search
- ☒ informant report
- ☐ remote sensing
- ☒ insp exposed ground
- ☐ posthole tests
- ☐ auger--size:_____
- ☒ unscreened shovel
- ☒ screened shovel
- ☐ block excavations
- ☐ estimate or guess

Other methods; number, size, depth, pattern of units; screen size (attach site plan) Surface observations and documentation of building debris

Extent Size (m^2) 50 Depth/stratigraphy of cultural deposit

Temporal Interpretation* - Components (check one): ☒ single ☐ prob single ☐ prob multiple ☐ multiple ☐ uncertain ☐ unknown

Describe each occupation in plan (refer to attached large scale map) and stratigraphically. Discuss temporal and functional interpretations: 1940s - 1960s store/station

Integrity Overall disturbance*: ☐ none seen ☐ minor ☐ substantial ☐ major ☐ redeposited ☒ destroyed-**documentl** ☐ unknown

Disturbances/threats/protective measures site destroyed

Surface: area collected none m^2 # collection units_____; Excavation: # noncontiguous blocks _____

Total Artifacts #_____(C)ount or (E)stimate? Surface #_____(C) or (E) Subsurface #_____ (C) or (E)

COLLECTION SELECTIVITY*

- ☐ unknown
- ☐ unselective (all artifacts)
- ☒ selective (some artifacts)
- ☐ mixed selectivity

SPATIAL CONTROL*

- ☐ uncollected
- ☐ general (not by subarea)
- ☐ unknown
- ☐ controlled (by subarea)
- ☐ variable spatial control
- ☐ Other_____

ARTIFACT CATEGORIES* and DISPOSITIONS* (*example:* _A_ bone-human)

Pick exactly one *code* from Disposition List ⇨ ⇨ ⇨ ⇨

___	bone-animal	___	exotic-nonlocal
___	bone-human	___	glass
___	bone-unspecified	___	lithics-aboriginal
___	bone-worked	X	metal-nonprecious
X	brick/building debris	___	metal-precious/coin
___	ceramic-aboriginal	___	shell-unworked
___	ceramic-nonaboriginal	___	shell-worked
___	daub	___	Others:

Disposition List*

- A - category always collected
- S - some items in category collected
- O - observed first hand, but not collected
- R - collected and subsequently left at site
- I - informant reported category present
- U - unknown

Artifact Comments building debris

DIAGNOSTICS (Type or mode, and frequency: e.g., *Suwanee ppk, heat-treated chert, Deptford Check-stamped, ironstone/whiteware*)

1.	_____	N=___	5.	_____	N=___	9.	_____ N=___
2.	_____	N=___	6.	_____	N=___	10.	_____ N=___
3.	_____	N=___	7.	_____	N=___	11.	_____ N=___
4.	_____	N=___	8.	_____	N=___	12.	_____ N=___

Nearest fresh water type* & name (incl. relict source) Hulett Branch Distance (m)/bearing 500 meters

Natural community (FNAI category* or leave blank) upland pine forest

Local vegetation pine forest

Topography* sand ridge Min Elevation____meters Max Elevation____meters

Present land use agricultural/planted pine

SCS soil series _____ Soil association _____

Informant(s): Name/Address/Phone/Email Dana Ste.Claire, Heritage Services, heritagesrvcs@aol.com

Describe field & analysis notes, artifacts, photos. For each, give type*(e.g., notes), curating organization*, accession #s, and short description.

Heritage Services, Inc. records; report on file with DHR

Manuscripts or Publications on the site (Use continuation sheet, give FMSF# if relevant) Cultural Resource Assessment Survey of the West Palm Coast Development, Flagler County, Florida; Ste.Claire, Dana 2004

Recorder(s): Name/Addr./Phone/Email Dana Ste.Claire, Heritage Services, Inc.; heritagesrvcs@aol.com

Affiliation* or FAS Chapter Heritage Services, Inc.

* Consult *Guide to Archaeological Site Form* for preferred descriptions not listed above (data are "coded fields" at the Site File).

SITE PLAN & USGS REQUIRED At 1"=300' (1:3600) or larger scale, show: site boundaries, scale, north arrow, datum, test/collection units, landmarks, mappers, date.

Hulett Branch Dump – 8FL246

This small, spatially isolated refuse dump site was discovered during a surface inspection of a sandy fire lane in western regions of the West Palm Coast properties (see Figure 5). It is located in the northwest quarter of the southwest quarter of Section 16, Township 10 South, Range 30 East. The site was evidenced by a scatter of characteristic late 19th century bottle fragments and a few metal pieces. The refuse pit has been thoroughly displaced by the fire land cut. Efforts to locate associated features or a possibly related homestead site through subsurface testing were unsuccessful. It is surmised that the site is completed destroyed. Thus, **it is concluded that 8FL246 is not eligible for inclusion on the National Register of Historic Places.**

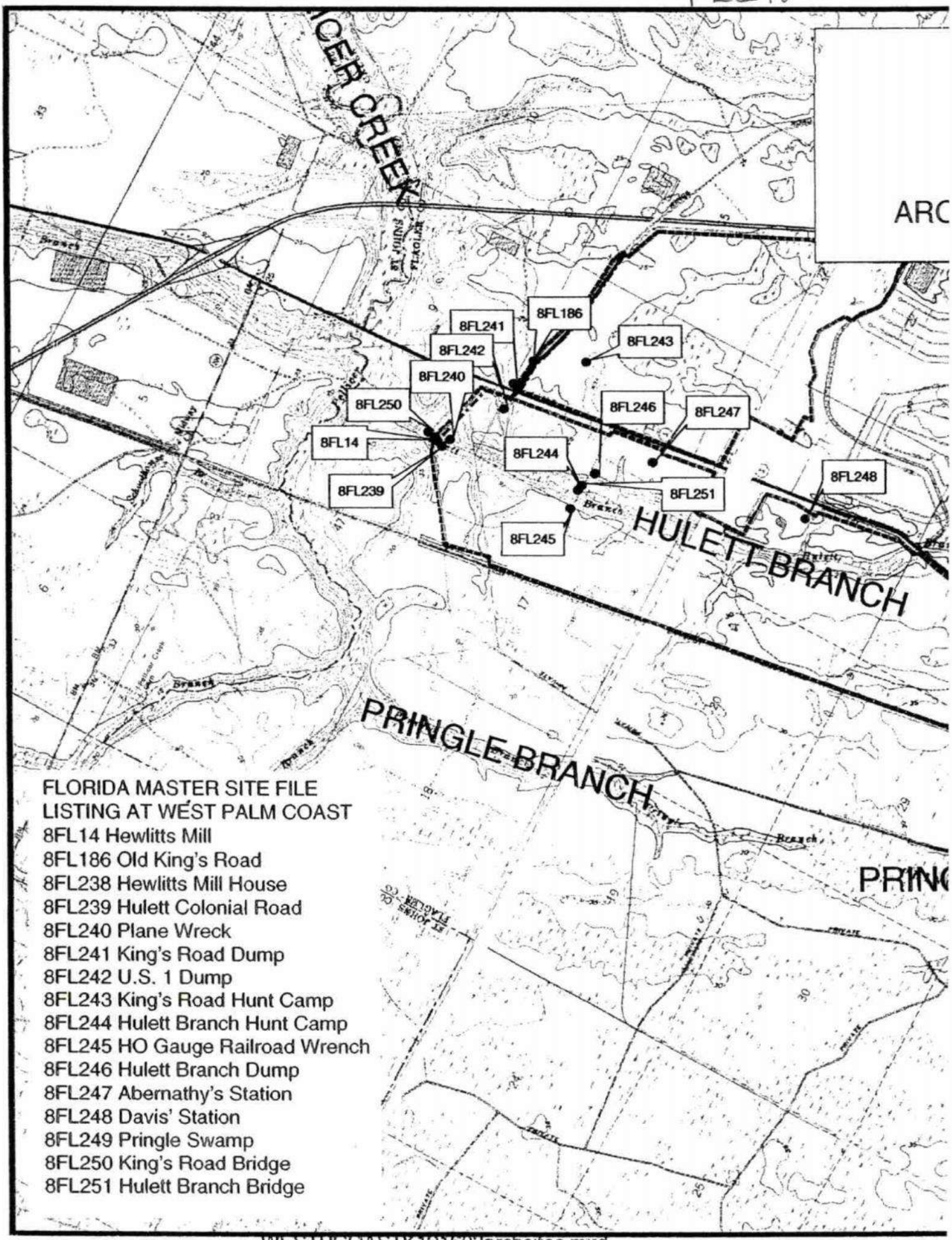
Abernathy's Station – 8FL247
Davis' Station – 8FL248

Interviews with two local residents provided information regarding two historic sites that were located on Parcel A of West Palm Coast properties. The locations of two filling stations/general stores were identified by Dupont (2003) for the west side of U.S. 1 (the northeast quarter of the southwest quarter of Section 16, Township 10 South, Range 30 East for Abernathy's Station and the center of Section 21, Township 10 South, Range 30 East for Davis' Station. Both Abernathy's and Davis' Stations were once essential businesses to service vehicular traffic prior to the construction of I-95. Dupont stated the Ralph Abernathy filling station was opened sometime in the 1930s. He thought the Davis filling station was later, in the early 1950s. The sites of these two businesses were identified by the field reconnaissance crew at the specific areas pinpointed by Dupont on topographic and aerial maps. Field inspections reveal the remnants of structures demolished in the past decade. Structural and archaeological integrity of both sites have been greatly compromised due to the destruction of the stations, thus **it is concluded that 8FL247 and 8FL248 are not eligible for inclusion on the National Register of Historic Places.**

Pringle Swamp – 8FL249

Only one prehistoric archaeological site (8FL249), a small ceramic scatter, was discovered during the subject survey. The site is located in the northwest quarter of the northwest quarter of Section 10, Township 11 South, Range 30 East (see Figure 5). The site was evidenced by two pottery sherds: a St. Johns Plain fragment and a St. Johns Check-Stamped fragment. Based on site density and diagnostic artifacts, it is surmised that the ceramics represent an isolated prehistoric hinterland activity, possible hunting, during the late St. Johns cultural periods (ca. post A.D. 800).

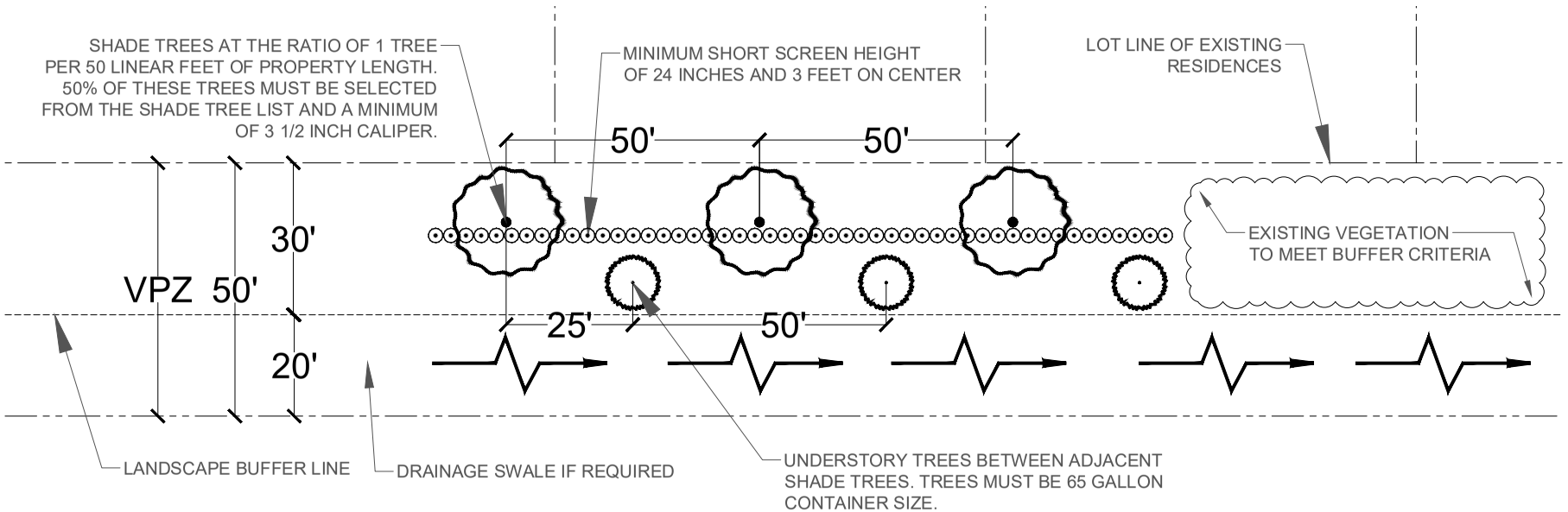
FL248



FLORIDA MASTER SITE FILE
LISTING AT WEST PALM COAST

8FL14 Hewlitts Mill
8FL186 Old King's Road
8FL238 Hewlitts Mill House
8FL239 Hulett Colonial Road
8FL240 Plane Wreck
8FL241 King's Road Dump
8FL242 U.S. 1 Dump
8FL243 King's Road Hunt Camp
8FL244 Hulett Branch Hunt Camp
8FL245 HO Gauge Railroad Wrench
8FL246 Hulett Branch Dump
8FL247 Abernathy's Station
8FL248 Davis' Station
8FL249 Pringle Swamp
8FL250 King's Road Bridge
8FL251 Hulett Branch Bridge

WESTPCOASTK121603archsites.mxd



TRACT 3 : 50FT VPZ ILLUSTRATION

DICKINSON CONSULTING, INC.
Landscape Architecture
Land Planning
Feasibility Studies

Robert E. Dickinson, RLA
25 Old Kings Road North, Suite 2B
Palm Coast, FL 32137
Phone (M): 386.931.2853
Phone (txt): 386.931.2853
Email: dickinson.consulting.inc@gmail.com

PROPOSED LAND USE
TRACT 3 AND TRACT 4 VPZ

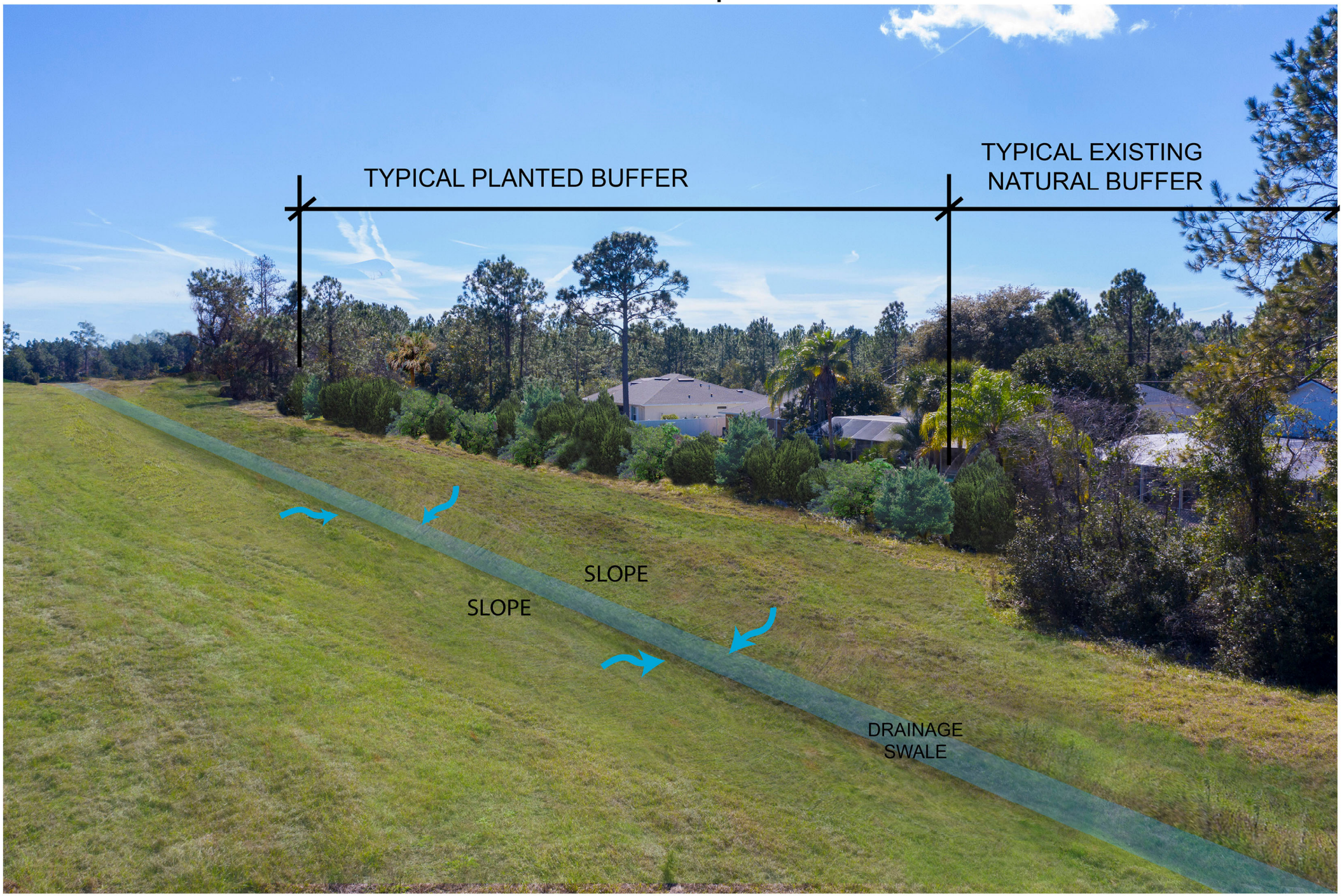
PALM COAST
FLORIDA

SCALE: AS SHOWN
DATE 6-13-24
DRAWN jwk/DCI

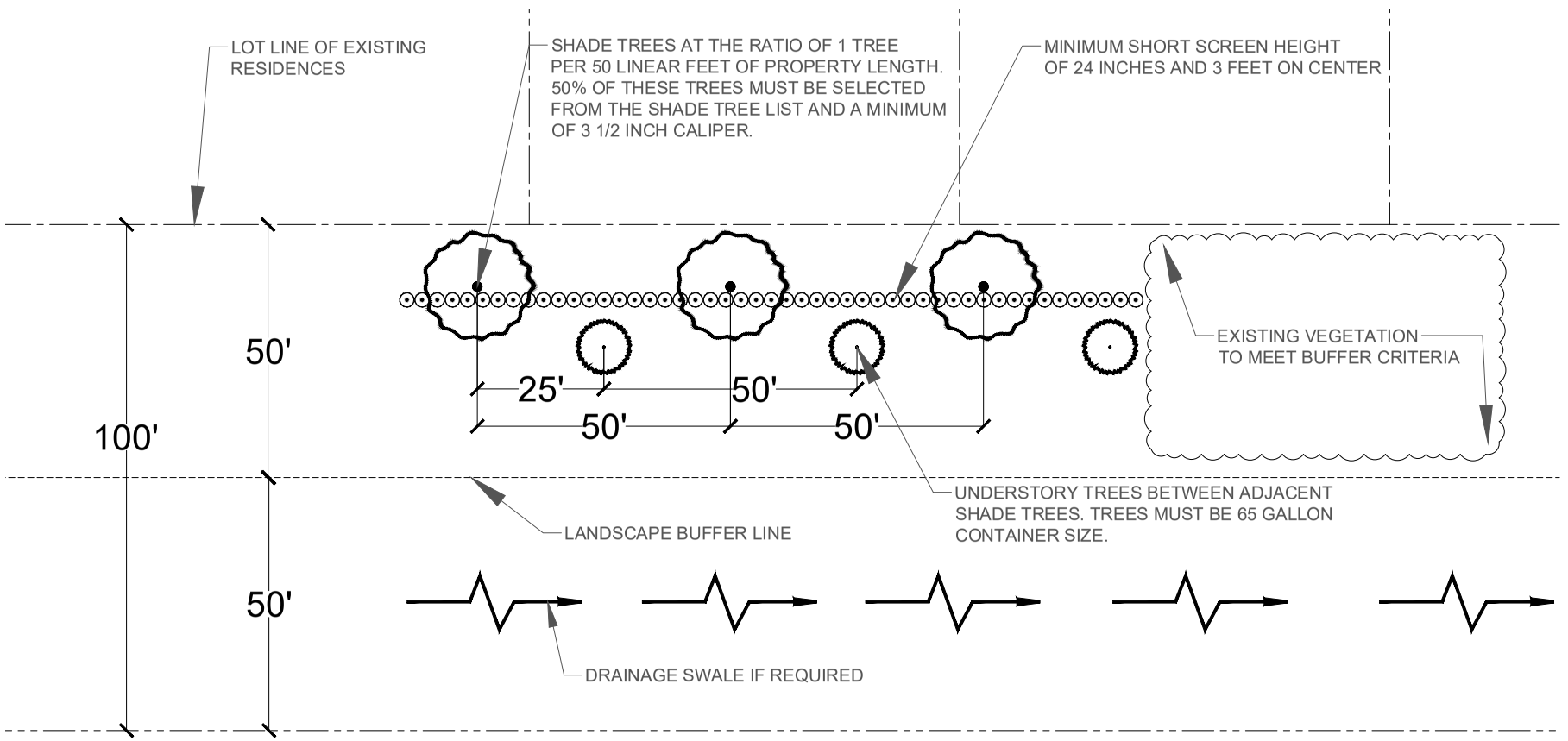
REVISIONS X
X

VPZ

Tract 3 50FT VP2 Illustration
See Landscape Plan



Not To Scale



TRACT 9 : 100FT VPZ ILLUSTRATION

DICKINSON CONSULTING, INC.
Landscape Architecture
Land Planning
Feasibility Studies

