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2

3 **AMENDMENT OF THE TOWN CENTER AT PALM COAST**
4 **PLANNED UNIT DEVELOPMENT AGREEMENT TO RESTATE IT AS**
5 **THE TOWN CENTER AT PALM COAST MASTER PLAN**
6 **DEVELOPMENT AGREEMENT**

7 **THIS MASTER PLAN DEVELOPMENT AGREEMENT**, (this “MPD
8 Agreement”) is executed this ____ day of _____, 2017.

9
10 1.0 Glossary -

11 A Glossary of the terms that are defined herein is attached as **Exhibit "A"** hereto.

12
13 2.0 Procedure for Amendments -

14 Section 12.0 of the Town Center at Palm Coast Master Plan Planned Unit
15 Development Agreement ("PUD Agreement") provides that amendments will require the
16 approval of the City Council of the City of Palm Coast ("City") following the
17 recommendation of the City's Planning and Land Development Regulation Board, and
18 further provides that public notification procedures shall comply with State law.
19

20
21 3.0 Introduction -

22 This MPD Agreement restates and amends in its entirety that PUD Agreement
23 adopted by the City on December 16, 2003 pursuant to Ordinance No. 2003-32, PUD 03-
24 06 and subsequently modified by the following: Minor modification dated July 24, 2006
25 and recorded in Official Records Book 1468, Page 553 et seq.; Ordinance No. 2006-17

1 dated October 3, 2006 and recorded in Official Records Book 1494, Page 998 et seq.;

2 Minor Modification dated May 23, 2007 and recorded in Official Records Book 1579,

3 Page 1358 et seq.; Minor Modification dated December 21, 2007 and recorded in Official

4 Records Book 1637, Page 580 et seq.; Minor Modification dated June 13, 2008 and

5 recorded in Official Records Book 1667, Page 238 et seq.; Minor Modification dated

6 April 8, 2010 and recorded in Official Records Book 1764, Page 865 et seq.; and Minor

7 Modification dated March 9, 2016 and recorded in Official Records Book 1764, Page 260

8 et seq., all of the public records of Flagler County, Florida.

10 This MPD Agreement pertains to Town Center at Palm Coast ("Town Center"),

11 which is located on approximately one thousand five hundred fifty-seven acres of land

12 generally located between Belle Terre Parkway to the west, I-95 to the east, SR-100 to

13 the south and the Royal Palms Waterway to the north, and more particularly described on

14 **Exhibit "B"** hereto (the "Town Center Property"). Town Center is a Development of

15 Regional Impact ("DRI"), as defined in Section 380.06, Florida Statutes, and Chapter 28-

16 24, Florida Administrative Code. The DRI review of Town Center was completed and a

17 DRI Development Order, captioned TOWN CENTER AT PALM COAST

18 DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER ("DRI

19 Development Order") approved by the City on July 1, 2003. The following table is

20 included in the DRI Development Order and lists the maximum permitted density and

21 intensity for all uses within Town Center.

22 **A Table of Maximum Permitted Density and Intensity**

Land Uses	Total Density/Intensity
Residential	2,500 dwelling units
Office	1,400,000 sq. ft.

Land Uses	Total Density/Intensity
Retail Commercial	2,000,000 sq. ft.
Non-Retail Commercial	1,400,000 sq. ft.
Institutional	625,000 sq. ft.
Movie Theater	2,400 seats
Lodging	480 rooms
Nursing Home	240 beds

The non-residential uses are stated in square feet of gross building area.

The land uses provided for above may be converted to different classifications as provided for in the DRI Development Order, provided that the maximum permitted density and intensity for the aggregate of all land uses within Town Center will not be increased.

In the event of a conflict between this MPD Agreement and the DRI Development Order on one hand, and the zoning ordinance and other land development regulations of the City on the other hand, this MPD Agreement and the DRI Development Order will control. In the event of a conflict between this MPD Agreement and the DRI Development Order, the DRI Development Order will control. All building codes, zoning ordinances and other land development regulations of the City including, without limitation, any concurrency management requirements and the City Comprehensive Plan and/or any similar plans adopted by the City, as may be amended from time to time, will be applicable to the Town Center Property unless otherwise stated herein or in the DRI Development Order.

Transportation concurrency requirements for Town Center may be satisfied by meeting the transportation conditions contained in the DRI Development Order. Other

1 concurrency requirements will be evaluated periodically through the biennial monitoring
2 reporting process that is specified in the DRI Development Order.

4 4.0 Traditional Neighborhood Development ("TND") Concept -

5 Although it draws its inspiration from towns and suburbs built early in the 20th
6 Century, TND evolved in the United States during the 1980's. Also known as
7 Neo-traditional Development or New Urbanism, TND is the term used to describe the
8 planning and urban design of new developments that take their forms from the structure
9 and layout of traditional American small towns dating from the early decades of the
10 20th Century. The planning concepts and physical attributes of such places, with their
11 human walkable scale and lively mix of uses, are as inviting now as when they were
12 originally developed, sixty to one hundred years ago.

13 The main organizing principals that define TNDs are:

- 14 • Compact, defined urban neighborhoods, comprising a compatible mix of uses
15 and housing types
- 16 • A network of connected streets with sidewalks and street trees to facilitate
17 convenient and safe movement throughout neighborhoods for all modes of transportation
- 18 • Focus on the pedestrian over the automobile (while retaining automobile
19 convenience)
- 20 • Integration of parks and public spaces into each neighborhood
- 21 • The placement of important civic buildings on key sites to create landmarks
22 and a strong sense of place.

23 To effectively implement a development that is based on TND principals often
24 requires rewriting the community zoning ordinance, zoning map and subdivision
25 regulations. Local government planners using TND need new criteria for reviewing

1 subdivision plats and site plans. These criteria have more to do with the physical
2 arrangements of buildings and spaces than on infrastructure dimensions. *

3 * The foregoing was paraphrased from a portion of an article captioned "Traditional Neighborhood
4 Development (TND) Implementation".

5 **5.0 Project Description -**

6 **5.1 General -**

7 Town Center is a mixed-use development located approximately in the
8 geographic center of the City. The development plan for Town Center is generally
9 outlined below and depicted on the MPD Master Plan which is attached as **Exhibit "C1"**
10 hereto (the "Master Plan").

11 **Exhibit "C2"** (the "Tract Map") depicts the Town Center Tracts (the
12 "Tracts" or individually a "Tract") and the conceptual roadway system, including public
13 and private roads and driveways through parking areas.

14 Town Center is an urban center for the City, Flagler County and the
15 surrounding area. Town Center includes areas for traditional and conventional
16 development patterns with a "park and walk" downtown area, compact residential
17 development that is projected to be primarily attached low and mid-rise units, planned
18 business parks, service commercial and extensive open space areas. Town Center will
19 combine local and national retail establishments, restaurants, entertainment and office
20 space. Opportunities also exist for a governmental complex, a cultural center, a youth
21 center and other public uses. City Hall is located in the Urban Core on a portion of Tract
22 1. Public outdoor areas will continue to be designed to encourage gatherings and outdoor
23 entertainment and events.

24
25 **5.2 Land Use Areas -**

1 Town Center is made up of the following land use areas, the locations of
2 which are shown on the Master Plan:

3 (a) Town Core Areas -

4 The "Town Core Areas" include both the Urban Core and the Urban
5 Center. The Town Core Areas consist of eighteen Tracts, as indicated in subsection (c)
6 of 7.1 below, and as shown on the Tract Map. The Town Core Areas provide sites for a
7 combination of mixed uses, including the following: retail; office; governmental; civic;
8 cultural; lodging; food service; institutional facilities; entertainment; outdoor public
9 gatherings, exhibits and festivals; residential apartments and condominium units, all as
10 more specifically provided for in Section 7.3 below. The Urban Core consists of the
11 urban downtown areas with a commercial center designed for convenient automobile
12 access, including diagonal parking along streets, with a strong pedestrian orientation. The
13 Urban Center allows a similar variety of uses as the Urban Core consistent with Section
14 7.3. However, diagonal on-street parking will not be available. The necessity of internal
15 connection of adjacent parking lots will be addressed during the site plan review process
16 and only required if deemed practical.

