



## SECTION 4.0 NONSTATUTORY LAND DIVISION

### Section 4.01 Purpose

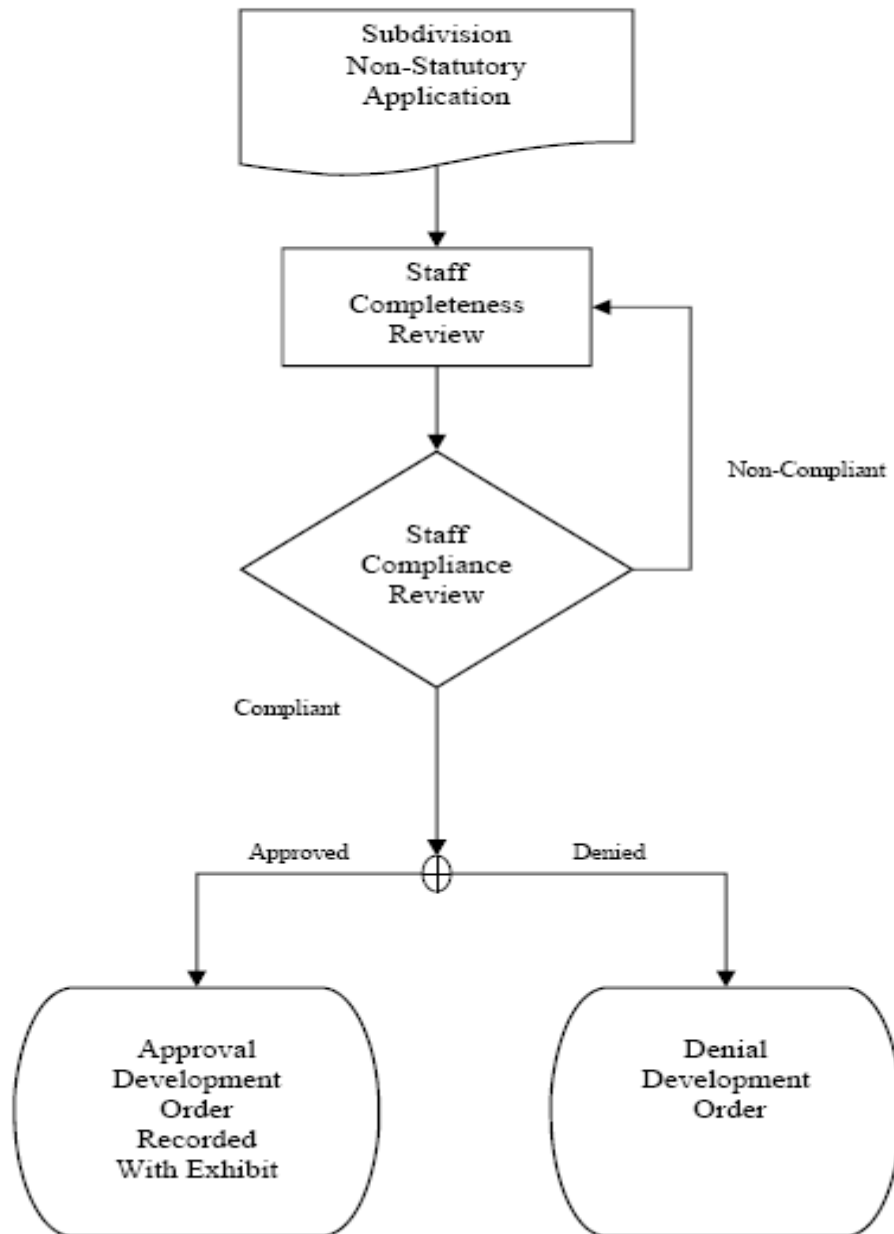
This section describes the process for the [dividing or reconfiguration of land that is deemed nonstatutory](#) according to [Florida Statutes](#), the qualification of which complies with one of the following:

- A. The combination or reconfiguration of previously platted lots or portions of such lots where the total number of lots is not increased and the resultant lots comply with City requirements.
- B. The public acquisition by purchase, acceptance of deed of dedication, or exercise of the right of eminent domain of strips of land for the widening or opening of streets, or acquisition of property for public purposes or public amenities.
- C. The division of land into no more than three (3) lots, parcels, tracts, tiers, blocks, units, or any other division of land of into no fewer than 20 acres each provided:
  1. Said division of land does not create a new street.
  2. Each resulting lot, tract, or parcel shall have access to a public street and no public improvement may be dedicated including, but not limited to, any dedication of rights-of-way, easement, or physical improvement of any kind intended for public use.
  3. Each lot, tract, or parcel shall meet or exceed the minimum requirements of the zoning district in which it is located adjacent to the public street.
  4. The owner of the subject property shall not be allowed to further subdivide under this section.

### Section 4.02 Application Process

- A. The Applicant shall submit a complete [application package](#) to the City. A meeting with City Staff is recommended for submittal of the application package.
- B. Per [subsection 2.05.04](#) of the [Unified Land Development Code \(LDC\)](#), the application package will undergo a completeness review by the City.
- C. Upon acceptance, the application package shall be reviewed for compliance.
- D. The City shall issue a development order and submit the reconfigured parcel or newly created division of land to the Flagler County Clerk's Office for recording purposes upon satisfying compliance review. The Applicant is responsible for payment of all fees associated with the recording costs.

