

1 ----- [SPACE ABOVE THIS LINE FOR RECORDING DATA] -----  
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 **TOWN CENTER AT PALM COAST**  
10 **PLANNED UNIT DEVELOPMENT AGREEMENT**

11  
12 **1.0 Glossary -**

13 \_\_\_\_\_ A Glossary of the terms that are defined herein is attached as **Exhibit "A"** hereto.  
14

15 **2.0 Procedure for Amendments -**

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

22  
23 **2.03.0 Introduction -**

24 \_\_\_\_\_  
25 This MPD Agreement restates and amends ~~supersedes~~ in its entirety that PUD  
Agreement adopted by the City on December 16, 2003 pursuant to Ordinance No. 2003-

1 32, PUD 03-06 and subsequently modified by the following: Minor modification dated  
2 July 24, 2006 and recorded in Official Records Book 1468, Page 553 et seq.; Ordinance  
3 No. 2006-17 dated October 3, 2006 and recorded in Official Records Book 1494, Page  
4 998 et seq.; Minor Modification dated May 23, 2007 and recorded in Official Records  
5 Book 1579, Page 1358 et seq.; Minor Modification dated December 21, 2007 and  
6 recorded in Official Records Book 1637, Page 580 et seq.; Minor Modification dated  
7 June 13, 2008 and recorded in Official Records Book 1667, Page 238 et seq.; Minor  
8 Modification dated April 8, 2010 and recorded in Official Records Book 1764, Page 865  
9 et seq.; and Minor Modification dated March 9, 2016 and recorded in Official Records  
10 Book 1764, Page 260 et seq., all of the public records of Flagler County, Florida.

13 This ~~is a Planned Unit Development Agreement (this "PUD Agreement") for a~~  
14 ~~rezoning to a planned unit development ("PUD") in order to develop~~MPD Agreement  
15 pertains to Town Center at Palm Coast ("Town Center"), which is located on  
16 approximately one thousand five hundred fifty-seven acres of land generally located  
17 between Belle Terre Parkway to the west, I-95 to the east, SR-100 to the south and the  
18 Royal Palms Waterway to the north, and more particularly described on **Exhibit "B"**  
19 hereto (the "Town Center Property"). ~~The Town Center Property is primarily owned by~~  
20 ~~Florida Landmark Communities, Inc. ("Landmark"). In addition, Mardem, LLC~~  
21 ~~("Mardem") owns approximately ten acres of the Town Center Property and the Flagler~~  
22 ~~County School Board (the "School Board") owns approximately eighteen and one-half~~  
23 ~~acres of the Town Center Property. Landmark, Mardem and the School Board are~~  
24 ~~hereinafter referred to collectively as the "Owner". For purposes of this application,~~  
25 ~~Owner's address is One Corporate Drive, Suite 3A, Palm Coast, Florida 32137.~~ Town  
Center is a Development of Regional Impact ("DRI"), as defined in Section 380.06,

Florida Statutes, and Chapter 28-24, Florida Administrative Code. The DRI review of Town Center was completed and a DRI Development Order, captioned TOWN CENTER AT PALM COAST DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER ("DRI Development Order") ~~was~~ approved by the City on July 1, 2003. The following table is included in the DRI Development Order and lists the maximum permitted density and intensity for all uses within Town Center.

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

Land Uses	Total Density/Intensity
Residential	2,500 dwelling units
Office	1,400,000 sq. ft.
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 ~~PUD-MPD~~ Agreement and the DRI Development Order, on one hand, and the ~~building codes~~, zoning ordinances and other land development regulations of the City, on the other hand, this ~~PUD-MPD~~ Agreement and the DRI Development Order will control. In the event of a conflict between this

1 ~~PUD-MPD~~ Agreement and the DRI Development Order, the DRI Development Order  
2 will control. All building codes, zoning ordinances and other land development  
3 regulations of the City ~~of Palm Coast (the "City")~~, including, without limitation, any  
4 concurrency management requirements and the City Comprehensive Plan and/or any  
5 similar plans adopted by the City, as may be amended from time to time, will be  
6 applicable to the Town Center Property unless otherwise stated herein or in the DRI  
7 Development Order.

