

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
GENERAL BUSINESS/AGENDA ITEM #8d**

SUBJECT: QUASI-JUDICIAL – Request for Approval of a Final Plat for Cornerstone at Seminole Woods; Parcel Numbers: 08-12-31-0650-000B0-0071; 08-12-31-0650-000B0-0074; 08-12-31-0650-000D0-0050; and 08-12-31-0650-000D0-0051; 31.75+/- acres. Owners: Seminole Woods Investments, LLC, and BJ's Wholesale Club, Inc.; Agent: Mark D. Hudgins with Seminole Woods Investments, LLC. (AR No. 4333).

DATE OF MEETING: July 15, 2024

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcels lie South of State Road 100, West of Seminole Woods Boulevard and East of Aviation Drive:

Property Appraiser Aerial



**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
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The agent submitted a final plat application and supporting documents dated June 21, 2024. Through the submittal, the applicant is seeking approval of a final plat for six commercial lots and two tracts (a common area tract and a lift station tract) to be known as the Cornerstone at Seminole Woods subdivision.

The Preliminary Plat (Project No. 2022060036) was approved by the Board of County Commissioners at its September 19, 2022 regular meeting. The Preliminary Plat approval was conditioned on:

- a. correction of Scrivener's errors on the preliminary plat prior to final plat approval;
- b. no construction to commence prior to issuance of a County land development permit;
- c. no final plat approval to occur until extension of potable water and sanitary sewer is installed and approved by the City of Palm Coast as the utility provider; and
- d. any subdivision improvements not completed by the developer to be bonded or other surety provided consistent with the requirements of the Land Development Code.

In addition to the submitted three sheet final plat, the request includes a draft maintenance bond in the amount of \$105,174.54, representing ten percent of the engineer's total common infrastructure cost of completed infrastructure of \$1,051,745.44. As of the date of the staff report, there are outstanding common infrastructure items that remain incomplete; however, the developer continues work on these items and intends to complete the entirety of the common infrastructure as close to the July 15, 2024 meeting date as possible. Because of this remaining work, County staff has crafted the Board's approval option to require that the final plat cannot be recorded until the County Development Engineer verifies that the work is complete.

BCC review authority: Section 4.05.03, LDC, requires that no plat may be recorded unless and until the plat has been approved by the Board of County Commissioners.

This agenda item is:

 X quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
 - Objective GI 1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.

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FUNDING INFORMATION: No County funds are associated with this agenda item. All applicable impact fees will be due at the time of construction of individual lots.

DEPARTMENT CONTACT: Adam Mengel, Growth Management Director, (386) 313-4065

OPTIONS FOR THE BOARD: The Board finds that the final plat for Cornerstone at Seminole Woods is consistent with the Comprehensive Plan; the Land Development Code; and the Preliminary Plat and:

Approves Application No. 4333, the final plat for Cornerstone at Seminole Woods, and accepts the maintenance bond in the amount of \$105,174.54, and conditions the recording of the final plat upon the review and verification by the County Development Engineer of the completion of the common infrastructure.

Denies Application No. 4333, the final plat for Cornerstone at Seminole Woods, and does not accept the maintenance bond.

Continues Application No. 4333, the final plat for Cornerstone at Seminole Woods.

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Final Plat
3. Title opinion letter dated April 29, 2024
4. Proof of Taxes Paid
5. Engineer's Cost Estimate (undated)
6. Draft Maintenance Bond in the amount of \$105,174.54
7. Reviewing Surveyor's Letter dated February 2, 2024
8. Board of County Commissioners September 19, 2022, Regular Meeting Minutes (in part)

**APPLICATION #4333
FINAL PLAT FOR
CORNERSTONE AT SEMINOLE WOODS SUBDIVISION
TECHNICAL STAFF REPORT**

Chapter 177, Florida Statutes, includes statewide platting requirements, while LDC Section 4.05.02 provides for minimum plat submittal requirements. The Comprehensive Plan does not specifically address platting requirements, but does include provisions related to concurrency and public facilities.

Plat Specific Review

The plat consists of six commercial lots (Lots A through F) and the common area tract (Tract 1) within the Cornerstone at Seminole Woods plat. This plat is a replat of part of the Bunnell Development Company's Plat of Block D, Section 8, Township 12 South, Range 31 East, as recorded at Map Book 1, Page 1, Public Records of Flagler County, Florida (PRFCF).

Reservations and dedications are to the Cornerstone Seminole Woods Association, Inc., with potable water and sanitary sewer infrastructure to be dedicated to the City of Palm Coast.

The specific reservations and dedications from the face of the final plat are as follows:

Reservations and Dedications

Tract	Entity	Purpose
Tract 1	Cornerstone Seminole Woods Association, Inc.	Common tract serving abutting lots for ingress, egress, utilities, drainage, and other purposes
Tract 2	City of Palm Coast, Florida	Lift pump station and other purposes

Additionally, the following easements are specifically listed on the plat:

Easements

Tract	Entity	Purpose
Within each Lot A, B, C, D, and E, adjoining the North lot line (and State Road 100 right-of-way)	Cornerstone Seminole Woods Association, Inc.	1 Foot non-vehicular access easement, for control and jurisdiction over access rights
Within Tract 1 adjoining the South tract line (and the Airport parcel)	Cornerstone Seminole Woods Association, Inc.	Cornerstone Seminole Woods Association, Inc.
Within each Lot A, B, C, D, and E, adjoining the North lot line (and State Road 100 right-of-way)	Cornerstone Seminole Woods Association, Inc.	30 Foot "No Build Area", for control and jurisdiction of vertical buildings

**APPLICATION #4333
FINAL PLAT FOR
CORNERSTONE AT SEMINOLE WOODS SUBDIVISION
TECHNICAL STAFF REPORT**

Tract	Entity	Purpose
Within Tract 1	Cornerstone Seminole Woods Association, Inc.	Monument sign easement, for installation of a monument sign

Other easements are referenced on the plat, including:

- Glide Path Easement – OR 30, P 454, PRFCF
- Tract 1 Access Easements (Operation and Easement Agreement) – OR 2769, P 401, PRFCF
- Southern Bell Easement – OR 2827, P 1086, PRFCF
- West Parcel Access Easement – OR 2843, P 159, PRFCF
- City of Palm Coast Utility Easement – OR 2843, P 191, PRFCF

Public Services and Utilities

Water and sewer service are provided by the City of Palm Coast. Electric is provided by Florida Power and Light.

Vehicular and Pedestrian Access

Access is from Cornerstone Court, a private street within Tract 1.

A SUBDIVISION PLAT OF
CORNERSTONE AT SEMINOLE WOODS

LOCATED IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST,
CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA
BEING A REPLAT OF A PORTION OF GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31
EAST, BLOCK D OF MAP OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLORIDA PER
MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

DEVELOPED BY: SEMINOLE WOODS INVESTMENTS, LLC
1490 HIGHWAY 41A, SUITE 301,
SATELLITE BEACH, FL 32957

GENERAL NOTES:

1. BASIS OF BEARINGS: BEARINGS AND COORDINATES, SHOWN HEREON, ARE BASED ON NORTH AMERICAN DATUM 1983 (NAD 83), FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA EAST ZONE AS ESTABLISHED BY GPS NETWORK RTK OBSERVATIONS ON THE FLORIDA PERMANENT REFERENCE NETWORK AND FIELD VERIFIED BY REDUNDANT MEASUREMENTS TO NATIONAL GEODETIC MONUMENTS "SMITH", "95 72 850" AND "95 72 805", HAVING A COMBINED SURVEY ACCURACY THAT MEETS OR EXCEEDS THE REQUIRED COMMERCIAL/HIGH RISK LINEAR REQUIREMENTS OF 1/10,000. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. CALCULATED ACCURACIES ARE AS FOLLOWS:

- TED TO NGS "SMITH", HAVING A WITH AN AVERAGE ERROR OF 0.07" AND A CALCULATED ACCURACY OF 1/506,445
- TED TO NGS 795 72 820" WITH AN AVERAGE ERROR OF 0.33" AND A CALCULATED ACCURACY OF 1/108,962
- TED TO NGS 795 72 805" WITH AN AVERAGE ERROR OF 0.03 AND A CALCULATED ACCURACY OF 1/84,784

THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 HAVING A FIELD MEASURED BEARING N89°09'05"E.

2. ALL UTILITIES SHALL BE LOCATED UNDERGROUND.

3. THE SUBJECT SITE LIES WITHIN ZONE "X" FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 0230, MAP NUMBER 12035C02J0E, DATED 06/06/2018. (DO NOT USE PLAT FOR FLOOD ZONE DETERMINATIONS. FEMA FLOOD INSURANCE RATE MAP INFORMATION IS SUBJECT TO CHANGE. USE THE CURRENT APPROVED FIRM FOR COMMUNITY PANEL NUMBER, DATE AND FLOOD ZONE DETERMINATIONS)

4. LOT LINES INTERSECTING ARCS, IF ANY, SHOWN HEREON ARE RADIAL UNLESS OTHERWISE NOTED.

5. MEASUREMENTS ARE IN U.S. FOOT AND DECIMAL PARTS THEREOF. ALL MEASUREMENTS REFER TO HORIZONTAL PLANE IN ACCORDANCE WITH THE DEFINITION OF THE UNITED STATES SURVEY FOOT ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

6. COVENANTS AND RESTRICTIONS RECORDATION INFORMATION PER OFFICIAL RECORDS BOOK 2769, PAGE 401 & OFFICIAL RECORDS BOOK 2769, PAGE 483, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

7. PER FLORIDA STATUTE CHAPTER 177.091(9), INTERIOR LOT CORNERS (IRONS NOT SHOWN HEREON) MUST BE SET PRIOR TO LOT TRANSFER OR THE EXPIRATION OF A BOND IF A BOND EXISTS.

8. THIS PLAT MADE IN ACCORDANCE WITH A TITLE OPINION LETTER BY LIVINGSTON & SHORD, P.A., ATTORNEYS AT LAW, DATED OF APRIL 29, 2024.

9. NOTHING HEREIN SHALL BE CONSTRUED AS CREATING AN OBLIGATION UPON ANY GOVERNING BODY TO PERFORM ANY ACT OF CONSTRUCTION OR MAINTENANCE WITHIN SUCH DEDICATED AREAS EXCEPT WHEN THE OBLIGATION IS VOLUNTARILY ASSUMED BY THE GOVERNING BODY.

NOTES REGARDING TRACTS, EASEMENTS:

1. ALL PLATTED UTILITY EASEMENTS (IF ANY) SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND THE OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

2. UTILITY EASEMENTS (INCLUDING, BUT NOT LIMITED TO, FLORIDA POWER & LIGHT CO. AND ALL PUBLIC UTILITY COMPANIES), EXCEPT AS OTHERWISE SHOWN, ARE PROVIDED AS FOLLOWS: 10' ADJACENT TO ALL PUBLIC AND PRIVATE STREETS AND ON ALL LOTS, PARCELS, TRACTS AND COMMON AREAS.

3. IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE COINCIDE, DRAINAGE EASEMENTS SHALL HAVE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITIES BEING DETERMINED BY THE USE RIGHTS GRANTED.

NOTICE:

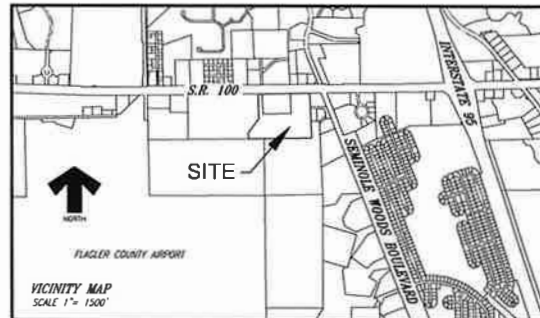
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES, BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.S.") AND PERMANENT CONTROL POINTS ("P.C.P.S."), IF ANY, HAVE BEEN PLACED AS REQUIRED BY LAW; AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF FLAGLER COUNTY, FLORIDA.

KUHAR SURVEYING & MAPPING, LLC
1501 RIDGEWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
Phone: 386-672-0002 WWW.KUHARSURVEYING.COM
PROJECT # K21160 ISSUE DATE: 5/15/2024
LB 7901 ©2024 KUHAR SURVEYING & MAPPING, LLC LS (PSM) 6105

KENNETH J. KUJAR DATE
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LICENSE NUMBER LS6105



SEE SHEET 2 FOR DEDICATION AND RESERVATION - TRACTS AND EASEMENTS
SEE SHEET 2 FOR ACKNOWLEDGEMENTS OF CORPORATIONS
SEE SHEET 2 FOR ACCEPTANCE OF RESERVATIONS

TITLE CERTIFICATION

I, JAY W. LIVINGSTON, ESQ., A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED TO B.J'S WHOLESALE CLUB, INC., A DELAWARE CORPORATION, AND SEMINOLE WOODS INVESTMENTS, LLC, A FLORIDA LIMITED LIABILITY COMPANY; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

JAY W. LIVINGSTON, ESQ. DATE
A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA

CERTIFICATE OF APPROVAL BY COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA

THIS IS TO CERTIFY, THAT ON _____, 2024, THE FOREGOING PLAT WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST:

CLERK AND EX-OFFICIO CLERK TO THE
BOARD OF COUNTY COMMISSIONERS

CERTIFICATE OF CLERK

I HEREBY CERTIFY THE FOREGOING PLAT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 2024.

CLERK AND EX-OFFICIO CLERK TO THE
BOARD OF COUNTY COMMISSIONERS
FLAGLER COUNTY, FLORIDA

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT ON THE _____ DAY OF _____, 2024, THIS PLAT WAS APPROVED.

BY: _____
COUNTY ATTORNEY

GROWTH MANAGEMENT DIRECTOR

THIS PLAT IS HEREBY APPROVED FOR RECORDING PURSUANT TO FLAGLER COUNTY LAND DEVELOPMENT CODE AND SEC. 177.07(1), F.S., THIS _____ DAY OF _____, 2024.

GROWTH MANAGEMENT DIRECTOR

REVIEWING SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE UNDERSIGNED IS A LICENSED PROFESSIONAL SURVEYOR AND MAPPER AND IS EITHER EMPLOYED OR UNDER CONTRACT TO THE FLAGLER COUNTY; I ALSO CERTIFY THAT I AM NOT REPRESENTING THE OWNER OR THE OWNERS OF RECORD AND HAVE REVIEWED THIS PLAT AND FOUND IT TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 177 FLORIDA STATUTES AND FLAGLER COUNTY PLATTING REGULATIONS.

DATE: _____ BY: _____

PRINTED NAME: _____

FLORIDA PROFESSIONAL SURVEYOR AND MAPPER CERTIFICATION NO. _____

KUHAR SURVEYING & MAPPING, LLC
 1501 RIDGEWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
 Phone: 386-672-0002 WWW.KUHARSURVEYING.COM
PROJECT # K21160 ISSUE DATE: 5/15/2024
 LB 7981 ©2024 KUHAR SURVEYING & MAPPING, LLC LS (PSM) 6105

A SUBDIVISION PLAT OF
CORNERSTONE AT SEMINOLE WOODS

LOCATED IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST,
 CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA
 BEING A REPLAT OF A PORTION OF GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31
 EAST, BLOCK D OF MAP OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLORIDA PER
 MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA
 DEVELOPED BY: SEMINOLE WOODS INVESTMENTS, LLC
 1490 HIGHWAY A1A, SUITE 301,
 SATELLITE BEACH, FL 32937

MAP BOOK _____, PAGE _____

DEDICATION AND RESERVATION - TRACTS AND EASEMENTS

KNOW ALL MEN BY THESE PRESENTS THAT BU'S WHOLESALE CLUB, INC., A DELAWARE CORPORATION, LICENSED TO DO BUSINESS IN FLORIDA, AND SEMINOLE WOODS INVESTMENTS, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, LICENSED TO DO BUSINESS IN FLORIDA, OWNERS OF THE LAND SHOWN HEREON, BEING IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, SHOWN HEREON AS CORNERSTONE AT SEMINOLE WOODS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1109, PAGE 682, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY) AND BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S02°21'21"E A DISTANCE OF 1081.06 FEET; THENCE S89°02'52"W A DISTANCE OF 1485.00 FEET; THENCE N00°50'03"W A DISTANCE OF 150.01 FEET; THENCE N38°32'07"E A DISTANCE OF 410.00 FEET; THENCE N02°27'01"W A DISTANCE OF 593.68 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE N89°09'05"E A DISTANCE OF 1273.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 31.680 ACRES, MORE OR LESS

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

TRACT 1, AS SHOWN HEREON, IS HEREBY RESERVED FOR THE CORNERSTONE SEMINOLE WOODS ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, AS A COMMON TRACT SERVING ADJUTING LOTS FOR INGRESS, EGRESS, UTILITIES, CHANNELS, AND OTHER PURPOSES NOT INCONSISTENT WITH THIS RESERVATION, AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO FLAGLER COUNTY.

TRACT 2, AS SHOWN HEREON, IS HEREBY DEDICATED IN PERPETUITY TO THE CITY OF PALM COAST, FLORIDA, ITS SUCCESSORS AND ASSIGNS, FOR LIFT PUMP STATION AND RELATED PURPOSES.

1" NON-VEHICULAR ACCESS EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE CORNERSTONE SEMINOLE WOODS ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS FOR THE PURPOSE OF CONTROL AND JURISDICTION OVER ACCESS RIGHTS.

JO" TWO BUILD AREA" AS SHOWN HEREON, IS HEREBY DEDICATED TO THE CORNERSTONE SEMINOLE WOODS ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF CONTROL AND JURISDICTION OF CONSTRUCTION OF VERTICAL BUILDINGS.

MONUMENT SIGN EASEMENT AS SHOWN HEREON, IS HEREBY RESERVED FOR THE CORNERSTONE SEMINOLE WOODS ASSOCIATION, INC. ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLATION OF A MONUMENT SIGN AND IS THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO FLAGLER COUNTY.

IN WITNESS WHEREOF, BU'S WHOLESALE CLUB, INC., A DELAWARE CORPORATION, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS SENIOR VICE PRESIDENT OF REAL ESTATE & DEVELOPMENT AND ATTESTED BY ONE OF ITS OTHER CORPORATE OFFICERS, AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS _____ DAY OF _____, 2024.

BU'S WHOLESALE CLUB, INC.
 A DELAWARE CORPORATION
 LICENSED TO DO BUSINESS IN FLORIDA

WITNESS: _____ BY: **DAVID P. PICOT**
 SENIOR VICE PRESIDENT OF
 REAL ESTATE & DEVELOPMENT

ATTEST: _____

IN WITNESS WHEREOF, SEMINOLE WOODS INVESTMENTS, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND ATTESTED BY ITS OTHER CORPORATE OFFICER, AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS _____ DAY OF _____, 2024.