## Non-Statutory Subdivision





**GENERAL APPLICATION:** ☐ Rezoning ☐ Special Exception  
☐ Nonstatutory Land Division/Parcel Reconfiguration ☐ Vacating Plat  
☐ Subdivision Master Plan ☐ Preliminary Plat ☐ Final Plat  
☐ Master Site Plan ☐ Nonresidential Controlling Master Site Plan  
☐ Technical Site Plan ☐ Site Plan Addition ☐ Development Order Modification  
☐ Variance ☐ Parking Flexibility  
☐ Wireless Communication Facility (new structure)

CD Plus Application #: \_\_\_\_\_ Application Submittal Date: \_\_\_\_\_  
Fee Paid: \$ \_\_\_\_\_ Date of Acceptance: \_\_\_\_\_  
Employee Name Accepting Application (print name): \_\_\_\_\_  
Rejected on \_\_\_\_\_ Rejected by: \_\_\_\_\_  
Reason for Rejection: \_\_\_\_\_

A. PROJECT NAME: \_\_\_\_\_

B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): \_\_\_\_\_

C. PROPERTY APPRAISER'S PARCEL NUMBER(s): \_\_\_\_\_

D. LEGAL DESCRIPTION: \_\_\_\_\_ Subdivision Name; \_\_\_\_\_ Section; \_\_\_\_\_ Block; \_\_\_\_\_ Lot

E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: \_\_\_\_\_

F. FUTURE LAND USE MAP DESIGNATION: \_\_\_\_\_ EXISTING ZONING DISTRICT: \_\_\_\_\_  
OVERLAY DISTRICT: \_\_\_\_\_

G. FLOOD ZONE: \_\_\_\_\_ COMMUNITY PANEL NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

H. PRESENT USE OF PROPERTY: \_\_\_\_\_

I. DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS): \_\_\_\_\_

J. PROPOSED NUMBER OF LOTS: \_\_\_\_\_

K. CHECK APPROPRIATE BOX FOR SITE PLAN:

- ☐ Tier 1 (up to 40,000 sq. ft. / 40 units)  
☐ Tier 2 (up to 100,000 sq. ft. / 100 units)  
☐ Tier 3 (exceeding 100,000 sq. ft. / 100 units)

L. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:

M. WATER/SEWER PROVIDER: \_\_\_\_\_

N. IS THERE AN EXISTING MORTGAGE? ☐ Yes ☐ No

**OWNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**APPLICANT / AGENT:****MORTGAGE HOLDER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**ENGINEER OR PROFESSIONAL:****PLANNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**TRAFFIC ENGINEER:****SURVEYOR:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**LANDSCAPE ARCHITECT:****ATTORNEY:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**DEVELOPER OR DOCKMASTER:**

**I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:**

**Signature of owner OR person authorized to represent this application**

**Signature(s)** \_\_\_\_\_

**Printed or typed name(s):** \_\_\_\_\_

**NOTARY:** This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by

\_\_\_\_\_ who is/are personally known to me, or who has/have produced

\_\_\_\_\_ as identification. (SEAL)

\_\_\_\_\_  
Signature of Notary Public, State of Florida

General Application (sheet 2 of 2)



## NONSTATUTORY LAND DIVISION or PARCEL RECONFIGURATION APPLICATION CHECKLIST

☐ = Mandatory    ☐ = As applicable    ☐ = sub items

The following checklist is a tool to facilitate compliance for the submittal package. Place a check in each symbol below to indicate that the item has been addressed. As indicated in the above key legend, an item with a square indicates the item is mandatory, while the triangle indicates it may or may not be applicable. If applicable, then the item is mandatory.

At a minimum, the documents listed below are required to process a request for a *nonstatutory land division* or *parcel reconfiguration*. This checklist **must** be completed by the Applicant and included in the application submittal package in order for the application to be accepted. If a required document is not provided then a statement justifying the action is to be submitted, which will be taken into consideration.

It is recommended to schedule an appointment for submittal of the application package by contacting a Land Development Technician at (386) 986-3736.