8 Transportation concurrency requirements for Town Center may be satisfied by  
9 meeting the transportation conditions contained in the DRI Development Order. Other  
10 concurrency requirements will be evaluated periodically through the biennial monitoring  
11 reporting process that is specified in the DRI Development Order.

12  
13 3.04.0 Traditional Neighborhood Development ("TND") Concept -

14 Although it draws its inspiration from towns and suburbs built early in the 20<sup>th</sup>  
15 Century, TND evolved in the United States during the 1980's. Also known as  
16 Neo-traditional Development or New Urbanism, TND is the term used to describe the  
17 planning and urban design of new developments that take their forms from the structure  
18 and layout of traditional American small towns dating from the early decades of the  
19 20<sup>th</sup> Century. The planning concepts and physical attributes of such places, with their  
20 human walkable scale and lively mix of uses, are as inviting now as when they were  
21 originally developed, sixty to one hundred years ago.

22 The main organizing principals that define TNDs are:

- 23 • Compact, defined urban neighborhoods, comprising a compatible mix of uses  
24 and housing types

- A network of connected streets with sidewalks and street trees to facilitate convenient and safe movement throughout neighborhoods for all modes of transportation
- Focus on the pedestrian over the automobile (while retaining automobile convenience)
- Integration of parks and public spaces into each neighborhood
- The placement of important civic buildings on key sites to create landmarks and a strong sense of place.

To effectively implement a development that is based on TND principals often requires rewriting the community zoning ordinance, zoning map and subdivision regulations. Local government planners using TND need new criteria for reviewing subdivision plats and site plans. These criteria have more to do with the physical arrangements of buildings and spaces than on infrastructure dimensions. \*

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

#### 4.05.0 Project Description -

##### 4.15.1 General -

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

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

Town Center ~~will function as~~is an urban center for the City, Flagler County and the surrounding area. Town Center ~~will include~~s areas for traditional and conventional development patterns with a "park and walk" downtown area, compact

1 residential development that is projected to be primarily attached low and mid-rise units,  
2 planned business parks, service commercial and extensive open space areas. Town  
3 Center will combine local and national retail establishments, restaurants, entertainment  
4 and office space. Opportunities ~~will~~ also exist for a governmental complex, a cultural  
5 center, a youth center and other public uses. City Hall is located in the Urban Core on a  
6 portion of Tract 1. Public outdoor areas will continue to be designed to encourage  
7 gatherings and outdoor entertainment and events.

8  
9 4.25.2 Land Use Areas -

10 Town Center ~~will be~~ made up of the following land use areas, the  
11 locations of which are shown on the Master Plan:

12 (a) Town Core Areas -

13 The "Town Core Areas" ~~will consist of the urban downtown areas~~  
14 ~~with a commercial center designed with convenient automobile access, including~~  
15 ~~diagonal parking along streets, but a strong pedestrian orientation~~ include both the Urban  
16 Core and the Urban Center. The Town Core Areas consist of eighteen Tracts, as  
17 indicated in subsection (c) of 7.1 below, and as shown on the Tract Map. The Town Core  
18 Areas ~~will include~~ provide sites for a combination of mixed uses, including the following:  
19 retail; office; governmental; civic; cultural; lodging; food service; institutional facilities;  
20 entertainment; outdoor public gatherings, exhibits and festivals; residential apartments  
21 and condominium units, all as more specifically provided for in Section ~~6.3~~ 7.3 below.  
22 ~~The Town Core Areas consist of eighteen Tracts, as shown on the Tract Map. As~~  
23 ~~indicated in Subsection (c) of Section 6.1 below, the Town Core Areas include both the~~  
24 ~~Urban Core and the Urban Center. The Urban Core will contain the most intense urban~~  
25 ~~uses.~~ The Urban Core consists of the urban downtown areas with a commercial center

1 designed for convenient automobile access, including diagonal parking along streets, with  
2 but a strong pedestrian orientation. The Urban Center allows a similar variety of uses as  
3 the Urban Core consistent with Section 7.3 below. However, diagonal on-street parking  
4 will not be available. and The necessity of internal connection of adjacent parking lots  
5 will be addressed during the site plan review process and only required if deemed  
6 practical.