Robert E. Dickinson, RLA
25 Old Kings Road North, Suite 2B
Palm Coast, FL 32137
Phone (M): 386.931.2853
Phone (txt): 386.931.2853
Email: dickinson.consulting.inc@gmail.com

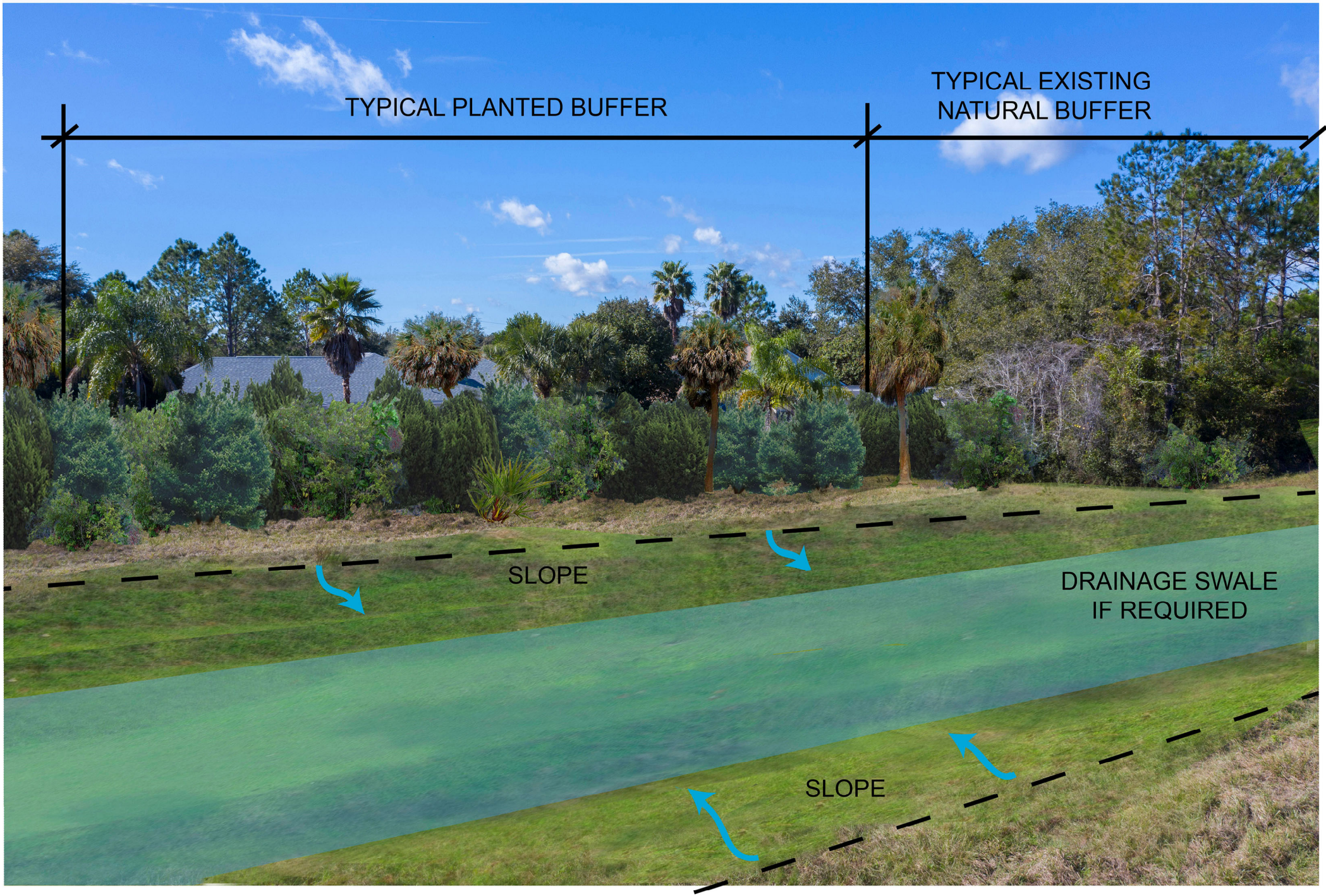
PROPOSED LAND USE
TRACT 9 VPZ PROPOSAL

PALM COAST
FLORIDA

SCALE: AS SHOWN
DATE: 5-28-24
DRAWN: jwk/DCI
REVISIONS X
X

VPZ

Tract 9 100 FT VP2 Illustration
See Landscape Plan



Not To Scale

Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal
Kareen Movsesyan
Meredith Wearsch
Mark Hall
Eric R. Sloan, *of-counsel*

Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com

CHIUMENTO LAW

145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

2 Camino Del Mar
Palm Coast, FL 32137

By Appointment Only:
57 W. Granada Blvd.
Ormond Beach, FL 32174

April 2, 2026

RE: Lakeview Estates
Matanzas GC Palm Coast, LLC
Parcel Identification Number: 07-11-31-7037-0RP0A-0002
07-11-31-7037-0RP0A-0011
07-11-31-7037-0RP0A-0140

To Whom It May Concern:

Matanzas GC Palm Coast, LLC, a Florida limited liability company is the owner of approximately 182 acres located in the L Section of Palm Coast (formerly known as the Matanzas Golf Course) and as further demonstrated on the attached map identified on **Exhibit "A".**

Currently, the owner has an application into the City of Palm Coast for the First Amendment to the Master Planned Development Agreement. The intent of the application to amend is to allow for development on Tract 3 and amend the allowed uses on Tract 8 along U.S. Highway 1. This Amendment will also incorporate the dedication by the developer to the City of a park. This request is consistent with the City's comprehensive plan and land development regulations.

As required by City Code, we will be having a neighborhood meeting on **Tuesday, April 14, 2026 at 6:00 p.m. at the Cafeteria (Room 511 & 512) of Indian Trails Middle School, 5505 Belle Terre Parkway, Palm Coast, Florida 32137** (see attached **Exhibit "B"** with directions on how to enter the school) to answer any of your questions. It is open to the public.

Sincerely yours,

Michael D. Chiumento III

EXHIBIT A



JEFFERSON DAVIS WATERWAY
INTERSTATE-95
(LIMITED ACCESS R/W - WIDTH VARIES - ASPHALT ROADWAY)
BELLE TERRE WATERWAY
U.S. HIGHWAY 1
(R/W WIDTH VARIES - ASPHALT ROADWAY)
LONDON DRIVE (60' R/W)
LAKEVIEW BOULEVARD (60' R/W)
LEAVER DRIVE (50'R/W)
LEARNING LANE (50' R/W)
LEAF LANE (50' R/W)
LEAVER DRIVE (50' R/W)
LONDON WATERWAY (100')
LEMA PL (50')
LEMAY PL (50' R/W)
LEMA LANE (50' R/W)
LEE DRIVE (50' R/W)
SECTION LINE (TYPICAL)
LEE PL
LEE DRIVE (50' R/W)
LEIDEL DRIVE (50' R/W)
LEIGHTON LANE (50' R/W)
RESERVED PARCEL B
RESERVED PARCEL R-1
LONDON DRIVE (60' R/W)
LONDONDERRY DRIVE (60' R/W)
LEWIS DRIVE (50' R/W)
LEWIS PL (50')
LEWISSHIRE WAY (50' R/W)
LEWISSHIRE PL (50' R/W)
LARAMIE DRIVE (60' R/W)
LARCHMONT PL
LARCHMONT PL
LARKSPUR WAY (50'R/W)
LANCELOT DRIVE (50'R/W)
LAKE SUCCESS DRIVE (50' R/W)
LAKE CHARLES LANE (50' R/W)
LAKE PLACID LANE (50' R/W)
LAKE SUCCESS DRIVE (50' R/W)
LAKE PL (50' R/W)
LINDSAY DRIVE (50' R/W)
LINDBERG LANE (50' R/W)
LINCOLN LANE (50' R/W)
1
2
3
4
5
6
7
8
9
10
21
22
27
28
MATANZAS WOODS
DEVELOPMENT TRACTS
SCALE 1"=300'
0
300
600
N

EXHIBIT "B"

Enter at northern gate of Indian Trails and park in the Sigma Parking lot.



Michael D. Chiumento
Michael D. Chiumento III
William J. Bosch
Vincent L. Sullivan
Diane A. Vidal, P.A.*
Kareen Movsesyan
Sydney N. Stoneburner
Eric R. Sloan
Thomas R. Pycraft *
Christy Earls
Paul H. Threatt

145 City Place, Suite 301
Palm Coast, FL 32164
Tel. (386) 445-8900
Fax: (386) 445-6702

2 Camino Del Mar
Palm Coast, FL 32137

57 W. Granada Blvd.
Ormond Beach, FL 32174

CHIUMENTO LAW

Michael D. Chiumento III
Managing Partner
Michael3@legalteamforlife.com

Proudly serving Flagler and Volusia Counties for over 50 years

April 30, 2026

City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164
Via E-Mail Only

RE: Lakeview Estates
Matanzas GC Palm Coast, LLC
Parcel Identification Number: 07-11-31-7037-0RP0A-0002
07-11-31-7037-0RP0A-0011
07-11-31-7037-0RP0A-0140

Dear Sir or Madam:

On Tuesday, April 14, 2026 the Applicant, Matanzas GC Palm Coast, LLC conducted a neighborhood information meeting held at the Cafeteria (Room 511 & 512) of Indian Trails Middle School, 5505 Belle Terre Parkway, Palm Coast, Florida 32137. As noted by the attached sign-in sheet, more than fifty (50) people from the public attended. Present at the meeting were myself, applicant representative and City Planner.

During the neighborhood meeting, the attendees asked several questions regarding the aforementioned application. Below is a reproduction of those questions/concerns and the Applicant's response in *italics* directly beneath the question.

- **Will this project increase density beyond what is currently allowed or expected?**

The rezoning request is being evaluated in accordance with the City's Comprehensive Plan and Land Development Code. Any proposed density will remain within the parameters established or approved through the rezoning process and will not exceed what is ultimately authorized by the City.

- **How will existing viewshed protections be preserved or modified?**

Site design will take into account applicable buffering, setbacks, and landscaping requirements to help preserve visual character. Any modifications to existing viewshed conditions would be subject

to City review and compliance with adopted standards.

- **Are any structures or improvements planned directly adjacent to or behind my property?**

Specific site layout details are still being refined. Future development plans will comply with all required setbacks, buffering, and compatibility standards to ensure appropriate transitions between uses.

- **Which parcels or tracts are proposed for development, and what are their current designations?**

The rezoning application identifies the subject parcels under consideration. All current and proposed land use and zoning designations are documented in the application materials submitted to the City for review.

- **Will you commit to continued investigation and remediation of any arsenic or environmental contamination issues?**

Any environmental concerns will be addressed in accordance with applicable state and federal regulations. Appropriate assessments and, if necessary, remediation efforts will be conducted to ensure the property meets required safety standards.

- **Do you intend to convey any remaining portions of the property to the City of Palm Coast?**

There are no commitments at this time regarding conveyance of additional property. Any such action would be coordinated with the appropriate governing agencies if it becomes relevant.

- **Will any undeveloped portions of the property be placed into a permanent conservation easement?**

The potential for conservation areas or easements will be evaluated as part of the overall development planning process and in coordination with City requirements and environmental considerations.

- **How will utilities (water, sewer, stormwater, electric) be extended and managed for this development?**

Utility infrastructure will be designed and constructed in coordination with the City and relevant service providers. All systems will meet applicable capacity, design, and regulatory requirements.

- **What analysis has been performed regarding potential impacts on surrounding property values?**

Property value impacts are influenced by a variety of market factors. The project will be designed to meet City standards and compatibility requirements, which are intended to support orderly and beneficial development.

- **Do you dispute or acknowledge concerns that the project may negatively affect nearby property values?**

We understand that property value concerns are important to residents. While outcomes can vary, the project will adhere to City regulations and design standards intended to promote compatibility and protect community character.

- **Will there be new or modified access points to U.S. Highway 1, and how will traffic be managed?**

Access and traffic circulation will be evaluated through required traffic studies and coordinated with the appropriate transportation agencies. Any improvements or modifications will be subject to agency approval.

- **What measures will be implemented to address flooding or stormwater impacts in the area?**

Stormwater management systems will be designed in accordance with local and state regulations

to ensure proper drainage, retention, and water quality treatment, minimizing impacts to surrounding properties.

- **How will local wildlife and habitat displacement be addressed?**

Environmental features and habitat considerations will be evaluated during the planning process. Development will comply with applicable environmental regulations and incorporate mitigation measures where required.

- **What provisions are being made for school transportation and student safety?**

The project will coordinate with the local school district regarding transportation needs. Roadway and pedestrian infrastructure will be designed to meet safety standards applicable to school access.

- **How will anticipated population increases affect school capacity and overcrowding?**

School capacity is managed by the local school district. Any impacts will be addressed through the district's planning processes, and applicable impact fees or requirements will be met.

- **What impact will this project have on local taxes or assessments?**

The project is expected to contribute to the local tax base. Any applicable impact fees or assessments will be paid in accordance with City and County requirements.

- **What is the timeline for development of any proposed park or recreational facilities?**

If recreational amenities are included, their timing will be aligned with the overall development phasing plan and subject to City review and approval.

- **Who will be responsible for funding, constructing, and maintaining the park?**

Responsibility for funding, construction, and maintenance will be determined as part of the development approvals and may involve the developer, a homeowners' association, or other entities as approved by the City.

Sincerely,



Michael D. Chiumento III
Attorney
MDC/cm

Lakeview Estates
Matanzas GC Palm Coast, LLC

NEIGHBORHOOD MEETING – TUESDAY April 14, 2026

NAME	ADDRESS	PHONE NUMBER	E-MAIL ADDRESS
Angelo Crispin	49 Londonderry Dr.	347 239 9942	operatoracrise@yahoo.com
ALBA SCALISE	240 London Dr	845-702-8919	pescalise@Gmail.com.
Kenneth Lenning	232 London Dr		Kenii01.04@yahoo.com
Michele Lenning	232 London Dr.		mlpteach4@yahoo.com
John Furlong	35 London Dr.		John8of9@aol.com
Diane Furlong	35 London Dr.		dcat56@gmail.com
LUZ CURRAS	205 London DR.	917-744-3741	LUZCURRAS@Gmail.com
Karla Lehmann	32 Leidel Dr		Karcar14@hotmail.com
Amy Beaver	73 Lancelot Drive	386-302-7220	
Celeste J. Lyon	75 Lancelot Drive	832-439-0539	

Lorraine DeArmoff	130 Laramie Drive	410-322-3640	LABoushell@gmail.com
Michael DeArmoff	130 Laramie	443 466 3736	dearmoff7@yahoo.com
ALEX GREEN	60 LANCELOT DR.	610-637-9291	ALEXGREEN1GMAIL.COM
PETER/SANDY CAVALIERE	125 LARAMIE DR	(386) 453-4431	petercavaliere@bellsouth.net
Mary Thomas	119 London DR	(772) 240-8710	marytea57@gmail.com
Art White	119 London DR	(772) 678-2433	arw757@yahoo.com
Amy Jean Skidmore	56 Leidel Dr.	(608) 899-5982	amyjscanFL@gmail.com
Sandy Hitchens	62 Leidel Dr	843-492-1645	sandy.hitchens@yahoo.com
Lorraine Call	53 Leidel Dr.	917-751-1622	CallML@outlook.com
Deborah O'Neal	132 London Dr.	386 302-2833	Oprime2do@gmail.com
Ginger Taylor	130 London DR.	215-802-2838	—
JAIRO CASTRO	1 LEIDEL DRIVE	917-678-4868	jairoski@gmail.com

Mark Kirkelie & Barbara	9 Lee Pl.	615-498-0622	mkirkelie@bellsouth.net
Jeffrey + Shandy Ward	45 Londonderry Dr	402-699-6160	jsward0708@gmail.com
[redacted]	[redacted]		[redacted]
RAYMOND SPIEWAK	70 LEE	(508) 330-8775	rjspiewak@gmail.com
Bill & Natalya Olivier	30 Leidel Dr	315-922-8635	tdub1963@yahoo.com
DIANA MINOTTI	207 LONDON	386.237.3233	dianadmfa@gmail.com
PERRY MINOTTO	207 London	386.237.2140	perrydmfa@gmail.com
Yves Frederic	59 Lee Dr	386-366-3856	Jadolore_99@Yahoo.com
Denise Halle	5 Lake Charles Lane	732-406-0359	dtowell123@gmail.com
Davina & Fernando Leitzelar	74 Lee DR	207-228-4693	dfleitzelar@yahoo.com
GARY BIEDERMANN	50 MATANZAS LAKES DR	828 778 9506	BIEDERMANN63@GMAIL.COM
George Melo	6 Lemisdale	917-295-1799	GMFJC2010@Gmail.com

NAME	ADDRESS	PHONE #	E MAIL
JACK & NANCY CAYOUETTE	163 LONDON DR.	386-445-5607	~~[illegible]~~ nancycayouette@gmail.com
RICHARD B. RICCARDI	224 LONDON DR	2013625220	RICHSHINDO@YAHOO
Keith Flynn	47 Londonderry	386-503-3525	Kflynn@marineland.net
Ellen & Richard Stucky	193 London Dr.	386-445-1364	STUCSUSIE@AOL.COM
Donna Stack	2 Lake Success Place	718 309 7555	ddstack4307@gmail.com
Lauren Piemontese	157 London Dr.	570.449.9123	lpiemo05@gmail.com
Ann Doherty	155 London Dr.	352.455.9595	Storecoups@gmail.com
Karen & Steve Williams	190 London Dr	386-864-0927	Kwilliams33036@yahoo
GENE WAGGAMAN	53 LONDONDERRY	203-249-1961	EWAGGAMAN@GMAIL.COM
Shaun Schich	55 Londonderry Dr	919 961 4650	JAVAC88@gmail.com
Corinne Schich	55 Londonderry Dr	904-806-8060	dolancorinne@yahoo.com

NAME	ADDRES	PHONE #	EMAIL
BARBARA MCFARLANE	219 LONDON DR.	—	—
Ernelia Cespedes	218 London Dr	386 864 0408	—
Jackie Dempsey	195 London Dr.	386-446-4430	jackie dose yahoo.com
Alton W. Dempsey Sr.	195 London Drive	386-446-4430	
Karen & Stephen Berko	56 Lee Dr.	—	Kaberko@gmail.com
Kathy Lukach	46 Matanzas Cove Dr		

NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)

COUNTY OF FLAGLER X
STATE OF FLORIDA X

Before me this _____day of May, 20 26 personally appeared Thomas Davidson who after providing personally known as identification and who ____ **did**, ____ **did not** take an oath, and who being duly sworn, deposes and says as follows: "I have read and fully understand the provisions of this instrument".

Two (2) signs have been posted on the subject property subject to a rezoning as described with **Application #** _____

✓ **At least fourteen (14) calendar days before the hearing date advertising the date, time, and location of the Planning & Land Development Regulation Board (PLDRB)**

OR

_____ **At least seven (7) days before the hearing date advertising the date, time, and location of the City Council hearing.**

Signature of Responsible Party

Thomas Davidson
Printed Name

145 City Pl. Ste 301, Palm Coast FL 32164
Mailing Address

Signature of Person Taking Acknowledgement

Caroline McNeil
Name of Acknowledger (Typed, Printed or Stamped)

NOTARY PUBLIC STATE OF FLORIDA
CAROLINE MCNEIL
MY COMMISSION # HH 536164
EXPIRES: October 6, 2028

SEAL

This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.