17 (b) Town Service Area -

18 The "Town Service Area" includes sites for a charter school,
19 warehousing, storage, daycare, fraternal organizations, churches and public facilities, and
20 may also include sites for event (overflow) parking, as more specifically provided for in
21 Section 7.3 below. The Town Service Area consists of one Tract, as shown on the Tract
22 Map.

23 (c) Town Business Areas -

24 The "Town Business Areas" include sites for a combination of
25 mixed uses including the following: retail; office; business parks; showroom and flex

1 space; food service; lodging and other tourist related facilities; public facilities;
2 institutional facilities; and residential projects, as more specifically described in Section
3 7.0(c) below and provided for in Section 7.3 below. The Town Business Areas consist of
4 five Tracts, as shown on the Tract Map.

5 (d) Town Residential Areas -

6 The "Town Residential Areas" include sites for various housing
7 types including the following: apartment units; condominium units; townhomes; row
8 homes; patio homes and elderly housing, such as independent living, assisted living,
9 congregate care and retirement village, as more specifically provided for in Section 7.3
10 below. The Town Residential Areas consist of fourteen Tracts, as shown on the Tract
11 Map.

12 (e) Perimeter Commercial Areas -

13 The "Perimeter Commercial Areas" are located along or near
14 existing perimeter roads and include sites for retail commercial, food service, office,
15 lodging, financial institutions and automobile care facilities, as more specifically
16 provided for in Section 7.3 below. The Perimeter Commercial Areas consist of eight
17 Tracts, as shown on the Tract Map.

18 (f) Town Common Areas -

19 The "Town Common Areas" consist of approximately 500 acres of
20 high quality wetlands, plus greenways, lakes, bikeways, walkways, parks and other
21 passive recreational areas which contain over 200 additional acres. The Common Areas
22 make up approximately one-half of the Town Center Property and provide an edge for the
23 development areas and a buffer between land uses. Where possible, pedestrian access
24 will be provided through the Town Common Areas to connect adjacent development
25 areas. Development activities within permanent conservation easements will comply

1 with applicable rules and regulations set forth in the Florida Administrative Code and
2 Florida Statutes.

3
4 **6.0 Land Development Code Applicability -**

5 6.1 The Land Development Code of the City ("Land Development Code")
6 applies to the Town Center Property and development within it, unless expressly
7 otherwise provided in this Section.

8 6.2 The requirements of this Section supersede any inconsistent provisions of
9 the Land Development Code or other ordinances of the City.

10 6.3 Many of the provisions of the Land Development Code are inconsistent
11 with the TND planning concept, and as indicated in Section 4.0 above, Town Center is
12 planned as a TND. As a result, for purposes of Town Center and development within it,
13 the following provisions apply and supercede any conflicting provisions contained in the
14 Land Development Code:

15 (a) Initially, Town Center Property contained approximately five
16 hundred eighty acres of wetlands, most of which were substantially degraded as a result
17 of years of agricultural use. Of the five hundred eighty wetland acres, approximately five
18 hundred acres of wetlands on the Town Center Property have been conserved and/or
19 enhanced. Because of the complex nature of the design of Town Center, including the
20 wetland mitigation plan that is provided for in the DRI Development Order and the
21 commitment to conserve and/or enhance the majority of the wetlands on site in order to
22 provide an increase in the overall wetland functional values, the wetlands provisions of
23 the Land Development Code will not apply. Instead, developers of the Town Center
24 Property will be obligated to obtain approvals, as appropriate, from the United States
25

1 Army Corps of Engineers ("USACE") and/or the St. Johns River Water Management
2 District ("SJRWMD") prior to commencing development.

3 (b) An upland buffer averaging no less than twenty-five feet will be
4 maintained adjacent to and surrounding all wetlands. The minimum buffer will be fifteen
5 feet, provided that no more than twenty percent of all buffers will be less than twenty-five
6 feet.

7 (c) Title to any Tract may be transferred in its entirety without platting,
8 as more specifically provided for in Section 7.1(b) below. However, no infrastructure
9 improvements, with the exception of stormwater and utility improvements and site fill
10 may be made on any Tract until preliminary plat approval is received for the area to be
11 improved. A final plat must be recorded prior to issuance of a certificate of occupancy or
12 conveyance of any portion of the property that is included in the plat.

13 As Tracts are fully developed and built out, the method of conveying
14 stormwater to stormwater retention areas may be altered from time to time. In the
15 meantime, stormwater may be conveyed to stormwater retention areas on a temporary
16 basis through a variety of methods, including open swales. A temporary blanket drainage
17 easement was granted to the Town Center CDD and the City over all areas that contain
18 temporary drainage facilities, and when the stormwater facilities are permanently located,
19 the temporary easement is released in exchange for a grant of a permanent easement over
20 the location of the permanent drainage facilities.

21 (d) Land divisions shall comply with State law.

22 (e) Road rights-of-way may be dedicated to the City on plats or by
23 right-of-way deed. Dedications by right-of-way deed will be accepted by the City when
24 the construction plans or preliminary plat of the road is approved by the City. If not
25 previously recorded, plats of all roads will be recorded following completion of road

1 construction. The City will join in plats if the road being platted is located in a right-of-
2 way that was dedicated to the City by right-of-way deed before the plat is recorded.

3 (f) To avoid damage to roads, disruption of activities at Town Center
4 and because of the location of fill sources, it will be necessary to fill certain development
5 areas at Town Center before specific site development plans are available for the areas.
6 Therefore, clearing of trees, filling, excavation and dredging may be performed within
7 Town Center consistent with permits issued from time to time by SJRWMD. All cleared
8 and filled areas will be seeded or sodded and an average of one tree, with a minimum
9 height of eight feet and two inches caliper measured six inches above grade, will be
10 planted per acre. The trees may be grouped.

11 (g) The sidewalk/pathway installations within Town Center will consist
12 of the following:

13 • The sidewalks and pathways that are shown on **Exhibit "D1"**
14 hereto ("First Phase of the Master Sidewalk/Pathway System").

15 • The sidewalks and pathways that are shown on **Exhibit "D2"**
16 hereto ("Future Phase of the Master Sidewalk/Pathway System"). Future Phase of the
17 Master Sidewalk/Pathway System will be constructed from time to time, in segments, as
18 the adjacent land is developed. Sidewalks must be constructed concurrent with
19 development of adjoining properties to insure that contiguous walkable sidewalks are
20 available at all times. This means that sidewalk construction may be required to precede
21 development of properties. Any temporary sidewalks fronting vacant building sites may
22 consist of a path constructed with stabilized shell or other material approved by the City's
23 Land Use Administrator. Temporary paths must be replaced by permanent sidewalks
24 before a certificate of occupancy will be issued for a building that is constructed on the
25

1 adjacent building site. Crosswalks were provided on Belle Terre Parkway at the
2 intersections of Central Avenue and Market Avenue.

3 Developments adjacent to Town Center may connect their
4 sidewalks to the sidewalks and pathways as shown on **Exhibit "D1" and "D2"**.

5 • The sidewalks and pathways that are shown as part of the
6 street sections on **Exhibit "D3"** hereto (the "Neighborhood Sidewalk System") will be
7 constructed from time to time, in segments, as the internal street system is constructed.
8 The Neighborhood Sidewalk System is required on both sides of all internal streets in all
9 residential areas except as otherwise shown on **Exhibit "D1" or Exhibit "D2"**. Tract
10 21B may be connected by a trail to the City's tennis center.