7  
8 (b) Town Service Area -

9 The "Town Service Area" ~~will~~ includes sites for a charter school,  
10 warehousing, storage, daycare, fraternal organizations, churches and public facilities, and  
11 may also include sites for event (overflow) parking, as more specifically provided for in  
12 Section ~~6.3~~ 7.3 below. The Town Service Area consists of one Tract, as shown on the  
13 Tract Map.

14 (c) Town Business Areas -

15 The "Town Business Areas" ~~will~~ include sites for a combination of  
16 mixed uses including the following: retail; office; business parks; showroom and flex  
17 space; food service; lodging and other tourist related facilities; public facilities;  
18 institutional facilities; and residential ~~apartments and condominium units~~ projects, as more  
19 specifically described in Section 7.0(c) below and provided for in Section ~~6.3~~ 7.3 below.  
20 The Town Business Areas consist of five Tracts, as shown on the Tract Map.

21  
22  
23 (d) Town Residential Areas -

24 The "Town Residential Areas" ~~will~~ include sites for various housing  
25 types including the following: apartment units; condominium units; townhomes; row

1 homes; patio homes and elderly housing, such as independent living, assisted living,  
2 congregate care and retirement village, as more specifically provided for in Section  
3 6.37.3 below. The Town Residential Areas consist of fourteen Tracts, as shown on the  
4 Tract Map.

5 (e) Perimeter Commercial Areas -

6 The "Perimeter Commercial Areas" are located along or near  
7 existing perimeter roads and ~~will~~ include sites for retail commercial, food service, office,  
8 lodging, financial institutions and automobile care facilities, as more specifically  
9 provided for in Section 6.37.3 below. The Perimeter Commercial Areas consist of eight  
10 Tracts, as shown on the Tract Map.

11 (f) Town Common Areas -

12 The "Town Common Areas" ~~will~~ consist of approximately 500 acres  
13 of ~~existing~~ high quality wetlands, plus greenways, lakes, bikeways, walkways, parks and  
14 other passive recreational areas which ~~will~~ contain over 200 additional acres. The  
15 Common Areas ~~will~~ make up approximately one-half of the Town Center Property and  
16 ~~will create~~ provide an edge for the development areas and ~~provide~~ a buffer between land  
17 uses. Where possible, pedestrian access will be provided through the Town Common  
18 Areas to connect adjacent development areas. Development activities within permanent  
19 conservation easements will comply with applicable rules and regulations set forth in the  
20 Florida Administrative Code and Florida Statutes.

21  
22  
23 5.06.0 Land Development Code Applicability -  
24  
25



1           ~~5.16.1~~ The Land Development Code of the City ("Land Development Code")  
2 applies to the Town Center Property and development within it, unless expressly  
3 otherwise provided in this Section.

4           ~~5.26.2~~ The requirements of this Section supersede any inconsistent provisions of  
5 the Land Development Code or other ordinances of the City.

6           ~~5.36.3~~ Many of the provisions of the Land Development Code are inconsistent  
7 with the TND planning concept, and as indicated in Section ~~3.04.0~~ above, Town Center is  
8 planned as a TND. As a result, for purposes of Town Center and development within it,  
9 the following provisions apply and supercede any conflicting provisions contained in the  
10 Land Development Code:

11           (a)   ~~The~~ Initially, Town Center Property ~~contains~~ contained  
12 approximately ~~580~~ five hundred eighty acres of wetlands, ~~much~~ most of which ~~are~~ were  
13 substantially degraded as a result of years of agricultural use. Of the five hundred eighty  
14 wetland acres, approximately five hundred acres of wetlands on the Town Center  
15 Property ~~will~~ behave been conserved and/or enhanced. Because of the complex nature of  
16 the design of Town Center, including the wetland mitigation plan that is provided for in  
17 the DRI Development Order and the commitment to conserve and/or enhance the  
18 majority of the wetlands on site in order to provide an increase in the overall wetland  
19 functional values, the wetlands provisions of the Land Development Code will not apply.  
20 Instead, ~~Owner~~ developers of the Town Center Property will be obligated to obtain  
21 approvals, as appropriate, from the United States Army Corps of Engineers ("USACE")  
22 and/or the St. Johns River Water Management District ("SJRWMD") prior to  
23 commencing development ~~within the Town Center Property.~~ ~~However, notwithstanding~~  
24 ~~the requirements of USACE and SJRWMD to the contrary, all mitigation for impacts to~~  
25 ~~the Town Center Property will also occur on the Town Center Property.~~

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

5 (c) Title to any Tract may be transferred in its entirety without platting,  
6 as more specifically provided for in Section ~~6-17.1~~7.1(b) below. However, no infrastructure  
7 improvements, with the exception of stormwater and utility improvements and site fill  
8 may be made on any Tract until preliminary plat approval is received for the area to be  
9 improved. A final plat must be recorded prior to issuance of a certificate of occupancy or  
10 conveyance of any portion of the property that is included in the plat.

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

20 (d) Land divisions shall comply with State law. ~~Subject to administrative~~  
21 ~~approval by the City's Development Services Director, any tract or previously platted~~  
22 ~~block lot in the Urban Core may be divided or further divided to create CDD Parking~~  
23 ~~Areas, without platting or replatting, and any previously platted lot, tract or parcel~~  
24 ~~anywhere within Town Center may be further divided without replatting ("Split Lot") for~~  
25 ~~the purpose, whether immediate or future, of any kind of transfer of ownership or right~~

1 ~~of possession or for any building development, provided each portion thereof, as~~  
2 ~~divided, will have frontage on a public street or approved private street, or an easement~~  
3 ~~having a width no less than twenty five feet is dedicated to provide access to the lot, tract~~  
4 ~~or parcel. Each Split Lot will conform to the site development requirements set forth in~~  
5 ~~Section 6.47.4 below, and as previously stated, will be subject to an administrative~~  
6 ~~subdivision exemption approval by the City.~~

7 (e) Road rights-of-way may be dedicated to the City on plats or by  
8 right-of-way deed. Dedications by right-of-way deed will be accepted by the City when  
9 the construction plans or preliminary plat of the road is approved by the City. If not  
10 previously recorded, plats of all roads will be recorded following completion of road  
11 construction. The City will join in plats if the road being platted is located in a right-of-  
12 way that was dedicated to the City by right-of-way deed before the plat is recorded.

13 (f) To avoid damage to roads, disruption of activities at Town Center  
14 and because of the location of fill sources, it will be necessary to fill certain development  
15 areas at Town Center before specific site development plans are available for the areas.  
16 ~~All areas at Town Center that are shown on Exhibit "C1" hereto, except Town~~  
17 ~~Commons, wetland buffers and existing lakes, require clearing and filling.~~ Therefore,  
18 clearing of trees, filling, excavation and dredging may be performed within Town Center  
19 consistent with permits issued from time to time by SJRWMD. All cleared and filled  
20 areas will be seeded or sodded and an average of one tree, with a minimum height of  
21 eight feet and two inches caliper measured six inches above grade, will be planted per  
22 acre. The trees may be grouped.