ORDINANCE NO. 2021-01
LAKEVIEW ESTATES MPD
DEVELOPMENT AGREEMENT
APPLICATION #4150

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; AMENDING THE OFFICIAL ZONING MAP FOR 280.6 +/- ACRES OF CERTAIN REAL PROPERTY PREVIOUSLY KNOWN AS THE MATANZAS GOLF COURSE AND GENERALLY LOCATED BETWEEN 0.5 TO 1.25 MILES NORTH OF MATANZAS WOODS PARKWAY, WEST OF I-95, AND EAST OF US HIGHWAY 1, AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A" FROM MASTER PLANNED DEVELOPMENT WITHOUT A DEVELOPMENT AGREEMENT TO LAKEVIEW ESTATES MASTER PLANNED DEVELOPMENT (MPD) WITH A DEVELOPMENT AGREEMENT AS PER SECTION 2.09 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; BY ALLOWING INSTITUTIONAL USES ALONG US HIGHWAY 1; CLUSTERED RESIDENTIAL USES AT AN OVERALL DENSITY OF UP TO ONE DWELLING UNIT PER ACRE WITH TOWNHOMES IN THE AREA LOCATED SOUTH OF LONDON DRIVE AND WEST OF LONDONDERRY DRIVE AND SINGLE-FAMILY HOMES OVER THE REMAINDER OF THE RESIDENTIALLY USED PROPERTY; AND ESTABLISHING VIEW PROTECTION ZONES AND WETLAND CONSERVATION AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Subject Property on the City's original zoning map in 1999/2000 had a Flagler County zoning designation of Urban Single-Family Residential (R-1B); and

WHEREAS, the Golf Course Community (GCC) Zoning District was created when the initial chapters of the Unified Land Development Code were adopted by Palm Coast through Ordinance 2005-33; and

WHEREAS, the Golf Course Community Zoning District was converted to the Master Planned Development (MPD) Zoning District by Palm Coast through Ordinance 2008-23; and

WHEREAS, the Subject Property ceased to operate as a golf course in or around 2007, and since that time, has not been used for any purpose other than vacant land; and

WHEREAS, the Subject Property has Future Land Use Map (FLUM) designations of Greenbelt and Conservation.

WHEREAS, Matanzas GC Palm Coast, LLC ("Owner") is the Owner of the 280.6 +/- acres of property further described in "Attachment A"("Subject Property") and has agreed to enter into the Lakeview Estates Master Plan Development Agreement, attached hereto as "Attachment B" ("Development Agreement"); and

WHEREAS, the Owner has requested to amend the Master Planned Development Zoning District by adding a Development Agreement in order to allow for 8.3 +/- acres of institutional uses along US Highway 1 and clustered homes at a density of up to one unit per acre on the balance of the land designated Greenbelt on the Future Land Use Map; and

WHEREAS, the Planning and Land Development Regulation Board ("PLDRB") and City Staff of the City of Palm Coast have recommended approval of this Ordinance and the Development Agreement, as modified by the PLDRB, and the PLDRB has found the requested changes and Development Agreement 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, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; 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 and Development Agreement set forth herein 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 its regularly scheduled meeting conducted on November 18, 2020, 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 rezoning as set forth hereunder; and

WHEREAS, the Owner has fully complied with the requirements of City of Palm Coast Unified Land Development Code and the MPD Zoning District by agreeing to the MPD Development Agreement to permit the approved 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, 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. MPD Rezoning. The Palm Coast City Council, pursuant to the Land Development Code of the City of Palm Coast hereby rezones the Subject Property from Master Planned Development without a Development Agreement to Lakeview Estates Master Planned Development Agreement ("MPD") and enacts this Ordinance creating the Lakeview Estates MPD Development Agreement, attached hereto as "Attachment B," for the property generally located between 0.5 and 1.25 miles north of Matanzas Woods Parkway, west of Interstate 95 and east of US Highway 1, 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 5th day of January 2021.

Adopted on second reading after due public notice and hearing City of Palm Coast this 19th day of January 2021.

CITY OF PALM COAST, FLORIDA

M Holland

MILISSA HOLLAND, MAYOR

ATTEST:

Virginia D Smith

VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

WILLIAM E. REISCHMANN, JR.
CITY ATTORNEY

Attachments:
Attachment A – Legal Description
Attachment B – MPD Development Agreement

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ATTACHMENT "A"
LEGAL DESCRIPTION

MATANZAS WOODS GOLF COURSE:

Reserved Parcel "A", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northeast corner of Block 165 of said Plat of Lakeview; thence North 89°30'56" East 21.68 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 349.56 feet, a radius of 800.00 feet, a central angle of 25°02'07" and a chord bearing South 26°22'21" East, 346.78 feet to a point of tangency; thence South 38°53'25" East 2087.61 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 266.63 feet, a radius of 1120.00 feet, a central angle of 13°38'23" and a chord bearing South 32°04'13" East, 265.99 feet to a point of tangency; thence South 25°15'02" East 772.55 feet to a point of cusp; thence northwesterly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 66°04'26" West 196.12 feet to a point; thence South 16°53'50" East 110.00 feet to a point on a curve; thence westerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing South 64°44'57" West 11.62 feet to a point; thence North 33°36'15" West 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 15°34'21" West 196.12 feet to a point of tangency; thence South 25°15'02" East 100.25 feet to a point on a curve; thence southwesterly along a curve to the left having an arc length of 217.30 feet, a radius of 280.98 feet, a central angle of 44°18'38" and a chord bearing South 42°35'39" West 211.92 feet to a point of tangency; thence South 08°35'49" West 179.39 feet; thence North 81°24'11" West 913.66 feet; thence South 08°35'49" West 125.00 feet; thence North 81°24'11" West 40.00 feet; thence North 08°35'49" East 125.00 feet; thence North 81°24'11" West 125.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 180.00 feet, a radius of 225.00 feet, a central angle of 45°50'12" and a chord bearing South 75°40'43" West,175.24 feet to a point; thence South 37°14'23" East, 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 77.08 feet, a radius of 100.00 feet, a central angle of 44°09'48" and a chord bearing South 30°40'43" West 75.19 feet to a point of tangency; thence South 08°35'49" West, 237.34 feet; thence North 81°24'11" West 87.50 feet; thence North 51°24'11" West 130.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 87°46'25" West,196.12 feet to a point; thence South 43°02'58" East 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'26" and a chord bearing South 38°35'49" West 11.62 feet to a point; thence North 59°45'24" West 110.00 feet; thence South 38°35"49" West 128.21 feet; thence North 51°24'11" West 1018.03 feet; thence North 38°35'49" East 380.00 feet;

thence South 51°24'11" East 500.00 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00, a central angle of 90°00'00" and a chord bearing North 83°35'49" East, 318.20 feet to a point; thence North 51°24'11" West 125.00 feet; thence North 38°35"49" East 230.92 feet; thence South 51°24'11" East 100.00 feet; thence South 81°24'11" East 993.30 feet to a point of curvature; thence northeasterly along a curve to the left having an arc length of 431.48 feet, a radius of 225.00 feet, a central angle of 109°52'35" and a chord bearing North 43°39'32" East, 368.34 feet to a point of tangency; thence North 11°16'46" West 478.51 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 245.29 feet, a radius of 225.00 feet, a central angle of 62°27'41" and a chord bearing North 42°30'36" West, 233.32 feet to a point; thence North 08°35'49" East 77.01 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing North 36°24'11" West 318.20 feet to a point; thence westerly along a curve to the left having an arc length of 446.47 feet, a radius of 150.00 feet, a central angle of 170°32'16" and a chord bearing North 76°40'19" West 298.98 feet to a point of tangency; thence South 08°35'49" West 149.66 feet; thence North 81°24'11" West 50.00 feet; thence North 08°35'49" East 125.00 feet; thence North 78°43'26" West 153.29 feet; thence North 09°33'43" West 148.11 feet; thence South 69°50'14" East 67.79 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 146.25 feet, a radius of 150.00 feet, a central angle of 55°51'48" and a chord bearing North 87°23'42" East,140.53 feet to a point; thence North 30°32'12" West 110.00 feet to a point on a curve; thence northeasterly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 51°06'35" East 11.62 feet to a point; thence South 47°14'37" East 110.00 feet to a point on a curve; thence northerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'48" and a chord bearing North 01°55'59" East 196.12 feet to a point of tangency; thence North 38°53'25" West 326.21 feet; thence North 80°07'23" West 122.65 feet; thence North 09°33'42" West 80.00 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 166.36 feet, a radius of 325.00 feet, a central angle of 29°19'42" and a chord bearing North 24°13'34" West,164.55 feet to a point of tangency; thence North 38°53'25" West 200.00 feet; thence South 51°06'35" West 125.00 feet; thence North 38°53'25" West 20.00 feet; thence North 51°06'35" East 125.00 feet; thence North 38°53'25" West 178.81 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 292.66 feet, a radius of 325.00 feet, a central angle of 51°35'39" and a chord bearing North 64°41'14" West, 282.87 feet to a point of tangency; thence South 89°30'56" West 678.94 feet to a point of curvature; thence southwesterly along a curve to the left having an arc length of 389.08 feet, a radius of 225.00 feet, a central angle of 99°04'39" and a chord bearing South 39°58'37" West, 342.38 feet to a point of cusp; thence North 09°33'43" West 137.22 feet; thence North 00°29'04" West 425.00 feet; thence North 89°30'56" East 1200.00 feet; thence North 00°29'04" West 125.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "C", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northwest corner of said Reserved Parcel "C"; thence North 89°26'28" East 630.08 feet; thence South 38°43'02" West 202.91 feet; thence South 51°40'07" East 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 250.77 feet, a radius of 300.00 feet; a central angle of 47°53'36" and a chord bearing South 14°23'05" West 243.53 feet to a point of tangency; thence South 09°33'43" East 403.87 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 520.00 feet, thence North 80°26'17" East 125.00 feet; thence South 09°33'43" East 40.00 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 980.61 feet to a point of curvature; thence southerly along a curve to the left having an arc length of 441.04 feet, a radius of 725.00 feet, a central angle of 34°51'17" and a chord bearing South 26°59'21" East, 434.27 feet to a point; thence North 45°35'00" East 55.00 feet; thence South 44°25'00" East 67.22 feet; thence North 39°51'14" East 73.36 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 13.16 feet, a radius of 600.00 feet; a central angle of 01°15'25" and a chord bearing South 50°46'29" East 13.16 feet to a point of tangency; thence South 51°24'11" East 170.76 feet; thence South 54°59'31" West 770.58 feet; thence North 35°00'29" West 649.53 feet to a point on the east right of way line of U.S. Highway No.1; thence northerly along said right of way line of the following six courses; run North 09°59'31" East 128.08 feet; thence South 89°43'01" West 5.08 feet; thence North 09°59'31" East 253.32 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 655.06 feet, a radius of 2030.05 feet, a central angle of 18°29'18" and a chord bearing North 00°44'52" East, 652.23 feet to a point of tangency; thence North 08°29'47" West 179.58 feet; thence South 81°30'12" West 20.00 feet; thence North 08°29'47" West 1583.88 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "D" Lake View - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most northerly corner of said Reserved Parcel "D"; thence South 38'53'28" East 93.32 feet; thence North 89°30'56" East 936.80 feet; thence South 00°29'04" East 432.94 feet; thence South 09°33'42" East 57.28 feet to a cusp point; thence northwesterly along a curve to the left having an arc length of 317.78 feet, a radius of 225.00 feet; a central angle of 80°55'21" and a chord bearing North 50°01'23" West 292.02 feet to a point of tangency; thence South 89°30'56" West 846.10 feet; thence North 09°33'43" West 149.00 feet to a point of curvature; thence northerly along a curve to the right having an arc length of 254.23 feet, a radius of 240.00 feet, a central angle of 60°41'38" and a chord bearing North 20°47'06" East, 242.51 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows: From a POINT OF BEGINNING, being the most southerly corner at said Reserved Parcel "E"; thence North 64°44'58" East 526.36 feet; thence North 25°15'02" West 335.20 feet; thence South 64°44'58" West 125.00 feet; thence North 25°15'02" West 620.00 feet to a point of curvature; thence northwesterly along a curve to the right having an arc length of 60.46 feet, a radius of 425.00 feet, a central angle of 08°09'02" and a chord bearing North 21°10'31" West, 60.41 feet to the southeasterly corner of a parcel described in Official Records Book 492, pages 936-939; thence northerly along the boundary of said parcel described in Official Records Book 492, pages 936-939 for the following five courses; thence South 72°54'00" West 10.00 feet; thence North 53°38'13" West 20.65 feet; thence South 05°01'26" West 11.50 feet; thence North 10°42'21" West 31.82 feet; thence North 01°05'36" East 53.63 feet; thence North 85°41'45" East 24.67 feet to the boundary of above said Reserved Parcel "2", being a point on a curve; thence northerly along a curve to the right having an arc length of 28.33 feet, a radius of 425.00 feet; a central angle of 03°49'11" and a chord bearing North 02°23'39" West 28.33 feet to a point of tangency; thence North 00°29'04" West 1536.30 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point; thence South 85°19'06" East 128.73 feet; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 202.47 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of

16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 1003.67 feet; thence South 25°15'02" East 260.04 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 19°44'58" West, 318.20 feet to a point of tangency; thence South 64°44'58" West 800.00 feet; thence South 25°15'02" East 300.00 feet; thence North 64°44'58" East 910.00 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'11" and a chord bearing North 85°37'33" East, 302.90 feet to a point; thence South 16°30'09" West 125.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 34.00 feet, a radius of 300.00 feet, a central angle of 06°29'36" and a chord bearing South 70°15'03" East 33.98 feet to a point; thence North 22°59'45" East 125.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'13" and a chord bearing South 46°07'39" East 302.91 feet to a point of cusp; thence North 25°15'02" West 822.28 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 561.16 feet, a radius of 275.00 feet, a central angle of 116°54'59" and a chord bearing North 33°12'28" East, 468.74 feet to a point of tangency; thence South 88°20'03" East 756.56 feet; thence South 07°23'44" West 126.38 feet to a point of on a curve; thence easterly along a curve to the right having an arc length of 150.15 feet, a radius of 150.00 feet, a central angle of 57°21'14" and a chord bearing South 53°55'39" East 143.96 feet to a point of tangency; thence South 25°15'02" East 40.00 feet; thence North 64°44'58" East 125.00 feet to the easterly line of Belle Terre Waterway; thence North 25°15'02" West along said easterly line of Belle Terre Waterway for a distance of 862.29 feet to a point of curvature; thence depart said boundary line of said Reserved Parcel "2" and run westerly along the southerly line of Jefferson Davis Waterway for the following four courses: run westerly along a curve to the left having an arc length of 921.97 feet, a radius of 825.00 feet, a central angle of 64°01'49" and a chord bearing North 57°15'57" West, 874.74 feet to a point of tangency; thence North 89°16'51" West 858.76 feet to a point of curvature; thence westerly along a curve to the right having an arc length of 411.10 feet, a radius of 675.00 feet, a central angle of 34°53'44" and a chord bearing North 71°49'59" West, 404.78 feet to a point of tangency; thence North 54°23'07" West 585.58 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 177.30 feet, a radius of 825.00 feet, a central angle of 12°18'47" and a chord bearing North 60°32'31" West,176.96 feet to a point on the westerly boundary of said Reserved Parcel "2"; thence southerly and westerly along said westerly boundary of said Reserved Parcel "E" for the following seven courses: South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southeasterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 331.52 feet, a radius of 720.00 feet, a

central angle of 26°22'53" and a chord bearing South 25°41 '59" East 328.59 feet to a point of tangency; thence South 38°53'25" East 1801.29 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Part of Government Sections 21 and 22, Township 10 South, Range 30 East, Flagler County, Florida being that part of PARCEL NO. 2 of the property described in Official Records Book 142, pages 278-279, lying south of Jefferson Davis Waterway and being more particularly described as follows:
From a POINT OF REFERENCE being a point on the easterly boundary line of the above described PARCEL NO. 2, said point being the northwest corner of Reserved Parcel "2" as shown on the recorded plat of Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida; thence South 29°30'56" West along the easterly boundary of said PARCEL NO. 2 being also along the westerly boundary of said Reserved Parcel "E" for a distance of 390.35 feet to the POINT OF BEGINNING; thence continue along the easterly and southerly boundary of said PARCEL NO. 2 being also along the westerly and northerly boundary of said Reserved Parcel "E" for the following seven courses: run South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southwesterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence northerly along a curve to the right having an arc length of 151.10 feet, a radius of 720.00 feet, a central angle of 12°01'28" and a chord bearing North 06°29'48" West 150.83 feet to a point; thence South 89°30'56" West 1280.00 feet to the northwest corner of Block 164 of said plat of Lakeview; thence North 12°53'48" East along the southerly line of said Jefferson Waterway for a distance of 297.66 feet to a point on a curve; thence northeasterly along a curve to the right having an arc length of 913.19 feet, a radius of 825.00 feet, a central angle of 63°25'15" and a chord bearing North 39°41'03" East 867.28 feet to a point of tangency; thence North 71°23'41" East 1251.37 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 603.42 feet, a radius of 825.00 feet; a central angle of 41°54'25" and a chord bearing South 87°39'07" East, 590.05 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

All of that land vacated in the Subdivision Plat Of Lakeview - Section 37 Palm Coast Map Book 13 Pages 1 through 29, per Resolution 95-56 as recorded in Official Records Book 538 at Pages 1611 through 1613, Public Records of Flagler County, Florida, being described as follows:
BEGINNING at the southwesterly corner of Lot 22, Block 143 of the aforesaid Lakeview - Section 37; thence North 80°26'17" East a distance of 49.47 feet to a point of curvature of a curve to the right; thence northeasterly along said curve having a radius of 300.00 feet, a central angle of 14°34'59" an arc of 76.36 feet and a chord bearing North

87°43'47" East, 76.15 feet to a point on a non-tangent line; thence North 09°33'43" West, a distance of 1273.40 feet; thence North 80°26'17" East a distance of 124.48 feet; thence South 47°01'13" East a distance of 97.49 feet to a point on a non-tangent curve; thence northeasterly along a curve to the right having a radius of 150.00 feet; a central angle of 08°07'48", an arc length of 21.28 feet and a chord bearing North 47°02'41" East, 21.27 feet to a point of tangency; thence North 51°06'35" East a distance of 100.00 feet; thence South 38°53'25" East a distance of 50.00 feet; thence South 51°06'35" West a distance of 100.00 feet to a point of curvature; thence southwesterly along a curve to the left having a radius of 100.00 feet, central angle of 05°43'46, an arc length of 10.00 feet and a chord bearing South 48°14'42" West,10.00 feet to a point on a non-tangent line; thence South 50°07'21" East a distance of 153.93 feet; thence South 51°06'35" West a distance of 20.25 feet; thence South 09°33'43" East a distance of 936.00 feet; thence South 35°36'55" East a distance of 82.42 feet; thence South 81°24'11" East a distance of 240.00 feet; thence South 08°35'49" West a distance of 125.00 feet; thence South 81°24'11" East a distance of 27.55 feet to a point on a non-tangent curve; thence southwesterly along curve to the left having a radius of 40.00 feet, a central angle of 77°21'52", an arc of 54.01 feet and a chord bearing South 08°35'49" West 50.00 feet to a point on a non-tangent line; thence North 81°24'11" West a distance of 4.59 feet; thence South 08°35'49" West a distance of 125.00 feet; thence North 81°24'11" West a distance of 480.00 feet; thence South 84°38'20" West a distance of 69.97 feet; thence North 03°00'11" West a distance of 144.02 feet to a point on a non-tangent curve; thence southwesterly along a curve to the left having a radius of 250.00 feet, a central angle of 13°34'27", an arc of 59.23 feet and a chord bearing South 87°13'31" West, 59.09 feet to a point of tangency; thence South 80°26'17" West a distance of 51.03 feet to a point on a non-tangent curve; thence northwesterly along a curve to the left having a radius of 200.00 feet, a central angle of 07°10'51" an arc of 25.07 feet and a chord bearing North 05°58'17" West 25.05 feet to a point of tangency; thence North 09°33'43" West a distance of 25.00 feet to the POINT OF Beginning, the above described parcel of land is situated in Section 22, Township 10 South, Range 30 East, Flagler County, Florida.