11 • **Exhibit "D4"** is a composite of **Exhibits "D1", "D2"**
12 **and "D3"**.

13 (h) Within the Urban Core there will be a minimum of one canopy street
14 tree per an average of ninety lineal feet of lot frontage, with small trees and ornamental
15 plantings at intervals averaging thirty feet on center. Five percent of the developed area
16 will be landscaped but no perimeter buffer will be required.

17 (i) Within the right-of-way of Central Avenue, Town Center Boulevard,
18 Market Avenue, Bulldog Drive and Hospital Drive, on each side of the road, there will be
19 one tree per thirty lineal feet, one-half of which will be canopy trees. In addition, within
20 the median of Central Avenue and Town Center Boulevard (where there is a median),
21 there will be one tree per thirty lineal feet, one-half of which will be canopy trees. The
22 Urban Core streetscape will include, but not necessarily be limited to the following
23 elements: trees in cutout areas in pavement, planters, window boxes, and foundation
24 plantings.

1 Except as otherwise provided herein, there will be canopy trees
2 installed at intervals of approximately one tree for every fifty linear feet of roadway along
3 common areas and on both sides of the road. Canopy trees will be minimum of two inch
4 caliper measured six inches above grade and eight feet minimum height and will be
5 installed within the right-of-way or within ten feet of the right-of-way line.

6 (j) Except as provided for in Subsection K, sign regulations shall
7 comply with the sign regulations that are set forth in the Land Development Code, and
8 the Town Center Architectural Review Criteria and Guidelines as from time to time
9 modified. Exterior neon signage is prohibited. .

10 (k) The sign regulations that are set forth in the Land Development
11 Code, as from time to time modified, shall apply to Perimeter Commercial Tract 28,
12 except signage shall be permitted in size up to but not in excess of one and one-quarter
13 square feet per each linear foot of building, or store front, where there are multiple store
14 fronts or units in a building.

15 (l) This MPD allows for architectural review by the Town Center
16 Architectural Review Committee ("ARC"), as from time to time designated by the Town
17 Center Architectural Review Board ("ARB"), as provided for in those Assignments Of
18 Development Rights And Declarations Of Covenants, Conditions, Restrictions And
19 Reservations For Land Located In Town Center At Palm Coast, Florida, that were
20 recorded and shall continue to be recorded whenever title to a portion of the Town Center
21 property is conveyed by Florida Landmark Communities, LLC, as master developer of
22 Town Center. When reviewing new development and construction, redevelopment and
23 alterations to existing structures within Town Center, the ARC shall apply the Design
24 Criteria & Guidelines, as previously adopted and from time to time modified by the ARB,
25 and the Design Guidelines set forth in Section 8 below.

1 (m) The permitted uses and structures within Town Center will be as set
2 forth in the table at Section 7.3 below.

3 (n) The dimensional requirements within Town Center will be as set
4 forth in the table at Section 7.4 below.

5 (o) The parking requirements within Town Center will be as set forth in
6 Section 9.0 below.

7 (p) Roads, streets and alleys within Town Center will be designed and
8 built as provided for in Section 7.6 below.

9 (q) The stormwater management system for Town Center will be
10 designed and built as provided for in Section 7.7 below.

11 (r) The time limits for commencing and completing development
12 activities within Town Center will be as set forth in the DRI Development Order.

13 (s) In consideration of the previous DRI review of Town Center, in
14 connection with applications for approval of a master site plan and platting of projects at
15 Town Center, the City's Land Use Administrator can determine whether an informational
16 requirement such as a neighborhood meeting, or cultural resource report is duplicative or
17 necessary. A tree survey and environmental assessment report regarding wetlands and
18 endangered and threatened species and species of special concern will not be required if
19 the applicant provides a certification by a qualified professional that there have been no
20 changes to the project site since the DRI review and no listed species are present onsite..
21 In the event changes to the project site have occurred, the extent of any additional survey
22 or environmental assessment report will be determined by the City's Land Use
23 Administrator. ith respect to traffic, a traffic study will not be required, but an ITE Trip
24 Generation Report may be required for any project that will produce more than 11
25 average weekly PM peak hour trips offsite. The trip generation report, at a minimum,
shall depict distribution and volume.

1 (t) Model homes may be permitted in Town Center with an approved
2 preliminary subdivision once the City deems construction “substantially complete”
3 within the following guidelines:

- 4 1. The model homes are staged or phased in accessible areas of the
5 subdivision;
- 6 2. One model home is allowed for 1-10 lots, two for 11-20 lots, three
7 for 21-30 lots and no more than four for subdivisions or phases 31
8 lots or greater;
- 9 3. Model homes will include landscaping, driveways and garages. The
10 driveway may be deferred until the model home is converted for
11 residential use if separate off-street parking is provided. Any
12 parking and access must meet ADA requirements.
- 13 4. Model homes require an approved application showing the site plan
14 for the home and proposed parking, including ADA requirements.
15 The application submittal also must include the location of the
16 proposed home(s) within an approved preliminary plan, temporary
17 signage, and an executed “hold harmless” agreement.
- 18 5. Before a CO can be issued, the applicant must demonstrate that the
19 following conditions are met: 1) hydrants, 2) bacterial clearance of
20 water lines per FDEP and required permits, 3) stabilized road base,
21 4) stormwater provisions and 5) operational sewer and water lines.
- 22 6. No model home may be occupied for use until a CO is issued.
- 23 7. No model home may be occupied for residential use until the final
24 plat is recorded and a CO for residential is issued.
- 25 8. Model homes must follow LDC and MPD-related requirements.

1 7.0 Development Plan -

2 7.1 Plan Overview -

3 (a) The Master Plan depicts the general layout of Town Center,
4 including the location of major roads ("Major Roads") and the approximate location
5 where the internal street system crosses wetlands. The location of lot lines, structures,
6 internal landscape buffers, drainage facilities and the internal street system will be shown
7 on plats, site development plans or condominium documents as portions of Town Center
8 are designed for development.

9 (b) Town Center will be developed in multiple phases. Tracts may be
10 platted and sold as platted lots, tracts or parcels separately or in groups; or any Tract may
11 be sold in its entirety "as is" without platting. Any purchaser of an unplatted Tract will
12 be required to plat and obtain site development plan approval from the City before
13 developing any portion of the Tract or conveying title to any portion of the Tract to third
14 parties.

15 All infrastructure necessary to support each phase of Town Center
16 will be constructed with that phase. A final preliminary plat or site development plan for
17 Town Center will be submitted within twenty-five years from the date of this MPD
18 Agreement.

19 (c) Following is a brief summary of the Master Plan with respect to each
20 of the Tracts:

21 • Town Core Areas ("Urban Core")

22 Tract 1A - This Tract includes a central lake surrounded by
23 public gathering space to create a town square. The town square is surrounded by two
24 lane roads with diagonal parking running parallel from Central Avenue and connected at
25 the north by a two lane cross street that also includes diagonal parking spaces. Sites at

1 the north and south end of the lake are designated as sites for public uses. The growth of
2 the Urban Core began within and will emanate from Tract 1A. Tract 1A will include a
3 wide mix of uses, including retail, office, urban residential (in conjunction with retail or
4 office) and institutional with public parking areas.

5 Tract 1B - This Tract is separated from Tract 1A by Central
6 Avenue and will not include any internal streets but will include a walk through (and
7 possibly a drive through) from Central Avenue to interior parking. The parking area and
8 a drainage retention pond will buffer Town Center from the adjacent high school site.
9 Buildings on Tract 1B will front on Central Avenue or Bulldog Drive. It is likely that
10 Tract 1B will include mixed uses, including retail commercial, non-retail commercial,
11 lodging, office and urban residential.