SEMINOLE WOODS INVESTMENTS, L.L.C.
 A FLORIDA LIMITED LIABILITY COMPANY
 LICENSED TO DO BUSINESS IN FLORIDA

WITNESS: _____ BY: **MATTHEW T. WILLIAMS - MANAGER**

ATTEST: _____

ACKNOWLEDGEMENTS OF CORPORATION

BU'S WHOLESALE CLUB, INC.

COMMON WEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

ON THIS _____ DAY OF _____, 2024, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DAVID P. PICOT PERSONALLY APPEARED, PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SIGNED ON THE PRECEDING DOCUMENT OR PLAT, AND ACKNOWLEDGED TO ME THAT HE SIGNED IT VOLUNTARILY FOR ITS STATED PURPOSE AS SENIOR VICE PRESIDENT REAL ESTATE & DEVELOPMENT OF BU'S WHOLESALE CLUB, INC., A DELAWARE CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2024.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

ACKNOWLEDGEMENTS OF CORPORATION

SEMINOLE WOODS INVESTMENTS, L.L.C.

STATE OF FLORIDA

COUNTY OF FLAGLER

BEFORE ME PERSONALLY APPEARED _____ WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED _____ AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING INSTRUMENT AS _____ OF SEMINOLE WOODS INVESTMENTS, L.L.C., A CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT [HE] [SHE] EXECUTED SUCH INSTRUMENT AS SUCH OFFICER OF SAID CORPORATION, AND THAT THE SEAL AFFIXED TO THE FOLLOWING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION AND THAT IT WAS AFFIXED TO SAID INSTRUMENT BY DUE AND REGULAR CORPORATE AUTHORITY, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2024.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

ACCEPTANCE OF RESERVATIONS

CORNERSTONE SEMINOLE WOODS ASSOCIATION, INC.

STATE OF FLORIDA

COUNTY OF FLAGLER

THE CORNERSTONE SEMINOLE WOODS ASSOCIATION, INC. HEREBY ACCEPTS THE DEDICATIONS OR RESERVATIONS TO SAID ASSOCIATION AS STATED AND SHOWN HEREON, AND HEREBY ACCEPTS ITS MAINTENANCE OBLIGATIONS FOR SAME AS STATED HEREON, DATED THIS _____ DAY OF _____, 2024.

CORNERSTONE SEMINOLE WOODS ASSOCIATION, INC.
 A FLORIDA CORPORATION
 LICENSED TO DO BUSINESS IN FLORIDA

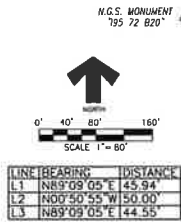
WITNESS: _____ BY: **MATTHEW T. WILLIAMS - TREASURER**

A SUBDIVISION PLAT OF
CORNERSTONE AT SEMINOLE WOODS
 LOCATED IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST,
 CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA

BEING A REPLAT OF A PORTION OF GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BLOCK D OF MAP OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLORIDA PER MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

DEVELOPED BY: SEMINOLE WOODS INVESTMENTS, LLC
 1400 HIGHWAY 41A, SUITE 301,
 SAYLETT'S BEACH, FL 32937

MAP BOOK _____, PAGE _____



RECOVERED CORNER COORDINATES
 NORTHING (NAD83): 1,869,163.56
 EASTING (NAD83): 592,949.34

CITY OF PALM COAST UTILITY EASEMENT
 ORB 2843 PAGE 191

SOUTHERN BELL EASEMENT
 ORB 2927 PAGE 1086

WEST PARCEL ACCESS EASEMENT
 ORB 2843 PAGE 159

CITY OF PALM COAST UTILITY EASEMENT
 ORB 2843 PAGE 191

NOW OR FORMERLY
 FLAGLER PINES PROPERTIES LLC
 ORB 1387 PAGE 1869

CALCULATED CORNER COORDINATES
 NORTHING (NAD83): 1,868,249.72
 EASTING (NAD83): 592,719.30
 RECOVERED CORNER COORDINATES
 NORTHING (NAD83): 1,868,249.42
 EASTING (NAD83): 592,720.19

NOW OR FORMERLY
 FLAGLER COUNTY
 DATA UNAVAILABLE

FIND 484 CM "STEPHENSON"
 506°32'50"W @ 0.76'

FIND 484 CM "MOODY"
 511°57'40"W @ 0.45'

FIND 484 CM "STEPHENSON"
 506°32'50"W @ 0.76'

FIND 5/8" IR NO IDENTITY
 569°12'29"E @ 0.36'

SET 5/8" IRC LB 7991

FIND 5/8" IRC LB 7868
 N70°49'04"W @ 0.41'

FIND 1/2" IRC LB 7668
 S25°23'03"W @ 0.19'

SET 5/8" IRC LB 7991
 N 00°31'48" W 259.33'

SET 5/8" IRC LB 7991
 N 00°31'48" W 259.33'

FIND 5/8" IR LB 6422
 571°27'52"E @ 0.94'

FIND 5/8" IR LB 6422
 53°29'42"E @ 0.48'

SET 5/8" IRC LB 7991
 S 00°50'13" E 293.95'

SET 5/8" IRC LB 7991
 S 00°50'13" E 293.95'

LOT A 36654 SF

LOT B 41421 SF

LOT C 66694 SF

LOT D 79696 SF

LOT E 70224 SF

LOT F 44385 SF

TRACT 1 COMMON AREA 641903 SF

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POINT OF BEGINNING
 NORTHWEST CORNER OF LOT 1
 AIRPORT COMMERCE CENTER, PHASE 2
 PLAT BOOK 38 PAGE 2

CALCULATED CORNER COORDINATES
 NORTHING (NAD83): 1,869,181.69
 EASTING (NAD83): 594,122.71

RECOVERED CORNER COORDINATES
 NORTHING (NAD83): 1,869,181.50
 EASTING (NAD83): 594,123.03

TRACT 1 COMMON AREA 641903 SF

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TRACT 1 COMMON AREA 641903 SF

- ABBREVIATIONS**
- IRC IRON ROD & CAP
 - IR IRON ROD (NO CAP)
 - IP IRON PIPE & CAP
 - IP IRON PIPE (NO CAP)
 - CM CONCRETE MONUMENT
 - R/W RIGHT OF WAY
 - CL CENTERLINE
 - MB MAP BOOK
 - PG PAGE
 - ORB OFFICIAL RECORDS BOOK
 - (P) PLATTED DIMENSION
 - (D) DEED DIMENSION
 - (M) MEASURED DIMENSION
 - (C) CALCULATED DIMENSION
 - PRM PERMANENT REFERENCE MONUMENT
 - POB POINT OF BEGINNING
 - N G S NATIONAL GEODETIC SURVEY

- LEGEND**
- IRON ROD WITH CAP
 - IRON ROD
 - ⊕ IRON PIPE WITH CAP
 - ⊖ IRON PIPE
 - CONCRETE MONUMENT
 - ▲ N G S MONUMENT

KUHAR SURVEYING & MAPPING, LLC
 1501 RIDGEWOOD AVENUE, SUITE 205, HOLLY HILL, FLORIDA 32117
 Phone: 386-672-0002 WWW.KUHARSURVEYING.COM
 PROJECT # K21160 ISSUE DATE: 5/15/2024
 LB 7991 ©2024 KUHAR SURVEYING & MAPPING, LLC LS (PSM) 6105

LIVINGSTON & SWORD, P.A.

Attorneys At Law

April 29, 2024

Adam Mengel
Growth Management Director
Flagler County
1769 E. Moody Blvd.
Building 2, Suite 105
Bunnell, FL 32110

Subject: Cornerstone at Seminole Woods
Final Plat Title Opinion

Dear Mr. Mengel:

I have examined the title with respect to the property described in **EXHIBIT "A"** (the "Property"). Based on my examination, it is my opinion that, as of April 22, 2024, title to the Property is vested in **BJ's Wholesale Club, Inc., a Delaware corporation**, by virtue of that certain Special Warranty Deed dated March 31, 2023, and recorded April 5, 2023, 2023 in **Official Records Book 2769, Page 389**, and that certain Special Warranty Deed dated March 31, 2023, and recorded April 5, 2023 in **Official Records Book 2769, Page 397**; and in **Seminole Woods Investments, LLC, a Florida limited liability company**, by virtue of that certain Special Warranty Deed dated March 31, 2023, and recorded April 5, 2023 in **Official Records Book 2769, Page 385**, as corrected by that certain Special Warranty Deed dated April 6, 2023 and recorded April 11, 2023 in **Official Records Book 2770, Page 1062**; and that certain Special Warranty Deed dated March 31, 2023, and recorded April 5, 2023 in **Official Records Book 2769, Page 393**, as corrected by that certain Special Warranty Deed dated April 6, 2023, and recorded April 11, 2023 in **Official Records Book 2770, Page 1056**, all of the Public Records of Flagler County, Florida, subject to the following matters:

1. Glide path easements as contained in that instrument recorded in Official Records Book 30, Page 454, of the Public Records of Flagler County, Florida.
2. Terms and conditions in that certain Pre-Annexation Agreement dated February 8, 2023 between the City of Palm Coast, Seminole Woods Investments, LLC, a Florida limited liability company, and BJ's Wholesale Club, Inc., a Delaware corporation, as recorded on February 10, 2023 in Official Records Book 2755, Page 1924 of the Public Records of Flagler County, Florida; as supplemented by that certain Supplemental Agreement Between The City of Palm Coast and Seminole Woods Investments, LLC Relating to Pre-Annexation Agreement dated

391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
jay.livingston314@protonmail.ch

March 13, 2024, as recorded on March 19, 2024 in Official Records Book 2854, Page 1877 of the Public Records of Flagler County, Florida.

3. Terms and conditions in that certain Operation and Easement Agreement between Seminole Woods Investments, LLC, BJ's Wholesale Club, Inc., and Cornerstone Seminole Woods Association, Inc., recorded on April 5, 2023 in Official Records Book 2769, Page 401; as amended by that certain First Amendment of Operation and Easement Agreement recorded on January 31, 2024 in Official Records Book 2843, Page 135, all of the Public Records of Flagler County, Florida.
4. Terms and conditions in that certain Declaration of Restrictions and Grant of Easements between Seminole Woods Investments, LLC, BJ's Wholesale Club, Inc., and Flagler Pines Properties, LLC, recorded on April 5, 2023 in Official Records Book 2769, Page 483; as amended by that certain First Amendment of Declaration of Restrictions and Grant of Easements recorded on January 31, 2024 in Official Records Book 2843, Page 159, all of the Public Records of Flagler County, Florida.
5. Terms and conditions in that certain Utility Agreement for Water and Wastewater service dated February 14, 2023, by and among the City of Palm Coast, Flagler Airport Industrial, LLC, and Flagler Pines Properties, LLC, recorded on March 8, 2023, in Official Records Book 2761, Page 1037, and as affected by Assignment and Assumption of Utility Agreement for Water and Wastewater Service dated March 31, 2023 and recorded on April 5, 2023 in Official Records Book 2769, Page 528, all of the Public Records of Flagler County, Florida.
6. Performance Mortgage recorded on April 5, 2023 in Official Records Book 2769, Page 534, as corrected by Corrective Performance Mortgage recorded May 2, 2023 in Official Records Book 2776, Page 1891; and as amended by Performance Mortgage Modification Agreement recorded January 1, 2024 in Official Records Book 2843, Page 186, all of the Public Records of Flagler County, Florida.
7. Notice of Commencement recorded April 5, 2023 in Official Records Book 2769, Page 551; as modified by Notice of Partial Termination recorded February 21, 2024 in Official Records Book 2847, Page 221 of the Public Records of Flagler County, Florida.
8. Notice of Commencement recorded on April 5, 2023 in Official Records Book 2769, Page 555 of the Public Records of Flagler County, Florida.
9. Notice of Commencement recorded on August 17, 2023 in Official Records Book 2805, Page 651 of the Public Records of Flagler County, Florida.
10. Claim of Lien recorded October 6, 2023 in Official Records Book 2817, Page 1672 of the Public Records of Flagler County, Florida.
11. Notice of Commencement recorded November 6, 2023 in Official Records Book 2825, Page 971 of the Public Records of Flagler County, Florida.

12. Easement in favor of Bellsouth Telecommunications, LLC, a Georgia limited liability company d/b/a AT&T Southeast recorded November 15, 2023 in Official Records Book 2827, Page 1086 of the Public Records of Flagler County, Florida.
13. Flagler County Planning and Development Board Order No. 3375, Application No. 3375/Project No. 2023050066 recorded December 13, 2023 in Official Records Book 2833, Page 89 of the Public Records of Flagler County, Florida.
14. Flagler County Planning and Development Board Order No. 3374, Application No. 3374/Project No. 2023050065 recorded on December 13, 2023 in Official Records Book 2833, Page 91 of the Public Records of Flagler County, Florida.
15. Flagler County Planning and Development Board Order No. 3373, Application No. 3373/Project No. 2023050064 recorded on December 13, 2023 in Official Records Book 2833, Page 93 of the Public Records of Flagler County, Florida.
16. Flagler County Planning and Development Board Order No. 3372, Application No. 3372/Project No. 2023050063 recorded on December 13, 2023 in Official Records Book 2833, Page 96 of the Public Records of Flagler County, Florida.
17. Flagler County Planning and Development Board Order No. 3371, Application No. 3371/Project No. 2023050062 recorded on December 13, 2023 in Official Records Book 2833, Page 99 of the Public Records of Flagler County, Florida.
18. Flagler County Planning and Development Board Order No. 3370, Application No. 3370/Project No. 2023050061 recorded December 13, 2023 in Official Records Book 2833, Page 102 of the Public Records of Flagler County, Florida.
19. Flagler County Planning and Development Board Order No. 3318, Application No. 3318/Project No. 2022060038 recorded December 13, 2023 in Official Records Book 2833, Page 122 of the Public Records of Flagler County, Florida.
20. Memorandum of Ground Lease Agreement recorded December 15, 2023 in Official Records Book 2833, Page 207 of the Public Records of Flagler County, Florida.
21. Notice of Commencement recorded January 30, 2024 in Official Records Book 2842, Page 1970 of the Public Records of Flagler County, Florida.
22. Memorandum of Lease recorded February 1, 2024 in Official Records Book 2843, Page 1439 of the Public Records of Flagler County, Florida.
23. Utility Agreement for Water and Wastewater Service recorded February 12, 2024 in Official Records Book 2845, Page 1066 of the Public Records of Flagler County, Florida.
24. Mortgage of Real Estate and Security Agreement in favor of United Community Bank, a South Carolina State-Chartered Bank recorded February 21, 2024 in

Official Records Book 2847, Page 231 of the Public Records of Flagler County, Florida.

25. Assignment of Leases and Rents in favor of United Community Bank, a South Carolina State-Chartered Bank recorded February 21, 2024 in Official Records Book 2847, Page 241 of the Public Records of Flagler County, Florida.
26. UCC-1 Financing Statement in favor of United Community Bank, a South Carolina State-Chartered Bank recorded February 21, 2024 in Official Records Book 2847, Page 250 of the Public Records of Flagler County, Florida.
27. Notice of Commencement recorded February 21, 2024 in Official Records Book 2847, Page 254 of the Public Records of Flagler County, Florida.
28. Notice of Commencement recorded February 21, 2024 in Official Records Book 2847, Page 257 of the Public Records of Flagler County, Florida.
29. Subordination, Non-Disturbance and Attornment Agreement recorded February 26, 2024 in Official Records Book 2848, Page 861 of the Public Records of Flagler County, Florida.
30. Taxes and assessments for the year 2024 and subsequent years, which are not yet due and payable.

This title opinion is being provided pursuant to Section 177.041(2), Florida Statutes.

Sincerely,

Jay W. Livingston

EXHIBIT "A"

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1109, PAGE 662, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY) AND BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S02°21'21"E A DISTANCE OF 1061.06 FEET; THENCE S89°09'52"W A DISTANCE OF 1495.00 FEET; THENCE N00°50'03"W A DISTANCE OF 150.01 FEET; THENCE N38°32'07"E A DISTANCE OF 410.00 FEET; THENCE N02°27'01"W A DISTANCE OF 593.68 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE N89°09'05"E A DISTANCE OF 1223.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 31.680 ACRES, MORE OR LESS.