- ☐ A. Complete [application form](#) filed by property owner or property owner's representative (refer to [subsection 2.05.04.A](#) of the [Unified Land Development Code \(LDC\)](#).
- ☐ 1. Application notarized
- ☐ B. For an owner's representative, submit [letter of authorization](#).
- ☐ C. Current survey (2 copies) on paper size no greater than 8.5 x 14 illustrating:
- ☐ 1. Prepared by a registered land surveyor licensed to practice in the State of Florida.
- ☐ 2. Contains the legal description and total acreage of the subject property.
- ☐ 3. Surveyor's certificate of accuracy.
- ☐ 4. All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.
- ☐ 5. All existing on-site improvements, including buildings, structures, drainage facilities, or other utilities.
- ☐ 6. All wetlands.
- ☐ 7. Flood Insurance Rate Map (FIRM) information: community panel number, date, and flood zone(s). Flood zone boundary shall be depicted.
- ☐ 8. Streets adjacent to the tract, including rights-of-ways and pavement widths.
- ☐ 9. Completed with the benefit of a current title opinion and a statement that it is current.
- ☐ D. Boundary sketch (2 copies) on paper size no greater than 8.5 x 14, prepared by a Florida registered land surveyor, depicting the proposed lot divisions or lot reconfigurations and the following:
- ☐ 1. Metes and bounds description of each newly created or reconfigured parcel.
- ☐ 2. All newly established parcels shall be labeled and numbered accordingly.
- ☐ 3. Any proposed easements and square footage or acreage of each newly created or reconfigured parcel.
- ☐ 4. Must state at top of survey "Nonstatutory Land Division" or "Nonstatutory Parcel Reconfiguration", whichever is applicable.
- ☐ 5. Name of project.
- ☐ 6. Vicinity map.
- ☐ E. Draft deed for each proposed parcel.



- ☐ **F.** An Opinion of Title:
- ☐ 1. Prepared by an attorney at law licensed to practice in Florida or a certification by an abstractor or a title company.
  - ☐ 2. Shows that record title to the land as described and shown on the survey is in the name of the person, persons, corporation, or entity wanting the division.
  - ☐ 3. List all mortgages not satisfied or released of record nor otherwise terminated by law.
  - ☐ 4. List all encumbrances (i.e. easements, etc.) on the subject property.
  - ☐ 5. Current (within six (6) months of the date of application submittal).
- ☐ **G.** Environmental assessment report from an environmental consultant regarding:
- ☐ 1. Wetland Quality Assessment Methodology (WQAM)
  - ☐ 2. Endangered and threatened species and species of special concern
- ☐ **H.** Cultural resource field survey report.
- ☐ **I.** If applicable, Florida Department of Transportation (FDOT) comments, conditions, or approvals for division of land along State Roads.
- ☐ **J.** Any other appropriate information thought necessary by the prospective Applicant to provide a schematic presentation. *(Optional)*
- ☐ **K.** If applicable, [Site Development Permit Fee Calculation Sheet](#).
- ☐ **L.** If dividing a lot zoned for duplexes (DPX) with an existing duplex on the lot, provide a set of construction plans that depicts the structure with separate, enclosed garages.
- ☐ **M.** Nonrefundable filing fee: \$250 or \$25 per acre, whichever is greater (payable to 'City of Palm Coast').



Property Owner Letter of Authorization

\*\*\*\*\*IF APPLICANT IS NOT THE PROPERTY OWNER\*\*\*\*\*

Dear Planning Manager,

I / We,

\_\_\_\_\_

(All property owners)

being the current property owner(s) of the property legally described as Parcel Number(s)

\_\_\_\_\_

and also described as Subdivision \_\_\_\_\_,

Section \_\_\_\_\_, Block \_\_\_\_\_, Lot \_\_\_\_\_, OR

\_\_\_\_\_

Street Address or Physical Location:

\_\_\_\_\_

Do hereby designate and authorize

\_\_\_\_\_

(name of agent / applicant)

representing \_\_\_\_\_

(Individual or Corporate Name)

to sign on my/our behalf, as my/our agent to submit an application for a

\_\_\_\_\_

(type of application)

for the property described above.

\_\_\_\_\_

Signature of property owner

\_\_\_\_\_

Print name

\_\_\_\_\_

Signature of property owner

\_\_\_\_\_

Print name

NOTARY: This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_ by \_\_\_\_\_ who is/are personally known to me, or

who has/have produced \_\_\_\_\_ as identification.

(SEAL)

\_\_\_\_\_  
Signature of Notary Public, State of Florida



**AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

COMES NOW, \_\_\_\_\_, being first duly sworn, who deposes and says:

(1) That he/she is the \_\_\_\_\_, an officer of \_\_\_\_\_ corporation existing under the laws of the State of \_\_\_\_\_.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: \_\_\_\_\_ relating to the following described real property:

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

**Signature of owner OR person authorized to represent this application**

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print name

**NOTARY:** This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ who is/are personally known to me, or who has/have produced \_\_\_\_\_ as identification.

(SEAL)

\_\_\_\_\_  
Signature of Notary Public, State of Florida





## **JOINDER AND CONSENT AFFIDAVIT**

**JOINDER AND CONSENT BY** \_\_\_\_\_  
Name of Lending Institution / Mortgage Holder

**COME NOW,** \_\_\_\_\_ and Joins and Consents to the  
covenants and conditions set forth herein and hereunto sets his hand and seal this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

**ATTEST:**

\_\_\_\_\_  
Name of Lending Institution

\_\_\_\_\_  
Corporate Secretary

\_\_\_\_\_  
Corporate President

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

## **ACKNOWLEDGEMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by  
\_\_\_\_\_, who is/are personally known to me or who  
has produced \_\_\_\_\_ as identification and who did execute said  
instrument for the purpose therein expressed.

**WITNESS** my hand and official seal the day month and year aforesaid.

**NOTARY PUBLIC (SEAL)**

\_\_\_\_\_  
NOTARY PUBLIC SIGNATURE