12 Tracts 2, 3, 4A and 4B - These Tracts front on Central
13 Avenue for a distance of approximately one-half mile. It is anticipated that the Urban
14 Core will expand from west to east as these Tracts build out. These Tracts will be broken
15 into blocks, with diagonal parking along Central Avenue and parking areas behind
16 buildings. A walk through opportunity will be provided near the mid-point of each block.
17 On some of the Tracts, lineal lakes border adjacent wetlands and provide stormwater
18 retention and a backup source of water for irrigation. The lakes also provide scenic
19 locations for pocket parks and sites for restaurants and cafés with outdoor seating. Tract 2
20 includes a movie theater site and Tract 4B includes sites for a center for the arts and
21 community center. Other uses will include office, retail commercial, non-retail
22 commercial, institutional, urban residential and possibly also lodging.

23 Tracts 6B and 6C - It is likely that these Tracts will include
24 office and/or retail commercial uses. When completed, Landing Boulevard, that is
25 located between Tracts 6B and 6C, will provide traffic flow from Central Avenue to

1 Tract 28 (the largest Perimeter Commercial Tract) without impacting SR-100 or Belle
2 Terre Parkway.

3 Tract 7 - Because of its location at the western terminus of the
4 4-lane section of Central Avenue, immediately west of the Urban Core, this Tract may
5 include any of the mixed uses that are planned within the Town Core Areas. It may or
6 may not be subdivided to include internal public streets. However, a pedestrian
7 connection shall be established.

- 8 • Town Core Areas ("Urban Center")

9 Tract 5 - A substantial portion of this Tract was excavated to
10 create a lake for stormwater retention and fill. The lake also provides a backup source of
11 water for irrigation. Useable portions of this Tract may be used as a park and/or outdoor
12 recreational area in conjunction with adjacent Tracts.

13 Tract 6A - It is likely that this Tract will include residential
14 apartments or condominiums. Landing Boulevard will provide traffic flow from Central
15 Avenue through Tract 6A to Tract 28 (the largest Perimeter Commercial Tract) without
16 impacting SR-100 or Belle Terre Parkway.

17
18 Tract 8 - This Tract is located between the Urban Core and
19 the Town Business Area, and like Tract 7, it may include any of the mixed uses that are
20 planned within the Town Core Areas. It may or may not be subdivided to include internal
21 public streets.

22 Tract 9 - This is a small Tract along Town Center Boulevard
23 before it intersects with Central Avenue. Because of its size, it is likely this Tract will be
24 a site for a free-standing commercial or office use.

1 Tracts 10A, 10B and 10C - These Tracts are located at the
2 corner of Town Center Boulevard and Hospital Way and include Town Court. Because
3 of their location near the hospital, these Tracts include a medical/professional office
4 building, a multi-tenant office building, adult independent and assisted living residential
5 projects and may include a bank, restaurants, medical clinic, medical supply store or a
6 professional office building.

7 Tract 11 - This Tract is separated from Town Center
8 Boulevard by the FP&L power line easement and from Town Residential Tract 24 by a
9 wetland. Because of its isolation from a major roadway and its proximity to a Town
10 Residential Tract and the existing hospital, this Tract may be a site for a residential
11 project, nursing home, hospital or other medical facility.

12 Tract 12 - Like Tract 9, this is a small parcel along Town
13 Center Boulevard, but unlike Tract 9, it is separated from Town Center Boulevard by the
14 FP&L power line easement. Because of the size of this Tract and the interference of the
15 power line easement, it is likely it will be a site for a nursing home, lodging, day care
16 center or some type of institutional use.

17 • Town Service Area

18 Tract 13 - This Tract is conveniently located at and north of
19 the intersection of Town Center Boulevard and Central Avenue between the Town Core
20 Areas and both Town Residential Areas and Town Business Areas. Because this is the
21 only Town Service Tract, it is likely it will include some or all of the following uses:
22 office, , daycare, charter school, fraternal organization, church, public facility and event
23 (overflow) parking.

24 • Town Business Areas

1 Tract 14A - This Tract is located west of Town Center
2 Boulevard and east of a large FP&L substation site. It is likely it will include some or all
3 of the following uses: showroom; flex space; light industrial; distribution; institutional;
4 and multi-story apartments or residential condominiums. The portion of the Tract
5 fronting Town Center Boulevard may include retail commercial uses whereas any light
6 industrial or distribution uses should be oriented to the rear of the property to provide
7 adequate buffer.

8 Tract 14B - This Tract is designated for use as a public
9 facility site, but if combined with Tract 14A, it could be used as described above for
10 Tract 14A.

11 Tract 15 - This Tract has visibility from I-95 and frontage on
12 McMahan Lake. It is likely it will be developed either as an office park with multi-story
13 office buildings, or as a residential project with multi-story apartment and/or
14 condominium buildings. This concept may also include lodging and other tourist related
15 facilities. The portion of the Tract fronting Town Center Boulevard may include retail
16 commercial uses.

17 Tract 16 - This Tract is located north of the Royal Palm
18 Waterway and may be combined with Tract 17 as part of a business park. However,
19 because this Tract is secluded, contains three lakes and is near the rails-to-trails bikeway,
20 it may be developed for townhomes, row homes, patio homes or a multi-family
21 residential project, or some combination of those residential uses.

22 Tract 17 - This Tract may be developed as a business park, or
23 25% of it may be combined with Tract 16 and developed as a residential project, as
24 described above for Tract 16.

- 25 • Town Residential Areas

1 Tract 18A - This Tract will have a primary entrance on Town
2 Center Boulevard north of its intersection with Central Avenue. Lake Avenue runs from
3 Town Center Boulevard along its southern boundary to Tract 18B. This Tract will be
4 designated for residential apartments or condominiums with a density of up to fifteen
5 units per acre.

6 Tracts 18B and 18C - These long narrow Tracts will have a
7 primary access from Town Center Boulevard via an extension of Lake Avenue that will
8 run between Tract 18A and Tract 13. Lake Avenue will extend through Tracts 18B and
9 18C to the Urban Core (Tract 1A). They may also have a separate pedestrian connection
10 to the Town Core (Tract 2). Because of their configuration and proximity to the Urban
11 Core, these Tracts will be designated for town homes, row homes or patio homes with a
12 density of up to eight units per acre.

13 Tract 19A, 19B and 19C - These Tracts are near (separated
14 only by the FP&L easement) a rails-to-trails bikeway and will be connected to Tract 18B.
15 Because of their location, it is likely these Tracts will be developed for town homes, row
16 homes or patio homes, possibly as future phases of the development on Tracts 18B and
17 18C.

18 Tracts 20A and 20B - These Tracts will be connected to the
19 Urban Core (Tract 1A) and will be designated for residential apartments or
20 condominiums with a density of up to fifteen units per acre.

21 Tracts 21A and 21B - It is likely that these Tracts will be
22 developed as a phased residential apartment or condominium project all or a portion of
23 which may be age restricted. Tract 21B may have a pedestrian connection to the adjacent
24 City tennis center.

1 Tract 22 - Because it is a small Tract that is surrounded by
2 three other Residential Tracts (Tracts 20A, 21A and 23B), it may be developed as part of
3 the development on one of those adjacent Tracts. If it is not combined with an adjacent
4 Tract, it will be designated for apartments or condominiums with a density of up to thirty
5 units per acre.

6 Tracts 23A and 23B - Like Tracts 18B and 18C, these are
7 long narrow Tracts. They will be connected by an extension of Lake Avenue to the
8 Urban Core (Tract 1A) and Central Avenue at a point slightly southeast of Perimeter
9 Commercial Tract 26B. Because of their configuration and proximity to the Urban Core
10 and a Perimeter Commercial Tract, these Tracts will be designated for town homes, row
11 homes or apartments or condominiums with a density of up to fifteen units per acre.