SUZANNE JOHNSTON Flagler County Tax Collector

Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

Attachment 4

TAX YEAR	ACCOUNT NUMBER	ALT KEY	MILLAGE CODE	ESCROW CODE
2023	0812310650000B00071	77774	001	

BJS WHOLESALE CLUB INC
350 CAMPUS AVENUE
MARLBOROUGH, MA 01752

5857 STATE HWY 100 E
PALM COAST 32164

21.344 AC POR W 1/4 CRNR SEC 8; S
01,13.04E ALONG WEST LINE SEC 8 161.99'
TO A POINT ON SLY R/W SR 100; N 89.0905E
ALONG SLY R/W 2607.99' TO POB, N 89
See Additional Legal on Tax Roll

Flagler County Suzanne Johnston
Paid By BJS WHOLESALE CLUB, II
11/17/2023 \$12,659.99
Receipt # INT-23-00030206

AD VALOREM TAXES							
TAXING AUTHORITY	TELEPHONE	ASSESSED VALUE	MILLAGE RATE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED	
FLAGLER COUNTY							
GENERAL FUND	386-313-4008	826,739	7.9297	0	826,739	6,555.79	
ESL	386-313-4008	826,739	0.1250	0	826,739	103.34	
2015 G O BONDS	386-313-4008	826,739	0.1546	0	826,739	127.82	
2009/2016 ESL BONDS	386-313-4008	826,739	0.1250	0	826,739	103.34	
FLAGLER COUNTY SCHOOL BOARD							
GENERAL FUND	386-437-7526	1,083,930	3.1550	0	1,083,930	3,419.80	
DISCRETIONARY	386-437-7526	1,083,930	0.7480	0	1,083,930	810.78	
CAP. OUTLAY	386-437-7526	1,083,930	1.5000	0	1,083,930	1,625.89	
EAST FLAGLER MOSQUITO CTRL	386-437-0002	826,739	0.3250	0	826,739	268.69	
ST. JOHNS RIVER WATER MGMT	386-329-4500	826,739	0.1793	0	826,739	148.23	
FL INLAND NAVIGATION DISTRICT	561-627-3386	826,739	0.0288	0	826,739	23.81	
TOTAL MILLAGE						14.2704	
TOTAL AD VALOREM TAXES						\$13,187.49	

NON-AD VALOREM ASSESSMENTS			
LEVYING AUTHORITY	TELEPHONE	RATE	AMOUNT
TOTAL NON-AD VALOREM TAXES			\$0.00

TOTAL COMBINED TAXES AND ASSESSMENTS		\$13,187.49
If Paid By	Nov 30, 2023	
Please Pay	\$12,659.99	

RETAIN FOR YOUR RECORDS

Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

ACCOUNT NUMBER	ALT KEY
0812310650000B00071	77774
PROPERTY ADDRESS	
5857 STATE HWY 100 E PALM COAST 32164	

BJS WHOLESALE CLUB INC
350 CAMPUS AVENUE
MARLBOROUGH, MA 01752

Make checks payable to:
Suzanne Johnston
Flagler County Tax Collector
PO Box 846 Bunnell, FL 32110
386-313-4160

Pay online at www.Flaglertax.com

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT	
If Paid By Nov 30, 2023	<input type="checkbox"/> \$12,659.99
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>

RETURN WITH PAYMENT

DO NOT FOLD, STAPLE, OR MUTILATE

Paid BJS WHOLESALE CLUB, INC. 11/17/2023 Receipt # INT-23-00030206 Echeck \$12,659.99



SUZANNE JOHNSTON Flagler County Tax Collector

Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

TAX YEAR	ACCOUNT NUMBER	ALT KEY	MILLAGE CODE	ESCROW CODE
2023	0812310650000B00074	2005097	001	

SEMINOLE WOODS INVESTMENTS, LLC
457 MONTREAL AVE
MELBOURNE, FL 32935

5877 STATE HWY 100 E
PALM COAST 32164

3.076 AC POR NW CRNR OF LOT 1 AIRPORT
COMMERCE CTR PH 2 TO & POB ALONG
ROW SR 100, S02.2121E- 311.05', S89.1202W
-215.65', N 35.1825W - 29.38', S 89.
See Additional Legal on Tax Roll

Flagler County Suzanne Johnston
Paid By Matthew Development
01/03/2024 \$5,142.66
Receipt # INT-23-00058561

AD VALOREM TAXES							
TAXING AUTHORITY	TELEPHONE	ASSESSED VALUE	MILLAGE RATE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED	
FLAGLER COUNTY GENERAL FUND	386-313-4008	320,871	7.9297	0	320,871	2,544.41	
ESL	386-313-4008	320,871	0.1250	0	320,871	40.11	
2015 G O BONDS	386-313-4008	320,871	0.1546	0	320,871	49.61	
2009/2016 ESL BONDS	386-313-4008	320,871	0.1250	0	320,871	40.11	
FLAGLER COUNTY SCHOOL BOARD GENERAL FUND	386-437-7526	454,641	3.1550	0	454,641	1,434.39	
DISCRETIONARY	386-437-7526	454,641	0.7480	0	454,641	340.07	
CAP. OUTLAY	386-437-7526	454,641	1.5000	0	454,641	681.96	
EAST FLAGLER MOSQUITO CTRL	386-437-0002	320,871	0.3250	0	320,871	104.28	
ST. JOHNS RIVER WATER MGMT	386-329-4500	320,871	0.1793	0	320,871	57.53	
FL INLAND NAVIGATION DISTRICT	561-627-3386	320,871	0.0288	0	320,871	9.24	
TOTAL MILLAGE			14.2704	TOTAL AD VALOREM TAXES		\$5,301.71	

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	TELEPHONE	AMOUNT
TOTAL NON-AD VALOREM TAXES		\$0.00

TOTAL COMBINED TAXES AND ASSESSMENTS				
				\$5,301.71
If Paid By	Jan 31, 2024			
Please Pay	\$5,142.66			

RETAIN FOR YOUR RECORDS

Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

ACCOUNT NUMBER	ALT KEY
0812310650000B00074	2005097
PROPERTY ADDRESS	
5877 STATE HWY 100 E PALM COAST 32164	

SEMINOLE WOODS INVESTMENTS, LLC
457 MONTREAL AVE
MELBOURNE, FL 32935

Make checks payable to:
Suzanne Johnston
Flagler County Tax Collector
PO Box 846 Bunnell, FL 32110
386-313-4160

Pay online at www.Flaglertax.com

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT	
If Paid By Jan 31, 2024	<input type="checkbox"/> \$5,142.66
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>

RETURN WITH PAYMENT

DO NOT FOLD, STAPLE, OR MUTILATE

Paid

Matthew Development

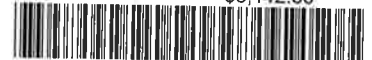
01/03/2024

Receipt #

INT-23-00058561

Echeck

\$5,142.66



SUZANNE JOHNSTON Flagler County Tax Collector

Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

TAX YEAR	ACCOUNT NUMBER	ALT KEY	MILLAGE CODE	ESCROW CODE
2023	0812310650000D00050	77791	001	

BJ'S WHOLESALE CLUB, INC
350 CAMPUS AVENUE
MARLBOROUGH, MA 01752

5845 STATE HWY 100 E
PALM COAST 32164

3.57 ACRES BUNNELL DEV CO SUB
PORTION OF TRACT 5 BLOCK D OR 272 PG
498 OR 285 PG 111, 112 OR 401 PG 948
(CQC) OR 401 PG 949 OR 442 PG 558 OR 914
PG 84
See Additional Legal on Tax Roll

Flagler County Suzanne Johnston
Paid By BJS WHOLESALE CLUB, INC
11/17/2023 \$6,983.39
Receipt # INT-23-00030206

AD VALOREM TAXES						
TAXING AUTHORITY	TELEPHONE	ASSESSED VALUE	MILLAGE RATE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED
FLAGLER COUNTY						
GENERAL FUND	386-313-4008	500,392	7.9297	0	500,392	3,967.96
ESL	386-313-4008	500,392	0.1250	0	500,392	62.55
2015 G O BONDS	386-313-4008	500,392	0.1546	0	500,392	77.36
2009/2016 ESL BONDS	386-313-4008	500,392	0.1250	0	500,392	62.55
FLAGLER COUNTY SCHOOL BOARD						
GENERAL FUND	386-437-7526	525,111	3.1550	0	525,111	1,656.73
DISCRETIONARY	386-437-7526	525,111	0.7480	0	525,111	392.78
CAP. OUTLAY	386-437-7526	525,111	1.5000	0	525,111	787.67
EAST FLAGLER MOSQUITO CTRL	386-437-0002	500,392	0.3250	0	500,392	162.63
ST. JOHNS RIVER WATER MGMT	386-329-4500	500,392	0.1793	0	500,392	89.72
FL INLAND NAVIGATION DISTRICT	561-627-3386	500,392	0.0288	0	500,392	14.41
TOTAL MILLAGE		14.2704				
TOTAL AD VALOREM TAXES						\$7,274.36

NON-AD VALOREM ASSESSMENTS			
LEVYING AUTHORITY	TELEPHONE	RATE	AMOUNT
			TOTAL NON-AD VALOREM TAXES
			\$0.00

TOTAL COMBINED TAXES AND ASSESSMENTS		\$7,274.36
If Paid By	Nov 30, 2023	
Please Pay	\$6,983.39	

RETAIN FOR YOUR RECORDS

Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

ACCOUNT NUMBER	ALT KEY
0812310650000D00050	77791
PROPERTY ADDRESS	
5845 STATE HWY 100 E PALM COAST 32164	

BJ'S WHOLESALE CLUB, INC
350 CAMPUS AVENUE
MARLBOROUGH, MA 01752

Make checks payable to:
Suzanne Johnston
Flagler County Tax Collector
PO Box 846 Bunnell, FL 32110
386-313-4160

Pay online at www.Flaglertax.com

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT
If Paid By Nov 30, 2023 <input type="checkbox"/> \$6,983.39
If Paid By <input type="checkbox"/>
If Paid By <input type="checkbox"/>
If Paid By <input type="checkbox"/>
If Paid By <input type="checkbox"/>

RETURN WITH PAYMENT

DO NOT FOLD, STAPLE, OR MUTILATE

Paid BJS WHOLESALE CLUB, INC. 11/17/2023 Receipt # INT-23-00030206 Echeck \$6,983.39



SUZANNE JOHNSTON Flagler County Tax Collector

Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

TAX YEAR	ACCOUNT NUMBER	ALT KEY	MILLAGE CODE	ESCROW CODE
2023	0812310650000D00051	2005085	001	

SEMINOLE WOODS INVESTMENTS, LLC
457 MONTREAL AVE
MELBOURNE, FL 32935

5845 STATE HWY 100 E
PALM COAST 32164

3.69 ACRES BUNNELL DEV CO SUB PART
OF TRACT 5 BLOCK D OR 272 PG 498 OR
285 PG 111, 112 OR 401 PG 948 (CQC) OR
401 PG 949 OR 442 PG 558 OR 914 PG 84 OR
See Additional Legal on Tax Roll

Flagler County Suzanne Johnston
Paid By Matthew Development
01/03/2024 \$7,505.69
Receipt # INT-23-00058561

AD VALOREM TAXES						
TAXING AUTHORITY	TELEPHONE	ASSESSED VALUE	MILLAGE RATE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED
FLAGLER COUNTY						
GENERAL FUND	386-313-4008	542,229	7.9297	0	542,229	4,299.71
ESL	386-313-4008	542,229	0.1250	0	542,229	67.78
2015 G O BONDS	386-313-4008	542,229	0.1546	0	542,229	83.83
2009/2016 ESL BONDS	386-313-4008	542,229	0.1250	0	542,229	67.78
FLAGLER COUNTY SCHOOL BOARD						
GENERAL FUND	386-437-7526	542,229	3.1550	0	542,229	1,710.73
DISCRETIONARY	386-437-7526	542,229	0.7480	0	542,229	405.59
CAP. OUTLAY	386-437-7526	542,229	1.5000	0	542,229	813.34
EAST FLAGLER MOSQUITO CTRL	386-437-0002	542,229	0.3250	0	542,229	176.22
ST. JOHNS RIVER WATER MGMT	386-329-4500	542,229	0.1793	0	542,229	97.22
FL INLAND NAVIGATION DISTRICT	561-627-3386	542,229	0.0288	0	542,229	15.62
TOTAL MILLAGE		14.2704	TOTAL AD VALOREM TAXES			\$7,737.82

NON-AD VALOREM ASSESSMENTS			
LEVYING AUTHORITY	TELEPHONE	RATE	AMOUNT
			TOTAL NON-AD VALOREM TAXES
			\$0.00

TOTAL COMBINED TAXES AND ASSESSMENTS			
			\$7,737.82
If Paid By	Jan 31, 2024		
Please Pay	\$7,505.69		

RETAIN FOR YOUR RECORDS
Notice of Ad Valorem Tax and Non-Ad Valorem Assessments
2023 Paid Real Estate

ACCOUNT NUMBER	ALT KEY
0812310650000D00051	2005085
PROPERTY ADDRESS	
5845 STATE HWY 100 E PALM COAST 32164	

SEMINOLE WOODS INVESTMENTS, LLC
457 MONTREAL AVE
MELBOURNE, FL 32935

Make checks payable to:
Suzanne Johnston
Flagler County Tax Collector
PO Box 846 Bunnell, FL 32110
386-313-4160

Pay online at www.Flaglertax.com

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT	
If Paid By Jan 31, 2024	<input type="checkbox"/> \$7,505.69
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>
If Paid By	<input type="checkbox"/>

RETURN WITH PAYMENT

DO NOT FOLD, STAPLE, OR MUTILATE

Paid

Matthew Development

01/03/2024

Receipt #

INT-23-00058561

Echeck

\$7,505.69



DESCRIPTION OF WORK	SCHEDULED VALUE	COMMON PORTION PERCENTAGE	VALUE OF COMMON INFRASTRUCTURE
LANDSCAPING AND IRRIGATION AND FENCING			Category Avg. 55%
MHW LANDSCAPING AND IRRIGATION AND FENCING	\$ 317,298.00	10%	\$ 31,729.80
SOD (RETENTION POND ONLY)	\$ 42,174.00	100%	\$ 42,174.00
STORMWATER			Category Avg. 70%
STORM WATER 18" N12 ASTM 0-6	\$ 39,858.56	25%	\$ 9,964.64
STORM WATER 18" N12 ASTM 6-8	\$ 48,970.80	23%	\$ 11,263.28
STORM WATER 24" N12 ASTM 0-6	\$ 5,927.60	25%	\$ 1,481.90
STORM WATER 24" N12 ASTM 6-8	\$ 41,740.00	100%	\$ 41,740.00
STORM WATER 24" N12 ASTM 8-10	\$ 29,691.00	100%	\$ 29,691.00
STORM WATER 36" N12 ASTM 6-8	\$ 74,634.88	83%	\$ 61,946.95
STORM WATER 36" N12 ASTM 8-10	\$ 76,480.00	60%	\$ 45,888.00
STORM WATER 42" N12 ASTM 0-6	\$ 23,424.00	100%	\$ 23,424.00
STORM WATER 42" N12 ASTM 8-10	\$ 28,731.45	100%	\$ 28,731.45
STORM WATER MANHOLE 6-8	\$ 9,092.18	100%	\$ 9,092.18
STORM WATER MANHOLE 8-10	\$ 10,823.93	100%	\$ 10,823.93
STORM WATER TYPE 0-6	\$ 84,432.92	20%	\$ 16,886.58
STORM WATER TYPE 6-8	\$ 56,637.06	50%	\$ 28,318.53
STORM WATER 42" MES	\$ 1,920.05	100%	\$ 1,920.05
PAVING AND CURBING			Category Avg. 29%
1.5" SP 9.5 ASPHALT (ONSITE)	\$ 305,009.25	4%	\$ 12,200.37
2" SP 12.5 ASPHALT (ONSITE)	\$ 217,200.20	47%	\$ 102,084.09
8" LIMEROCK (ONSITE)	\$ 283,974.38	47%	\$ 133,467.96
6" LIMEROCK (ONSITE)	\$ 376,921.10	4%	\$ 15,076.84
12" STABILIZED SUBGRADE (ONSITE)	\$ 513,769.32	51%	\$ 262,022.35
CONCRETE "D" CURB	\$ 90,069.40	10%	\$ 9,006.94
CONCRETE "F" CURB	\$ 167,231.73	58%	\$ 96,994.40
STRIPING, SIGNAGE (& SIGN BOLLARDS), & CAR STOPS	\$ 117,090.79	10%	\$ 11,709.08
C.I.P. CONCRETE			Category Avg. 53%
CONCRETE CURB RAMPS & ADA MATS	\$ 7,581.00	20%	\$ 1,516.20
OVERFLOW WEIRS	\$ 5,700.00	100%	\$ 5,700.00
CONCRETE SIDEWALKS ONSITE	\$ 17,227.24	40%	\$ 6,890.90
		Total Construction Cost	TOTAL COMMON INFRASTRUCTURE COST
Totals:		\$ 2,993,610.84	\$ 1,051,745.44
		Mean Common Area Percentage	
		45.74%	

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,
The Alann Engineering Group, Inc.



Kimberly A. Buck, P.E.
President
License #38565

Bond No. RCB0054113

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we Seminole Woods Investments, LLC, hereinafter called PRINCIPAL, and Contractors Bonding and Insurance Company, as surety company authorized to do business in the State of Florida, hereinafter referred to as SURETY, are held and firmly bound unto Flagler County, a political subdivision of the State of Florida, hereinafter called COUNTY, in the penal sum of \$105,174.54 to which payment will truly be made, we bind ourselves and assigns, jointly and severally, firmly by these presents:

WHEREAS, the said Principal has guaranteed to the Surety the maintenance of certain obligations and improvements identified by the Plat, Development Plans, Engineer's Estimate of Construction Costs and Land Development Permit No. 2023040090 related to Cornerstone at Seminole Woods (subdivision name); and

WHEREAS, said Principal has completed construction of certain improvements identified by the Plat, Development Plans, Engineer's Estimate of Construction Costs and Land Development Permit; and

WHEREAS, County regulations require that the Principal will furnish a bond conditioned to guarantee for a period of two (2) years from the date of plat recordation and after approval of the construction on said job against all defects in workmanship and materials which may become apparent or exist during said period.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the Principal shall guarantee that work will be free of any defective materials or workmanship which became apparent or exists during the period of two (2) years following acceptance of all improvements identified by the Plat, Development Plans, Engineer's Estimate of Construction Costs and Land Development Permit No. 2023040090 related to Cornerstone at Seminole Woods (subdivision name)

then this obligation shall be void when approved by Flagler County Board of County Commissioners, otherwise to remain in full force and effect.

Principal shall guarantee, indemnify and save harmless and defend COUNTY, its agents, servants and employees from and against any claim, demand or cause of action of whatsoever kind or nature arising out of error, omission defect in materials and/or workmanship or negligent act of its agents, servants or employees in the performance of said obligations and improvements referenced herein.


Principal further agrees to guarantee, indemnify, save harmless and defend COUNTY, its agents, servants and employees from and against any claim, demand or cause of action of whatever kind or nature arising out of any conduct or misconduct of the Principal not included above and for which the COUNTY, its agents, servants or employees are alleged to be liable.

The exclusive jurisdiction and venue for resolving all issues relating to this Bond shall be the Circuit Court of Flagler County, Florida.

IN WITNESS WHEREOF, the PRINCIPAL and SURETY has executed the presents this
12th day of July, 2024.

Seminole Woods Investments, LLC
DEVELOPER

PRINCIPAL

BY:  DATE: 7/12/24

Matthew T. Williams
(typed name) - (title)

WITNESS:

(signature)

Brandon Wolff
(typed name)

ATTACHMENT

BONDING COMPANY CERTIFICATE

SUBMIT DRAFT BOND DOCUMENT FOR COUNTY REVIEW
PRIOR TO FINALIZING BOND

(SURETY SIGNATURE BLOCK)

Contractors Bonding and Insurance Company _____, SURETY
(name of surety company)

WITNESS: 

John S. Rabe

BY: 
Signature

John P. Fallace

(typed name) Its attorney-in-fact

ADDRESS:
150 Coconut Drive, Ste 201

Indianalantic, FL 32903

(Power of Attorney for Surety must be attached)

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

John P. Fallace

in the City of Indialantic, State of Florida its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 22nd day of December, 2017.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: B. W. Davis
Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

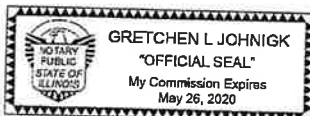
CERTIFICATE

On this 22nd day of December, 2017, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 12th day of JULY, 2021.

By: Gretchen L. Johnigk
Gretchen L. Johnigk Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company
By: Jean M. Stephenson
Jean M. Stephenson Corporate Secretary





GEORGE F YOUNG



352.378.1444



info@georgefyoung.com



www.georgefyoung.com

2/5/24

Mathew Development

Re: Cornerstone at Seminole Woods, Plat Review

I have reviewed the preliminary record plat of Cornerstone at Seminole Woods for conformance to the 2021 Florida Statutes, Chapter 177, Part 1, Platting as well as Flagler County Code of Ordinances-Land Development Code-Article IV-4.05.03 Final Plat review and find it to be in conformance with 177.091 and 4.05.03

GEORGE F. YOUNG, INC.