ALSO INCLUDING:

Part of Reserved Parcel "R-1", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most easterly corner of said Reserved Parcel "R-1"; thence South 38°35'49" West along the southeasterly line of said Reserved Parcel "R-1" for a distance of 767.47 feet; thence North 51°24'11" West 1300.81 feet to the most westerly corner of said Reserved Parcel "R-1"; thence North 54°59'31" East,148.96 feet; thence South 59°22'19" East 485.17 feet; thence South 73°43'22" East 217.49 feet; thence North 77°17'42" East 363.21 feet; thence North 38°35'49" East 191.24 feet; thence South 51°24'11" East 350.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E" according to the Subdivision Plat Lakeview Section 37, Palm Coast, recorded in Map Book 13, Pages 1 Through 29, of the Public Records of Flagler County, Florida, being more particularly described as follows: A POINT OF REFERENCE being the northeast corner of Lot 1, Block 75; thence North 25°15'02" West along the west line of Belle Terre Waterway a distance of 862.29 feet to THE POINT OF BEGINNING; thence departing Belle Terre Waterway (as platted) 921.97 feet along the arc of a curve to the left (concave southerly) have a central angle of 64°01'49", a radius of 825.00 feet, a chord bearing of North 57°15'57" West and a chord distance of 874.74 feet to a point of tangency, thence North 89°16'51" West a distance of 858.76 feet to a point of curvature; thence 411.10 feet along the arc of a curve to the right (concave northerly) having a central angle of 34°53'44", a radius of 675.00 feet, a chord Bearing of North 71°49'59" West and a chord distance of 404.78 feet to the end of said curve being a point on the boundary of Jefferson Davis Waterway as recorded in Official Records Book 549, Pages 966 through 990, of the Public Records of Flagler County, Florida; thence North 35°36'53" East along said waterway a distance of 30.00 feet to a point on a non-tangent curve; thence easterly 392.83 feet along the arc of a curve to the left (concave northerly)having a central angle of 34°53'44", a radius of 645.00 feet, a chord bearing of South 71°49'59" East and a chord distance of 386.79 feet to a point of tangency; thence South 89°16'51" East a distance of 858.76 feet to a point of curvature; thence 955.50 feet along the arc of a curve to the right concave southwesterly having a central angle of 64°01'49", a radius of 855.00 feet, a chord bearing of South 57°15'57" East and a chord distance of 906.54 feet to the end of said curve; thence South 64°44'58" West a distance of 30.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD 5), BEING A PORTION OF LONDON WATERWAY, LAKEVIEW SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 26, LOCATED IN GOVERNMENT SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF ASHWOOD WATERWAY (A 300 FOOT RIGHT-OF-WAY) PER SAID LAKEVIEW SECTION 37, WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, (STATE ROAD 5, A 175 FOOT RIGHT-OF-WAY AT THIS POINT); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 35°00'29" EAST ALONG SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY FOR A DISTANCE OF 649.53 FEET TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID ASHWOOD WATERWAY LINE NORTH 54°59'31" EAST ALONG THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY FOR A DISTANCE OF 770.58 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LONDON DRIVE, (A 60 FOOT RIGHT-OF-WAY), PER SAID LAKEVIEW-SECTION 37; THENCE DEPARTING THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY SOUTH 51°24'11" EAST ALONG SAID RIGHT-

OF-WAY LINE FOR A DISTANCE OF 104.24 FEET TO THE SOUTHERLY LINE OF SAID LONDON WATERWAY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 54'59'31" WEST ALONG SAID SOUTHERLY LINE OF LONDON WATERWAY FOR A DISTANCE OF 800.00 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY; THENCE NORTH 35°00'29" WEST ALONG SAID ASHWOOD WATERWAY LINE FOR A DISTANCE OF 100.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

ATTACHMENT "B"
MPD DEVELOPMENT AGREEMENT

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

Inst No: 2021009558 2/24/2021 9:47 AM
BK:2530 PG:1215 PAGES:51
RECORDED IN THE RECORDS OF
Tom Bexley Clerk of the Circuit Court & Comptroller
Flagler FL

Michael D. Chiumento III, Esq.
Chiumento Dwyer Hertel Grant
145 City Place, Suite 301
Palm Coast, FL 32164

Return to:
City Clerk
City Hall
160 Lake Avenue
Palm Coast, FL 32164

---------- [SPACE ABOVE THIS LINE FOR RECORDING DATA] ----------

LAKEVIEW ESTATES

MASTER PLAN DEVELOPMENT AGREEMENT

THIS MASTER PLAN DEVELOPMENT AGREEMENT, (herein referred to as the "Development Agreement") is made and executed this 19th day of January, 2021, 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 owner of the subject property, **MATANZAS GC PALM COAST, LLC**, a Florida limited liability company (herein referred to from time-to-time as the "Owner" regardless of whether singular or plural ownership status) whose address is 200 Ocean Crest Drive, Unit 111, Palm Coast, Florida 32137.

WITNESSETH:

WHEREAS, the Owner is the fee simple title owner of certain real property consisting of 280.6 +/- acres located in the City of Palm Coast, Flagler County, Florida, more particularly described in the legal description attached hereto as **Exhibit "A"** and incorporated herein ("Subject Property"); and

WHEREAS, the Subject Property ceased to operate as a golf course in or around 2007, and since said time, has not been used for any purpose other than vacant land; and

WHEREAS, the Subject Property has Future Land Use Map (FLUM) designations of Greenbelt and Conservation.

WHEREAS, the Owner requests approval for a Master Planned Development ("MPD") on the Subject Property, subject to the conditions set forth in this Development Agreement; and

WHEREAS, the Owner 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 Planning and Land Use Regulations Board (PLDRB) and the City of Palm Coast City Council ("City Council") find that this Development Agreement is consistent with the City's Comprehensive Plan (2035) (the "Comprehensive Plan") and Unified 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, additional conditions of approval may also be included within the minutes of relevant meetings of the (PLDRB) and City Council. Furthermore, any

representations or promises made by the Owner 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, 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.

NOW, THEREFORE, it is hereby resolved and agreed by and between the City and the Owner that the Owner's application for a Master Planned Development is approved subject to the Development Agreement's 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 Owner have relied.

SECTION 2. REPRESENTATIONS OF OWNER.

(a) The Owner hereby represents and warrants to the City that the Owner is the fee simple record title owner of the Subject Property in accordance with the title opinion or title certification provided by the Owner to the City 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 Owner 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 Owner 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.

(c) The Owner 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 Owner 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 Owner fails to attain the joinder and consent, then the Owner shall lose all rights and benefits deriving hereunder.

SECTION 3. APPROVAL OF MASTER PLAN DEVELOPMENT

(a). The City Council at its business meeting of January 5, 2021, approved a Master Plan Development for the Subject Property subject to the terms and conditions of this Development Agreement.

(b). The Owner 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.

The Subject Property has two Comprehensive Plan FLUM designations, Greenbelt on approximately 276.3 +/- acres and Conservation on approximately 4.3 +/- acres. The current MPD zoning on the property will be maintained and this Development Agreement shall govern all development on the Subject Property as defined herein. Consistent with the Comprehensive Plan and the Greenbelt FLUM, residential units may be developed at one unit per acre. Institutional uses proposed on Greenbelt FLUM acreage shall be deducted from the one-unit per acre residential unit calculations. The Project proposes 8.3 +/- acres of Greenbelt FLUM for institutional uses within the Greenbelt FLUM. As a result, 268 residential units are permitted to be clustered within the remaining 268.0 +/- acres of Greenbelt FLUM. The Owner may develop a residential and institutional development as depicted on the Lakeview Estates Conceptual Master Plan, attached hereto as **Exhibit "B"** and as further defined herein ("Project"). **Exhibit "B-1"** through **Exhibit "B-8"** further define the project and illustrate allowable uses within each Tract. The uses on each Tract (shall be as follows which are consistent with the Conceptual Site Plan:

TRACT	USE	LDC Designation to be used for Development Standards purposes only
1	Uses on this tract will be single-family residential homes along with View Protection Zones (VPZ), wetland preservation, stormwater pond creation, and community amenities including exterior storage of	SFR-1

	boats and RVs exclusively for residents residing in the community that will be totally screened from view from off-site properties, Lakeview Boulevard and London Drive.	
2	Uses on this tract primarily consist of View Protection Zones, wetlands, natural buffers, and stormwater ponds. In addition, the property is limited to single family residential dwellings view protection zones, natural buffers, and stormwater ponds.	SFR-2 and P&G
3	This tract is designated as View Protection Zones and natural buffers.	P&G
4	Uses on this tract primarily consist of View Protection Zones/conservation, and wetlands. The property is limited to single family residential dwellings.	SFR-2 and P&G
5	This Tract is designated as a View Protection Zone/conservation.	P&G
6	This Tract is designated as a View Protection Zone	P&G
7	Uses on this tract primarily consist of View Protection Zone and an existing pond. The property is limited to single family residential dwellings.	SFR-2 and P&G
8	Use of this Tract is limited to townhouses, single-family, View Protection Zones, and existing pond. FLUM areas designated Conservation shall be field verified prior to development and the boundaries between the Greenbelt and Conservation areas shall be modified accordingly on the FLUM.	MFR-1[1], SFR-1and P&G
9	Use of this Tract will be limited to 8.3 acres of institutional uses meeting the PSP zoning standards except the maximum building height shall be 35 feet and there shall be a minimum View Protection Zone of 150 feet in width along its eastern property line where it abuts the rear of all existing platted residential lots. All remaining areas include View Protection Zones, new and existing ponds, and natural buffers.	PSP and P&G
10	Use of this Tract is limited to single family residential units with View Protection Zones.	SFR-2

[1] There is a height limitation of thirty-five (35) feet for townhouses, a minimum living area of 1,000 sq. ft. with at least a one-car garage per unit and a minimum setback of 150' from all existing single-family platted lots imposed on this use.

1. TRACT 1: Tract 1 shall be permitted to develop into a single family detached residential community consistent with the City's SFR-1 zoning district

standards. This community will contain its own private amenities which may include a club house, pools, activities room, exercise trails and self-storage of boats and recreational vehicles limited to residents use only. It shall have two (2) entrances onto Lakeview Drive. Stormwater ponds will be developed on site to contain all runoff as required by Federal, State and City rules. In the areas that abut existing residential platted lots, a View Protection Zone ("VPZ") will be required (See Section 10.7). Prior to application for Subdivision Master Plan or Site Plan Approval, an applicant shall ensure that the VPZ is designed in such a fashion that it maintains the Lot Owners' view of the Subject Property consistent with the City's Land Development Code (LDC). Also prior to the above-mentioned application, an applicant shall demonstrate that Tract 1 is or shall be free from environmental hazards and safe for human occupation as regulated by Federal, State and local law including, but not limited to, the Florida Department of Environmental Protection ("FDEP"). The existing golf course maintenance building may be utilized during construction of the residential community on Tract 1 but shall be removed prior to completion of the infrastructure for the residential community.

2. TRACT 2: Tract 2 shall be maintained as a VPZ except for the area depicted on Exhibit "B-2" Tract Plan for single family residential lots. The single family residential area shall be developed consistent with the SRF-2 zoning district standards. As a condition of approval of these lots, a VPZ shall be provided to specifically address the adjacent existing single-family platted lots.

3. TRACT 3: Tract 3 is designated as VPZ and natural buffers.

4. TRACT 4: Tract 4 shall be mostly preserved as a natural area through the use of VPZs and Conservation Easements over existing wetlands. The on-site wetlands are intended to be preserved and, if impacted, avoidance and minimization techniques will be required pursuant to Federal, State and local law. Consistent with Exhibit "B-4" Tract Plan, some single-family residential lots may be developed consistent with the SFR-2 zoning designation standards, however they will be required to provide a VPZ if behind existing platted residential lots.

5. TRACT 5: Tract 5 shall be a VPZ. No development shall be permitted on Tract 5.

6. TRACT 6: Tract 6 shall be a VPZ.

7. TRACT 7: Tract 7 shall be maintained as a VPZ except for the areas depicted on Exhibit "B-6" Tract Plan for single family residential lots. The single family residential areas shall be developed consistent with the SRF-2 zoning district and shall provide a VPZ behind existing platted residential lots.

8. TRACT 8: Tract 8 shall be permitted to be developed consistent with the development standard for the LDC zoning classification of MFR-1 but limited to townhouses. Single-family homes could also be developed using the SFR-1 standards. Notwithstanding said designation, no development on this tract shall exceed thirty-five (35) feet in height. All townhouse development on Tract 8 shall be set back a minimum of 150 feet from any existing single-family platted lot. The existing pond shall be preserved for the benefit of adjacent property owners. The area designated Conservation on the FLUM can be field verified by the Owner through all applicable governmental

agencies and areas designated as uplands may be reclassified to Greenbelt on the FLUM and then utilized for residential purposes.

9. TRACT 9: The easterly 150 feet of Tract 9 that is located behind existing residential platted lots located along the westerly side of London Drive shall be maintained as a VPZ to ensure protection of natural areas. Stormwater areas are also permitted on Tract 9. PSP (institutional) uses with a height limit of 35 feet will be permitted on 8.3 acres of the remaining area. Prior to making any application for development, the Owner shall prepare a conceptual site plan and hold a neighborhood meeting consistent with the requirements of the LDC. Any development application for Tract 9 shall require final action by the PLDRB.

10. Tract 10: Tract 10 shall be permitted to develop single family detached residential units consistent with the LDC SFR-2 zoning district standards. Additionally, a VPZ is required to be provided as shown on the Exhibit "B-8" Tract Plan.

11. In addition to the above, Tracts 1, 8 and 9 of the Project shall be integrated internally and externally by a series of pedestrian pathways and roadways and developed in conformance with the LDC and this Development Agreement.

12. All common areas, VPZ, stormwater ponds and natural areas shall be maintained by a POA or third party determined acceptable to the City.

SECTION 5. FUTURE LAND USE MAP (FLUM).

The future land use designation for the Subject Property is primarily Greenbelt. More specifically about 276.3 +/- acres are designated Greenbelt and the remaining 4.3 +/- acres are designated Conservation. Policy 1.1.1.2 of the Comprehensive Plan establishes the density and intensity for each land use category and zoning district. The density for

Greenbelt is one dwelling unit/acre. Density calculations are not permitted for Conservation areas or Greenbelt lands utilized for PSP (institutional) uses.

SECTION 6. APPROVAL OF CONCEPTUAL PLAN AND DEVELOPMENT REVIEW PROCESS.

(a) The City Council, at its regular meeting on January 19, 2021, adopted Ordinance 2021-_____for a Master Planned Development affecting the Subject Property subject to the terms and conditions of this Development Agreement.

(b) The Owner acknowledges 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 provisions of the then current LDC shall be applicable to the Subject Property unless otherwise specifically stated herein. Any City Code provision not specifically identified will not be affected by the terms of this Development Agreement and will be subject to enforcement as if no Development Agreement were in effect.

(d) The Conceptual Site Plan, Exhibit "B", generally depicts the layout of the Project and delineates the approximate property boundaries, streets, property lines, general location of lots and intended uses. Exhibits B-1 through B-8 depict the layout of the Project in more detail and where a conflict exists between Exhibit "B" and Exhibits B-1 through B-8, the more detailed Exhibits B-1 through B-8 shall govern.

SECTION 7. MODIFICATIONS TO THE CONCEPTUAL SITE PLAN.

Modifications to the exact location and number of lots, roadways, primary sidewalk/pathway system, and other improvements may be requested by the Owner and

approved by the Land Use Administrator during review of construction documents, site plans, or Subdivision Master Plan for the Project or portions thereof, as long as the development standards contained in this Development Agreement are maintained. Moreover, the Land Use Administrator is authorized to approve those modifications to the Conceptual Site Plan as allowed by Code, and any construction documents, and Subdivision Master Plan for the Subject Property or portions thereof provided that: (1) The location of the VPZs are not reduced or relocated, (2) The maximum building height is not exceeded, (3) Property setbacks and landscape buffers are not modified, and (4) the approved plans maintain the development standards in this Development Agreement. In accordance with the Land Development Code, future neighborhood meetings may be required. Distance notification requirements will be from the applicable development tract consistent with the neighborhood meeting requirements.

SECTION 8. PERMITTED USES.

ALL USES ON THE PROPERTY SHALL BE CONSISTENT WITH THIS AGREEMENT AND SPECIFICALLY SECTION 4, ABOVE. NOTWITHSTANDING SUCH, THE OWNER AGREES TO FULLY COMPLY WITH THE FOLLOWING USE RESTRICTIONS ON THE SUBJECT PROPERTY. THE OWNER MUST DEVELOP THE SUBJECT PROPERTY CONSISTENT WITH THE CONCEPTUAL SITE PLAN, EXCEPT AS OTHERWISE PROVIDED IN SECTION 8 OF THIS DEVELOPMENT AGREEMENT.

8.1 USE RESTRICTIONS.

(a) Any use of any portion of the Subject Property not designated in Section 4 (inclusive of all exhibits included therein), on the Conceptual Site Plan shall be prohibited.

(b) Except as provided elsewhere in this Development Agreement, any modification to the Development Agreement that proposes a change of uses approved herein, increases the intensity or types of development, or removes, decreases or modifies the location of a VPZ shall require the approval of the City Council, following the review and recommendation of the PLDRB.

8.2 VEHICULAR/NON-VEHICULAR AND PEDESTRIAN ACCESS, PARKING AND INTERCONNECTIVITY.

(a) The Conceptual Plan integrates pedestrian, bicycle, and vehicular traffic circulation systems within, and outside of, the Subject Property and with adjacent rights-of-ways. All uses shall have access to a roadway but are not required to front on a dedicated road. The City shall be granted access to all roadways to ensure that public safety is maintained.

(b) There shall be at a minimum two (2) methods of entrance and exit consistent with the City's Comprehensive Plan and LDC.

SECTION 9. LAND DEVELOPMENT CODE NON-APPLICABILITY.

The development of the Project shall proceed in accordance with the terms of this Development Agreement. In the event of an inconsistency between the terms of this Development Agreement and the LDC, the terms of this Development Agreement shall prevail except as it pertains to MPD regulations within the LDC. In the event of an inconsistency between the terms of this Development Agreement and the Conceptual Site Plan, the terms of this Development Agreement shall prevail. Where specific requirements are not contained in this Development Agreement, the LDC shall apply but

only to the extent that it does not conflict with the provisions of this Development Agreement or the general intent of the Conceptual Site Plan.

SECTION 10. FACILITY COMMITMENTS.

(a) Unless otherwise described elsewhere in this Development Agreement, the Owner agrees that the City is not responsible for the construction or creation of public facilities or capacity to facilitate the development of the Subject Property. No building permits or development permits shall be issued for the Subject Property unless adequate capacity of concurrency monitored facilities are available concurrent with the impact on said facilities by the Project.

(b) PRIVATE AND PUBLIC IMPROVEMENTS: The Owner, its successors, and assigns, agree to construct, at a minimum, the following on-site improvements, at their sole and exclusive expense, as a condition of this Development Agreement and in addition to the payment of all impact fees relating to the development of the Subject Property, unless otherwise provided for herein; parking areas; roads, utilities; master stormwater system; sidewalks; lighting; recreational facilities, and perimeter buffer landscaping. In addition to the foregoing on-site improvements, the Owner must complete any required remediation of contamination in accordance with FDEP/State regulations and provide a performance bond to the City for the remediation work. Bonds for the work described herein shall be in a form acceptable by the City. The Owner agrees that the City has shown an essential nexus between a legitimate City interest and the conditions, if any, imposed herein. The Owner further agrees that all proposed conditions are roughly proportional to the impact the development will have upon the public, based upon an individualized determination by the City that the required

conditions are related in both nature and extent to the impacts of the proposed Project. Nothing herein shall be deemed a prohibited exaction under Fla. Stat. 70.45, and Owner agrees it has not suffered any damages under that statute.

(c) SIDEWALKS AND PEDESTRIAN PATHS: The Owner shall provide a system of sidewalks on the tracts with direct access from Lakeview Boulevard to ensure that pedestrians maintain easy and safe access to all uses as depicted on the Conceptual Site Plan. The Owner shall provide community sidewalks that are a minimum of five (5) feet wide on only one side of the internal roadway system on Tract 1 as may be required. Owner shall be obligated to provide sidewalks on the portion of the Tract 9 property that abuts US Highway 1. Owner shall not be obligated to provide sidewalks on the scattered single-family lots with direct access from Lee Drive, Leidel Drive, London Drive, Lake Success Drive, Lindsay Drive, or Lewis Drive.