12 Tract 24 - This Tract is connected to Town Center Boulevard through Tract 11
13 and directly to Central Avenue. This Tract was built-out with four-plex residential units
14 and one and two-story townhomes, with a community center on the internal drainage
15 retention pond.

16 • Perimeter Commercial Areas

17 Tract 25 - This Tract is bordered on the northeast by Central
18 Avenue and on the south by Market Avenue which intersects Central Avenue at the
19 eastern corner of the Tract. It was subdivided into a number of commercial lots,
20 including a site for a grocery store anchored retail center. Tract 25 also includes sites for
21 banks and the type of office, restaurant and retail uses that are not planned for the Urban
22 Core area.

23 Tracts 26A and 26B - These Tracts are bordered on the north
24 by Market Avenue and were subdivided, along with Tract 25, into a number of
25 commercial lots. Like Tract 25, it is likely Tracts 26A and 26B will include sites for

1 banks and the type of office, restaurant and retail uses that are not planned for the Urban
2 Core Areas.

3 Tracts 27A and 27B - These are small Tracts that were
4 subdivided along with Tracts 25, 26A and 26B. The access road to Town Residential
5 Tract 21A bisects these Tracts so one of the platted lots may provide a sales center site
6 for Tracts 21A, 21B and 22. These tracts may also provide sites for small retail or office
7 uses that desire high visibility and traffic volumes.

8 Tract 28 - This Tract was developed as a "power center" that
9 includes large and small retail commercial uses and outparcels. This Tract also includes
10 a segment of Landing Boulevard connecting directly from a signalized median-cut on
11 SR-100 to Tract 6A. As described above, Landing Boulevard will run through Tract 6A
12 and between Tracts 6B and 6C connecting to Central Avenue.

13 Tract 29 - This Tract which has frontage on SR-100 will be
14 used for retail commercial and/or non-retail commercial uses that are compatible with
15 neighboring uses.

16 Tract 30 - This Tract is located at a main entrance to Town
17 Center from SR-100 and includes appropriate Town Center monumentation and sites for
18 a business class hotel, restaurant and office or retail commercial uses that desire high
19 visibility and traffic volumes.

20
21 • Town Common Areas

22 The Town Common Areas include 500 acres of conservation
23 areas plus greenways, lakes, bikeways and passive parks and recreational areas.

24 7.2 Zoning and Future Land Use Map (FLUM) Category -
25

The City's Comprehensive Plan shows Town Center designated DRI (Urban Core). Zoning of the Town Center Property in accordance with this MPD Agreement is consistent with that FLUM category.

7.3 Permitted Uses and Structures -

The table below lists the permitted uses and structures within each of the land use areas at Town Center:

"P" means that the use is permitted, and "X" means the use is not permitted. Uses not listed in the table are not permitted unless substantially similar to a listed use, as determined by the City's Land Use Administrator.

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
<u>Residential Uses</u>							
Single-family dwellings, but not mobile home dwellings.	X	X	X	X/P*	P	X	X
Duplexes, tri-plexes, four-plexes and similar attached dwellings.	X	X	X	X/P*	P	X	X
Multi-family dwellings including residential units over non-residential use.	P	P	X	P	P	X	X
Town homes and row houses.	X	X	X	X/P*	P	X	X
<i>Lodging house residential (including bed and breakfast).</i>	X	P	X	X/P*	P	X	X
<i>Retirement housing, (including adult congregate living facility, and assisted living facility).</i>	X	P	X	P	P	X	X
Home occupations.	P	P	X	P	P	X	X
Recreational areas accessory to res. dev.	P	P	X	P	P	X	X

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
Office Uses							
Professionals such as, but not limited to the following: Accountant Appraiser Architect Artist (illustrator or commercial) Attorney Advertising Bookkeeper Broker, real estate and others; ie. mutual funds, stocks, bonds, etc. Business Engineering Public Relations Statistical, Tax.	P	P	P	P	X	P	X
Medical and dental such as, but not limited to the following: Chiropractic physicians Dentists Optometrist <i>Optomologist</i> Physicians and surgeons <i>Psychiatrists</i> <i>Psychologists.</i>	P	P	P	P	X	P	X
Financial institutions, including to not limited to banks and saving and loan institutions.	P	P	P	P	X	P	X
Employment agencies.	P	P	P	P	X	P	X
<i>Mixed tenant</i>	P	P	P	P	X	P	X
<i>General office</i>	P	P	P	P	X	P	X
<i>Corporate headquarters</i>	P	P	X	P	X	P	X
Laboratories when incorporated with, or an integral part of, other permitted use.	P	P	P	P	X	P	X

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
<u>Retail Commercial -</u>							
Retail sales and svcs., excluding motor vehicle sales and rental; automobile driving schools; boat or mobile home sales and svcs.; car washes; mini-warehouses and water slides.	P	P	X	P	X	P	X
Pharmacies	P	P	X	P	X	P	X
Specialty shops, including but limited to book, florist, gift and stationary.	P	P	X	P	X	P	X
Bakeries and similar uses, inc. preparation of products for sale on the premises.	P	P	X	P	X	P	X
Convenience stores, excluding the sale of distilled spirits with a higher alcoholic content than malt beverages or fermented wines.	X	P	X	P	X	P	X
Hardware stores.	P	P	X	P	X	P	X
Newsstands.	P	P	X	P	X	P	X
Auction parlors.	X	X	X	P	X	P	X
Boat, mobile home sales and service establishments.	X	X	X	P	X	P	X
Automobile sales.	X	X	X	P	X	P	X
Pawn shops.	X	X	X	P	X	P	X
Tailors.	P	P	X	P	X	P	X
Tractor sales and svcs.	X	X	P	P	X	P	X
Roadside and street vendor with current occupational license.	P	P	P	P	P	P	X
<u>Non-retail Commercial -</u>							

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
Studios, including art, dance and photography	P	P	P	P	X	P	X
Telecommunications tower.	P	P	P**	P	X	X	X
Hospitals, including behavioral care hospitals; medical clinics; nursing and convalescent homes; physical therapy and health spas.	X	P	P	P	X	P	X
Restaurants (takeouts with a maximum seating capacity for 75 persons - 1 drive-thru allowed).	X	P	X	P	X	P	X
Restaurants generally	P	P	X	P	X	P	X
Laundry and dry-cleaning pickup stations.	X	P	P	P	X	P	X
Laundry and self-service establishments.	X	P	P	P	X	P	X
Barber shops, beauty shops, shoe repair shops.	P	P	X	P	X	P	X
Automobile service stations.	X	P	P	P	X	P	X
Car washes.	X	X	P	P	X	P	X
Personal storage facilities.	X	P	P	P	X	X/P ^{***}	X
Gas pumps when incidental to a permitted use.	X	P	P	P	X	P	X
Bars.	P	P	X	P	X	P	X
Bowling alleys.	X	X	X	P	X	P	X
Game rooms, arcades, pool, billiards, pinball machines, juke boxes or other coin operated amusements.	P	P	X	P	X	P	X
Night clubs.	P	P	X	P	X	P	X
Automobile rental	X	P	P	P	X	P	X

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
agencies.							
Automotive repair.	X	X	P	P	X	P	X
Catering services.	P	P	P	P	X	P	X
Funeral homes.	X	P	P	P	X	P	X
Pest exterminators.	X	P	P	P	X	P	X
Trade shops, including electrical, plumbing, cabinet maker and heating and air conditioning.	X	X	P	P	X	P	X
Veterinary clinics.	X	P	P	P	X	P	X
Printing.	X	P	P	P	X	P	X
Mini-warehouses.	X	X	P	P	X	X/P***	X
Commercial recreational uses.	P	P	P	P	X	P	X
Commercial warehouses and contractor storage yards (provided outside storage is completely enclosed by a solid fence or otherwise screened from the public view).	X	X	P	P	X	X/P***	X
Machine shops.	X	X	P	P	X	X	X
Kennels.	X	X	P	P	X	X	X
Construction contractors.	X	X	P	P	X	P	X
Truck terminals.	X	X	P	P	X	X	X
Welding and repair shops.	X	X	P	P	X	P	X
Any industrial use or structure provided applicable City standards are met.	X	X	P	P	X	X	X
Daycare centers.	P	P	P	P	X	P	X
Automobile driving school.	X	P	P	P	X	P	X