Nathan Weber

Vice President-Gainesville Survey. PSM 7115



Digitally signed by Nathan Weber
DN: cn=Nathan Weber, c=US,
o=Florida,
email=nweber@georgefyoung.com
Date: 2024.02.05 10:21:20 -0500'

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 19, 2022

REGULAR MEETING

Present: Chair Joe Mullins, Vice Chair Gregory Hansen, Commissioners Andy Dance, Donald O'Brien and David Sullivan, County Administrator Heidi Petito, County Attorney Al Hadeed and Deputy Clerk Deb Jenkins

Chair Mullins called the meeting to order at approximately 5:00 p.m. in the Board Chambers of the Government Services Building in Bunnell, Florida.

ITEM 1 - PLEDGE TO THE FLAG AND MOMENT OF SILENCE

Chair Mullins asked a veteran in the audience to lead the Pledge to the Flag and requested a moment of silence.

ITEM 2 - ADDITIONS, DELETIONS, AND MODIFICATIONS

Chair Mullins announced a modification to Item 8b with a second attachment added and the deletion of Item 9e due to applicant withdrawing.

Commissioner Hansen requested the Beach Management Funding Study, from Item 8b at the September 7 meeting, be added to the agenda for a vote because he would like to make motion to approve Task #2 – Beach Management Funding Study for \$51,256. Commented had met with Ms. Alkhatib and Olsen Engineering and they agreed to hold workshop with the BCC.

A motion was made by Commissioner Hansen to add to the agenda as Item 8d – Beach Management Funding Study at the cost of \$51,260. Seconded by Commissioner Sullivan.

Chair Mullins called the question. Motion carried unanimously.

ITEM 3 - ANNOUNCEMENTS BY THE CHAIR

Chair Mullins announced the following:

- Flagler County Pro Rodeo – September 23-25, 2022, at the Flagler County Fairgrounds; for information visit www.freshtickets.com
- 17th Annual Creekside Music Festival – October 8-9, 2022, at the Princess Place Preserve; for information visit www.Flaglerbroadcasting.com
- Flagler County soliciting registered voters residing in Flagler County for various citizen volunteer boards and councils

- Upcoming meetings:
 - Regular Meeting – Monday, October 3, 2022, at 9:00 a.m. in the Board Chambers

Chair Mullins announced he was now opening Item 9a - Second and Final Budget Hearing, which was to be heard at time certain at 5:01 p.m.

September 19, 2022
Regular Meeting

ITEM 9F – QUASI-JUDICIAL – APPLICATION #3316 – REQUEST FOR APPROVAL OF A PRELIMINARY PLAT FOR CORNERSTONE AT SEMINOLE WOODS; PARCEL NUMBERS: 08-12-31-0650-000B0-0071 SEPTEMBER 19, 2022, REGULAR MEETING - 5:00 P.M. PAGE 5 OF 5 AND 08-12-31-0650-000D0-0050; 31.453+/- ACRES. OWNERS: FLAGLER PINES PROPERTIES, LLC AND FLAGLER AIRPORT INDUSTRIAL, LLC; AGENT: SEMINOLE WOODS INVESTMENTS, LLC (PROJECT #2022060036)

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9F**

SUBJECT: QUASI-JUDICIAL – Application #3316 – Request for Approval of a Preliminary Plat for Cornerstone at Seminole Woods; Parcel Numbers: 08-12-31-0650-000B0-0071 and 08-12-31-0650-000D0-0050; 31.453+/- acres. Owners: Flagler Pines Properties, LLC and Flagler Airport Industrial, LLC; Agent: Seminole Woods Investments, LLC (Project #2022060036).

DATE OF MEETING: September 19, 2022

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcels lie South of Highway 100 (a/k/a Moody Boulevard), West of Seminole Woods Boulevard, and North of the Flagler Executive Airport:

Property Appraiser Aerial



The agent on behalf of the owner submitted a preliminary plat application and supporting documents to the County dated June 22, 2022. Through the submittal, the applicant is seeking approval of a preliminary plat for a commercial development consisting of a retail big box anchor with five outparcels.

(Item 9f – continued)

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9F**

The application for approval of the preliminary plat was discussed by the Technical Review Committee on July 20, 2022 and August 17, 2022. A few Scrivener's errors remain on the plat but for the most part the TRC comments have been addressed. The Planning and Development Board considered this request at its September 13, 2022 regular meeting and unanimously recommended approval of the request.

BCC review authority: Section 4.05.02, LDC, requires that the Board of County Commissioners review and approve, approve with conditions, or disapprove preliminary plats following consideration of the Planning and Development Board's recommendations and the factual data presented during the public hearing in support of the request.

DEPARTMENT CONTACT: Growth Management, Adam Mengel (386) 313-4065

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC.

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

1. Approve the preliminary plat and construction plans for the Cornerstone at Seminole Woods subdivision, finding that the proposed preliminary plat is consistent with the Comprehensive Plan and Land Development Code, and subject to:
 - a. correction of Scrivener's errors on the preliminary plat prior to final plat approval;
 - b. no construction to commence prior to issuance of a County land development permit;
 - c. no final plat approval to occur until extension of potable water and sanitary sewer is installed and approved by the City of Palm Coast as the utility provider; and
 - d. any subdivision improvements not completed by the developer to be bonded or other surety provided consistent with the requirements of the Land Development Code.
2. Deny the preliminary plat and construction plans for the Cornerstone at Seminole Woods subdivision, finding that the proposed preliminary plat is not consistent with the Comprehensive Plan and the Land Development Code.
3. Continue the preliminary plat and construction plans for the Cornerstone at Seminole Woods subdivision to a time and date certain.

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Proposed Preliminary Plat
3. Application and supporting documents
4. TRC review comments dated July 20, 2022 and August 17, 2022
5. Applicant's response to TRC comments
6. Public Notice
7. Construction plans (available at Growth Management Department for review)
8. Stormwater calculations (available at Growth Management Department for review)

September 19, 2022
Regular Meeting

(Item 9f – continued)

Vice Chair Hansen asked for ex parte disclosures.

Commissioner Dance disclosed he conversed with Michael Chiumento regarding traffic issues before the meeting.

Adam Mengel, Growth Management Director, gave the presentation *(on file in the Clerk's Office.)*

Mark Hudgins, Matthew Development, stated was present to answer any questions.

Commissioner Dance disclosed he had been conversing with the Palm Coast Traffic Engineer by email and although he did have input of the methodology of the traffic study, he had not received the traffic study or offered input on the traffic study. Stated the biggest quality of life issue on this was the traffic impacts on SR 100. Favored having input from the City of Palm Coast on the traffic study and to table this item to the first meeting in October.

Mr. Hudgins replied, plans and everything was submitted to the City of Palm Coast, but internally they might not have circulated to Mr. Grunewald specifically. Noted this was an FDOT road and it was the leading jurisdiction on the traffic signal and the traffic study.

Commissioner Sullivan commented while this was mostly a good thing for the county, he was concerned about the access because the intersection at Seminole and SR 100 was horrible.

There was further discussion regarding access points.

Vice Chair Hansen opened public comment. There was none.

A motion was made by Commissioner Mullins to approve Application #3316 – Request for Approval of a Preliminary Plat for Cornerstone at Seminole Woods; Parcel Numbers: 08-12-31-0650-000B0-0071 and 08-12-31-0650-000D0-0050; 31.453+/- acres. Seconded by Commissioner Sullivan.

Vice Chair Hansen called the question. Motion carried 4 to 1 with Commissioner Dance dissenting.

September 19, 2022
Regular Meeting

ITEM 9G - QUASI-JUDICIAL - APPLICATION #3319 - REQUEST FOR FLEXIBILITY IN THE ADMINISTRATION OF PARKING REQUIREMENTS FOR CORNERSTONE AT SEMINOLE WOODS; PARCEL NUMBERS: 08-12-31-0650-000B0-0071 AND 08-12-31-0650-000D0-0050; 31.453+/- ACRES. OWNERS: FLAGLER PINES PROPERTIES, LLC AND FLAGLER AIRPORT INDUSTRIAL, LLC; AGENT: SEMINOLEWOODS INVESTMENTS, LLC (PROJECT #2022060039)

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9G**

SUBJECT: QUASI-JUDICIAL - Application #3319 - Request for Flexibility in the Administration of Parking Requirements for Cornerstone at Seminole Woods; Parcel Numbers: 08-12-31-0650-000B0-0071 and 08-12-31-0650-000D0-0050; 31.453+/- acres. Owners: Flagler Pines Properties, LLC and Flagler Airport Industrial, LLC; Agent: Seminole Woods Investments, LLC (Project #2022060039).

DATE OF MEETING: September 19, 2022

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcels lie South of Highway 100 (a/k/a Moody Boulevard), West of Seminole Woods Boulevard, and North of the Flagler Executive Airport:

Property Appraiser Aerial



The agent on behalf of the owner submitted a variance application and supporting documents to the County dated June 15, 2022. Through the submittal, the applicant is seeking approval of a reduction in the required minimum number of off-street parking spaces for development of the B.J.'s Wholesale Club. The application recognizes the County's requirement - one space for every 200 square feet of gross floor area per LDC

(Item 9g – continued)

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM #9G**

Section 3.06.04.A.10 – as generating 515 spaces. In light of the pending annexation into the City of Palm Coast, the application states that 420 spaces will be required based on the City's requirement of one space per 250 square feet per the City's Table 5-3, Parking Ratios, as found at the City of Palm Coast LDC Section 5.04.02.A.1.

Based on a 103,005 square foot building area, the minimum required parking would be 515 spaces in the County as compared to 412 parking spaces in the City.

The application for flexibility in the administration of parking was discussed by the Technical Review Committee on July 20, 2022 and August 17, 2022. The Planning and Development Board considered this request at its September 13, 2022 regular meeting and unanimously recommended approval of the request.

BCC review authority: LDC Section 3.06.04.D.1. calls for Board of County Commissioners consideration of deviations in parking requirements following the review and recommendation of the Planning and Development Board.

DEPARTMENT CONTACT: Growth Management, Adam Mengel (386) 313-4065

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

1. Approve the request for flexibility in administration of parking requirements, reducing the minimum required number of off-street parking spaces from 515 off-street parking spaces to 420 off-street parking spaces, finding that the 515 spaces would exceed the need of the proposed wholesale club use, would generate additional unnecessary hardscape, and would exceed the City of Palm Coast minimum off-street parking requirement, and requiring that no outparcel utilize the wholesale club's parking lot for its use and requiring that no wholesale club parking space is utilized for sales or display purposes.
2. Deny the request for flexibility in administration of parking requirements, finding that the flexibility is not warranted.
3. Continue the request for flexibility in administration of parking requirements to a time and date certain.

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Plan set (in part)
3. Application and supporting documents
4. TRC review comments dated July 20, 2022 and August 17, 2022
5. Applicant's response to TRC comments
6. Construction plans (available at the Growth Management Department for review)

(Item 9g – continued)

Vice Chair Hansen asked for ex parte disclosures. There was none

Adam Mengel, Growth Management Director, gave the presentation (*on file in the Clerk's Office*).

Vice Chair Hansen opened public comments. There was none.

A motion was made by Commissioner Mullins to approve Application #3319 – Request for Flexibility in Administration of Parking Requirements for Cornerstone at Seminole Woods; Parcel Numbers: 08-12-31-0650-000B0-0071 and 08-12-31-0650-000D0-0050; 31.453+/- acres with the proviso that the parking lot is not used for sales, as proposed by the Staff. Seconded by Commissioner O'Brien.

Vice Chair Hansen called the question. Motion carried unanimously.

Vice Chair Hansen returned the gavel to Chair Mullins at 7:41 p.m.

REPORTS AND COMMENTS

ITEM 10A – COUNTY ADMINISTRATOR REPORT/COMMENTS

County Administrator Petito reported the following:

- Reported a Pre-Bid Meeting for the Residential Solid Waste Contract was held last week, and fourteen plan holders were looking to bid with submittals due at the end of September; the County still had the option to piggyback off Palm Coast's contract
- Would attend the Chamber luncheon on Thursday where the focus was on Flagler County Schools
- Would be meeting with City of Palm Coast Friday, September 23 to discuss future budget planning strategies and look for ways to continue partnering
- Meeting scheduled for Tuesday, September 27 with City of Palm Coast and the Chamber to discuss teaming up with Jax USA to discuss a regional strategic plan for economic development
- Meeting with the Palm Coast City Manager next Tuesday to discuss potentially expanding interlocal opportunities, specifically for using its traffic engineer and landscape architect
- Working with the cities to present a collaborative legislative agenda so they could be a unified voice when meeting with the Legislative Delegation
- Next Wednesday marked the final class with the Northeast Florida Regional Academy but would not attend the graduation ceremony on October 3 as it conflicted with the BCC meeting

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9a**

SUBJECT: LEGISLATIVE – First Reading of an Ordinance Amending the Land Development Code related to Tree Regulations

DATE OF MEETING: July 15, 2024

OVERVIEW/SUMMARY: This request is legislative in nature (not quasi-judicial) and does not require disclosure of ex parte communication. This request is for approval on first reading of an ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING APPENDIX C, LAND DEVELOPMENT CODE, OF THE FLAGLER COUNTY CODE OF ORDINANCES; AMENDING LAND DEVELOPMENT CODE SECTION 4.05.01, SKETCH PLAT REVIEW; AMENDING LAND DEVELOPMENT CODE SECTION 5.01.04, LANDSCAPE DEVELOPMENT STANDARDS; AMENDING LAND DEVELOPMENT CODE SECTION 5.01.09, FLAGLER COUNTY SHADE TREES; AMENDING LAND DEVELOPMENT CODE SECTIONS 6.01.00 THROUGH 6.01.05 RELATED TO INDEX TREE REMOVAL AND PROTECTION; CREATING LAND DEVELOPMENT CODE SECTION 6.01.09, TREE BANK FUND ESTABLISHED; CREATING LAND DEVELOPMENT CODE SECTION 6.01.10, VARIANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed revisions seek to close the gap that presently exists when a subdivision or non-residential site plan (other than a Planned Unit Development) moves beyond its initial approvals to its actual development. As presently written, the Land Development Code (LDC) does not incentivize (or disincentivize) a developer from a layout of its development that takes into account the natural features of the parcel, especially its mature tree canopy. Among other things, these amendments require that a tree survey be completed early in the development review process, at the sketch plat and preliminary plat phases, and that an affidavit be submitted prior to final plat approval that all required tree replacements have occurred according to approved plans. Index trees will be referred to instead as protected trees, and protected trees will also include specimen trees (18 inches or greater diameter) and historic trees (36 inches or greater diameter). Trees within or immediately adjacent to a proposed single-family dwelling footprint will be exempt from the tree replacement requirements, and tree retention/replacement requirements will increase from 40% of pre-development inches to 50% (and from 35% from multi-family and 20% for non-residential, both increasing to 70%). Within the Scenic A1A Corridor, the single-family requirement increases from 40% to 50%, while the nonresidential and multi-family requirement increases from 50% to 70%. In lieu of replanting trees on a parcel, these amendments also provide for an option for payment into a tree bank fund, with the tree fund used for the planting of trees on public lands or alternatively for the fee (or less than fee) acquisition of lands which include mature tree canopy. Finally, the provision for a variance has been added to this Article, matching other Articles in the LDC.

The Planning and Development Board will review this amendment at its July 9, 2024 regular meeting (after publication of this County Commission agenda), and staff will advise the County Commission of the Planning Board's recommendation as part of staff's presentation of this item.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING/AGENDA ITEM #9a**

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

PUBLIC NOTICE: Public notice as required by Sec. 125.66, Florida Statutes, has been provided for this request.

STRATEGIC PLAN:

Focus Area: Growth and Infrastructure

- Goal 1 – Provide Quality Fundamental Infrastructure and Assets
 - Objective GI 1.1: Ensure public safety through continuous planning for future needs and adequate evacuation capacity.

FUNDING INFORMATION: No County funds are associated with this agenda item; however, if approved, this ordinance will establish a tree bank fund that will create a funding source for providing trees on public lands.

DEPARTMENT CONTACT: Adam Mengel, Growth Management Director, (386) 313-4065

OPTIONS FOR THE BOARD: The Board of County Commissioners may:

APPROVE the draft ordinance amending the Land Development Code on first reading, with second reading and adoption to take place on August 5, 2024 at 9:30 a.m. or as soon thereafter as possible.

DENY the draft ordinance amending the Land Development Code on first reading, retaining the current text of the Land Development Code.

CONTINUE the request to approve the draft ordinance on first reading, likely based on a request for additional information or review which cannot be achieved prior to the second reading on August 5, 2024.

It should be noted that the Board can direct staff to make changes to the draft ordinance at first reading – and have these changes brought forward for review by the Board at second reading – so long as the Board’s requested changes do not include sections of the Land Development Code which had not been previously noticed for amendment through this draft ordinance.

ATTACHMENTS:

1. Draft Ordinance
2. Public Notice

ORDINANCE NO. 2024 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING APPENDIX C, LAND DEVELOPMENT CODE, OF THE FLAGLER COUNTY CODE OF ORDINANCES; AMENDING LAND DEVELOPMENT CODE SECTION 4.05.01, SKETCH PLAT REVIEW; AMENDING LAND DEVELOPMENT CODE SECTION 5.01.04, LANDSCAPE DEVELOPMENT STANDARDS; AMENDING LAND DEVELOPMENT CODE SECTION 5.01.09, FLAGLER COUNTY SHADE TREES; AMENDING LAND DEVELOPMENT CODE SECTIONS 6.01.00 THROUGH 6.01.05 RELATED TO INDEX TREE REMOVAL AND PROTECTION; CREATING LAND DEVELOPMENT CODE SECTION 6.01.09, TREE BANK FUND ESTABLISHED; CREATING LAND DEVELOPMENT CODE SECTION 6.01.10, VARIANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, with the exception of Section 163.045, Florida Statutes, the State of Florida has left the regulation of trees within a community to the respective counties and municipalities; and

WHEREAS, the scope of the preemption included in Section 163.045, Florida Statutes, is limited to tree pruning, trimming, and removal on residential properties; and

WHEREAS, the amendment of the Flagler County Land Development Code provided herein is consistent with Section 163.045, Florida Statutes; and

WHEREAS, the Planning and Development Board recommended approval of this ordinance at its July 9, 2024 regular meeting; and

WHEREAS, the Board of County Commissioners approved this ordinance on first reading at its July 15, 2024 regular meeting; and

WHEREAS, the Board of County Commissioners adopted this ordinance on second and final reading at its August 5, 2024 regular meeting; and

WHEREAS, public notice has been provided in accordance with Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. RECITALS.

A. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

Section 2. CODE AMENDMENT.

The Flagler County Land Development Code (Appendix C to the Code of Ordinances) is hereby amended as follows (deleted text in strikethrough format, added text in double-underline format, text within brackets is for reference only and is not to be codified):

A. Section 4.05.01, *Sketch plat review*, in Article IV, *Subdivision Regulations*, of Appendix C, *Land Development Code*, is amended to read as:

4.05.01. - Sketch plat review.

The intent of this review is to give the developer an optional procedure to introduce a proposed subdivision to the technical review committee (TRC) for the purpose of familiarizing the developer with a broad range of TRC considerations prior to the preparation of detailed plan documents. These considerations include, but are not limited to, such items as the comprehensive plan, county development policies and regulations, other development in the vicinity of the proposed subdivision, soil types, area drainage patterns, floodplain and flood-prone areas, and the capability of the land to support the proposed development. One purpose of this procedure is to provide the applicant with staff comments concerning flood-prone areas in the proposed subdivision and to provide staff recommendations concerning those flood-prone areas and the level of development considered to be acceptable by the TRC.

The developer may also request comments on the sketch plat by both the planning board and county commission. Sketch plat review can also be reviewed as a part of a rezoning and/or future land use map amendment.

A. *Procedures.*

1. An application for sketch plat review shall be filed and processed through development services. The proper fee and exhibits shall be

submitted in sufficient copies, as determined by development services, to meet the requirements of the TRC.

2. A developer may elect to omit the sketch plat review and proceed directly to preliminary plat.

B. *Required Submittals.* Sketch plat shall be drawn at a scale no smaller than one (1) inch equals two hundred (200) feet and shall illustrate clearly:

1. Vicinity map at a scale no smaller than one (1) inch equals two thousand (2,000) feet with sufficient information to locate the property in the field.

2. Total area of proposed subdivision.

3. Article VI, Resource Protection Standards, states "A developer should apply the provisions of this regulation (Article 6) to a proposed development site before any other development design work is done. Application of the provisions of this regulation will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed." The following natural resources and site features shall be identified in the Sketch Plat plan and demonstrate avoidance and minimization of impacts:

a. FEMA flood zone designation(s), base flood elevations, and floodway limits.

b4. Water bodies or courses. Indicate mean or seasonal high water line.

c5. Wetland areas approximating jurisdictional boundaries.

d6. The soil types and boundaries, based on the Soil Survey of Flagler County, shall be delineated on the plan.

e7. A tree survey as defined in article VI, Resource Protection Standards and described in Section 6.01.02(1)A. Graphically depict on the plan predominant vegetative plant communities and identify types by common name and location.

f. Identify known historic and archaeological sites by reference to the Florida Master Site File as maintained by the State of Florida.

48. Parcel number(s) according to the Flagler County Property Appraiser's Office.

59. Topography of the site at not more than five-foot contour interval based on NGVD.

640. Proposed layout of street system, lot patterns, conceptual drainage systems, approximate subdivision boundaries, and existing zoning on the subject property and adjacent/surrounding properties.

- 744. Areas that may be reserved for parks or recreation sites, conservation easements, or natural open space areas.
- 842. Streets adjacent to the tract, including rights-of-way and pavement widths, and driveways on both sides of adjacent streets within three hundred (300) feet of proposed development.
- 943. Lots and blocks of adjacent recorded plats, giving plat book and page number along with names of such plats and identify owners of non-platted parcels.
- 1044. Proposed location of water and wastewater facilities.
- 1145. All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, pipeline, utility, conservation or other recorded easements.
- 1246. The legal description of the property proposed for platting.
- ~~17. Identify known historic and archaeological sites by reference to the Florida Master Site File as maintained by the State of Florida.~~
- 1348. Any other appropriate information thought necessary by the prospective applicant or development services director to make a schematic presentation.

- C. *TRC Review.* The TRC shall review the application and informally discuss with the applicant any steps necessary to bring the application into compliance with the requirements of applicable regulations. It is suggested the applicant request a pre-application meeting to discuss the proposed project.

The recommendations of the TRC shall be furnished to the applicant for use in proceeding to the next step in the platting process.

- B. Section 4.05.02, *Preliminary plat and construction plan review*, in Article IV, *Subdivision Regulations*, of Appendix C, *Land Development Code*, is amended to read as:

4.05.02. - Preliminary plat and construction plan review.

An application for preliminary plat and construction plan review, the proper fee, and sufficient copies of the exhibits, as determined by development services, shall be filed with development services. Exhibits shall include:

- A. *General Information.*
 - 1. All plans shall be submitted on twenty-four (24) inch x thirty-six (36) inch sheet sizes or as otherwise approved by development services.
 - a. Construction plans shall be submitted in a format and scale approved by development services.

- b. A preliminary plat shall be submitted in the same format as required for final plats by Florida Statutes Ch. 177, and by the applicable provisions of this ordinance.
 2. A survey of the subject property prepared by a professional surveyor containing the legal description of the subject property and the surveyor's certificate of accuracy.
 3. Name of subdivision, name, address, telephone number of the subdivider, professional engineer and professional surveyor.
 4. Date of survey, north point and graphic and numeric scale.
 5. Total area in tract, area in public or other land usage, total number of lots, linear feet of streets.
 6. Names and location of adjoining subdivisions and streets.
 7. Other supplemental materials or any deed restrictions or protective covenants for the subdivision and any other information considered by either the applicant or the TRC to be pertinent.
 8. A dedication of such streets, easements, common areas or public places is necessary for development. Such dedication shall be in the same manner as deeds conveying lands are required to be executed for recordation.
 9. A tree survey as defined in article VI, Resource Protection Standards and described in 6.01.02(1)A.
- B. *Existing Site Data.*
1. City limits (if any), property lines, rights-of-way, pavement width, easements, streets, driveways, railroads, known utilities, storm sewers, ditches and culverts, bridges, buildings, bulkhead and bulkhead lines.
 2. Wooded, wetland, and FEMA Special Flood Area, including their identification, marshes, watercourses, ponds, and other similar conditions affecting the site.
 3. Topography survey of the site at not more than a two-foot contour interval based on NGVD data furnished by a professional surveyor.
 4. Soil borings within drainage retention area(s).
- C. *Proposed Site Data and Construction Details.*
1. Street rights-of-way, pavement widths, gradient and elevations, street names, profiles and cross-sections of roadway and other appropriate cross-sections pursuant to requirements shown in the public works manual.
 2. Other rights-of-way or easements, including locations, dimensions and purposes.
 3. Plans for all underground utilities, including but not limited to sanitary sewers; storm sewers; water lines; and other supporting utility corridors, or proposals for developing new water supply; storm drainage; and sewage disposal systems; storm and sanitary

- sewer profiles; and cross-sections; and inverts and top elevations of structures, pursuant to requirements in the public works manual.
- 4. Grade changes, dikes or any created water bodies or changed watercourses.
- 5. Bulkheads and bridges; engineering plans, and cross-sections.
- 6. Street center line dimensions, scalar block and lot layouts, lot and block numbers.
- 7. Areas to be used for purposes other than residential and public; and their purposes, location and dimensions of each indicated parcel.
- 8. Information on essential and available utility services, including water, sewer, electric or gas, including a letter of availability from the provider.

D. *Developer's Option to Commence Construction.* The developer may elect to commence construction of the subdivision after the preliminary plat has been approved by the county commission and may at the same time apply for a final plat approval.

E. *Development Permits Required Prior to Commencement of Construction.* If the developer elects to commence construction prior to, or concurrently with, final plat approval, he/she shall notify development services of that intention. Development services shall then issue a development permit authorizing the commencement of construction pursuant to the approved construction plans, provided all other permits from federal, state or regional agencies have been issued.

C. Section 4.05.03, *Final plat review*, in Article IV, *Subdivision Regulations*, of Appendix C, *Land Development Code*, is amended to read as:

4.05.03. - Final plat review.

No improvements, including streets, shall be accepted by the county unless and until the final plat has been approved by the county commission, and has been duly recorded by the Clerk of the Circuit Court, Flagler County, Florida (clerk). The clerk shall record only those final plats which have been submitted for recording by development services.

A. *Procedures.*

- 1. An application for a final plat shall be filed with development services.
- 2. The developer shall submit an appropriate number of paper reproductions, as determined by development services.
- 3. The final plat shall be prepared by a professional land surveyor at a scale of one (1) inch equals one hundred (100) feet, or such other scale approved by the county. All final plats shall be prepared on standard sheet sizes as required by Florida Statutes Ch. 177, as

amended, and shall be twenty-four (24) inches by thirty-six (36) inches, including a three-inch binding margin on the left side and a one-inch margin on the other three (3) sides. To ensure legibility, all lettering upon the plat shall be a minimum height of ten (10) point font.

B. *Required Submittals.*

1. The following information shall be shown on the submittals:
 - a. Name of subdivision, date of survey, north point, graphic and numeric scale.
 - b. A vicinity map drawn at an appropriate scale showing the project site and its relationship to known landmarks.
 - c. Names and locations of all adjoining or interior subdivisions, city limits, bulkhead lines, property lines, rights-of-way and easements.
 - d. The legal description of the property being platted shall appear on the final plat and match the description furnished in the attorney's opinion of title or other similar documents.
 - e. Sufficient survey data to readily determine and reproduce on the ground every straight or curved boundary line, lot line, right-of-way line, easement line, bulkhead line and setback line, including, but not limited to linear dimensions, bearings or deflection angles, radii, arcs and central angles. All dimensions shall be measured to the nearest one-hundredth of a foot and all angles to the nearest second of arc.
 - f. All proposed rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated.
 - g. Areas to be used for purposes other than lots or public dedications, if any, with the purpose, location and dimensions of each indicated.
 - h. Signed certificates shall appear on all final plats. Such certificates shall be in accordance with the format and specific language set forth in the Flagler County Standard Forms and Certification Manual. The following signed certificates shall be completed and provided with the submission: dedication, joinder and consent to dedication, all required acknowledgements, surveyor's certificate, certificate of approval by the reviewing professional land surveyor (PLS), certificate of approval by county commission, approval of the development services director, acceptance of dedication, and certificate by the county attorney and certificate by the clerk.
 - i. The final plat shall include such additional information as may be required by Florida Statutes Ch. 177, as amended.

- j. Surveyor's notes.
2. The following information shall also be provided:
 - a. Name, address and telephone number of the subdivider, subdivision designer, professional engineer, registered surveyor, abutting property owners, and mortgagees of the property.
 - b. A title certification which meets the requirements of Florida Statutes Ch. 177, as amended, and list of encumbrances.
 - c. Any deed restrictions or protective covenants.
 - d. A copy of the final plat reduced to eleven (11) x seventeen (17) inches.
3. If the developer elects to construct the improvements after the recordation of the final plat, the following information shall be provided in addition to 4.05.03 B.1 and B.2 above:
 - a. A signed and sealed professional engineer's estimate of the total construction cost or a signed contract which encompasses all proposed improvements.
 - b. A performance guarantee in accordance with this article.
4. Upon completion of construction of the required improvements, the following information shall be provided in addition to 4.05.03 B.1 and B.2:
 - a. A signed and sealed professional engineer's certification of the constructed improvements and the total construction cost. If fire hydrants were installed, the professional engineer must certify that the water distribution system of the development meets the National Fire Protection Association capacity requirements for fire hydrants.
 - b. A two (2) year maintenance guarantee bond in the amount of ten (10) percent of the total construction cost in the form acceptable to the Flagler County Legal Department.
 - c. One (1) mylar and two (2) sealed paper reproductions of as-built (or record) survey signed by the professional surveyor which encompass all required improvements. If the paper reproductions of as-built (or record) survey were prepared on an Auto CAD system, the applicant shall provide such digital files to development services in a "dwg" format.
 - d. Adequate test reports signed and sealed by a professional engineer, as required by the county engineer.
 - e. A signed and sealed certification by the project civil engineer or landscape architect certifying the as-built tree protection plan and tree replacements. Required tree replacement funds shall be paid in full prior to final plat acceptance.

C. *Recording Requirements*

1. No plat of lands in Flagler County subject to these regulations shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by the county commission.
2. Recording period. All approved plats shall be recorded within fifteen (15) days following board approval, unless extended by the development services director for extraordinary conditions.
3. Plats shall be recorded in the following manner:
 - a. All documents and the original plat shall be submitted to development services. Development services shall then transmit the documents to the clerk for recordation. Also, if the plat was prepared on an Auto CAD system, the applicant shall provide such digital files to development services in a "dwg" format.
 - b. Development services shall obtain a statement that all current and previous taxes have been paid in accordance with F.S. § 197.192, as amended.

D. Section 5.01.04, *Landscape development standards*, in Article V, *Other Development Design and Improvement Standards*, of Appendix C, *Land Development Code*, is amended to read as:

5.01.04. – Landscape development standards.

To ensure the attainment of the objectives of this section, the design and installation of required landscaping shall be consistent with the following standards unless it can be demonstrated to the Flagler County Planning Board that alternative design and installation plans will meet the objectives of this section. The landscape development standards contained herein shall apply whenever a building permit or landscape plant are required.

- (1) *Landscape area requirements.* Multifamily residential, mobile home park, office, commercial or public land uses shall devote a minimum of fifteen (15) percent of the total developed area to pervious landscape areas. At least one-third (1/3) of the minimum required area must be contained within the interior area of the site.
- (2) *Industrial land uses.* Industrial land uses shall devote a minimum of ten (10) percent of the total developed area to landscape development.
- (3) *Single family dwellings.* Each single family lot or parcel must provide at least one (1) tree per each two thousand five hundred (2,500) of area three thousand (3,000) square feet of lot area for the first quarter acre of lot area. For lots exceeding one-quarter (1/4) acre, one (1) tree for every additional one-quarter (1/4) acre, or major fraction thereof, excluding any portion within a pond, lake, or canal, must be preserved or planted. Existing shade trees, sabal palms and pine trees may be used to satisfy

this requirement, in whole or in part, provided that they have a minimum caliper of two and one-half (2 1/2) inches DBH and overall height of ten (10) feet. When trees are planted to meet the minimum requirement they must be shade trees meeting the material standards of this section. The development of a single family dwelling on a lot or parcel zoned AC (Agriculture) or AC-2 (Agriculture/forestry) zoning district and conforming to the minimum dimensional requirements of the respective zoning district shall be exempt from the requirements of this section.

- (4) *John Anderson Highway/Old Kings Road.* All residential and commercial development lying south of State Road 100 and abutting John Anderson Highway or Old Kings Road shall provide a minimum twenty-five (25) foot landscape buffer easement adjacent and parallel to the road right-of-way. This requirement does not apply to intersecting roadways, canals or electric transmission easements. Within said buffer, a minimum of one (1) tree per forty (40) lineal feet must be preserved and/or planted. Shrubs and understory vegetation shall be planted between trees. This buffer may be included as part of a larger lot, tract or parcel. Except for fences and walls approved as part of a planned unit development (PUD), the minimum landscape buffer area must be kept free of structures such as fences, sheds, swimming pools, etc.
- (5) *Off-street parking and vehicle use areas.* Off-street parking facilities and other vehicular use areas, excepting permitted accessways, shall meet the following requirements:
 - (a) Perimeter requirements.
 1. *Front perimeter landscape areas.* An average ten-foot-wide strip of land, located between the front property line and abutting a building or vehicular use area shall be landscaped. Width of sidewalks shall not be included within the average ten-foot-wide front setback perimeter landscape area. The landscaped strip of land shall be increased to twenty-five (25) feet wide for properties abutting S.R. 100 or U.S. Highway 1.
 - 1a. *Front perimeter landscape areas in the A1A Scenic Corridor.* Developments shall provide a wide landscaped strip located between the property line and the developed area. The width of this landscape buffer shall be a minimum average of twenty-five (25) feet for properties with a lot depth of one hundred (100) feet or less, with no buffer width less than twenty (20) feet. For properties with a lot depth greater than one hundred (100) feet the perimeter shall be a minimum average of twenty-five (25) percent of the lot depth, up to a maximum of forty (40) feet, with no buffer width less than twenty-five (25) feet. Width of sidewalks shall not be

included within the front perimeter landscape buffer. The intent of this requirement is to create an undulating, diversified non-uniform perimeter buffer for the A1A Scenic Corridor that is in keeping with the existing natural and non-regimented character of the area. Developed areas such as septic systems, stormwater facilities, vehicular use areas including parking and access aisles (not including access driveways), solid waste facilities including dumpsters, storage buildings, and similar features or structures are not allowed in perimeter landscape buffers; provided however, that undulating dry retention basins may intrude up to ten (10) percent of the perimeter landscape buffer where necessary to save index trees elsewhere on the property.

2. *Side and rear perimeter landscape areas.* A five-foot-wide strip of land, located between the side and rear property lines and the vehicular use area, shall be landscaped, except that where the strip of land to be landscaped is between a side or rear property line and a vehicular use area used as an accessway, a four-foot-wide strip of land shall be landscaped. Common driveways serving adjacent property are exempt. The landscaped strip of land shall be increased to twenty-five (25) feet wide for multifamily projects.

2a. *Side and rear perimeter landscape areas in the A1A Scenic Corridor.* A ten (10) foot wide landscape strip buffer of land, located shall be required along the side and rear property lines. The minimum width of this landscape buffer shall be fifteen (15) feet for the side and twenty (20) feet for the rear for a nonresidential use when adjacent to residential uses or zoning. No landscape buffer is required for a nonresidential use when it is adjacent to nonresidential uses or zoning, but tree planting shall still be required or in the case of like commercial uses, where no setbacks or landscape areas are required. Common driveways and sidewalks serving adjacent properties are exempt from perimeter requirements.

(b) *Material requirements in perimeter area.*

1. *Tree count.* The total tree count requirements within the front setback perimeter landscape area shall be determined by using a ratio of one (1) tree for each twenty-five (25) linear feet of lot frontage or major portion thereof with no less than fifty (50) percent of said trees being native shade trees. The total tree count requirement within the side and rear perimeter landscape areas shall be determined by using a ratio of one tree for each fifty (50) linear feet with no less

than fifty (50) percent of said trees being native shade trees. The total tree count requirement within the side and rear perimeter landscape areas for multifamily projects shall be determined by using a ratio of one tree for each twenty-five (25) linear feet with no less than fifty (50) percent of said trees being native shade trees.