(d) ACCESS: Ingress and egress needed for the Project shall be provided, constructed, and maintained by Owner, its successors, and assigns.

(f) MOWING: The Owner, or a POA, shall continue to pick up trash and mow the rights-of-way that are adjacent to the Subject Property along Lakeview Boulevard, Leaver Drive, London Drive, and Lake Success Drive.

SECTION 11. DEVELOPMENT STANDARDS.

11.1 PARKING: Parking requirements shall be consistent with the LDC.

11.2 OPEN SPACE: Minimum open space shall be forty percent (40%) of the Subject Property's gross area. Open space is defined in the LDC and includes on-site stormwater ponds and all open space within the Property. Flexibility to the minimum open space requirements shall be as provided by the LDC, which may include, but not be

limited to, green building principles, land donation, or other mechanisms that would justify a lower percentage of open space, if approved by the Land Use Administrator. Open space shall be maintained by either the actual owner of the property, a POA, or other method satisfactory to the Owner and the City.

11.3 WATER/WASTEWATER: The Project is located wholly within the City limits and is therefore within the City's water and wastewater service areas. All permanent uses within the Project will be served by the City. The City shall be the service provider for potable water and wastewater service for the Project. The City is under no obligation to accept the dedication of any facility.

11.4 TRANSPORTATION CONCURRENCY: Transportation concurrency shall be addressed during the Preliminary Plat or Technical Site Plan process.

11.5 STORMWATER AND DRAINAGE:

(a) The Owner, or a POA, shall be responsible for designing, permitting, constructing, and maintaining the means of conveyance of stormwater runoff from the Project to the stormwater facility including, but not limited to, all stormwater lines, ditches, culverts, and other stormwater facilities that are necessary to convey the stormwater runoff to the Stormwater Facility (the "Owner's Stormwater System").

(b) The Owner shall grant any and all drainage and utility easements to the City which are deemed necessary to serve the public utilities.

(c) The Owner shall construct a stormwater management system that provides treatment and attenuation as required by St. Johns River Water Management District ("SJRWMD") and the City's LDC. Best Management Practices ("BMPs") shall be used during and after construction to minimize erosion and sedimentation and to properly

manage runoff for both stormwater quantity and quality. BMPs shall be in accordance with the FDEP and Florida Department of Transportation ("FDOT") design standards and details.

(d) Stormwater piping, swales, and ditches shall be designed to convey a ten (10)-year, twenty-four (24)-hour storm event. Stormwater detention facilities shall be designed to meet water quality and attenuation requirements by SJRWMD and the City's LDC.

(e) Existing drainage conveyance along the northern property line, as indicated on the Conceptual Site Plan, shall be maintained through the use of drainage swales and/or storm drainage piping.

11.6 LANDSCAPING: All landscaping and irrigation shall comply with the LDC.

11.7 VIEW PROTECTION ZONES (VPZ): The Conceptual Site Plan provides for areas designated as View Protection Zones which shall protect a property owner's view of the Subject Property pursuant to Section 3.03.04(J) of the LDC. VPZs shall be designed and approved by the City prior to any site plan, Subdivision Master Plan or plat approval. Prior to the approval of any residential or institutional designation on Tracts 1, 2, 8 or 9, the Owner shall utilize the following VPZ guidelines in order to minimize adverse impacts on any abutting single-family residentially zoned areas:

- Views of the Subject Property from the rear yards of all existing platted lots located within any residentially zoned districts directly abutting the Subject Property shall be maintained. Peripheral (i.e. side) views from these lots may

be impacted by new development and new development may be visible from existing development;

- Views of the Subject Property from existing platted lots located within any residentially zoned area located across a right-of-way or a water body from the site shall be maintained to the maximum extent practical; and
- A VPZ must be established in one of the following ways:

  1) The VPZ must be included in a subdivision plat of the Subject Property and designated as a natural buffer area, with the responsibility for maintenance on the Owner, POA or other entity determined acceptable to the City; or

  2) The Owner must record a conservation easement over the VPZ area.

- All VPZ areas must be maintained in a natural state. Vegetation removal and mowing is prohibited, except to the extent these activities are undertaken to remove fire or safety hazards. Should removal activities be required due to a hazard, documentation of the hazard must be provided to the City prior to any vegetation removal and the applicable City approvals/permits granted.

11.8 LIGHTING: All lighting shall be designed to minimize light pollution to off-site properties and to comply with the LDC.

11.9 FIRE PROTECTION: Fire protection requirements for the Project will be met through a system of fire hydrants installed on the Subject Property by the Owner in accordance with City standards. The locations of fire hydrants shall be shown on all construction documents, site plans, or preliminary plats. The water requirements for the fire system will be served by the City's Utility Department. The Project shall comply

with the City's fire protection requirements. The City will provide fire protection services to the Project in accordance with established local response agreements.

11.10 UTILITIES: The Owner shall be responsible for any and all costs associated with the extension of existing City utilities to the Subject Property that may be required to serve this Project. All internal utility lines for the Project shall be placed underground.

11.11 INTERCONNECTIVITY AND ACCESS: All units within the Subject Property shall be interconnected by roadways and sidewalks as called for by the City's Comprehensive Plan. Tract 1 shall provide two points of access onto Lakeview Boulevard.

11.12 RESOURCE PROTECTION:

(a) Except as depicted on the Conceptual Site Plan and in this Development Agreement, the Owner shall comply with the resource protection requirements of the LDC.

(b) Natural upland buffers may be required by Chapter 10 of the LDC.

11.13 WETLANDS: An Environmental Assessment for the Subject Property was performed. All wetlands identified on **Exhibit "B"** shall be conserved and shall not be impacted with exception to the wetlands located on the north side of Tract 1. Owner and City shall, in good faith, determine if it is feasible, reasonable, and necessary for the health, safety, and welfare of the public to impact the wetlands to the north of Tract 1 to expand the City's stormwater capacity.

11.14 LOW IMPACT DEVELOPMENT PRACTICES: To further conservation practices identified in the LDC, the Project shall incorporate into the construction,

operation, and maintenance of all facilities, conservation strategies to include but not be limited to:

(a) Water Conservation:

i. Native, drought tolerant plant materials;

ii. St. Johns River Water Management District Florida Water Star program for protection of water resources;

iii. Turf grass – Irrigated area(s) shall not exceed 50% of landscape areas;

iv. Separate irrigation zones shall be required for turf, non-turf areas; and

v. Landscape areas shall not be irrigated using high-volume irrigation systems unless high pressure compensating spray heads are utilized.

All irrigation systems shall employ, at minimum, a rain shut-off device such as a soil moisture sensor or smart irrigation system capable of analyzing and ascertaining weather conditions and time of year. These restrictions shall be clearly stated in the Project's Covenants, Conditions and Restrictions ("CC&Rs"), should they be created.

11.15 PROHIBITION OF DISCHARGES: The Owner shall comply with the City of Palm Coast Code of Ordinances, Article VI, Prohibition of Discharges, and all applicable Local, State, Federal, and City water quality laws, rules, regulations, and ordinances.

11.16 STORMWATER POLLUTION PREVENTION: A stormwater pollution prevention plan shall be attached to and incorporated into the construction and permit

documents pursuant to the requirements of applicable Federal, State, and City regulations.

11.17 WILDLIFE PROTECTION: In the event that listed species have been determined to be residing on, or otherwise be significantly dependent on the Subject Property, the Owner shall obtain the necessary permits from the Florida Fish and Wildlife Conservation Commission and other applicable agencies. Activities associated with listed flora and fauna and shall comply with the LDC. Bear Smart Community principles shall be integrated into design and operations. The intent is to minimize human-animal conflicts from black bear and other species that may be drawn to area attractants.

11.18 SIGNAGE: The Owner may construct signage consistent with the LDC after receiving necessary permits.

11.19 MODEL HOMES: Up to five model homes on Tract 1can be constructed, occupied, and operated under Section 4.19.02 of the LDC. Sales and leasing activities shall be limited to properties located within the Project. Construction and Certificates of Occupancies shall be issued consistent with the City and state rules, regulations, and codes.

11.20 POLLUTANTS: Prior to issuance of any development permit, the Owner shall ensure there are no environmental hazards affecting any development located on the Subject Property and that the Subject Property is safe for human occupation. Contaminant assessment activities including soil and or groundwater sampling shall be conducted by a qualified professional that is authorized to assess and make recommendations for such activities per Florida Department of Environmental Protection standards and shall be consistent with applicable Florida Statutes. Upon

application for a Site Plan or Subdivision Master Plan, the Owner shall provide the City with all studies or reports required by Federal and State agencies, including but not limited to the FDEP and the Army Corp of Engineers. If soil or groundwater contamination is above State concentration levels, remedial action in accordance with FDEP standards shall be accomplished prior to construction activities within the affected area. No project identified on the Concept Plan may occur without strict compliance with this section.

11.21 SCHOOLS: Prior to the approval of any development plan of Tract 1, 3 or 8, the Owner shall coordinate with the Flagler County School District for the location and dedication of a bus stop if necessary.

SECTION 12. PHASING OF DEVELOPMENT.

(a) The Subject Property may be developed in multiple phases. Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure on the Subject Property), the Owner shall submit a Subdivision Master Plan or Site Plan for the relevant phase. Each tract of the Project will include infrastructure to support the proposed uses, including water and wastewater service, drainage, roads, vehicular, and pedestrian access facilities. All infrastructure necessary to support each phase that is constructed on the Subject Property shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times. No clearing of land may occur until Preliminary Plat or Site Plan approval is provided for that specific phase of development.

(b) Roadways shall be constructed concurrently with development of adjacent lots to insure that contiguous roadways are available at all times prior to the issuance of any building permits for that phase. To avoid unnecessary construction and repair costs, internal sidewalks may be constructed adjacent to each lot at the time the home is constructed and prior to the Certificate of Occupancy, and each home's building permit shall be conditioned on this requirement.

(c) The Subdivision Process: Subdivision of the property shall comply with Chapter 177, Florida Statutes and the City's Unified Land Development Regulations. The Conceptual Site Plan depicts the general layout of the Project and the various Tracts which are, as of the date of this Agreement, under unified title. Subsequent transfer of title to any Tract or other portion of the Property may be transferred in its entirety without platting if in compliance with Chapter 177, Florida Statutes. No infrastructure improvements may be made until approved by the City and other governing agencies.

SECTION 13. LOT AND BUILDING STANDARDS.

13.1 LOT DIMENSIONAL STANDARDS: All development Standards shall comply with the City of Palm Coast's LDC and those standards provided in Section 4 of this Agreement. If there is a conflict between the two, the standards provided in Section 4 shall control.

13.2 ARCHITECTURE: Shall be consistent with the City's LDC.

SECTION 14. LIST OF OUTSTANDING PERMITS/APPROVALS AND PROPER SEQUENCING.

(a) The failure of the Development Agreement to address any specific City, County, State, or Federal permit, condition, term, or restriction shall not relieve the

Owner of the requirement of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

(b) All required City, County, State, or Federal permits shall be obtained prior to commencement of construction. This Development Agreement is not Preliminary Plat or Site Plan approval and the Owner remains responsible for complying with all provisions of the Land Development Code unless provided elsewhere in this Development Agreement.

SECTION 15. DEVELOPMENT FEES.

The Owner acknowledges and agrees that the City has enacted citywide impact fees and may in the future increase the amount of those fees. Except as provided for herein regarding park system impact fees, the Owner acknowledges that the Subject Property shall be subject to all fees in effect at the time of permitting.

SECTION 16. COMMON AREAS AND MAINTENANCE.

For all common areas, to ensure the long-term ownership, maintenance, and control of those areas, prior to the issuance of any building permit and before recording the final plat, the Owner shall maintain or establish a POA, in accordance with Florida law, comprised of the owners of lots or parcels with the development. The POA documentation shall be subject to the prior reasonable review of the City to ensure adequate provisions for the ongoing care and maintenance of the common areas. The documentation, whether contained in a deed restriction or otherwise, shall provide for the permanent maintenance of the Common Areas by the POA, minimum insurance requirements for the Association, adequate mechanisms to force financial participation by members of the POA, and restrictions on the ability to amend these requirements without

the City's approval. The City shall not be required to accept ownership or maintenance of any of the Project's common elements including but not limited to landscaping and buffers.

SECTION 17. BREACH, ENFORCEMENT, ALTERNATIVE DISPUTE, AND CONFLICT 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, and the City and Owner are unable to resolve the issues, the parties shall attempt to resolve all disputes informally. In the event of a failure to informally resolve all disputes, the City and Owner 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 will be selected solely by the City. The parties shall equally pay all costs of mediation.

(c) In the event of conflict between the terms of this Development Agreement and the LDC, the provisions of this Development Agreement shall prevail.

SECTION 18. 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 Owner at its address set forth below (or such other address as may be hereafter be designated in writing by such party).

(b) Any such notice must be personally delivered or sent by certified mail, overnight courier, facsimile, or telecopy.

(c) Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier, telecopy, or facsimile) 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, FL 32164

As to the Owner: Matanzas GC Palm Coast, LLC.
200 Ocean Crest Drive, Unit 111
Palm Coast, FL 32137

With copies to: Michael D. Chiumento III, Esq.
Chiumento Dwyer Hertel Grant
145 City Place, Suite 301
Palm Coast, FL 32164

SECTION 19. SEVERABILITY.

The terms and provisions of this Development Agreement are not severable and in the event any portion of this Development Agreement shall be found to be invalid or illegal, then the entire Development Agreement shall be null and void.

SECTION 20. 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 Owner 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 Owner has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Agreement.

SECTION 21. GOVERNING LAW, VENUE, AND 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.

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

(d) 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 the entire area of the City, such as requiring compliance with the City capital facilities plan, parks master plan (including 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 lawfully imposed impact fees applicable to the Owner and the development of the Conceptual Plan authorized hereunder.

SECTION 22. TERM / EFFECTIVE DATE.

(a) This Development Agreement shall be effective upon approval by the City Council and execution of this Development Agreement by all parties (the "Effective Date").

(b) This Development Agreement provides an initial timeframe of seven (7) years to commence development from the Effective Date.

(c) Should development not commence within the initial established timeframe, the term of this Development Agreement may be modified by action of the City Council, at City Council's discretion. Failure to obtain an extension shall cause the zoning of all lands encumbered to revert to the previous equivalent zoning designation.

SECTION 23. RECORDATION.

Upon approval by the City Council 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 fourteen (14) days after its execution by the City, and the Development Agreement shall run with the land. The Owner shall pay the costs to record this Development Agreement.

SECTION 24. 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 25. SPECIFIC PERFORMANCE / TIME IS OF THE ESSENCE.

(a) Strict compliance shall be required with each and every provision of this Development Agreement. The parties agree that each has the remedy of specific performance of these obligations.

(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 26. ATTORNEYS' 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, litigation at the trial, or appellate level.

SECTION 27. 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: 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 28. INDEMNIFICATION.

The Owner shall indemnify for and save the City harmless from and against any and all liability, claims for damages and suits for any injury to any person or persons, or damages to any property of any kind whatsoever arising out of in any way connected with the Owner's development of the Subject Property as provided in this Development Agreement. This agreement by the Owner to indemnify and hold the City harmless shall include, but not be limited to: all charges, expenses, and costs, including reasonable attorneys' fees, both at trial and on appeal, incurred by the City on account of or by reason of such injuries, damages, liability, claims, suits, or losses and all damages arising therefrom.

SECTION 29. ENFORCEMENT; CITY'S RIGHT TO TERMINATE DEVELOPMENT AGREEMENT.

(a) This Development Agreement shall continue to be enforceable, unless lawfully terminated, notwithstanding any subsequent changes in any applicable law.

(b) The failure by the Owner to perform each and every one of its obligations hereunder shall constitute a default, entitling the City to pursue whatever remedies are available to it under Florida law or equity, including, without limitation, an action for specific performance and/or injunctive relief, or alternatively, the termination of this Development Agreement. 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 Owner written notice of said default. Upon receipt of said notice, the Owner 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 an action or terminating

this Development Agreement. If thirty (30) days is not considered by the parties to be a reasonable period in which to cure the default, the cure period shall be extended to such cure period acceptable to the City, but in no case shall that cure period exceed ninety (90) days from initial notification of default. Upon termination of the Development Agreement, the Owner shall immediately be divested of all rights and privileges granted hereunder.

SECTION 30. 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 31. EXHIBITS.

Each exhibit referred to and attached to this Development Agreement is an essential part of this Development Agreement. The exhibits and any amendments or revisions thereto, even if not physically attached hereto, shall be treated as if they are part of this Development Agreement.

SECTION 32. INTERPRETATION.

(a) The Owner 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 34. 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.

SECTION 35. 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 36. MODIFICATIONS, AMENDMENTS AND NON-WAIVER.

(a) Unless provided for elsewhere in this Development Agreement, (1) Amendments to and waivers of the provisions herein shall be made by the parties only in writing by formal amendment, and (2) 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 37. ENTIRE AGREEMENT AND 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 Parties have executed this Development Agreement on the dates set forth below.

CITY OF PALM COAST,

FLORIDA

M Holland

Milissa Holland, Mayor

ATTEST:

Kathleen E. Tedder for

Virginia A. Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:

William E. Reischmann, Jr., Esq.
City Attorney

STATE OF FLORIDA)
COUNTY OF FLAGLER)

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization, this _____ day of _____, 2021, by **Milissa Holland**, Mayor of the **City of Palm Coast, Florida**, who is □ personally known to me or □ has produced _____ as identification.

Jeanne A Montaruli

Signature

JEANNE A MONTARULI
Notary Public - State of Florida
Commission # GG 284017
My Comm. Expires Feb 8, 2023
Bonded through National Notary Assn.

(Seal)

Jeanne A Montaruli

Printed Name

Title or Rank

Serial Number / Commission Number

WITNESSES:

Vincent L Sullivan

(print)

Caroline McNeil

(print)

"OWNER"

Matanzas GC Palm Coast, LLC., a Florida limited liability company

By: Alex Ustilovsky

Alexander Ustilovsky, Manager

STATE OF FLORIDA)
COUNTY OF FLAGLER)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10 day of February, 2021, by **Alexander Ustilovsky**, Manager, of **Matanzas GC Palm Coast, LLC** a Florida limited liability company, on behalf of the company, who is ☒ personally known to me or ☐ has produced _____ as identification.