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
<u>Institutional Uses -</u>							
City Hall and governmental offices.	P	X	X	X	X	X	X
Private and public school, colleges and universities.	P	P	P	P	X	P	X
Club or lodge	P	P	P	P	X	P	X
Public and private community recreation.	P	P	P	P	P	P	P
Cultural, like, but not limited to: Libraries Museum Art gallery Performing arts center.	P	P	X	P	X	P	X
Public Facilities, like, but not limited to: Police station Fire station Emer. srvs. station.	X	X	P	P	X	X	X
Utility service office.	P	P	P	P	X	P	X
Postal facilities.	P	P	P	P	X	P	X
Adult education	P	P	P	P	X	P	X
Religious assembly.	P	P	P	P	X	P	X
Transportation terminal.	X	P	P	P	X	P	X
Taxi cab stands.	P	P	P	P	P	P	X
Bus stations.	X	P	P	P	X	P	X
<u>Movie Theater</u>	P	X	X	X	X	P	X
<u>Lodging</u> - hotels, motels and other tourist accommodations.	P	P	X	P	X	P	X
<u>Nursing Home</u>	X	P	P	P	X	P	X
<u>Agriculture / Forestry</u> , strictly limited to the following: Forestry Hayfield Horticulture	P	P	P	P	P	P	X

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
Plant nurseries Agricultural uses on any Tract must cease within twelve months following issuance of a building permit to construct on the Tract.							

*Permitted on Tracts 16 and 17 only. Residential on Lot 17 is limited to 25% of acreage.

** Telecommunications towers are limited to 150' in height. Such facilities are allowed on publically owned land consistent with LDC.

***Permitted on Tract 29 only.

7.4 Site Development Requirements -

(a) The following table lists the site development requirements that are applicable within each of the areas at Town Center. Minor variances up to ten percent of the site development requirements may be granted administratively by the City's Land Use Administrator. Other variances may be granted by the City's Planning and Land Development Regulation Board.

Table of Site Development Requirements

Regulation	Town Core Areas		Town Service Area	Town Business Areas ^[1]	Town Residential Areas	Perimeter Commercial
	Urban Core	Urban Center				
Minimum lot size	1,800 sq. ft.	4,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	1,800 sq. ft.	20,000 sq. ft.
Minimum lot width	18'	40'	100'	100'	18'	100'
Minimum front yard setback	12' ^[2]	20'	20'	20'	$\frac{10'}{20'}$ ^[3] ^[4]	20'
Minimum street side setback	12' ^[2]	20'	20'	20'	$\frac{10'}{20'}$ ^[3] ^[4]	20'

Regulation	Town Core Areas		Town Service Area	Town Business Areas ^[1]	Town Residential Areas	Perimeter Commercial
	Urban Core	Urban Center				
Minimum interior side yard setback	$\frac{10'^{[5]}}{0'^{[6]}}$	$\frac{10'^{[5]}}{0'^{[6]}}$	$\frac{10'^{[5]}}{0'^{[6]}}$	$\frac{10'^{[5]}}{0'^{[6]}}$	$\frac{5'^{[5]}}{0'^{[6]}}$	$\frac{10'^{[5]}}{0'^{[6]}}$
Minimum rear yard setback	0	20'	20'	20'	$\frac{10'^{[3]}}{20'^{[4]}}$	20'
Maximum building height ^[7]	80'	80'	35'	80'	80'	45' ^[8]
Minimum building height ^[9]	24'	24'	16'	16'	16'	16'
Maximum Impervious Coverage per building site	95% ^{[[10]}	85%	85%	85%	75%	85% ^[11]
Maximum total impervious coverage for Town Center.	50%					

^[1] Requirements for Town Residential Areas shall apply in the case of residential projects.

^[2] Second through seventh story, balconies, awnings, and their supports may encroach to within 5' of the property line.

^[3] Setback to building or porch. 5' minimum setback to pool enclosure on any lot if the rear property line of the lot abuts a pond, conservation area or land that is owned by an electric power company or over which an electric power company has an easement or right-of-way for power transmission.

^[4] Setback to garage. ^[5] For detached structures. Equipment like a/c units, generators, and pool pumps within the setback area shall be properly screened.

^[6] For attached structures and parking lots in accordance with the Land Development Code as from time to time amended.

^[7] Maximum building height measured in accordance with the Land Development Code as from time to time amended.

^[8] Except that the Tract 30 maximum building height shall be 80'.

^[9] Minimum building height to roof peak of principal structures; no minimum for accessory structures.

^[10] Within each lot. Individual building sites within a lot that do not contain parking areas may have 100% impervious coverage.

^[11] Except for Tract 30, the maximum impervious coverage shall be 65%.

1 (b) All setbacks will be measured from the property line and will apply to
2 principal and accessory structures and pool enclosures, but not the following: sidewalks;
3 driveways; patios; similar non-vertical elements; and aboveground mechanical equipment
4 such as air conditioning units, permanently installed generators, and pool pumps, provided
the equipment is adequately screened. Parking will not be permitted on sidewalks.

5 (c) Site plans for development in Town Residential Areas will include
6 the building setback requirements for all lots.

7 7.5 Open Space -

8 The Master Plan depicts approximately seven hundred acres of Common
9 Areas which is approximately forty-five percent of all of the Town Center Property. At a
10 minimum, open space area within Town Center will constitute fifty percent of the Town
11 Center Property. For purposes of calculating open space, the stormwater retention areas,
12 lakes, buffers, yard area, landscaped areas, walking paths, sidewalks, wetlands, passive
13 recreational areas, upland buffers and any other areas defined as open space under the
14 Land Development Code will be considered open space. The Recreation and Open Space
15 Plan for Town Center (with data summary) is attached as **Exhibit "E"** hereto. As shown
16 on Exhibit "D4", all Tracts and the parks and other recreational facilities identified on
17 Exhibit "E" will be interconnected by the Neighborhood Sidewalk System.

18 7.6 Roads -

19 (a) Town Center has three major entrances from SR-100, two major
20 entrances from Belle Terre Parkway and an entrance from Old Kings Road. All roads
21 that are shown on the Master Plan will be dedicated to the City. Internal streets and
22 alleys may be dedicated to the City or may be privately owned and maintained by a
23 property owners association or the Town Center CDD.

24 (b) All roads, streets and alleys within Town Center will be built
25 consistent with the road, street and alley cross sections that are shown on **Exhibit "F-1"**
hereto and the Street Standards that are set forth in the following table:

Street Standards

	Collector	Downtown Core	Local	Residential Local	Alley
Maximum Design Speed	30 mph	20 mph	20 mph	20 mph	10 mph
Minimum right-of-way	80'	65'	50'	30'	20'
Pavement	12' lane	12'/lane	12'/lane	10'/lane ^[1]	8'/lane
Parking	None	Diagonal	Parallel both sides ^[2]	Parallel both sides ^[2]	None
Curb Radius	25'	15'	15'	15'	10'
Sidewalk	6.5'*	12' each side	5' each side	5' each side	N/A
Bikeway	10'*	10'*	10'*	10'*	N/A
Curbs	Req. ^[3]	Req.	Req.	Req.	Not Req.

* See Exhibits D1, D2 and D3 for bike path and sidewalk location plan. Sidewalks will be located within rights-of-way or within easements adjacent to rights-of-way.

^[1] Ten feet on streets with less than eight hundred projected average trips per day or twelve feet on all other streets.