- 1a. *Tree count in the A1A Scenic Corridor.* The total canopy tree count requirements within the front, side, and rear perimeter landscape buffer shall be determined by using a ratio of one (1) planted tree for each twenty-five (25) linear feet of perimeter or one (1) preserved tree of at least fourteen (14) inches of caliper for every fifty (50) linear feet of perimeter. Perimeter calculations shall exclude up to no more than twenty-four (24) feet of access ways through the perimeter in the calculation. Preserved trees may be located up to fifteen (15) feet outside the required perimeter landscape strips, or when no strip is required, away from the property line. If trees are preserved or planted outside of landscape strips, landscape islands must be at least three hundred (300) square feet and must conform with critical root zone standards, with the tree placed approximately in the middle of the island. No fewer than seventy-five (75) percent of the required trees shall be native trees identified on the Interim Index Tree List. If salt air exposure is not a limiting factor as determined by the county administrator or his/her designee, no more than twenty-five (25) percent of the required trees may be palm trees, which must be at least twelve (12) feet high in height at the time of planting. For development sites greater than one (1) acre, no more than fifty (50) percent of the new trees planted shall be from the same genus (for example oak). [Editor's Note— The Interim Index Tree List for the A1A Scenic Corridor is not set out herein but is available for public inspection in county offices.]
- 1b. *Tree preservation required in the A1A Scenic Corridor.* Preservation of all existing native trees larger than six (6) inches in caliper is required within the perimeter area except for access ways.
- 1c. *Understory trees in the A1A Scenic Corridor.* Installation or preservation of eight (8) understory trees not less than six (6) feet in height, and one (1) inch caliper measured at six (6) inches above ground from the Interim Understory Tree List for each one hundred (100) lineal feet of front perimeter

abutting the public vehicular right-of-way less the frontage for access ways.

- 1d. Trees shall be interspersed with understory shrubs using a ratio of one (1) shrub for each twelve and one-half (12½) linear feet of lot frontage or major fraction thereof. Shrubs shall be a minimum of forty-eight (48) inches in height and shall be from the Interim Shrub List or those marked "U" on the Interim Index Tree List for the A1A Scenic Corridor.
 2. *Ground cover.* Grass or other ground cover shall be placed on all areas within the front, side and rear setback perimeter landscape areas not occupied by other landscape material or permitted accessways.
- (c) *Visual screen in perimeter area.*
 1. *Perimeter landscape areas.* A visual screen shall be placed within the perimeter landscape areas and shall run the entire length of such abutting property line, except at permitted accessways.
 2. *Light penetration and height.* A visual screen shall be installed to provide an opaque, continuous screen not lower than thirty (30) inches, except at permitted accessways. The minimum visual screen height shall be increased to forty-eight (48) inches for multifamily projects.
- (d) *Cross-visibility standards for setback areas.* A sight triangle shall be provided at those points where an accessway intersects a public right-of-way. The area within the sight triangle shall be provided at those points where an accessway intersects a public right-of-way. The area within the sight triangle shall be maintained in accordance with this section.
 1. *Cross-visibility level.* An unobstructed cross-visibility between two (2) and ten (10) feet above the level of the center line of the public right-of-way shall be maintained within the sight triangle.
 2. *Trees.* Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight triangle, provided the location of the tree itself does not create a traffic hazard.
- (e) *Interior planting areas.*
 1. *Size.* In vehicular use areas within the interior of a site, one (1) two-hundred-fifty-square-foot planting area shall be required for each five thousand (5,000) square feet or majority portion thereof of vehicular use area, and a native shade tree together with other landscape material shall be planted within such planting area. Interior planting areas

shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic, and shall be no less than six (6) feet in width.

- 1a. *Size of interior planting areas in the A1A Scenic Corridor.* In vehicular use areas within the interior of a site, one (1) planting area, containing at least one (1) index tree with a minimum caliper of four (4) inches at six (6) inches above ground, of at least four hundred (400) square feet in area and no less than fifteen (15) feet in width shall be required for each four thousand (4,000) square feet or major fraction thereof, of vehicular use area. If palm trees are used to meet this requirement, a three to one (3:1) ratio shall be used with a minimum height of twelve (12) feet for each palm. If salt air exposure is not a limiting factor as determined by the county administrator or his/her designee, no more than thirty (30) percent of the required trees in the landscaped islands may be palm trees. Interior landscaped areas shall be dispersed so as to define aisle ends and to limit unbroken rows of parking to a maximum of eighty (80) linear feet. For development sites greater than one (1) acre, no more than fifty (50) percent of the new trees planted shall be from the same genus (for example oak). Where it is suitable, trees may be planted and preserved in clusters rather than individually to increase shaded areas and to improve long-term survivability and longevity of trees. Planting trees in clusters or groups rather than individually allowing a minimum of four hundred (400) square feet per tree in each group or cluster shall be encouraged. Planted trees shall conform to the requirements below.
 2. *Overhang.* Vehicles shall not overhang more than two (2) feet into any interior planting area.
- (6) *Buffer standards relating to uncomplimentary land uses and zones.*
 - (a) The following shall constitute uncomplimentary uses and zones:
 1. Office use or zones, when abutting to single-family housing use or lands zoned for single-family housing.
 2. Mobile home park use or zones, when abutting to single-family housing, two-family housing, multifamily housing and office uses, and lands zoned for single-family housing, multifamily housing and office uses.
 3. Commercial uses or zones, when abutting to single-family housing, two-family housing, multifamily housing or mobile home park or mobile home subdivision uses or lands zoned

for single-family housing, multifamily housing or mobile home park or mobile home subdivision uses.

4. Industrial uses or zones, when abutting to any nonindustrial uses or zones.
 5. All residential uses or zones, when abutting any public park.
- (b) In uncomplimentary land uses or zones, a buffer strip shall be required. Said buffer strip shall be at least ten (10) feet in width the entire length of all such common boundaries.
- (b1) A buffer strip in the A1A Scenic Corridor shall be required between uncomplimentary land uses or zones. No new structures shall be placed within fifty (50) feet of an existing residential primary structure on an adjoining uncomplimentary land uses or zones. No new structures shall be placed within fifty (50) feet of an existing residential primary structure on an adjoining parcel. Twenty-five (25) feet of the buffer strip shall be used for a vegetative buffer as described in Section 5.01.04, Landscape development standards. Such twenty-five (25) foot buffer areas shall include a wall, fence, hedge, or natural vegetation area of at least six (6) feet in height that will screen single-family housing uses or lands zoned for single-family housing from more intensive uses. Any wall or fence installed or used for this purpose must be placed along the property line, but may be offset up to ten (10) feet from the property line or interrupted to avoid impacting trees.
- (c) Buffer material requirements shall be as follows:
1. *Tree count.* The total tree count required within the buffer strip shall be determined by using a ratio of one (1) tree for each twenty-five (25) linear feet of required buffer strip, or majority portion thereof, with a minimum of fifty (50) percent of said trees being native shade trees. Trees shall be spaced so as to allow mature growth of shade trees.
 2. *Ground cover.* Grass or other ground cover shall be planted on all areas of the buffer strip required by this section which are not occupied by other landscape material.
 3. *Visual screen.* A visual screen running the entire length of all common boundaries shall be installed within the buffer strip, except at permitted accessways. Such strips shall provide a minimum of sixty (60) percent opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries. A six-foot-high solid wall or fence may be substituted to meet the visual screen requirements of this section when existing trees located in the buffer strip prevent the development of a planted landscape screen.

4. *Prevailing requirement.* Whenever parcels of land fall subject to both the perimeter landscaping requirements and the uncomplimentary land use buffer strip requirements of the article, the latter requirement shall prevail.
- (7) *Buffer standards relating to multifamily uses and zones.*
- (a) In multifamily land uses or zones, a buffer strip shall be required. Said buffer strip shall be at least twenty-five (25) feet in width the entire length of all such common boundaries.
 - (b) Buffer material requirements shall be as follows:
 1. *Tree count.* The total tree count required within the buffer strip shall be determined by using a ratio of one tree for each twenty-five (25) linear feet of required buffer strip, or majority portion thereof, with a minimum of fifty (50) percent of said trees being native shade trees. Trees shall be spaced so as to allow mature growth of shade trees.
 2. *Ground cover.* Grass or other ground cover shall be planted on all areas of the buffer required by this section which are not occupied by other landscape material.
 3. *Visual screen.* A visual screen running the entire length of all common boundaries shall be installed within the buffer strip, except at permitted accessways. Such strips shall provide a minimum of sixty (60) percent opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries. A six-foot-high solid wall or fence may be substituted to meet the visual screen requirements of this section when existing trees located in the buffer strip prevent the development of a planted landscape screen. If the solid fence or wall is substituted, it must be located behind a visual screen of shrubs planted at a minimum height of twenty-four (24) inches and not exceeding three (3) feet on center. The minimum height of the shrubs shall be four (4) feet and the maximum height shall be six (6) feet.
 4. *Prevailing requirement.* Whenever parcels of land fall subject to both the perimeter landscaping requirements and the multifamily land use buffer strip requirements of the article, the latter requirement shall prevail.
- (8) *Plant material standards.*
- (a) Unless otherwise provided herein, only Florida No. 1 or better plant material as described in "Grades and Standards for Nursery Plants," Part I 1963 and Part II, State of Florida, Department of Agriculture, Tallahassee, shall be credited on the landscape development requirements of this section.

- (b) Portions of a developed area left in the natural state shall be credited in the landscape development requirements of this section.
- (c) Trees shall be subject to the following:
 - 1. Height. Trees shall have a minimum height of eight (8) feet and minimum diameter of one and one-half (1 1/2) inches measured at four and one-half (4 1/2) feet aboveground at the time of planting.
 - 1a. Height and rootball size in the A1A Scenic Corridor. Trees shall have a minimum height of twelve (12) feet and a minimum diameter of four (4) inches measured at six (6) inches above ground at the time of planting. The rootball shall have a ninety-five-gallon minimum container or equivalent rootball size. The minimum rootball size diameter shall be forty (40) inches or, if in a growbag, shall have a diameter of thirty (30) inches minimum.
 - 2. Crown spread. Species of trees which will meet the twenty-foot mature height requirement, but will have an average mature crown of less than twenty (20) feet, may be substituted by grouping the same so as to create the equivalent of a crown spread of twenty (20) feet.
 - 3. Planting area. The planting area for each tree shall be a minimum of one hundred (100) square feet around the trunk of the tree and shall be maintained in either vegetative landscape material or pervious surface cover.
 - 4. Plant materials shall conform to the standards for Florida No. 1 or Florida Fancy as stated in "Grades and Standards for Nursery Plants," (current version) State of Florida Department of Agricultural and Consumer Services Division of Plant Industries. The preservation and use of native vegetation is highly encouraged. Plant materials selected shall be the best suited to withstand the soil and physical conditions of the site. Plant materials that are freeze and drought tolerant are preferred.
 - 5. Tree planting and maintenance procedures for replacement trees shall follow the "Tree, Shrub and Other Woody Plant Maintenance Practices," on pruning, fertilization and support systems called the ANSI (American National Standards Institute) A300 Standard. Transplanting and establishment of trees shall follow those described in Typical Tree Bid Specifications for Florida, part 2 (shipping and handling) part 3 materials, and part 4 (execution) developed by the University of Florida, the Florida Urban Forestry Council and

the Florida Chapter of the International Society of Arboriculture.

6. Maintenance practices on the protected trees on the site shall follow the pruning, fertilization and support practices contained in the ANSI A300 Standard.
 7. Plant materials must be maintained in a healthy condition in perpetuity.
- (d) Shrubs and hedges shall be subject to the following:
1. *Minimum height.* They shall be a minimum height of twelve (12) inches at the time of planting. The minimum planting height shall be increased to twenty-four (24) inches for multifamily projects.
 2. *Opacity conformance.* When used to meet the visual screening requirements of this section, they shall conform to the opacity requirements within three (3) years from the time of planting.
 3. *Prohibited species.* No species of deciduous shrub shall be credited on the visual screening requirements of this subsection.
 4. *Placement.* The placement of shrubs used to fulfill the visual screening requirements shall not exceed five (5) feet on center, and shall be no closer than two (2) feet to the edge of any pavement. For multifamily projects, the visual screening requirements shall not exceed three (3) feet on center.
- (e) Vines, groundcover, lawn grasses, synthetic plant material, and architectural planters shall be subject to the following:
1. *Vines.* Vines shall be thirty (30) inches in length within one (1) calendar year from the time of planting.
 2. *Groundcovers other than lawn grasses.* Groundcovers other than lawn grasses shall be planted so as to provide seventy-five (75) percent coverage within one (1) calendar year from the time of planting.
 3. *Lawn grasses.* Lawn grasses shall be subject to the following:
 - a. Lawn grasses planted for credit on the landscaping requirements shall be perennial species capable of thriving in the county.
 - b. Lawn grasses shall be planted so as to achieve complete coverage within two (2) calendar years from the time of planting.
 - c. Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.

4. *Synthetic plant material.* No credit shall be granted for use of artificial plant material.
 5. *Architectural planters.* Credit shall be given for use of architectural planters which meet the following criteria:
 - a. Architectural planters for shrubs shall have a planting area of not less than ten (10) square feet and a depth of not less than eighteen (18) inches.
 - b. Architectural planters for trees shall have a planting area of not less than twelve (12) square feet and a depth of not less than four (4) feet.
- (f) Irrigation or access to irrigation shall be provided for all landscaped areas. Such irrigation shall also be indicated on the landscape plan required herein.

E. Section 5.01.09, *Flagler County Shade Trees*, in Article V, *Other Development Design and Improvement Standards*, of Appendix C, *Land Development Code*, is amended to read as:

Native Shade Trees	Other Acceptable Shade Trees
Elm, Winged (U. Alata)	Ash, Green (Fraxinus Pennsylvanica)
Hickory, Pignut (C. Glabra)	Camphor (Cinnamomum Camphora)
Magnolia, Southern (M. Grandiflora)	<u>Cypress, Bald (Taxodium distichum)</u>
Maple, Red (A. Rubrum)	Elm, Chinese (U. Parvifolia) flora)
Oak, Laurel (Q. Laurifolia)	Elm, Drake (U. Parifolia Var. Drake)
Oak, Live (Q. Virginiana)	Oak, Shumard (Q. Shumardii)
Southern Red Cedar (Juniperus Silicicola)	Pecan (C. Illinoensis)
Sweetgum (Liquidambar Styraciflua)	Sycamore (Platannus Occidentalis)
Oak, Water (Q. Nigra)	Other trees as may be allowed by the County Planner and State Forester.

FAMILY:

- C = Carya
- M = Magnolia
- A = Acer
- Q = Quercus
- U = Ulmus

F. Sections 6.01.00 through 6.01.08, *Index Tree Removal and Protection*, in Article VI, *Resource Protection Standards*, of Appendix C, *Land Development Code*, is amended to read as:

6.01.00 PROTECTED INDEX TREE REMOVAL AND PROTECTION

The purpose of this section is to provide for the protection and replanting of tree canopy native to Flagler County; to provide incentives for developers, permittees, and land owners to preserve protected index trees; and to establish procedures, standards and enforcement provisions.

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.

6.01.01. Definitions.

The definitions set forth herein are intended to be read para materia with those in Article III. In the case of a conflict, this section will prevail.

For the purposes of this section, the following words and phrases shall have the meaning set forth herein:

Agricultural: Land having an agricultural classification pursuant to Chap. 193.461, F.S. and used primarily for bona fide agricultural purposes as defined in Chap. 193.461(3)(b), F.S.

A1A Scenic Corridor: As defined by Ordinance 2001-26, as may be amended from time to time.

Building footprint: The portion of the lot, tract or parcel upon which buildings are to be placed.

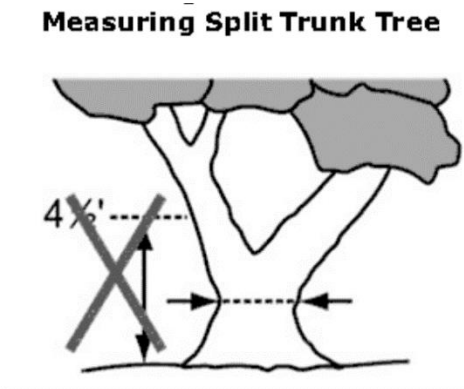
Caliper. A measurement of a tree's size in inches, as measured: six (6) inches above the ground level for field grown nursery stock and from the soil line for container grown nursery stock, which should be at or near the top of the root flare; six (6) inches above the root flare for bare root nursery stock, up to and including the four (4) inch caliper size interval (i.e., from four (4) inches up to, but not including, four and one-half (4 1/2) inches); 12 inches above the ground level, soil line, or root flare, as appropriate, for nursery stock if the caliper measured at six (6) inches is four and one-half (4 1/2) inches or more. Caliper measurements should be taken with a diameter tape, or as the average of the smallest and largest measurements resulting from the use of manual or electronic "slot" or "pincer" type caliper tools.

Canopy: The overall area of a tree's foliage, the outer edge of which is the drip line.

Developed property: One which has received a certificate of occupancy for the principal building or a majority of the buildings in a multi-structure complex.

Diameter at breast height (DBH):

- A. Single trunk tree – The measurement of an existing tree's trunk diameter in inches measured roughly four and one-half (4 1/2) feet above ground.
- B. Split-trunk tree – When the trunk branches or splits less than 4.5 FT from the ground, measure the smallest diameter below the lowest branch.
- C. Multi-trunk trees – size is determined by measuring it shall be the diameter of the individual trunks (max. six trunks) measured at 4 1/2 feet, then adding the total diameter of the largest trunk to one-half the diameter of each additional trunk.



Drip line: The outermost edge of the foliage of a tree projected vertically to the ground.

Encroachment: Any activity that has the effect of causing soil compaction, injury to lower limbs, grade change, contamination of soil or damage to the root system. Excluded from this definition are routine maintenance activities such as mowing or walking within the protected ~~index~~ tree's drip line.

Firewise communities: A program developed by the National Wildland/Urban Interface Fire Program administered by the Division of Forestry of the Florida Dept. of Agriculture and Consumer Services.

~~*Index tree:* An index tree is free of significant defects in structure or decay of a species listed in section 6.01.04 Index Tree List, and having a minimum caliper of six (6) inches DBH. [see Protected tree below.]~~

Land clearing: The removal of protected index trees, soil or mineral deposits or the placement of fill by any means with the intention of preparing real property for non-agricultural development purposes. This definition does not include removal of other than protected index trees; dead or diseased trees of any species; removal of trees in accordance with Firewise Communities standards; underbrushing; or normal mowing or agricultural operations.

Nonresidential: That development, or portion thereof, devoted to commercial, industrial, or institutional land use(s). This does not include agriculture or forestry or essential governmental services.

Nuisance Tree: Brazilian Pepper (*Schinus terebinthifolius*), Australian Pine (*Casuarina spp*), punk tree (*melaleuca leucadendion*) and Chinese tallow (*Sapium sebiferum*).