23 (g) The sidewalk/pathway installations within Town Center will consist  
24 of the following:  
25

1                   • The sidewalks and pathways that are shown on **Exhibit "D1"**  
2 hereto ("First Phase of the Master Sidewalk/Pathway System"). ~~First Phase of the~~  
3 ~~Master Sidewalk/Pathway System will be constructed within one year from the date of~~  
4 ~~this PUD Agreement.~~

5                   • The sidewalks and pathways that are shown on **Exhibit "D2"**  
6 hereto ("Future Phase of the Master Sidewalk/Pathway System"). Future Phase of the  
7 Master Sidewalk/Pathway System will be constructed from time to time, in segments, as  
8 the adjacent land is developed. Sidewalks must be constructed concurrent with  
9 development of adjoining properties to insure that contiguous walkable sidewalks are  
10 available at all times. This means that sidewalk construction may be required to precede  
11 development of properties. Any temporary sidewalks fronting vacant building sites may  
12 consist of a path constructed with stabilized shell or other material approved by the City's  
13 Land Use Administrator~~Development Services Director~~. Temporary paths must be  
14 replaced by permanent sidewalks before a certificate of occupancy will be issued for a  
15 building that is constructed on the adjacent building site. Crosswalks ~~will be~~were  
16 provided on Belle Terre Parkway at the intersections of ~~Main Street~~Central Avenue and  
17 ~~Eastwood Drive~~Market Avenue.

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

20                   • The sidewalks and pathways that are shown as part of the  
21 street sections on **Exhibit "D3"** hereto (the "Neighborhood Sidewalk System").~~The~~  
22 ~~Neighborhood Sidewalk System~~ will be constructed from time to time, in segments, as  
23 the internal street system is constructed. The Neighborhood Sidewalk System is required  
24 on both sides of all internal streets in all residential areas except as otherwise shown on  
25

1 **Exhibit "D1" or Exhibit "D2"**. ~~There will be a trail that connects~~ Tract 21B may be  
2 connected by a trail to the City's ~~park site~~tennis center.

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

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

9 (i) Within the right-of-way of ~~Main Street~~Central Avenue ~~(except in the~~  
10 ~~Urban Core)~~, ~~Seminole Woods Parkway~~Town Center Boulevard, ~~Eastwood Drive~~Market  
11 Avenue, Bulldog Drive and Hospital Drive, on each side of the road ~~and in the median~~,  
12 there will be one tree per thirty lineal feet, one-half of which will be canopy trees. In  
13 addition, within the median of Central Avenue and Town Center Boulevard (where there  
14 is a median), there will be one tree per thirty lineal feet, one-half of which will be canopy  
15 trees. The Urban Core streetscape will include, but not necessarily be limited to the  
16 following elements: trees in cutout areas in pavement, planters, window boxes, and  
17 foundation plantings.

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

23 (j) Except as provided for in ~~this~~ Subsection K, ~~no~~ sign regulations will  
24 ~~apply other than in the Perimeter Commercial Areas~~ Tracts 25, 26, 27, 29 and 30 ~~where~~  
25 comply with the sign regulations that are set forth in the Land Development Code, and the

1 Town Center Architectural Review Criteria and Guidelines as from time to time  
2 modified, will apply. Exterior neon signage is prohibited. ~~Under canopy signs in the~~  
3 ~~Urban Core will be set back a minimum of five feet from the lot line. Neon signs will not~~  
4 ~~be permitted except in the Urban Core where they will be permitted but only in~~  
5 ~~connection with food and entertainment. Where permitted, neon signs may move or vary~~  
6 ~~in intensity and color but may not flash, rotate or flicker.~~

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

12 (l) This MPD allows ~~Except as provided in this subsection, no~~  
13 ~~architectural design regulations will apply. Architectural design review shall befor~~  
14 architectural review by ~~the responsibility of the~~ Town Center Architectural Review  
15 Committee ("ARC"), as from time to time designated by the Town Center Architectural  
16 Review Board ("ARB"), as provided for in those Assignments Of Development Rights  
17 And Declarations Of Covenants, Conditions, Restrictions And Reservations For Land  
18 Located In Town Center At Palm Coast, Florida, that were recorded and shall continue to  
19 be recorded whenever title to a portion of the Town Center property is conveyed by  
20 Florida Landmark Communities, LLC, as master developer of Town Center. When  
21 reviewing new development and construction, redevelopment and alterations to existing  
22 structures within Town Center, the ARC shall apply the Design Criteria & Guidelines, as  
23 previously adopted and from time to time modified by the ARB, and the Design  
24 Guidelines set forth in Section 8 below.