^[2] Optional.

^[3] Except for portions of Central Avenue and Town Center Boulevard, as provided for in (g) below.

Exhibit "F-2" attached hereto graphically depicts the road system function for street rights-of-way and drives.

(c) Transportation related to Town Center is further provided for in the DRI Development Order.

(d) Four-lane road sections will have a median width of at least thirty feet to allow for turning movements.

(e) The minimum centerline spacing for median openings will be three hundred feet.

(f) No minimum driveway spacing requirements will be required. The minimum driveway spacing at intersections will be thirty feet from the edge of the side street pavement subject to review and approval by the City.

(g) Swales meeting Florida Department of Environmental Protection requirements will only be permitted for portions of Central Avenue and Town Center Boulevard in accordance with an approved SJRWMD permit. All roadway drainage not

1 considered suitable for swale and/or ditch type drainage will be designed as one of the
2 following:

- 3 • Miami curb and gutter section
- 4 • Standard curb and gutter section

5 (h) Bus stops will be located at appropriate locations throughout Town
6 Center.

7 7.7 Stormwater Management System.

8 (a) Pond treatment volumes will be sized to accommodate run-off
9 volumes as required by applicable regulations for the entire improved area of Town
10 Center. Credit will not be given for areas that sheet flow towards wetlands or off-site
11 areas. Run-off from such areas must, however, be provided treatment prior to release
12 using accepted form of Best Management Practice (e.g., vegetated filter strips and reverse
13 berms).

14 (b) Discharge locations from treatment ponds will be as shown on the
15 stormwater management master plan for Town Center that is approved by SJRWMD.

16 (c) Protection from flooding will be designed to provide for discharge of
17 stormwater as shown on the stormwater management master plan for Town Center that is
18 approved by SJRWMD. Attenuation storage will not be required for a development area
19 so long as the land use for the area is as described in the stormwater management master
20 plan for Town Center that is approved by SJRWMD, and the location of the outfall is as
21 identified on the stormwater management master plan.

22 (d) Stormwater from any development that is not discharged into the
23 Town Center stormwater management system will be required to meet all applicable
24 regulations and codes and must be approved by the City, and if applicable, SJRWMD and
25 the Florida Department of Environmental Protection.

1 (e) Skimmers will be provided at inflow points to treatment ponds or at
2 the outflow structures. These structures will be designed to skim floating debris, oil, and
3 grease from an elevation six inches below the normal water elevation of the pond or
4 overflow structure elevation to an elevation six inches above the design high water level
5 of the pond. Skimmers will cover all directions of flow through the structures.
6 Skimmers will be maintained by the CDD. The design of this control system will make
7 adequate provision to minimize erosion.

8 (f) Off-site areas which drain to or across a development area within
9 Town Center will be accommodated in the stormwater management master plan for
10 Town Center that is approved by SJRWMD.

11 (g) The ten year frequency storm will be used to calculate the design
12 hydraulic gradient line. The maximum hydraulic gradient line for pavement and swale
13 drainage systems will be no higher than the edge of pavement.

14 (h) Swale drainage systems will be permitted only when the estimated
15 wet-season water table is a minimum of one foot below the invert of the swale.

16 (i) Conveyance provided by temporary ditches will be replaced with
17 closed drainage systems upon development of the surrounding area. The resulting closed
18 drainage system will provide for equivalent flow rates and maintain the hydraulic
19 gradient line as originally designed.

20 7.8 Construction Fences - During building construction within the Town Core
21 area, construction fences will be installed and maintained to provide screening and a
22 buffer from all streets and pedestrian areas.

1 8.0 Design Guidelines - As provided for in Section 6.3(l) above, the ARC will apply
2 the following design guidelines when reviewing new development and construction,
3 redevelopment and alterations to existing structures within Town Center:

4 (a) Buildings will incorporate architectural styles, building materials, and
5 colors used in existing buildings in Town Center.

6 (b) Buildings greater than five stories will clearly delineate the boundary
7 between each floor of the structure through belt courses, cornice lines or similar
8 architectural detailing.

9 (c) Overhanging eaves will be provided to the greatest extent practicable.

10 (d) Doorways, windows and other openings in the facade of buildings will be
11 proportioned to reflect pedestrian scale and movement, and encourage interest at the
12 street level.

13 (e) Buildings will avoid long, monotonous, uninterrupted walls or roof planes.
14 The facades of buildings will be divided into distinct modules no longer than one hundred
15 feet.

16 (f) Off-street parking lots will be located to the rear of structures, if possible.
17 If it is necessary to locate parking on the front or side of a structure, the parking will be
18 screened with solid street walls, berms or landscaping a minimum of four feet in height.

19 (g) Awnings, covered walkways, open colonnades, or similar weather
20 protection, spanning a minimum of eighty percent of the frontage of all buildings and
21 overhanging a minimum of five feet, will be provided for structures within the Urban
22 Core that are set back twenty-two feet or less from the front property line. The same
23 elements will be encouraged in the other areas of Town Center. These elements may
24 encroach in the setback a maximum of seven feet, but in all cases must comply with the
25 minimum sight line requirements.

1 (h) In the Urban Core, commercial uses will provide a minimum of fifty
2 percent of the street side facade on the ground floor as clear or lightly tinted windows,
3 doors, or other treatments sufficiently transparent to provide views into the interior of the
4 buildings.

5 (i) Except in the Urban Core, residential structures will incorporate porches,
6 decks or balconies.

7 (j) Buildings located at intersections with Major Roads will incorporate
8 architectural features such as corner towers, cupolas, clock towers, spines, balconies,
9 colonnades or other similar architectural features.

10 (k) All mechanical equipment will be placed on the roof, in the rear or side of
11 buildings screened from the public row or in equipment rooms constructed of similar
12 materials as the building on which they are located. Screening shall extend one foot
13 above the equipment being screened.

14 (l) The main entrance of all structures will face the street, where practical, and
15 be clearly articulated through the use of architectural detailing.

16 (m) A small ancillary building will be permitted within the rear yard of a
17 residential structure or commercial lot, provided it is architecturally compatible and built
18 using similar materials as the main building.

19 (n) Stem walls are encouraged to raise residential units eighteen inches above
20 sidewalk elevation for privacy.

21 (o) Site walls and fences shall not exceed six feet in height. Exceptional
22 circumstances due to screening or earth retention will be reviewed by the ARC prior to
23 construction. Fence materials may include wood, aluminum, wrought iron and composite
24 materials. Chain link fences are prohibited in Town Residential areas, except around
25

1 utility installations. In those areas where chain link fences are permitted, they must be
2 made of black vinyl coating material.

3 (p) On-street parking will be allowed on all streets except divided collector
4 streets and alleys.

5 (q) Parking lots will provide not less than one bicycle parking space for every
6 twenty vehicle parking spaces.

7 (r) In the Urban Core, all adjacent parking lots will have internal vehicular
8 connections via a drive and cross access easements.

9 (s) In the Urban Core, a maximum of twenty continuous parking spaces are
10 permitted without a landscape island break. Landscape islands will be a minimum of one
11 hundred fifty square feet and include shade trees. Trees were planted according to urban
12 tree planting details as shown in Architectural Graphic Standards Tenth Edition or other
13 planting details as approved by the City.

14
15 **9.0 Parking -**

16 (a) The following minimum parking requirements will apply, however, there
17 will be no maximum number of spaces specified:

18 • Retail and Non-Retail Commercial, except motels, hotels, night
19 clubs, restaurants and bars: one space for each three hundred fifty square feet of gross
20 floor area.

21 • Office: one space for each three hundred square feet of gross floor
22 area.

23 • Restaurant/Bar/Night Clubs: one space for each one hundred square
24 feet of gross seating area, plus one space for each employee per shift.

1 • Hotels: one space for each one and one-half unit, plus one space for
2 each employee per shift.