~~*Protected tree:* Refers to an index tree protected in the course of development and construction. A protected tree is free of significant defects in structure or decay of a species listed in section 6.01.04, Protected Tree List, as further described below:~~

- A. The trunk is six inches or greater diameter.
- B. Trees with a trunk two inches or greater diameter, if surveyed for credit.
- C. Specimen trees, which are any protected trees with a trunk of 18 inches or greater diameter except for sand pines.
- D. Historic trees, which are any protected trees with a trunk of 36 inches or larger diameter.

Prune: The removal of dead, dying, diseased, weak or objectionable branches in a manner consistent with the standards established in this code.

Replacement tree: A field grown or container grown tree of a species listed in section 6.01.04 and having a minimum caliper as required herein. (see "caliper" definition)

Replacement tree (A1A Corridor only): A field grown or container grown tree of a species listed in the Interim Replacement Tree List for the A1A Scenic Corridor, having a minimum caliper of six (6) inches ~~measured at four and one-half (4½) feet above ground~~ and having a minimum height of twelve (12) feet when planted.

Specimen or historic tree: A tree of unique growth, age, aesthetic or historic value and meeting the minimum size requirements as defined under "protected trees", having been designated as such by resolution.

Submerged land: That portion of a parcel lying below the mean high water line of a tidal water body; the seasonal high water line of a fresh water body; or the design elevation of a man-made water body. The latter excludes dry retention areas.

Tree, protected index: See Protected Index tree.

Tree relocation: To transplant an protected index tree from one location to another.

Tree removal: To permanently remove the trunk and/or root system of a an protected index tree.

Tree survey: A survey prepared by a Florida licensed land surveyor showing, in addition to all information required by Rule 61G-176, F.A.C. the location, DBH, and common name of all qualifying protected index trees within the area proposed for development. Non-protected index trees may be designated as "clumps" with the general location and predominant type shown. (See EXHIBIT XX)

Underbrushing: The removal of nuisance trees, understory and vegetation by means of bush hogging or hand clearing above grade only.

6.01.02. Requirements prior to land clearing.

- (1) No person shall proceed with protected index tree removal or land clearing on any improved, vacant or unimproved land except in accordance with the procedures and standards of this section.
 - A. Contemporaneous with a site plan, subdivision, or planned unit development application, building permit, infrastructure permit or application for special exception approval, the following information must be submitted:
 1. A tree survey, less than 24 months old, as defined herein. Jurisdictional wetland areas may be designated by their outer perimeter. ~~When land clearing is not proposed on individual lots or parcels, but is a part of subdivision improvements, the tree survey for such purpose will extend thirty-five (35) feet either direction of road rights-of-way and~~

other affected areas, e.g. retention ponds, drainage easements, lift stations.

2. Under the following circumstances, the County administrator or designee 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. In these instances, a sample survey from each unique ecosystem can be provided (minimum sample size shall be 1/4 acre per sample, or as determined by the County Administrator or designee during conceptual site plan review), and the results of that sample can be extrapolated over the entire area to be disturbed to get an overall estimate of tree density and caliper inches):

a. When existing vegetated areas are to remain undisturbed; or

b. When the trees are located in wetland preservation or conservation areas that will not be impacted.

32. A legible site development plan drawn to one (1) inch equals twenty (20) feet scale or to the largest practicable scale indicating the following applicable items:

i. Location of all proposed structures, improvement and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

ii. Proposed site elevations, including any proposed fill or excavation.

iii. Location of proposed or existing utility services, wells or septic systems.

iv. The common name, size and location of all protected index trees on the site specifically designating the protected index trees to be retained, removed, relocated or replaced.

a. All protected trees shall be located within public R/W's and within the landscape buffers.

b. All specimen and historic trees will be located within public R/W's and throughout the entire site.

v. Typical location and construction of tree barricades.

vi. For all applications other than an individual single family building permit, tree information shall be summarized in legend or tabular form.

43. Landscaping plan.

54. Applications involving improvements to existing developed properties may be based on drawings showing only that

portion of the site directly involved and adjacent structures or portions thereof. In such cases, a tree survey is not required. A sketch showing the approximate location(s) of all existing protected index tree(s) with common and botanical name shall be provided instead.

65. Where protected index trees are not, because of past use and/or current conditions, reasonably presumed by the county to exist on a site, an affidavit duly executed by the property owner, engineer or landscape architect, attesting to such condition may be substituted for a tree survey.

(2) Authorization to proceed. The development services department shall authorize land clearing through the issuance of the building or development permit. Land clearing is subject to site inspection by the county from application to one (1) year after completion of activity.

A. Criteria for land clearing. Land clearing will be authorized after the development services director or his/her designee determines that the following conditions, as applicable, exist:

1. The property has received site plan, special exception or preliminary plat approval pursuant to this Code, has received or applied for a building permit, or is an occupied residential or non-residential property.

2. A protection and mitigation plan, ~~tree relocation or replacement plan~~ meeting the requirements of this section is a condition precedent to land clearing.

~~3. The index tree is located in the building pad, swimming pool or deck, roadway pavement or vehicular use area, stormwater retention area, or a utility or drainage easement where a structure or improvement is to be placed.~~

34. The protected index tree is in danger of materially impairing the structural integrity of existing or proposed structures, materially interferes with utility service, or adversely affects sight distance triangles.

45. The protected index tree has one or more defects which, in the opinion of a certified arborist, is near death and can not be rehabilitated will cause branch, stem or root failure.

56. Tree Protection barriers installed per approved tree protection plan. ~~No specimen or historic tree may be removed except by authorization of the board of county commissioners.~~

B. The authorization for land clearing shall expire contemporaneously with its associated permit.

6.01.03. Protected Index tree protection/replacement requirements.

The individual property owner and/or landscape architect are provided flexibility of design but must preserve a minimum percentage of existing protected index tree canopy in a manner to support the long-term health and survival of protected trees. Existing trees are best protected within clusters of open space left undisturbed by grade changes, soil compaction, mechanical or chemical disturbance.

- (1) The minimum number of protected index trees to be preserved upon any development site is equal to the percentages set forth below for different land uses. Protected Index trees lying within designated conservation areas, jurisdictional wetlands and adjacent upland buffers must be preserved in their entirety. By way of example, a building lot contains an aggregate of one hundred (100) caliper inches of protected index trees and the minimum preservation equals seventy (70) ~~forty (40)~~ percent. This seventy (70) ~~forty (40)~~ inches of required protected index trees can be preserved as a single ~~forty (40) inch DBH index tree; two (2) twenty (20) inch DBH trees; or~~ any combination of qualifying preserved and/or replacement protected index trees totaling seventy (70) ~~forty (40)~~ caliper inches.
 - A. *Single-family dwelling lots:* Each single-family residential lot must preserve or replant at least fifty (50) ~~forty (40)~~ percent of the total pre-development caliper inches existing on the site. Preserved protected index trees may be substituted for tree planting required by the landscaping section of this Code. Trees located within or immediately adjacent to the building foundation are exempt.
 - B. *Multi-family and mobile home park parcels:* Each multi-family and mobile home park parcel must preserve or replant at least seventy (70) ~~thirty-five (35)~~ percent of the total pre-development caliper inches existing on the site. Preserved protected index trees may be substituted for tree planting required by the landscaping section of this Code. Replacement trees may be clustered within pervious areas of the site provided that at least five hundred (500) square feet of green space per tree is provided.
 - C. *Non-residential parcels:* Each non-residential parcel must preserve or replant at least seventy (70) ~~twenty (20)~~ percent of the total pre-development caliper inches existing on the site. Preserved protected index trees may be substituted for tree planting required by the landscaping section of this Code. Replacement trees may be clustered within pervious areas of the site provided that at least five hundred (500) square feet of green space per tree is provided.
 - D. Where replacement trees are required to be planted in order to maintain the minimum number of caliper inches, and they shall be from a species listed as an protected index tree.₂₇

1. Protected tree replacements shall have a minimum caliper of two and one-half (2 1/2) inches measured six (6) inches above grade after planting and be Florida Grade #1 or better.
2. Specimen tree replacements shall have a minimum caliper of three and one-half (3.5) inches measured six (6) inches above grade after planting and be Florida Grade #1 or better.
3. Historic tree replacements shall have a minimum caliper of six (6) inches measured six (6) inches above grade after planting and be Florida Grade #1 or better.

Tree planting and maintenance procedures for replacement trees shall follow the "Tree, Shrub and Other Woody Plant Maintenance Practices," on pruning, fertilization and support systems called the ANSI (American National Standards Institute) A300 Standard. Transplanting and establishment of trees shall follow those described in *Typical Tree Bid Specifications for Florida*, part 2 (shipping and handling) part 3 materials, and part 4 (execution) developed by the University of Florida, the Florida Urban Forestry Council and the Florida Chapter of the International Society of Arboriculture.

E. *A1A Scenic Corridor*: The pallet of protected trees in the A1A Scenic Corridor is more inclusive than for the county as a whole. This expanded protection is designed to preserve the native ecosystems in the Corridor. A list of protected ~~index~~ trees established by Ordinance 2001-26 is available at the Planning and Zoning Dept. and incorporated into the Scenic Corridor Design Guidelines Handbook. The minimum number of protected ~~index~~ trees to be preserved upon any development site is calculated as set forth previously within this section however, the list of protected trees is more expansive and the following percentages of aggregate caliper inches shall apply:

1. Nonresidential and multi-family parcels: Each nonresidential or multi-family parcel owner must preserve or replant at least seventy (70) ~~fifty (50)~~ percent of the total pre-development caliper inches existing on the site. Property owners are encouraged to use preserved protected ~~index~~ trees to satisfy perimeter and interior landscaping requirements.
2. Single-family parcels: Every single-family lot owner must preserve or replant at least fifty (50) ~~forty (40)~~ percent of the total pre-development caliper inches existing on the site.
3. Where protected or specimen trees must be replaced or planted to meet minimum preservation or landscape buffer

requirements within the Scenic Corridor Overlay district, all plant material will consist of a tree species listed in the Scenic Corridor Index Tree List and that has a minimum caliper of four (4) inches measured at six (6) inches above ground and has a minimum height of twelve (12) feet when planted. The rootball shall have a ninety-five (95) gallon minimum container or equivalent rootball size. The minimum rootball size diameter shall be forty (40) inches or, if in a growbag, shall have a diameter of thirty (30) inches minimum. Sabal palms shall have a minimum twelve (12) feet of clear trunk. Plant materials shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants," (current version) State of Florida Department of Agricultural and Consumer Services, or equal thereto that has been approved by the county agricultural extension agent. The preservation and use of native vegetation is highly encouraged. Plant materials selected shall be the best suited to withstand the soil and physical conditions of the site. Plant materials that are freeze and drought tolerant are preferred;

4. Replacement trees shall approximate the distribution of native vegetation ~~Where a one to one (1:1) replacement is not practical as reasonably determined by the county administrator or his/her designee, the tree shall be replaced in multiples to yield a sum of equivalent calipers;~~
5. Whenever a protected tree is removed without legal authorization or in violation of this code, the owner shall replace such removed trees on a one to three (1:3) ratio. For example, if a twenty (20) inch caliper tree is illegally removed, it shall be replaced by a tree or trees equivalent to sixty (60) inches in caliper from the Interim Replacement Tree List or an equivalent tree species;
6. Proposed trees shall be ~~Be~~ given sufficient room for optimum growth. If the county administrator or his/her designee reasonably determines that there is insufficient space on the site to plant the required replacement trees for optimum growth, then the owner may be directed to plant the trees in publicly owned areas of the A1A Scenic Corridor, ~~or~~ in privately owned strategically visible locations with the permission of the property owner, or donate to the tree fund.
7. Trees installed or retained within the A1A Scenic Corridor shall not be topped or severely pruned so as to appear stunted or "hat racked". Trees shall be pruned as needed to

maintain health and form in such a way that retains or improves the natural form of the particular species; provided, topiary may be practiced upon suitable species if professionally and consistently maintained. The branches of a tree extending over any public sidewalk shall be trimmed to at least the height of eight (8) feet above the sidewalk. The branches of a tree extending over the travel portion of any street used for vehicular traffic shall be trimmed to fifteen (15) feet above the street. All tree pruning shall be conducted according to the standards of the National Arborist Association Standards set forth in ANSI A300 (Part 1) Tree Pruning. All landscaping installed or retained to meet the requirements of this section shall be maintained in a healthy and growing condition.

- F. All replacement or relocated protected index trees must be maintained in a healthy and growing condition for a minimum of two (2) years from the date of the last certificate of occupancy in the development. All trees that, in the opinion of the county, will not survive for this minimum time period will be replaced by the property owner.

6.01.04. Protected Index trees.

The following protected index trees having a caliper of six (6) inch DBH or greater are protected under the terms of this regulation and also constitute acceptable replacement trees subject to minimum size requirements:

Common Name	Botanical Name
Ash	<i>Fraxinus spp.</i>
<u>Bald Cypress</u>	<u><i>Taxodium distichum</i></u>
Bay	<i>Persea spp.</i>
Black Cherry	<i>Prunus Serotinia</i>
Cherry Laurel	<i>Prunus laurocerasus</i>
Cypress, bald	<i>Taxodium distichum</i>
Cypress, pond	<i>Taxodium ascendens</i>
Devil's Walking Stick	<i>Aralia spinosa</i>
Elm	<i>Ulmus spp.</i>
Hackberry	<i>Celtis laevigata</i>
Hickory	<i>Carya spp.</i>
Holly	<i>Ilex spp.</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>
Magnolia, Sweetbay	<i>Magnolia virginiana</i>
Maple, Red	<i>Acer rubrum</i>

Common Name	Botanical Name
Oak	<i>Quercus spp.</i>
Persimmon	<i>Diospyros virginiana</i>
Redbud, Eastern	<i>Cercis canadensis</i>
Red Cedar, Eastern	<i>Juniperus Virginiana spp.</i>
Red Cedar, Southern	<i>Juniperus Silicicola spp.</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore, American	<i>Platanus occidentalis</i>
Tupelo, Black	<i>Nyssa sylvatica</i>
Tupelo, Swamp	<i>Nyssa aquatica</i>
Yellow-Poplar(Tulip tree)	<i>Liriodendron tulipifera</i>

County staff may accept other broadleaf hardwood trees as replacements upon a finding of suitability.

6.01.05. Tree protection during construction.

(1) *Standards for tree protection during development.* The following are minimum standards necessary to protect trees designated for preservation from damage during land clearing and development activities after the permit has been approved.

A. *Protection of existing trees.* Prior to any clearing of improved, vacant or unimproved land unless specifically exempted from this section, trees to be preserved shall be identified, staked and clearly marked to prevent physical damage from heavy equipment and other activities incidental to development. Required tree protection barriers shall be subject to inspection for the duration of the activity.

1. Whenever there is any planned encroachment into the dripline of an protected index tree proposed for preservation, the applicant is recommended to secure the services of a licensed certified arborist. The certified arborist should prepare a written report indicating the chances for long term survival of the tree and best practices to be employed during and after construction. As an alternative, the county shall review the protection program for approval.

2. Root pruning. The roots of all trees to be protected shall be cleanly pruned at the edge of proposed land disturbance activity.

3. Tree Barriers or barricades. The barriers or barricades shall be installed per the tree protection details included in the approved landscape / tree protection plans. ~~conspicuous enough and high enough to be seen easily by operators of trucks and other equipment.~~ Prior to Immediately following

the clearing of underbrush, barricades shall be installed and required to remain in place throughout the construction period. Absent a tree protection detail in the landscape plan, the ~~The~~ minimum size of wood barrier fencing shall be two (2) inches by four (4) inches and the top of the barrier shall be a minimum of four (4) feet high. Another acceptable means of barricading trees is the use of orange plastic construction fence, four (4) feet high, and supported every eight (8) feet by rebar, driven into the ground. Fencing shall be securely attached to rebar by the use of nylon zip ties or twisted wire. Barricades must be taut and perpendicular to ground.

a. Failure to install tree protection barriers prior to clearing shall result in a fine to the owner. Initial fine for failure to install tree protection barriers prior to clearing shall be \$5,000, and fines shall accrue \$100 per day until installed.

4. *Other required protection of trees:* The developer or permittee shall protect the trees designated for preservation in the approved permit from physical damage, chemical poisoning, excavation and grade changes to at least the following minimum standards:
 - a. *Utility and irrigation line trenches.* Trenches shall be routed away from trees to an area outside the drip line to the maximum extent possible or directionally bored.
 - b. *Grade changes.* If approved by the county, retaining walls or dry wells may be utilized to protect root systems from severe grade changes.
 - c. *Development activities.* No vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall take place within the barricaded area.
5. *Pruning of trees and vegetation.* Pruning of branches and roots of trees must be in compliance with the standards established by the American National Standards Institute (ANSI A-300).
6. *Root system protection.* The root systems of trees shall be protected as follows:
 - a. The protected area shall be mulched and irrigated regularly according to seasonal needs.
 - b. The permittee shall protect tree root systems from damage due to noxious materials in solution caused by runoff, or spillage during mixing and placement of

construction materials, or drainage from stored materials. Root systems shall also be protected from flooding, erosion or excessive wetting resulting from dewatering operations.

7. *Trees damaged during construction.* Trees damaged by construction must be repaired under the direction of a certified arborist in a manner acceptable to the county.
 - a. *Immediate notification of county.* Flagler County Development Services must be notified immediately after any damage to any tree by construction operations.
 - b. *Prompt repair.* Such repairs as necessary shall be made promptly after damage occurs to prevent progressive deterioration of damaged trees.
 - c. *Removal and replacement of damaged trees.* The developer or permittee shall remove trees which are determined by the county to be incapable of restoration to normal growth pattern. Such trees shall be subject to replacement under the provisions of this section.

6.01.06. Exemptions.

The following activities are specifically exempt from the procedures and standards of this section:

- (1) Agricultural activities including harvesting of commercial timber. The latter must comply with the latest addition of "Silviculture Best Management Practices" published by the Florida Department of Agriculture and Consumer Services.
- (2) Tree removal directly within a public or private road right-of-way for the installation of required subdivision improvements.
- (3) Individual service connections and construction, installation of public utility lines provided, however, they comply with Section 6.01.05(4)(a); septic tanks, lines or drain fields; compacted fill within the limits of the approved building footprint.
- (4) Emergency work to protect life, limb or property. This includes clearing that is in conformance with firewise community protection standards set forth by the division of forestry.
- (5) Maintenance activity along road sides, under wires, around fire hydrants and similar instances.
- (6) *Damaged trees.* Trees suffering major structural damage or destroyed by force majeure are exempt from this section as determined by the county.
- (7) *Licensed plant and tree nurseries.* Plant and/or tree nurseries licensed pursuant to the Florida State Department of Agriculture and Consumer

Services, Division of Plant Industry shall be exempt from the terms and provisions of this article in relation to those trees planted and growing on site for wholesale and/or retail sale purposes in the ordinary course of said licensee's business.