1           (m) The permitted uses and structures within Town Center will be as  
2 setforth in the table at Section ~~6.3~~7.3 below.

3           (n) The dimensional requirements within Town Center will be as  
4 setforth in the table at Section ~~6.4~~7.4 below.

5           (o) The parking requirements within Town Center will be as set forth in  
6 Section ~~8.09.0~~ below.

7           (p) Roads, streets and alleys within Town Center will be designed and  
8 built as provided for in Section ~~6.6~~7.6 below.

9           (q) The stormwater management system for Town Center will be  
10 designed and built as provided for in Section ~~6.7~~7.7 below.

11           (r) The time limits for commencing and completing development  
12 activities within Town Center will be as setforth 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 ~~following will not be required: neighborhooda meeting~~  
17 neighborhood meeting, or cultural resource report is ; ~~cultural resource field survey~~  
18 report; and anything else that the City's Development Services Director determines is  
19 duplicative or unnecessary. A tree survey and environmental assessment report regarding  
20 wetlands and endangered and threatened species and species of special concern will not  
21 be required if the applicant provides a certification by a qualified professional that there  
22 have been no changes to the project site since the DRI review and no listed species are  
23 present onsite. ~~that would justify a tree survey or environmental assessment report.~~ In the  
24 event changes to the project site have occurred, the extent of any additional survey or  
25 environmental assessment report will be determined by the City's Land Use  
Administrator~~Development Services Director.~~ With respect to traffic, a traffic study will  
not be required, but an ITE Trip Generation Report may be required for any project that

1 will produce more than 11 average weekly PM peak hour trips offsite. The trip generation  
2 report, at a minimum, shall depict distribution and volume.

3 ~~(t) Model homes may be constructed within Town Center as part of and~~  
4 ~~during installation of the subdivision infrastructure. A total of up to ten percent of platted~~  
5 ~~lots per phase are permitted to be model homes as part of the development, subject to the~~  
6 ~~following conditions:~~

7 ~~1. A final site plan shall be submitted, depicting the proposed~~  
8 ~~location of the model homes. The details of the site plan shall be consistent with the final~~  
9 ~~plat. The site plan shall be approved prior to commencement of model home~~  
10 ~~construction.~~

11 ~~2. All required hydrants shall be in place in the vicinity of the~~  
12 ~~model homes and, pursuant to testing to assure adequate fire flow, be approved by the~~  
13 ~~City Fire Chief in advance of model home construction.~~

14 ~~3. Bacteriological clearance of the potable water lines shall be~~  
15 ~~performed prior to occupancy.~~

16 ~~4. Road base shall be stabilized in the vicinity of the model~~  
17 ~~homes to the satisfaction of the City Engineer prior to occupancy.~~

18 ~~5. The stormwater system for the subdivision in the vicinity of~~  
19 ~~the model homes shall be verified as functional by the City Engineer prior to occupancy.~~

20 ~~6. The sewer lines in the vicinity of the model homes shall be~~  
21 ~~complete and in operation prior to occupancy.~~

22 ~~7. The lots in which the model homes are located shall be~~  
23 ~~developed in full compliance with this MPD Agreement prior to occupancy.~~

24 ~~8. All model homes must be constructed in full compliance with~~  
25 ~~this MPD Agreement and the Land Development Code, except garages may be used for a~~



1 ~~model home office and associated driveway construction may be delayed until~~  
2 ~~conversion to residential use.~~

3 ~~9. No model homes may be occupied until a certificate of~~  
4 ~~occupancy for office use is issued.~~

5 ~~10. No model homes may be occupied for residential use until the~~  
6 ~~subdivision improvements are completed and accepted by the City.~~

7 ~~Model homes may be issued building permits and may start construction in~~  
8 ~~advance of recorded plats, so long as the necessary roads are stabilized, there is sufficient~~  
9 ~~parking for the model homes, and the necessary fire utilities are installed for the model~~  
10 ~~homes. However, a certificate of occupancy for residential use shall not be issued for any~~  
11 ~~model homes until the plat is recorded.~~