3 • Single-family, duplex, tri-plex and four-plex, townhouses,
4 rowhouses or similar attached dwellings: two spaces per dwelling unit.

5 • All other multi-family dwellings (usually multi-story): one and one-
6 half spaces per dwelling unit (one bedroom unit); one and three-quarter spaces per
7 dwelling unit (two bedroom unit); two spaces per dwelling unit (three bedroom unit and
8 more).

9 • Place of public assembly such as auditorium, church, theater and
10 recreational facility: one space for each four seats, and in the case of a church, one space
11 for every three hundred fifty square feet of gross floor area of all ancillary uses to the
12 church.

13 • Lodge, dance, art and music studio and other similar semi-public
14 uses: one space for each two hundred square feet of gross floor area.

15 • Movie theatre: Thirty-five spaces per screen.

16 • Garages only for single-family residential homes.

17 (b) All on-site and on-street parking within the Urban Core will be shared
18 parking and available to the public generally, provided: (i) that the Town Center CDD
19 may charge for parking in any area that is owned or otherwise controlled by the Town
20 Center CDD; and (ii) on sites that are owned by the City or other public entity, and in
21 parking lots for buildings where space is owned or leased by a public entity, off-street
22 parking may be reserved for designated purposes, consistent with any applicable
23 restrictive covenants. In addition, each owner or lessee of building space in the Urban
24 Core will be entitled to one reserved off-street parking space plus one space for every
25 five thousand square feet of space occupied, up to a maximum of six reserved off-street

1 spaces; e.g.s., an owner or lessee occupying fifteen thousand square feet of space will be
2 entitled to four reserved off-street spaces and an owner or lessee occupying fifty thousand
3 square feet of space will be entitled to six reserved off-street spaces. Because reserved
4 off-street parking will be located on privately-owned property, the City has no
5 enforcement authority with respect to reserved parking spaces, except on sites that are
6 owned by the City. Enforcement action with respect to reserved parking on non-City
7 owned property will be the responsibility of the property owners' association,
8 condominium association or other entity that designated the reserved parking spaces or
9 that is authorized to enforce restrictions applicable to the common areas of the building to
10 which the reserved parking pertains

11 Shared parking, including diagonal parking along public roads and streets, will be
12 taken into consideration for purposes of meeting the parking requirements. When title to
13 a portion of the Urban Core is conveyed for a building site, a restrictive covenant will be
14 recorded describing and quantifying the shared parking that is allocated to that site for
15 purposes of meeting the parking requirements. The same shared parking spaces will not
16 be credited for purposes of meeting the parking requirements of more than one site,
17 except the same shared parking may meet the parking requirements of both institutional
18 uses with off-peak event oriented parking requirements and retail commercial, non-retail
19 commercial and office uses that have no, or limited, off peak parking requirements,
20 subject to approval, on a case by case basis, by the City's Land Use Administrator

21 (c) On plats of Town Center, or as provided for in Section 6.3(d) above,
22 parking areas may be dedicated to the Town Center CDD, including but not limited to
23 easements over diagonal parking spaces along platted streets and roads (collectively
24 "CDD Parking Areas"). The Town Center CDD may impose a fee (parking meters or
25 otherwise) and/or maximum parking time limits for parking in CDD Parking Areas

1 provided the revenue is used by the Town Center CDD exclusively for one or more of the
2 following: related administrative costs; maintenance of parking meters and parking
3 areas; construction and maintenance of parking areas, including structured parking;
4 construction of road improvements; purchase, maintenance and operation of trams or
5 other "people movers" within Town Center and to nearby destinations; and construction
6 and maintenance of public gathering places within Town Center.

7 **10.0 Maintenance -**

8 The Town Common Areas and other land that are owned or controlled by the
9 Town Center CDD will be maintained by the Town Center CDD. The Town Center
10 CDD will also be responsible for providing any services that are desired by owners of
11 Town Center Property that are in addition to services that are provided generally
12 throughout the City. An existing maintenance agreement between the CDD and the City
13 of Palm Coast has been established and may be modified by both parties from time to
14 time.

15 **11.0 Services -**

16 All services for Town Center, including utilities, fire protection, solid waste,
17 telephone, electricity, cable television, fiber optics, and stormwater management were
18 addressed in connection with the DRI review and are provided for, to the extent
19 appropriate, in the DRI Development Order.

20
21 **12.0 Public Land Parcels -**

22 Property that is owned or controlled by the City or other public entity ("Public
23 Land Parcel") will be maintained by that public entity ("Public Land Parcel Owner").
24 Construction on a Public Land Parcel will be subject to the requirements and standards
25 set forth in this MPD Agreement, except for any temporary structure that serves as a

1 fundraising or construction management office ("Temporary Office") for a project on a
2 Public Land Parcel developed through public-private partnerships. A Temporary Office
3 shall be limited to five years, unless extended through a minor modification amendment
4 to this MPD Agreement. In addition, to the greatest extent possible, the Temporary
5 Office shall include adequate landscaping and buffering as well as complying with the
6 following standards:

7 (a) The development plan shall indicate the location of the Temporary Office;

8 (b) The Temporary Office shall be located on ABS pads or stem wall and shall
9 be skirted and landscaped;

10 (c) Landscaping shall include foundation planting beds a minimum of 4 feet
11 wide, surrounding one hundred percent of the building façade or elevations within view
12 of the public right-of-way, with a minimum height of thirty inches at the time of
13 installation;

14 (d) Pedestrian access shall be provided from the public sidewalk to the
15 Temporary Office;

16 (e) Water and wastewater facilities shall be provided;

17 (f) Minimum height of the Temporary Office shall be twelve and one-half feet;

18 (g) The standards and requirements of Chapter 13 of the Land Development
19 Code shall not apply except, that the Temporary Office shall be an approved Florida
20 Department of Community Affairs structure; and

21 (h) The Temporary Office shall be removed upon issuance of a Certificate of
22 Occupancy for a permanent principal structure.

23 Parking on a Public Land Parcel may be reserved as deemed appropriate by the
24 Public Land Parcel Owner but shared parking, as provided for in Section 9.0(b) above, is
25 encouraged, especially during non-business hours of the Public Land Parcel Owner. On-

1 street parking and off-site parking for Special Events hosted on a Public Land Parcel may
2 be approved in writing by the Public Land Parcel Owner and the Town Center CDD to
3 meet the parking requirements found within Section 9.0 of this MPD Agreement.

4 13.0 Amending this Agreement -

5 Amendments to this MPD Agreement, other than those which are considered to be
6 a "minor modification" by the City Manager, or designee, will require the approval of the
7 City Council following the recommendation of the Planning and Land Development
8 Regulation Board. Public notification procedures required for rezoning shall comply
9 with State law. Minor modifications may be approved by the City Manager, or designee.

10 14.0 Conclusion -

11 Town Center is expected to develop into a regional urban center. TND design
12 criteria will be followed to the extent feasible to encourage and facilitate pedestrian travel
13 Throughout Town Center and gatherings of residents and non-residents at scheduled and
14 informal events.

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CITY COUNCIL: City of Palm Coast

By: _____
_____, Mayor

Signed this ___ day of _____, 2017

ATTEST:

By: _____, City Manager

Signed this ___ day of 2017__

MASTER DEVELOPER'S CONSENT AND COVENANT:

COMES NOW, Florida Landmark Communities, LLC, as master developer of
Town Center, on behalf of itself and its successors, assigns and transferees of any nature
whatsoever, and consents to and agrees with the covenants to perform and fully abide by
the provisions, terms, conditions and commitments set forth in this MPD Agreement.

Florida Landmark Communities, LLC

By: _____
William I. Livingston, President/Manager

Signed this ___ day of _____, 20__

ATTEST:

By: _____
Danielle M. Ferguson Secretary

Signed this ___ day of _____, 20__