Signature

(Seal)

VINCENT L. SULLIVAN
MY COMMISSION # GG 937722
EXPIRES: December 8, 2023
Bonded Thru Notary Public Underwriters

Vincent L. Sullivan

Printed Name

Notary

Title or Rank

GG937722

Serial Number / Commission Number

EXHIBIT "A"

MATANZAS WOODS GOLF COURSE:

Reserved Parcel "A", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northeast corner of Block 165 of said Plat of Lakeview; thence North 89°30'56" East 21.68 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 349.56 feet, a radius of 800.00 feet, a central angle of 25°02'07" and a chord bearing South 26°22'21" East, 346.78 feet to a point of tangency; thence South 38°53'25" East 2087.61 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 266.63 feet, a radius of 1120.00 feet, a central angle of 13°38'23" and a chord bearing South 32°04'13" East, 265.99 feet to a point of tangency; thence South 25°15'02" East 772.55 feet to a point of cusp; thence northwesterly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 66°04'26" West 196.12 feet to a point; thence South 16°53'50" East 110.00 feet to a point on a curve; thence westerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing South 64°44'57" West 11.62 feet to a point; thence North 33°36'15" West 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 15°34'21" West 196.12 feet to a point of tangency; thence South 25°15'02" East 100.25 feet to a point on a curve; thence southwesterly along a curve to the left having an arc length of 217.30 feet, a radius of 280.98 feet, a central angle of 44°18'38" and a chord bearing South 42°35'39" West 211.92 feet to a point of tangency; thence South 08°35'49" West 179.39 feet; thence North 81°24'11" West 913.66 feet; thence South 08°35'49" West 125.00 feet; thence North 81°24'11" West 40.00 feet; thence North 08°35'49" East 125.00 feet; thence North 81°24'11" West 125.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 180.00 feet, a radius of 225.00 feet, a central angle of 45°50'12" and a chord bearing South 75°40'43" West,175.24 feet to a point; thence South 37°14'23" East, 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 77.08 feet, a radius of 100.00 feet, a central angle of 44°09'48" and a chord bearing South 30°40'43" West 75.19 feet to a point of tangency; thence South 08°35'49" West, 237.34 feet; thence North 81°24'11" West 87.50 feet; thence North 51°24'11" West 130.00 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 87°46'25" West,196.12 feet to a point; thence South 43°02'58" East 110.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'26" and a chord bearing South 38°35'49" West 11.62 feet to a point; thence North 59°45'24" West 110.00 feet; thence South 38°35"49" West 128.21 feet; thence North 51°24'11" West 1018.03 feet; thence North 38°35'49" East 380.00 feet; thence South 51°24'11" East 500.00 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00, a central angle of

90°00'00" and a chord bearing North 83°35'49" East, 318.20 feet to a point; thence North 51°24'11" West 125.00 feet; thence North 38°35"49" East 230.92 feet; thence South 51°24'11" East 100.00 feet; thence South 81°24'11" East 993.30 feet to a point of curvature; thence northeasterly along a curve to the left having an arc length of 431.48 feet, a radius of 225.00 feet, a central angle of 109°52'35" and a chord bearing North 43°39'32" East, 368.34 feet to a point of tangency; thence North 11°16'46" West 478.51 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 245.29 feet, a radius of 225.00 feet, a central angle of 62°27'41" and a chord bearing North 42°30'36" West, 233.32 feet to a point; thence North 08°35'49" East 77.01 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing North 36°24'11" West 318.20 feet to a point; thence westerly along a curve to the left having an arc length of 446.47 feet, a radius of 150.00 feet, a central angle of 170°32'16" and a chord bearing North 76°40'19" West 298.98 feet to a point of tangency; thence South 08°35'49" West 149.66 feet; thence North 81°24'11" West 50.00 feet; thence North 08°35'49" East 125.00 feet; thence North 78°43'26" West 153.29 feet; thence North 09°33'43" West 148.11 feet; thence South 69°50'14" East 67.79 feet to a point of curvature; thence easterly along a curve to the left having an arc length of 146.25 feet, a radius of 150.00 feet, a central angle of 55°51'48" and a chord bearing North 87°23'42" East,140.53 feet to a point; thence North 30°32'12" West 110.00 feet to a point on a curve; thence northeasterly along a curve to the left having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 51°06'35" East 11.62 feet to a point; thence South 47°14'37" East 110.00 feet to a point on a curve; thence northerly along a curve to the left having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'48" and a chord bearing North 01°55'59" East 196.12 feet to a point of tangency; thence North 38°53'25" West 326.21 feet; thence North 80°07'23" West 122.65 feet; thence North 09°33'42" West 80.00 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 166.36 feet, a radius of 325.00 feet, a central angle of 29°19'42" and a chord bearing North 24°13'34" West,164.55 feet to a point of tangency; thence North 38°53'25" West 200.00 feet; thence South 51°06'35" West 125.00 feet; thence North 38°53'25" West 20.00 feet; thence North 51°06'35" East 125.00 feet; thence North 38°53'25" West 178.81 feet to a point of curvature; thence northwesterly along a curve to the left having an arc length of 292.66 feet, a radius of 325.00 feet, a central angle of 51°35'39" and a chord bearing North 64°41'14" West, 282.87 feet to a point of tangency; thence South 89°30'56" West 678.94 feet to a point of curvature; thence southwesterly along a curve to the left having an arc length of 389.08 feet, a radius of 225.00 feet, a central angle of 99°04'39" and a chord bearing South 39°58'37" West, 342.38 feet to a point of cusp; thence North 09°33'43" West 137.22 feet; thence North 00°29'04" West 425.00 feet; thence North 89°30'56" East 1200.00 feet; thence North 00°29'04" West 125.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "C", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the northwest corner of said Reserved Parcel "C"; thence North 89°26'28" East 630.08 feet; thence South 38°43'02" West 202.91 feet; thence South 51°40'07" East 125.00 feet to a point on a curve; thence southerly along a curve to the left having an arc length of 250.77 feet, a radius of 300.00 feet; a central angle of 47°53'36" and a chord bearing South 14°23'05" West 243.53 feet to a point of tangency; thence South 09°33'43" East 403.87 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 520.00 feet, thence North 80°26'17" East 125.00 feet; thence South 09°33'43" East 40.00 feet; thence South 80°26'17" West 125.00 feet; thence South 09°33'43" East 980.61 feet to a point of curvature; thence southerly along a curve to the left having an arc length of 441.04 feet, a radius of 725.00 feet, a central angle of 34°51'17" and a chord bearing South 26°59'21" East, 434.27 feet to a point; thence North 45°35'00" East 55.00 feet; thence South 44°25'00" East 67.22 feet; thence North 39°51'14" East 73.36 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 13.16 feet, a radius of 600.00 feet; a central angle of 01°15'25" and a chord bearing South 50°46'29" East 13.16 feet to a point of tangency; thence South 51°24'11" East 170.76 feet; thence South 54°59'31" West 770.58 feet; thence North 35°00'29" West 649.53 feet to a point on the east right of way line of U.S. Highway No.1; thence northerly along said right of way line of the following six courses; run North 09°59'31" East 128.08 feet; thence South 89°43'01" West 5.08 feet; thence North 09°59'31" East 253.32 feet to a point of curvature; thence northerly along a curve to the left having an arc length of 655.06 feet, a radius of 2030.05 feet, a central angle of 18°29'18" and a chord bearing North 00°44'52" East, 652.23 feet to a point of tangency; thence North 08°29'47" West 179.58 feet; thence South 81°30'12" West 20.00 feet; thence North 08°29'47" West 1583.88 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Reserved Parcel "D" Lake View - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most northerly corner of said Reserved Parcel "D"; thence South 38'53'28" East 93.32 feet; thence North 89°30'56" East 936.80 feet; thence South 00°29'04" East 432.94 feet; thence South 09°33'42" East 57.28 feet to a cusp point; thence northwesterly along a curve to the left having an arc length of 317.78 feet, a radius of 225.00 feet; a central angle of 80°55'21" and a chord bearing North 50°01'23" West 292.02 feet to a point of tangency; thence South 89°30'56" West 846.10 feet; thence North 09°33'43" West 149.00 feet to a point of curvature; thence northerly along a curve to the right having an arc length of 254.23 feet, a radius of 240.00 feet, a central angle of 60°41'38" and a chord bearing North 20°47'06" East, 242.51 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows: From a POINT OF BEGINNING, being the most southerly corner at said Reserved Parcel "E"; thence North 64°44'58" East 526.36 feet; thence North 25°15'02" West 335.20 feet; thence South 64°44'58" West 125.00 feet; thence North 25°15'02" West 620.00 feet to a point of curvature; thence northwesterly along a curve to the right having an arc length of 60.46 feet, a radius of 425.00 feet, a central angle of 08°09'02" and a chord bearing North 21°10'31" West, 60.41 feet to the southeasterly corner of a parcel described in Official Records Book 492, pages 936-939; thence northerly along the boundary of said parcel described in Official Records Book 492, pages 936-939 for the following five courses; thence South 72°54'00" West 10.00 feet; thence North 53°38'13" West 20.65 feet; thence South 05°01'26" West 11.50 feet; thence North 10°42'21" West 31.82 feet; thence North 01°05'36" East 53.63 feet; thence North 85°41'45" East 24.67 feet to the boundary of above said Reserved Parcel "2", being a point on a curve; thence northerly along a curve to the right having an arc length of 28.33 feet, a radius of 425.00 feet; a central angle of 03°49'11" and a chord bearing North 02°23'39" West 28.33 feet to a point of tangency; thence North 00°29'04" West 1536.30 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point; thence South 85°19'06" East 128.73 feet; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 202.47 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet, a central angle of 81°38'47" and a chord bearing North 40°20'20" East, 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet a central angle of 16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of cusp; thence northeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing North 40°20'20" East 196.12 feet to a point; thence South 08°50'16" East 110.00 feet to a point; thence easterly along a curve to the right having an arc length of 11.66 feet, a radius of 40.00 feet, a central angle of

16°42'25" and a chord bearing North 89°30'57" East 11.62 feet to a point; thence North 07°52'09" East 110.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 213.75 feet, a radius of 150.00 feet; a central angle of 81°38'47" and a chord bearing South 41°18'27" East 196.12 feet to a point of tangency; thence South 00°29'04" East 1003.67 feet; thence South 25°15'02" East 260.04 feet to a point of curvature; thence southerly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 19°44'58" West, 318.20 feet to a point of tangency; thence South 64°44'58" West 800.00 feet; thence South 25°15'02" East 300.00 feet; thence North 64°44'58" East 910.00 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'11" and a chord bearing North 85°37'33" East, 302.90 feet to a point; thence South 16°30'09" West 125.00 feet to a point on a curve; thence easterly along a curve to the right having an arc length of 34.00 feet, a radius of 300.00 feet, a central angle of 06°29'36" and a chord bearing South 70°15'03" East 33.98 feet to a point; thence North 22°59'45" East 125.00 feet to a point on a curve; thence southeasterly along a curve to the right having an arc length of 309.71 feet, a radius of 425.00 feet, a central angle of 41°45'13" and a chord bearing South 46°07'39" East 302.91 feet to a point of cusp; thence North 25°15'02" West 822.28 feet to a point of curvature; thence northeasterly along a curve to the right having an arc length of 561.16 feet, a radius of 275.00 feet, a central angle of 116°54'59" and a chord bearing North 33°12'28" East, 468.74 feet to a point of tangency; thence South 88°20'03" East 756.56 feet; thence South 07°23'44" West 126.38 feet to a point of on a curve; thence easterly along a curve to the right having an arc length of 150.15 feet, a radius of 150.00 feet, a central angle of 57°21'14" and a chord bearing South 53°55'39" East 143.96 feet to a point of tangency; thence South 25°15'02" East 40.00 feet; thence North 64°44'58" East 125.00 feet to the easterly line of Belle Terre Waterway; thence North 25°15'02" West along said easterly line of Belle Terre Waterway for a distance of 862.29 feet to a point of curvature; thence depart said boundary line of said Reserved Parcel "2" and run westerly along the southerly line of Jefferson Davis Waterway for the following four courses: run westerly along a curve to the left having an arc length of 921.97 feet, a radius of 825.00 feet, a central angle of 64°01'49" and a chord bearing North 57°15'57" West, 874.74 feet to a point of tangency; thence North 89°16'51" West 858.76 feet to a point of curvature; thence westerly along a curve to the right having an arc length of 411.10 feet, a radius of 675.00 feet, a central angle of 34°53'44" and a chord bearing North 71°49'59" West, 404.78 feet to a point of tangency; thence North 54°23'07" West 585.58 feet to a point of curvature; thence westerly along a curve to the left having an arc length of 177.30 feet, a radius of 825.00 feet, a central angle of 12°18'47" and a chord bearing North 60°32'31" West,176.96 feet to a point on the westerly boundary of said Reserved Parcel "2"; thence southerly and westerly along said westerly boundary of said Reserved Parcel "E" for the following seven courses: South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southeasterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence southeasterly along a curve to the left having an arc length of 331.52 feet, a radius of 720.00 feet, a

central angle of 26°22'53" and a chord bearing South 25°41 '59" East 328.59 feet to a point of tangency; thence South 38°53'25" East 1801.29 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

Part of Government Sections 21 and 22, Township 10 South, Range 30 East, Flagler County, Florida being that part of PARCEL NO. 2 of the property described in Official Records Book 142, pages 278-279, lying south of Jefferson Davis Waterway and being more particularly described as follows:
From a POINT OF REFERENCE being a point on the easterly boundary line of the above described PARCEL NO. 2, said point being the northwest corner of Reserved Parcel "2" as shown on the recorded plat of Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida; thence South 29°30'56" West along the easterly boundary of said PARCEL NO. 2 being also along the westerly boundary of said Reserved Parcel "E" for a distance of 390.35 feet to the POINT OF BEGINNING; thence continue along the easterly and southerly boundary of said PARCEL NO. 2 being also along the westerly and northerly boundary of said Reserved Parcel "E" for the following seven courses: run South 29°30'56" West 419.65 feet; thence South 14°30'56" West 66.19 feet; thence South 00°29'04" East 810.00 feet to a point of curvature; thence southwesterly along a curve to the right having an arc length of 353.43 feet, a radius of 225.00 feet, a central angle of 90°00'00" and a chord bearing South 44°30'56" West, 318.20 feet to a point of tangency; thence South 89°30'56" West 659.20 feet to a point on a curve; thence northerly along a curve to the right having an arc length of 151.10 feet, a radius of 720.00 feet, a central angle of 12°01'28" and a chord bearing North 06°29'48" West 150.83 feet to a point; thence South 89°30'56" West 1280.00 feet to the northwest corner of Block 164 of said plat of Lakeview; thence North 12°53'48" East along the southerly line of said Jefferson Waterway for a distance of 297.66 feet to a point on a curve; thence northeasterly along a curve to the right having an arc length of 913.19 feet, a radius of 825.00 feet, a central angle of 63°25'15" and a chord bearing North 39°41'03" East 867.28 feet to a point of tangency; thence North 71°23'41" East 1251.37 feet to a point of curvature; thence easterly along a curve to the right having an arc length of 603.42 feet, a radius of 825.00 feet; a central angle of 41°54'25" and a chord bearing South 87°39'07" East, 590.05 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

All of that land vacated in the Subdivision Plat Of Lakeview - Section 37 Palm Coast Map Book 13 Pages 1 through 29, per Resolution 95-56 as recorded in Official Records Book 538 at Pages 1611 through 1613, Public Records of Flagler County, Florida, being described as follows:
BEGINNING at the southwesterly corner of Lot 22, Block 143 of the aforesaid Lakeview - Section 37; thence North 80°26'17" East a distance of 49.47 feet to a point of curvature of a curve to the right; thence northeasterly along said curve having a radius of 300.00 feet, a central angle of 14°34'59" an arc of 76.36 feet and a chord bearing North

87°43'47" East, 76.15 feet to a point on a non-tangent line; thence North 09°33'43" West, a distance of 1273.40 feet; thence North 80°26'17" East a distance of 124.48 feet; thence South 47°01'13" East a distance of 97.49 feet to a point on a non-tangent curve; thence northeasterly along a curve to the right having a radius of 150.00 feet; a central angle of 08°07'48", an arc length of 21.28 feet and a chord bearing North 47°02'41" East, 21.27 feet to a point of tangency; thence North 51°06'35" East a distance of 100.00 feet; thence South 38°53'25" East a distance of 50.00 feet; thence South 51°06'35" West a distance of 100.00 feet to a point of curvature; thence southwesterly along a curve to the left having a radius of 100.00 feet, central angle of 05°43'46, an arc length of 10.00 feet and a chord bearing South 48°14'42" West,10.00 feet to a point on a non-tangent line; thence South 50°07'21" East a distance of 153.93 feet; thence South 51°06'35" West a distance of 20.25 feet; thence South 09°33'43" East a distance of 936.00 feet; thence South 35°36'55" East a distance of 82.42 feet; thence South 81°24'11" East a distance of 240.00 feet; thence South 08°35'49" West a distance of 125.00 feet; thence South 81°24'11" East a distance of 27.55 feet to a point on a non-tangent curve; thence southwesterly along curve to the left having a radius of 40.00 feet, a central angle of 77°21'52", an arc of 54.01 feet and a chord bearing South 08°35'49" West 50.00 feet to a point on a non-tangent line; thence North 81°24'11" West a distance of 4.59 feet; thence South 08°35'49" West a distance of 125.00 feet; thence North 81°24'11" West a distance of 480.00 feet; thence South 84°38'20" West a distance of 69.97 feet; thence North 03°00'11" West a distance of 144.02 feet to a point on a non-tangent curve; thence southwesterly along a curve to the left having a radius of 250.00 feet, a central angle of 13°34'27", an arc of 59.23 feet and a chord bearing South 87°13'31" West, 59.09 feet to a point of tangency; thence South 80°26'17" West a distance of 51.03 feet to a point on a non-tangent curve; thence northwesterly along a curve to the left having a radius of 200.00 feet, a central angle of 07°10'51" an arc of 25.07 feet and a chord bearing North 05°58'17" West 25.05 feet to a point of tangency; thence North 09°33'43" West a distance of 25.00 feet to the POINT OF Beginning, the above described parcel of land is situated in Section 22, Township 10 South, Range 30 East, Flagler County, Florida.

ALSO INCLUDING:

Part of Reserved Parcel "R-1", Lakeview - Section 37 Palm Coast Park at Palm Coast, as recorded in Map Book 13, pages 1 through 29, Public Records of Flagler County, Florida, being more particularly described as follows:
From a POINT OF BEGINNING, being the most easterly corner of said Reserved Parcel "R-1"; thence South 38°35'49" West along the southeasterly line of said Reserved Parcel "R-1" for a distance of 767.47 feet; thence North 51°24'11" West 1300.81 feet to the most westerly corner of said Reserved Parcel "R-1"; thence North 54°59'31" East,148.96 feet; thence South 59°22'19" East 485.17 feet; thence South 73°43'22" East 217.49 feet; thence North 77°17'42" East 363.21 feet; thence North 38°35'49" East 191.24 feet; thence South 51°24'11" East 350.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A parcel of land being a portion of Reserved Parcel "E" according to the Subdivision Plat Lakeview Section 37, Palm Coast, recorded in Map Book 13, Pages 1 Through 29, of the Public Records of Flagler County, Florida, being more particularly described as follows: A POINT OF REFERENCE being the northeast corner of Lot 1, Block 75; thence North 25°15'02" West along the west line of Belle Terre Waterway a distance of 862.29 feet to THE POINT OF BEGINNING; thence departing Belle Terre Waterway (as platted) 921.97 feet along the arc of a curve to the left (concave southerly) have a central angle of 64°01'49", a radius of 825.00 feet, a chord bearing of North 57°15'57" West and a chord distance of 874.74 feet to a point of tangency, thence North 89°16'51" West a distance of 858.76 feet to a point of curvature; thence 411.10 feet along the arc of a curve to the right (concave northerly) having a central angle of 34°53'44", a radius of 675.00 feet, a chord Bearing of North 71°49'59" West and a chord distance of 404.78 feet to the end of said curve being a point on the boundary of Jefferson Davis Waterway as recorded in Official Records Book 549, Pages 966 through 990, of the Public Records of Flagler County, Florida; thence North 35°36'53" East along said waterway a distance of 30.00 feet to a point on a non-tangent curve; thence easterly 392.83 feet along the arc of a curve to the left (concave northerly)having a central angle of 34°53'44", a radius of 645.00 feet, a chord bearing of South 71°49'59" East and a chord distance of 386.79 feet to a point of tangency; thence South 89°16'51" East a distance of 858.76 feet to a point of curvature; thence 955.50 feet along the arc of a curve to the right concave southwesterly having a central angle of 64°01'49", a radius of 855.00 feet, a chord bearing of South 57°15'57" East and a chord distance of 906.54 feet to the end of said curve; thence South 64°44'58" West a distance of 30.00 feet to the POINT OF BEGINNING.