- (8) A tree or trees required to be cut down, destroyed, removed or relocated or destructively damaged by a county, state or federal law, or by rules promulgated by a county, state or federal agency.

6.01.07. Enforcement.

- (1) *Generally.* The development services director or his/her designee shall enforce the provisions of this section.
- (2) *Individual enforcement.* Each violation of this section or any of its subsections is deemed a separate and distinct infraction of the land development code. Each protected index tree to be protected may be the subject of individual enforcement.
- (3) *Strict liability of owner.* The owner of any property where a tree or trees have been cut down, destroyed, removed, relocated or destructively damaged shall be held strictly liable for a violation of this section unless it can be proven that the damage was caused by:
 - A. An act of God;
 - B. An act of War;
 - C. Development activities on the property in compliance with an approved permit; or
 - D. The owner alleges that the damage was caused by vandals or trespassers and the owner of the property has filed a police report for the incident and had taken reasonable security measures to prevent unauthorized access to the property.
- (4) *Stop-work order.* The enforcement agency shall immediately issue an order to cease and desist any work being carried out in violation of this section or any permit conditions promulgated under this section. Upon notice of such violation, no further work shall take place until appropriate remedial action is instituted, as determined by the enforcement agency.
- (5) *Other enforcement.* Nothing in this section shall prohibit the county from enforcing this section by other means.

6.01.08. Penalties.

- (1) *Fine and replacement.* Each violation of this section shall be punishable in a court of competent jurisdiction by a fine of no more than five hundred dollars (\$500.00) plus replacement of the trees removed from the site, unless indicated otherwise. The removal, relocation or destruction, including dripline encroachment, of each tree for which a permit is

required in violation of this section shall constitute a separate offense under this section. If the violation is discovered subsequent to stump removal, a presumptive count of one (1) qualifying protected index tree per four thousand (4,000) square feet, or major portion thereof, shall be employed in the absence of specific evidence of the actual number of trees destroyed.

- (2) *Withholding of permits.* Failure of any party to follow the procedures as required by this section shall constitute grounds for withholding site plan approval, building permits, occupancy permits or any other appropriate approvals necessary to continue development until remedial action is completed in accordance with this section.
- (3) In addition to the above, each violation of this Ordinance may be prosecuted as provided by Section 125.69, Florida Statutes 2004, as may be amended, which currently provides as follows:

"Violations of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment."
- (4) In the event of a violation, the penalties set forth in this Ordinance shall be applicable to the offending property owner, tenant, any contractor clearing the owner's property or any other person operating on behalf of the owner.

G. Section 6.01.09, *Tree bank fund established*, in Article VI, *Resource Protection Standards*, of Appendix C, *Land Development Code*, is created to read as:

6.01.09. Tree bank fund established.

- (1) 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 County.

The tree bank fund shall be a separate account set up and shown in County 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, and may also be used for the fee and less-than-fee acquisition of private lands which preserve existing tree canopy, especially those sites which include

specimen or historic trees. Funds may also be used for the design and installation of irrigation systems, mulching, and staking for these trees.

- (2) Valuation of contributions to the tree bank fund shall be based on the current market rate cost of a 4" Live Oak tree, delivered, installed, staked, and mulched in accordance with County standards. For example, if the market rate for the above mentioned 4" caliper Live Oak is \$400, the cost per caliper inch is \$100. If an applicant is proposing to meet the tree replacement requirement using the tree fund to replace 200 inches of protected trees, the applicant will pay \$20,000 dollars (\$100/inch x 200 inches).

H. Section 6.01.10, *Variances*, in Article VI, *Resource Protection Standards*, of Appendix C, *Land Development Code*, is created to read as:

6.01.10. Variances.

The planning and development board is hereby designated as the protected tree board of adjustment and is authorized to consider variances in specific cases where such variances will not be contrary to the public interest and where, owing to special conditions a literal enforcement of the provisions of this section would result in unnecessary hardship. All requirements, procedures, findings and appeals of protected tree variances shall follow those provisions for zoning variances as outlined in Article III, Zoning District Regulations.

Section 3. FISCAL IMPACT STATEMENT.

The amendments to the Land Development Code included in this Ordinance should have a negligible effect upon property owners and developers relative to the cost of compliance.

Section 4. APPLICABILITY.

This Ordinance shall be effective within the unincorporated areas of Flagler County, Florida.

Section 5. CODIFICATION.

- A. Only Section 2 of this Ordinance shall be codified and included within the Code of Ordinances of Flagler County, Florida.
- B. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Flagler County Code of Ordinances, and that the sections of this Ordinance may be renumbered or

relettered and the word “ordinance” may be changed to “section,” “article,” “regulations,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 7. EFFECTIVE DATE.

- A. This Ordinance shall become effective upon its filing with the Department of State.
- B. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment by the Board of County Commissioners.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, UPON SECOND AND FINAL READING THIS 5TH DAY OF AUGUST, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA**

Andrew S. Dance, Chair

ATTEST:

APPROVED AS TO FORM:

Tom Bexley, Clerk of the
Circuit Court and Comptroller

Al Hadeed, County Attorney

EXHIBIT XX

SITE DEVELOPMENT SURVEY REQUIREMENTS

TREE SURVEY REQUIREMENTS

(APPLIED TO ALL MFR/COM, IND & SUBD DEVELOPMENT)

FOR CLARIFICATION, HERE ARE THE BASICS:

1. MUST SHOW 6" DIAMETER AND ABOVE PROTECTED TREES WITHIN THE REQUIRED SURVEY AREAS.
2. MUST SHOW ALL SPECIMEN TREES LOCATED ANYWHERE ON THE SITE. (EXCEPT WETLANDS THAT ARE IN CONVERSATION.)
3. SURVEYED AND SAVED TREES WITH A DIAMETER > 3.5" BUT LESS THAN THE MINIMUM OF 6" DIAMETER CAN QUALIFY FOR CREDIT, IF LOCATED WITHIN THE PERIMETER BUFFER AREAS.

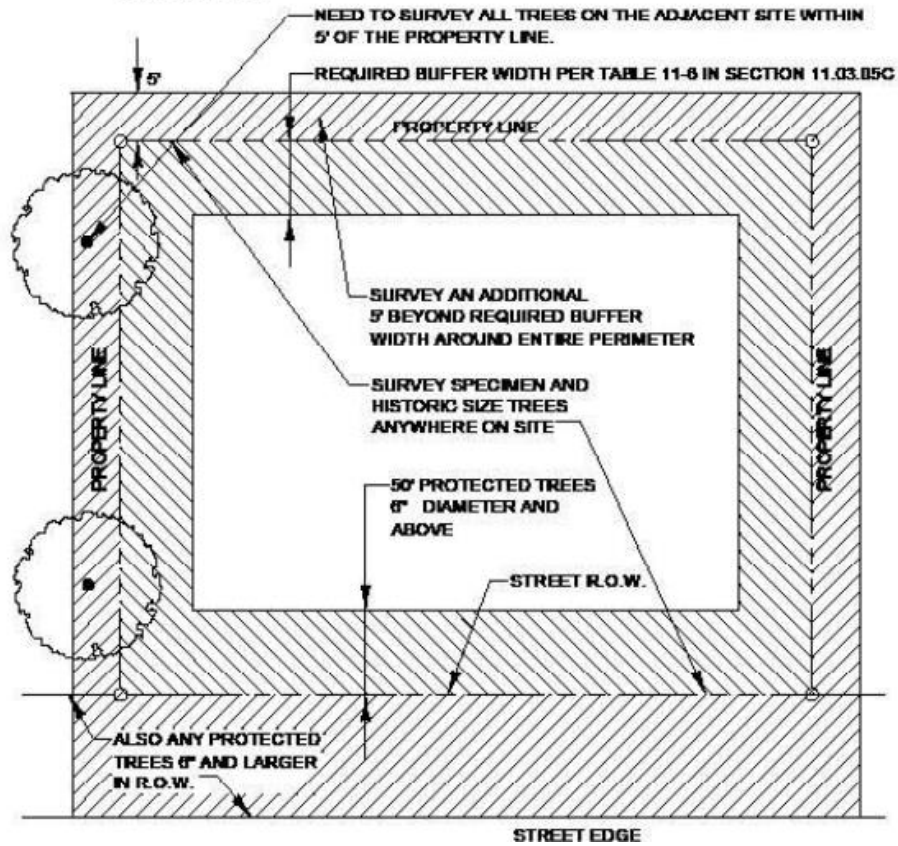


EXHIBIT XX

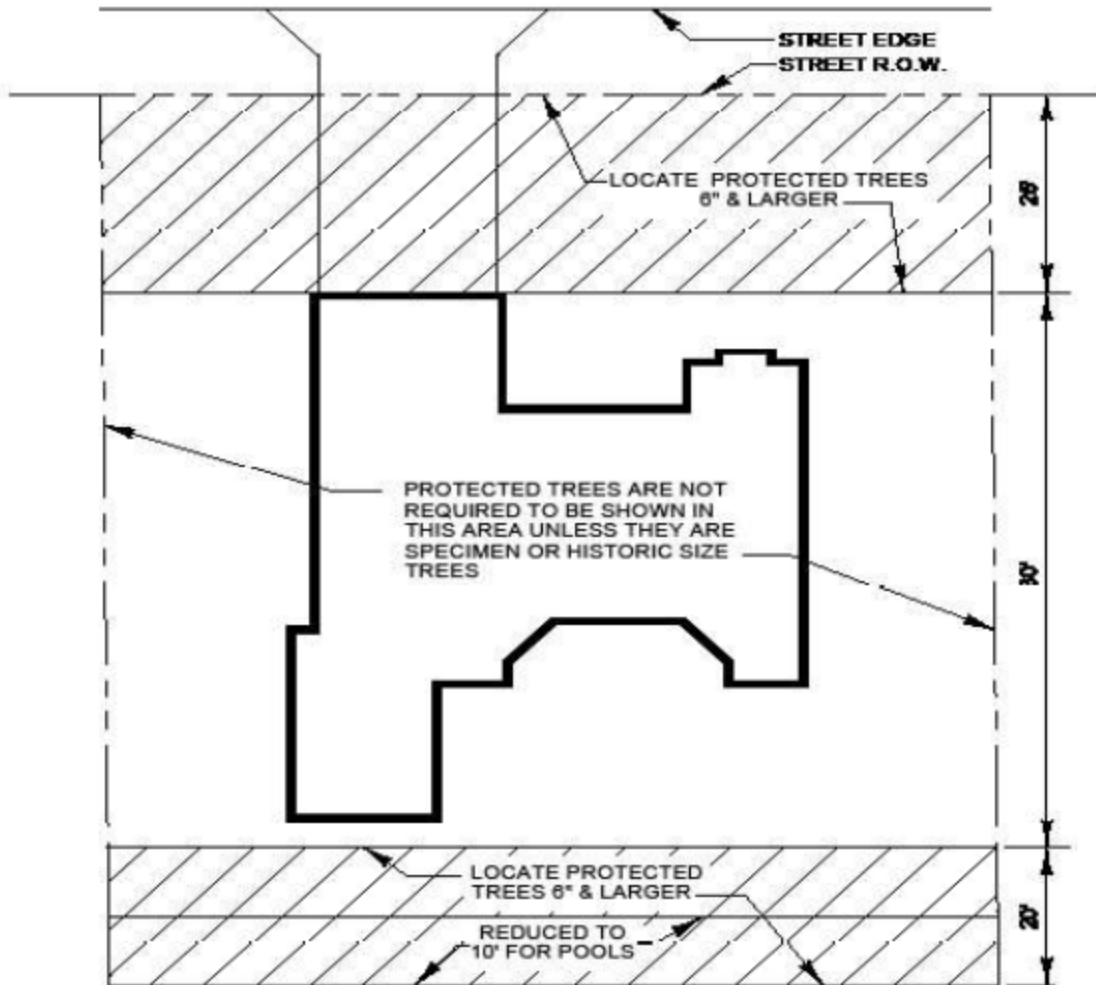
SINGLE FAMILY LOT SURVEY REQUIREMENTS

2. Tree Survey for SFR/DPX Developments

Protected trees six (6) inches or greater diameter at breast height within all front, rear, and street side building setback areas shall be shown on the tree survey if the trees are going to be used for credits. Specimen and historic trees shall be surveyed over the entire lot except as provided in lot section 11.02.02D.

**TREE SURVEY REQUIREMENTS
(APPLIED TO ALL SFR/DPX DEVELOPMENT)**

1. EXEMPTING SIDE YARDS ENTIRELY (EXCEPT ON SIDE STREET LOTS)
2. PROTECTED TREES IN THE FRONT YARD SETBACK (25')
2. PROTECTED TREES IN THE REAR YARD SET BACK (20')
4. OTHER THAN FOR SPECIMEN AND HISTORIC TREES, IF EXISTING TREES ARE NOT INTENDED FOR CREDIT THEY ARE NOT REQUIRED TO BE SURVEYED.
5. IF EXISTING TREES ARE USED FOR TREE DENSITY CREDIT THEY MUST BE BARRICATED PER THE CITY STANDARD DETAIL.



FIRST INSERTION

**NOTICE TO CREDITORS
IN THE CIRCUIT COURT FOR
FLAGLER COUNTY, FLORIDA
PROBATE DIVISION
File No. 2023-CP-000802
Division 48
IN RE: ESTATE OF
CASEY O'DONNELL
Deceased.**

The administration of the estate of Casey O'Donnell, deceased, whose date of death was September 2, 2023, is pending in the Circuit Court for Flagler County, Florida, Probate Division, the address of which is 1769 E. Moody Blvd., Bunnell, FL 32110. The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

A personal representative or curator has no duty to discover whether any property held at the time of the decedent's death by the decedent or the decedent's surviving spouse is property to which the Florida Uniform Disposition of Community Property Rights at Death Act as described in sections 732.216-732.228, applies, or may apply, unless a written demand is made by a creditor as specified under section 732.2211.

The date of first publication of this notice is 06/27/2024.

Personal Representative:
/s/ Tara O'Donnell
52 Old Oak Dr.

Palm Coast, Florida 32137

Attorney for Personal Representative:

/s/ Jennifer A. McGee

Jennifer A. McGee, Esq.

Attorney for Personal Representative

Florida Bar Number: 1023165

McGee Law, PLLC

6 Meridian Home Lane, Unit 201

Palm Coast, Florida 32137

Telephone: (386) 320-7300

E-Mail: jennifer@mcgeelawfl.com

June 27; July 4, 2024

24-00152G

**A NEW & AFFORDABLE OPTION
PUBLIC
NOTICES**

The Palm Coast & Ormond Beach Observers now qualify to publish public and legal notices.

FIRST INSERTION

**NOTICE OF ADOPTION OF AMENDMENT TO THE
FLAGLER COUNTY LAND DEVELOPMENT CODE**

Pursuant to Chapter 125.66, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt an Ordinance affecting the actual list of permitted, conditional, or prohibited uses within the unincorporated area of Flagler County and titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING APPENDIX C, LAND DEVELOPMENT CODE, OF THE FLAGLER COUNTY CODE OF ORDINANCES; AMENDING LAND DEVELOPMENT CODE SECTION 4.05.01, SKETCH PLAT REVIEW; AMENDING LAND DEVELOPMENT CODE SECTION 5.01.09, FLAGLER COUNTY SHADE TREES; AMENDING LAND DEVELOPMENT CODE SECTIONS 6.01.00 THROUGH 6.01.05 RELATED TO INDEX TREE REMOVAL AND PROTECTION; CREATING LAND DEVELOPMENT CODE SECTION 6.01.09, TREE BANK FUND ESTABLISHED; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearings on the ordinance will be held in the location listed below at the dates and times provided:

PLANNING AND DEVELOPMENT BOARD - Tuesday, July 9, 2024 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

BOARD OF COUNTY COMMISSIONERS - First Reading - July 15, 2024 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

BOARD OF COUNTY COMMISSIONERS - Second Reading and Adoption - August 5, 2024 at 9:30 a.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning and Zoning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to planningdept@flaglercounty.gov. Copies of the proposed ordinance, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning and Zoning Department, 1769 East Moody Boulevard, Building 2, Bunnell, Florida 32110, Monday through Friday (except holidays) from 8:00 am to 5:00 pm.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE COUNTY ADMINISTRATION AT (386) 313-4001 AT LEAST 48 HOURS PRIOR TO THE MEETING.

June 27, 2024

24-00239F

FIRST INSERTION

**NOTICE OF ACTION
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA.**

**CASE No. 2021 CA 000593
REVERSE MORTGAGE FUNDING
LLC,**

**Plaintiff vs.
JACKSON, CATHERINE, et al.,
Defendants**

TO: UNKNOWN HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHER PARTIES CLAIMING AN INTEREST BY, THROUGH, UNDER OR AGAINST THE ESTATE OF PRESTON LOPEZ JACKSON, III, DECEASED
47 WOOD ACRE LANE
PALM COAST, FL 32164

YOU ARE HEREBY NOTIFIED that an action to foreclose a mortgage on the following described property located in Flagler County, Florida:

LOT 41, BLOCK 58A, AMENDED SUBDIVISION MAP WYNNFIELD SECTION 27-PALM COAST, ACCORDING TO PLAT OR MAP THEREOF AS RECORDED IN MAP BOOK 28, PAGE 30 AND 31, INCLUSIVE, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

has been filed against you, and you are required to serve a copy of your written defenses, if any, to this action, on Greenspoon

Marder, LLP, Default Department, Attorneys for Plaintiff, whose address is Trade Centre South, Suite 700, 100 West Cypress Creek Road, Fort Lauderdale, FL 33309, and file the original with the Clerk within 30 days after the first publication of this notice in BUSINESS OBSERVER, on or before 30 days after first publication, 2024; otherwise a default and a judgment may be entered against you for the relief demanded in the Complaint.

IMPORTANT

In accordance with the Americans with Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should, no later than seven (7) days prior, contact the Clerk of the Court's disability coordinator at COURT ADMINISTRATION, 125 E ORANGE AVENUE, SUITE 300, DAYTONA BEACH, FL 32114, 386-257-6096. If hearing or voice impaired, contact (TDD) (800)955-8771 via Florida Relay System.

WITNESS MY HAND AND SEAL OF SAID COURT on this day of 6/12/2024.

TOM BEXLEY
As Clerk of said Court
(SEAL) By: /s/ Margarita Ruiz
As Deputy Clerk

Greenspoon Marder, LLP
Default Department
Attorneys for Plaintiff
Trade Centre South, Suite 700
100 West Cypress Creek Road
Fort Lauderdale, FL 33309
(58341.1136)

June 27; July 4, 2024

24-00150G