12 Model homes may be permitted in Town Center with an approved preliminary  
13 subdivision once the City deems construction “substantially complete” within the  
14 following guidelines:

- 15 1. The model homes are staged or phased in accessible areas of the subdivision;
- 16 2. One model home is allowed for 1-10 lots, two for 11-20 lots, three for 21-30 lots  
17 and no more than four for subdivisions or phases 31 lots or greater;
- 18 3. Model homes will include landscaping, driveways and garages. The driveway  
19 may be deferred until the model home is converted for residential use if separate  
20 off-street parking is provided. Any parking and access must meet ADA  
21 requirements.
- 22 4. Model homes require an approved application showing the site plan for the home  
23 and proposed parking, including ADA requirements. The application submittal  
24 also must include the location of the proposed home(s) within an approved  
25 preliminary plan, temporary signage, and an executed “hold harmless” agreement.

1 5. Before a CO can be issued, the applicant must demonstrate that the following  
2 conditions are met: 1) hydrants, 2) bacterial clearance of water lines per FDEP and  
3 required permits, 3) stabilized road base, 4) stormwater provisions and 5)  
4 operational sewer and water lines.

5 6. No model home may be occupied for use until a CO is issued.

6 7. No model home may be occupied for residential use until the final plat is recorded  
7 and a CO for residential is issued.

8 8. Model homes must follow LDC and MPD-related requirements.

9 ~~6.0~~7.0 Development Plan -

10 ~~6.1~~7.1 Plan Overview -

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

17 (b) Town Center will be developed in multiple phases. Tracts may be  
18 platted ~~by Owner~~ and sold as platted lots, tracts or parcels separately or in groups; or any  
19 Tract may be sold in its entirety "as is" without platting. Any purchaser of an unplatted  
20 Tract will be required to plat and obtain site development plan approval from the City  
21 before developing any portion of the Tract or conveying title to any portion of the Tract  
22 to third parties.

23 ~~A preliminary plat or site development plan will be submitted for at~~  
24 ~~least the first phase of Town Center and the Major Roads within one year from the date~~  
25 ~~of this PUD Agreement.~~ All infrastructure necessary to support each phase of Town

1 Center will be constructed with that phase. A final preliminary plat or site development  
2 plan for Town Center will be submitted within twenty-five years from the date of this  
3 ~~PUD-MPD~~ Agreement.

4 (c) Following is a brief summary of ~~Owner's the plan, or alternative~~  
5 ~~plans,~~ Master Plan with respect to each of the Tracts:

6 • Town Core Areas ("Urban Core")

7 Tract 1A - This Tract ~~will include~~s a central lake surrounded  
8 by public gathering space to create a town square. The town square ~~will be~~is surrounded  
9 by two lane roads with diagonal parking running parallel from ~~Main Street~~Central  
10 Avenue and connected at the north by a two lane cross street that also ~~will include~~s  
11 diagonal parking spaces. Sites at the north and south end of the lake ~~will be~~are  
12 designated as sites for public uses. ~~It is anticipated that~~ The growth of the Urban Core  
13 ~~will begin~~began within and will emanate from Tract 1A. Tract 1A will include a wide  
14 mix of uses, including retail, office, urban residential ~~(over commercial)~~ (in conjunction  
15 with retail or office) and institutional with public parking areas.

16 Tract 1AB - This Tract is separated from Tract 1A by ~~Main~~  
17 ~~Street~~Central Avenue and will not include any internal streets but will include a walk  
18 through (and possibly a drive through) from ~~Main Street~~Central Avenue to interior  
19 parking. The parking area and a drainage retention pond will buffer Town Center from  
20 the adjacent high school site. Buildings on Tract 1AB will front on ~~Main Street~~Central  
21 Avenue or Bulldog Drive. ~~Uses on Tract 1A will be primarily~~ It is likely that Tract 1B  
22 will include mixed uses, including retail commercial, non-retail commercial, lodging and  
23 parking, office and urban residential.