ALSO INCLUDING:

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD 5), BEING A PORTION OF LONDON WATERWAY, LAKEVIEW SECTION 37, AS RECORDED IN MAP BOOK 13, PAGE 26, LOCATED IN GOVERNMENT SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF ASHWOOD WATERWAY (A 300 FOOT RIGHT-OF-WAY) PER SAID LAKEVIEW SECTION 37, WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, (STATE ROAD 5, A 175 FOOT RIGHT-OF-WAY AT THIS POINT); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 35°00'29" EAST ALONG SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY FOR A DISTANCE OF 649.53 FEET TO THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID ASHWOOD WATERWAY LINE NORTH 54°59'31" EAST ALONG THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY FOR A DISTANCE OF 770.58 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LONDON DRIVE, (A 60 FOOT RIGHT-OF-WAY), PER SAID LAKEVIEW-SECTION 37; THENCE DEPARTING THE NORTHWESTERLY LINE OF SAID LONDON WATERWAY SOUTH 51°24'11" EAST ALONG SAID RIGHT-

OF-WAY LINE FOR A DISTANCE OF 104.24 FEET TO THE SOUTHERLY LINE OF SAID LONDON WATERWAY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 54'59'31" WEST ALONG SAID SOUTHERLY LINE OF LONDON WATERWAY FOR A DISTANCE OF 800.00 FEET TO THE INTERSECTION OF SAID NORTHEASTERLY LINE OF ASHWOOD WATERWAY; THENCE NORTH 35°00'29" WEST ALONG SAID ASHWOOD WATERWAY LINE FOR A DISTANCE OF 100.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

EXHIBIT "B"

LAKEVIEW ESTATES CONCEPTUAL SITE PLAN



EXHIBIT "B-1"

TRACT 1 **LAKEVIEW ESTATES TRACT PLAN**

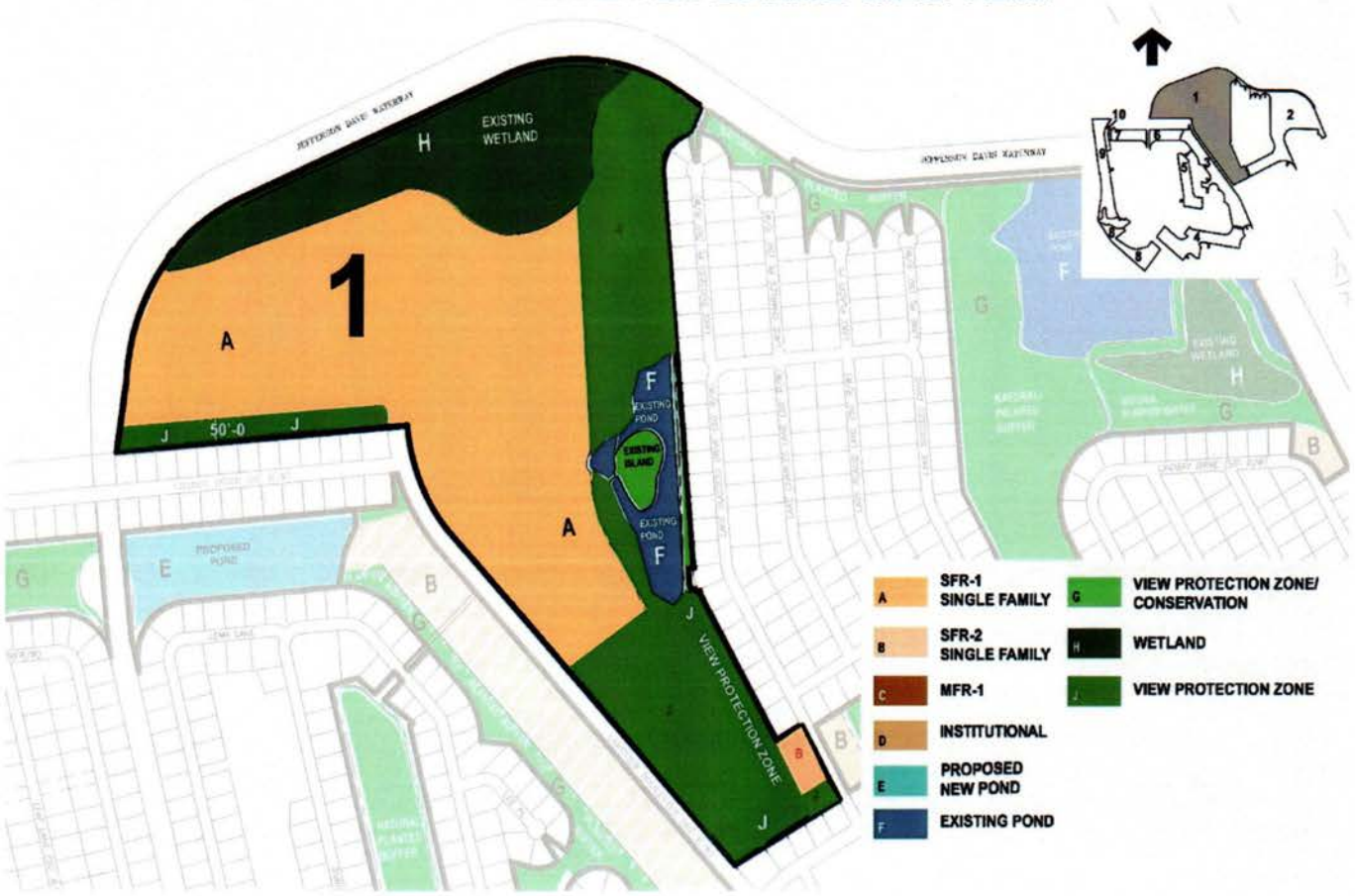


EXHIBIT "B-2"

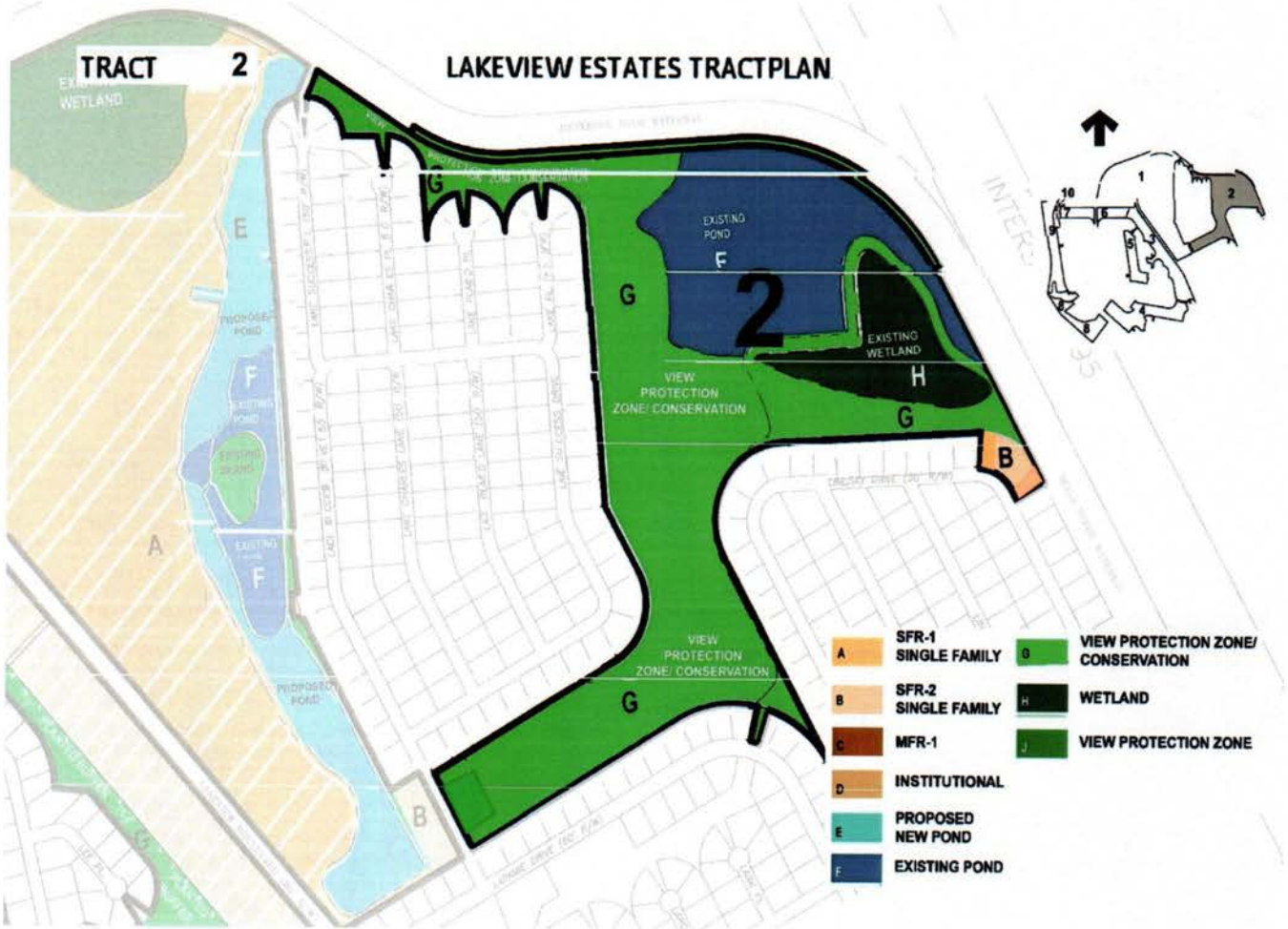

TRACT 2
LAKEVIEW ESTATES TRACTPLAN
EXISTING WETLAND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
PROPOSED POND
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
INSTITUTIONAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE

EXHIBIT "B-3"

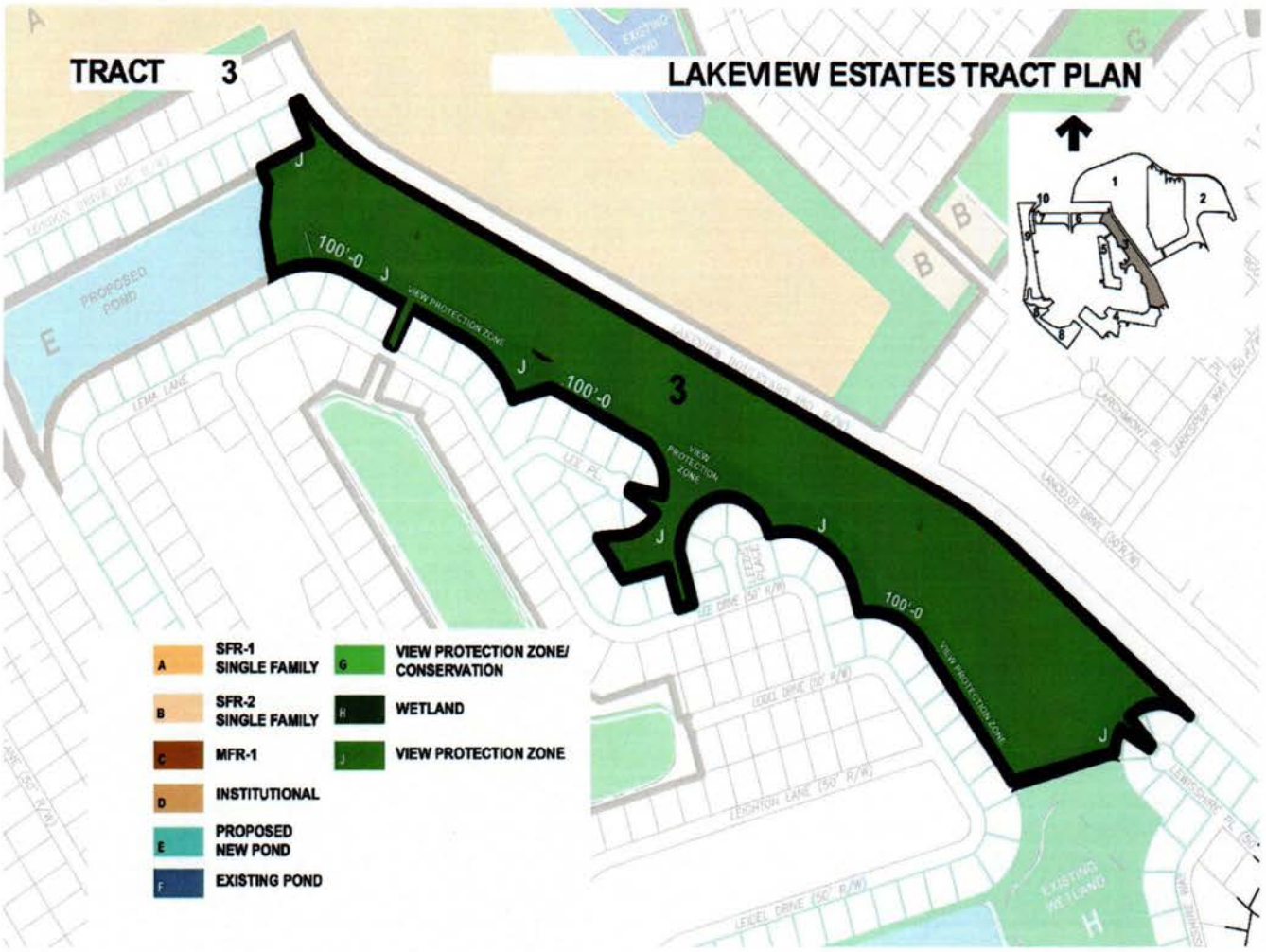

TRACT 3
LAKEVIEW ESTATES TRACT PLAN
PROPOSED POND
LEMA LANE
100'-0
VIEW PROTECTION ZONE
3
EXISTING WETLAND
H
A SFR-1 SINGLE FAMILY
B SFR-2 SINGLE FAMILY
C MFR-1
D INSTITUTIONAL
E PROPOSED NEW POND
F EXISTING POND
G VIEW PROTECTION ZONE/ CONSERVATION
H WETLAND
J VIEW PROTECTION ZONE

EXHIBIT "B-4"


TRACT 4
LAKEVIEW ESTATES TRACT PLAN
LEIGHTON LANE (50' R/W)
LEWIS DRIVE (50' R/W)
VIEW PROTECTION ZONE
4
EXISTING WETLAND
H
VIEW PROTECTION ZONE
B
Limit of 3 lots
G
H
B
Limit of 3 lots
J
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
INSTITUTIONAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE

EXHIBIT "B-5"

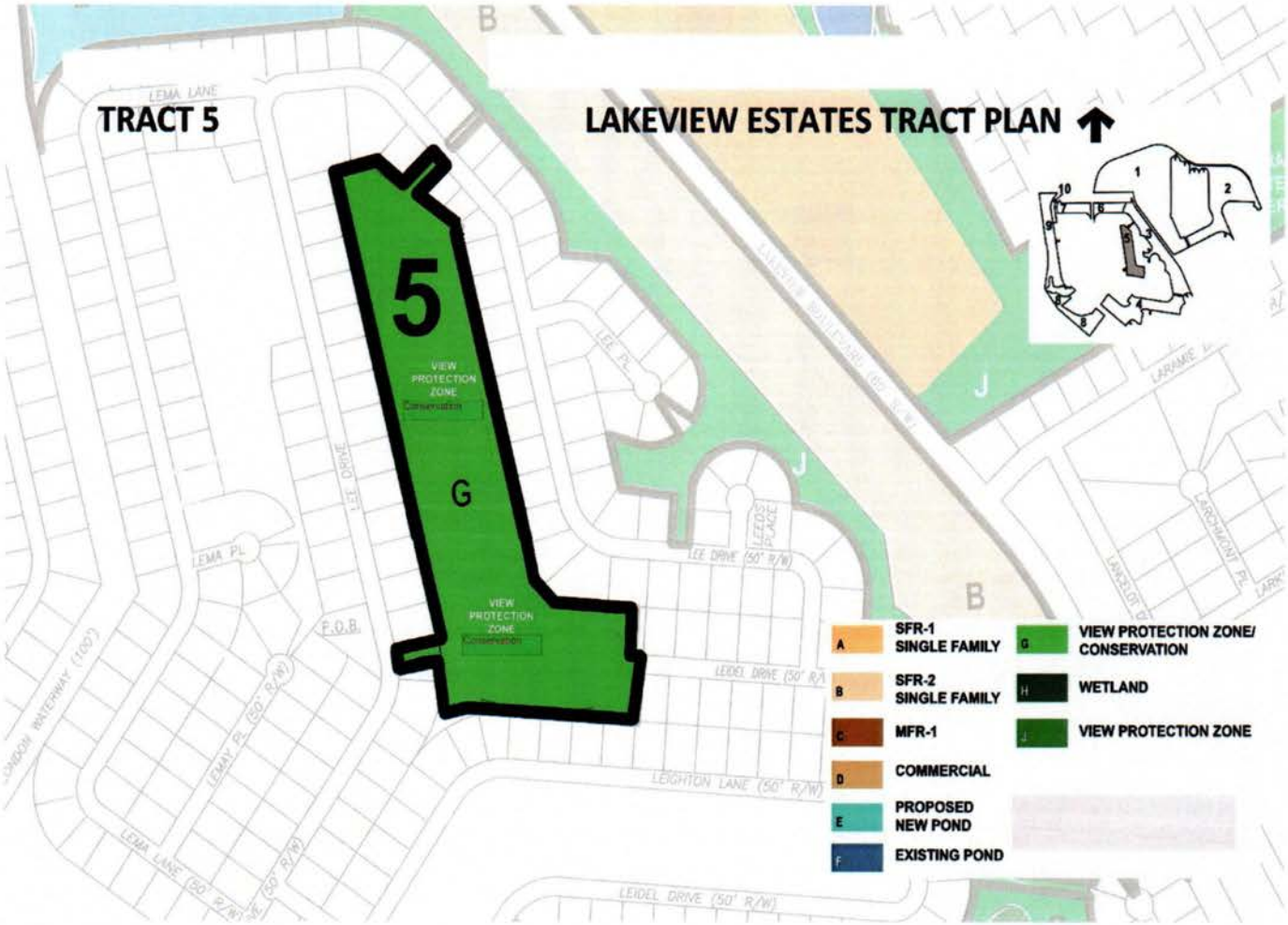

TRACT 5
LAKEVIEW ESTATES TRACT PLAN
5
VIEW PROTECTION ZONE
Conservation
G
VIEW PROTECTION ZONE
Conservation
LEMA LANE
LEMA PL
LEE DRIVE
LEE PL
LEE DRIVE (50' R/W)
LEIDEL DRIVE (50' R/W)
LEIGHTON LANE (50' R/W)
LEMAY PL (50' R/W)
LEMA LANE (50' R/W)
LARAMIE
LARCHMONT PL
LANCELOT
F.O.B.
A SFR-1 SINGLE FAMILY
B SFR-2 SINGLE FAMILY
C MFR-1
D COMMERCIAL
E PROPOSED NEW POND
F EXISTING POND
G VIEW PROTECTION ZONE/ CONSERVATION
H WETLAND
J VIEW PROTECTION ZONE

EXHIBIT "B-6"

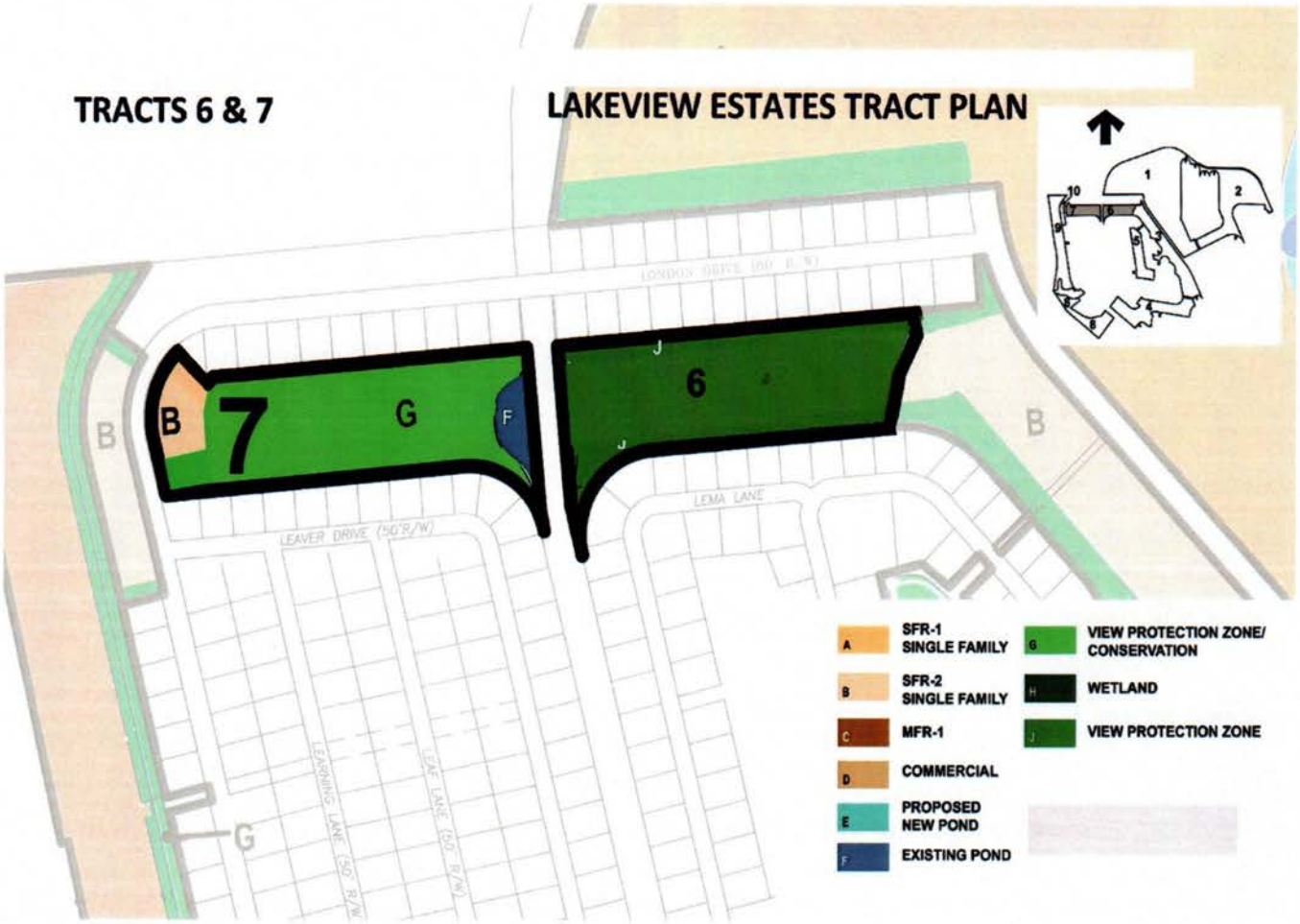

TRACTS 6 & 7
LAKEVIEW ESTATES TRACT PLAN
LONDON DRIVE (80' R/W)
LEAVER DRIVE (50'R/W)
LEMA LANE
LEARNING LANE (50' R/W)
LEAF LANE (50' R/W)
B
7
G
F
6
J
G
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
COMMERCIAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE

EXHIBIT "B-7"

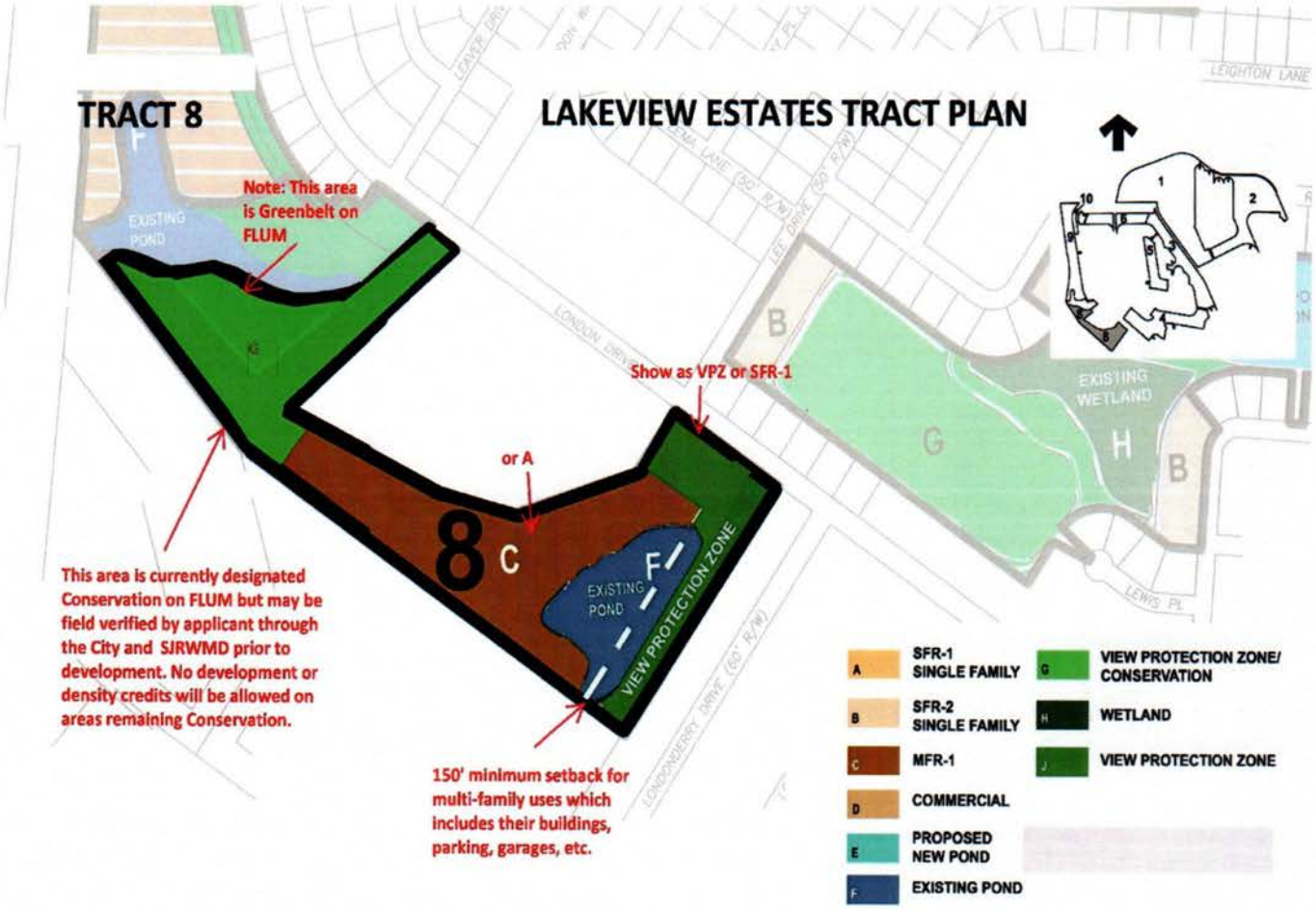
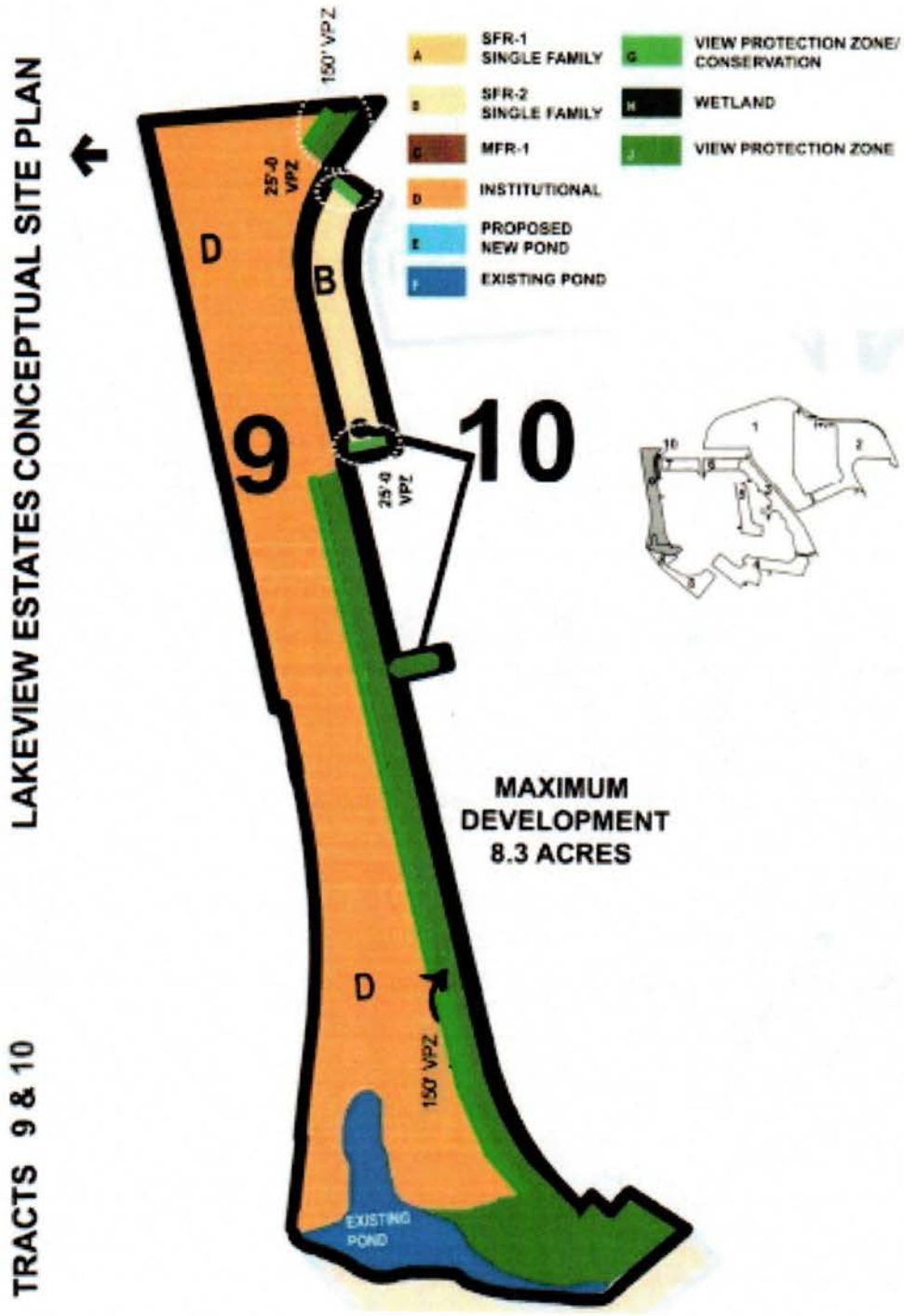

TRACT 8
LAKEVIEW ESTATES TRACT PLAN
Note: This area is Greenbelt on FLUM
EXISTING POND
Show as VPZ or SFR-1
or A
8
C
F
EXISTING POND
VIEW PROTECTION ZONE
This area is currently designated Conservation on FLUM but may be field verified by applicant through the City and SJRWMD prior to development. No development or density credits will be allowed on areas remaining Conservation.
150' minimum setback for multi-family uses which includes their buildings, parking, garages, etc.
LEIGHTON LANE
LEWIS PL
B
G
H
B
EXISTING WETLAND
A SFR-1 SINGLE FAMILY
B SFR-2 SINGLE FAMILY
C MFR-1
D COMMERCIAL
E PROPOSED NEW POND
F EXISTING POND
G VIEW PROTECTION ZONE/ CONSERVATION
H WETLAND
J VIEW PROTECTION ZONE

EXHIBIT "B-8"


LAKEVIEW ESTATES CONCEPTUAL SITE PLAN
TRACTS 9 & 10
150' VPZ
25'-0 VPZ
SFR-1 SINGLE FAMILY
SFR-2 SINGLE FAMILY
MFR-1
INSTITUTIONAL
PROPOSED NEW POND
EXISTING POND
VIEW PROTECTION ZONE/ CONSERVATION
WETLAND
VIEW PROTECTION ZONE
D
B
9
10
25'-0 VPZ
MAXIMUM DEVELOPMENT 8.3 ACRES
D
150' VPZ
EXISTING POND

LAKEVIEW ESTATES
SUMMARY OF SUBSTANTIVE REVISIONS

Comparison of September 1 Version and September 15 Version

Issue	September 1 Version	September 15 Version	Effect of Revision
City Park – Arsenic	No separate arsenic condition before conveyance.	Adds requirement that, before conveyance, Owner demonstrate Tract 8 is or will be free from arsenic for human occupation under applicable federal, state and local law, including FDEP requirements.	New pre-conveyance environmental obligation.
Tract 9 – Commercial Entitlement	Commercial development limited by acreage (20 acres).	Changes entitlement to 250,000 sq. ft. of commercial uses under COM-2 standards and references Exhibit C.	Changes controlling metric from acreage to building square footage.
Tract 9 – Commercial Footprint	Narrative separately limits commercial uses to 20 acres.	Removes the separate 20-acre narrative limitation.	Potentially allows commercial development over a larger land area, subject to the 250,000 sq. ft. cap and other standards.
Exhibit C	No Exhibit C reference.	Expressly incorporates Exhibit C into Tract 9 COM-2 development standards.	Adds a new controlling exhibit for permitted commercial uses/standards.
Tract 3 – VPZ	50-foot VPZ with enhanced screening.	Express 50-foot minimum; requires minimizing impacts to existing tree canopy; retains enhanced screening with canopy trees, understory trees and shrubbery.	Adds more specific and protective VPZ requirements.
Tract 3 – Development Language	Tract 3 “is designated as” identified uses.	Changes to “may be developed as” identified uses.	More affirmative entitlement language.
Tract 9 – VPZ Purpose	Protects natural areas.	Protects adjacent residents’ existing views and natural areas.	Expands stated purpose of VPZ.
PLDRB Approval	PLDRB approves site plan	PLDRB approves site plan. In addition, may approve reduced U.S. 1 landscape buffers and alternative parking requirements certified by a licensed traffic engineer, to enhance the VPZ.	Adds site-plan flexibility.
Tracts 3 & 9 – Undeveloped Property	No comparable pre-application requirement.	Before development application, Owner must either place a conservation easement over undevelopable property or convey it under a mutually agreeable purchase and sale agreement approved by the LUA.	New substantive condition precedent to development applications.

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** M.1

Department	FINANCE	**Amount**	
Division	FINANCE	**Org/Account #**	
Subject:	REPORTING OF EMERGENCY AND SOLE SOURCE FOR AUGUST 2026		
Presenter:	**Michael McGlothlin, MBA-PA, City Manager**		

Attachments:

1. Emergency and Sole Source Purchase Report

Background:

Attached is a list of all emergency and sole source purchases for the month of August 2026, in accordance with Sec. 2.25 of Chapter 2, Article 1 Division 3 of the Code of Ordinances of the City of Palm Coast (Procurement Policy).

Recommended Action:
FOR REPORTING ONLY – VIA CITY MANAGER COMMENTS

AUGUST 2026					
SOLE SOURCE PURCHASES					
Entry Date	**Req #**	**Total Amount**	**Vendor**	**Description**	**Department**
8/5/2026	1850	$14,789.00	THE AVANTI COMPANY, INC	Mccrometer 24" Flow Meter - Cigar Lake	WASTEWATER CAPITAL
EMERGENCY PURCHASES					
8/4/2026	1842	$4,244.16	CUMMINS INC.	Troubleshoot WTP3 Emergency Generator	WATER TREATMENT PLANT #3
8/3/2026	1840	$20,000.00	HEPACO, LLC	EMERGENCY SODIUM HYPOCHLORITE CLEANUP WWTP 1	WASTEWATER TREATMENT
8/7/2026	POA 20261457	Increase $10,865.55	RING POWER CORPORATION	Rental of 500kw emergency standby generator	WASTEWATER TREATMENT

City of Palm Coast, Florida
Agenda Item

Agenda Date: September 15, 2026 **Agenda Item:** N.1

Department CITY CLERK **Division** CITY CLERK	**Amount** **Org/Account #**
Subject: AGENDA WORKSHEET AND CALENDAR	
Presenter:	
Attachments: 1. Agenda Worksheet 2. Calendar	
Background:	
Recommended Action: **AGENDA WORKSHEET AND CALENDAR**	

	September 23, 2026 Final Budget Hearing (5:15 p.m.)	**PRESENTER**
Presentation	Final Proposed Budget for FY 2026-2027	Alves
Resolution	CRA SR100 CRA Budget	Alves
Resolution	Millage Rate	Alves
Resolution	Budget for FY 2026-2027	Alves
Resolution	Fleet Purchases	Mancill
	October 6, 2026 Business Meeting (6 p.m.)	**PRESENTER**
Proclamation	Shirley Chisolm Trail	Council
Proclamation	Fire Prevention	Council
Ordinance 1st	Red Mill Pointe MPD	Hanson
Ordinance 1st	Magnolia Trace (OARE) MPD Amendment	Papa
Ordinance 2nd	Adoption of the LDC	Papa/Nguyen
Ordinance 2nd	Utility	Duffy
Ordinance 2nd	Fire	Duffy
Resolution	MOC GMP Amendment	Cote
Resolution	CRA Plan Amendment	Nguyen
Resolution	Loan Resolution	Alves
Resolution	Wastewater Biosolids	Roche
Resolution	MSA with Palm Coast Historical Society	Hirst
Resolution	Eductors	Roche
Resolution	Contract with UKG for Software Services	Akins
Resolution	Contract with T-Mobile for Cellular Services	Akins
Resolution	Piggyback Contract with Newline Skateparks Inc.	Gebo
	October 13, 2026 Workshop Meeting (9 a.m.)	**PRESENTER**
Presentation	Animal Control Code	Mendez
Presentation	Cultural Art Grant Recommendation	Hirst/FC3
Presentation	Salary Survey	Fuller
Presentation	CAD ILA	Akins
	October 20, 2026 Business Meeting (9 a.m.)	**PRESENTER**
Proclamation	Rotary Club - 45th year anniversary	Council
Proclamation	Disability Employment Awareness	Council
Presentation	FLC SEI Accredidation	FLC
Ordinance 2nd	Lakeview Estates FLUM Amendment	Hanson
Ordinance 2nd	Lakeview Estates MPD Amendment	Hanson
Ordinance 2nd	Red Mill Pointe MPD	Hanson
Ordinance 2nd	Magnolia Trace (OARE) MPD Amendment	Papa
Resolution	Cultural Art Grant Recommendation	Hirst
Resolution	Waterfront Park Donation	Hirst
	November 3, 2026 Business Meeting (ELECTION DAY)	**PRESENTER**
	November 10, 2026 Workshop Meeting (9 a.m.)	**PRESENTER**
	November 17, 2026 Business Meeting (9 a.m.)	**PRESENTER**
Resolution	Approving the Final 2026 General Election Results	Cook
Oath	Oath of Office for the Newly Elected Council Members	Cook
Appointment	Vice Mayor Appointment	Cook
Appointment	Council Liaison Appointments	Cook

	December 1, 2026 Business Meeting (6 p.m.)	PRESENTER
Ordinance 1st	Cascades/Seminole Trace FLUM	Papa
Ordinance 1st	Cascades MPD/Seminole Trace	Papa
	December 8, 2026 Workshop Meeting (9 a.m.)	**PRESENTER**
	December 15, 2026 Business Meeting (9 a.m.)	**PRESENTER**
Resolution	GMP #3 for WWTF1	Roche
	Future	**PRESENTER**
Resolution	Fire Rescue	Berryhill
Ordinance	Pile Burning	Berryhill
Presentation	Right-of-Way	Buckley
Resolution	Belle Terre / SR 100 Intersection Study	Castello
Resolution	Belle Terre / Seminole Woods Intersection Study	Castello
Resolution	Occupational Services	Fuller
Resolution	Cultural Arts Facility Master Plan	Gebo
Resolution	Belle Terre Park Master Plan Study	Gebo
Resolution	Palm Coast RV & Boat Storage	Hanson
Resolution	Seminole Point	Hanson
Resolution	LHAP Amendments	Hegedus/Gonzalez
Resolution	YMCA Agreement	Hirst
Resolution	Loop Road Phase 2 - FEC Utility Line Agreements	Kehoe/Crawford
Resolution	Loop Road Phase 2 & 4 Wetland Mitigation Credit Purchase Agreement	Kehoe/Crawford
Resolution	OKR North Phase 2 - Construction Contract, CEI Services, Project Contingenc	Kehoe/Crawford
Resolution	FY 26 Microsurfacing Contract	Kehoe/Gibson
Resolution	Soleta Lakes - Subdivision Master Plan	Lens
Resolution	Soleta Lakes - Land Exchange Agreement	Lens
Resolution	City-Wide Floodwise	Morales
Resolution	Saltwater Canal Design Status	Morales
Resolution	Ditch 10 / Graham Swamp Waterway Expansion - Design	Morales
Resolution	B-1, B-2, & B-3 (Pop offs for Bellaire Waterway) - Design	Morales
Resolution	Structure Repairs	Morales
Resolution	W-1 Weir Replacement & Upgrade - Design	Morales
Resolution	Pipe Lining	Morales
Resolution	Interlocal Agreement TPO Urban Boundary Expansion	Nguyen
Resolution	City Wide Landscape Architect Review Plan	Nguyen
Presentation	Alternative Water Sources	Roche
Resolution	West Well Field Test Boring	Roche/Roussell
Resolution	Seminole Woods ICI ROW	Smith/Nguyen
Resolution	Kensington Right of Way Agreement	Smith/Nguyen

Meeting Calendar for 9/16/2026 through 12/31/2026

9/23/2026
City Council Budget Hearing
City Hall

10/6/2026
City Council Business Meeting
City Hall

10/13/2026
City Council Workshop
City Hall

10/20/2026
City Council Business Meeting
City Hall

11/10/2026
City Council Workshop
City Hall

11/17/2026
City Council Business Meeting
City Hall

12/1/2026
City Council Business Meeting
City Hall

12/8/2026
City Council Workshop
City Hall

Meeting Calendar for 9/16/2026 through 12/31/2026

12/15/2026

City Council Business Meeting

City Hall