24 Tracts 2, 3, 4A and 4B - These Tracts front on ~~Main~~  
25 ~~Street~~Central Avenue for a distance of approximately one-half mile. It is anticipated that

1 the Urban Core will expand from west to east as these Tracts build out. These Tracts will  
2 be broken into blocks, with diagonal parking along ~~Main Street~~Central Avenue and  
3 parking areas behind buildings. A walk through opportunity will be provided near the  
4 mid-point of each block. ~~Linear~~On some of the Tracts, linear lakes ~~will~~ border adjacent  
5 wetlands and provide stormwater retention and a backup source of water for irrigation.  
6 The lakes ~~will~~ also provide scenic locations for pocket parks and sites for restaurants and  
7 cafés with outdoor seating. Tract 2 includes a movie theater site and Tract 4B includes  
8 sites for a center for the arts and community center. ~~A site for a youth center will be~~  
9 ~~available at the western end of Tract 4A, and a site for a movie theater will be designated~~  
10 ~~on Tract 1B, Tract 2 or Tract 4A and a site for a cultural arts and/or performing arts~~  
11 ~~center will be available at the eastern end of Tract 4B.~~ Other uses will include office,  
12 retail commercial, non-retail commercial, institutional, urban residential (~~over~~  
13 ~~commercial~~) and possibly also lodging.

14 Tracts 6B and 6C - It is likely that these Tracts will include  
15 office and/or retail commercial uses. When completed, Landing Boulevard, that is  
16 located between Tracts 6B and 6C, will provide traffic flow from Central Avenue to  
17 Tract 28 (the largest Perimeter Commercial Tract) without impacting SR-100 or Belle  
18 Terre Parkway.

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

- Town Core Areas ("Urban Center")

1                    Tract 5 - A substantial portion of this Tract ~~will be~~was  
2 excavated to create a lake for stormwater retention and fill. The lake ~~may~~ also provides a  
3 backup source of water for irrigation. Useable portions of this Tract may be used as a  
4 park and/or outdoor recreational area in conjunction with adjacent Tracts. ~~Tract 5 may~~  
5 ~~also include a site for a restaurant or other commercial or office use that benefits from a~~  
6 ~~lake vista.~~

7                    Tracts 6A, 6B and 6C - It is likely that ~~these~~ this Tracts will  
8 include ~~both office and urban residential uses~~ residential apartments or condominiums. A  
9 ~~north/south public street through Tract 6A and between Tracts 6B and 6C~~ Landing  
10 Boulevard will provide traffic flow from ~~Main Street~~ Central Avenue through Tract 6A to  
11 Tract 28 (the largest Perimeter Commercial Tract) without impacting SR-100 or Belle  
12 Terre Parkway.

13                    ~~Tract 7~~ ~~Because of its location at the western terminus of the~~  
14 ~~4 lane section of Main Street, immediately west of the Urban Core, this Tract may~~  
15 ~~include any of the uses that are permitted within the Town Core Areas. It may or may~~  
16 ~~not be subdivided to include internal public streets.~~

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

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



1 and Town Business Areas. Because this is the only Town Service Tract, it is likely it will  
2 include some or all of the following uses: ~~office, warehousing, storage~~, daycare, charter  
3 school, fraternal organizations, churches, public ~~facilities~~ facility and event (overflow)  
4 parking.

- Town Business Areas

6 Tract 14A - This Tract is located west of ~~Seminole Woods~~  
7 ~~Parkway extension~~ Town Center Boulevard and east of a large FP&L substation site.  
8 ~~Tract 14A does not have I-95 visibility.~~ It is likely it will ~~be developed as a business~~  
9 ~~park~~ include including some or all of the following uses: showroom ~~and~~; flex space; ~~and~~  
10 ~~may also include~~ light industrial; distribution; ~~institutional uses;~~ and multi-story  
11 apartments or residential condominiums. The portion of the Tract fronting Town Center  
12 Boulevard may include retail commercial uses whereas any light industrial or distribution  
13 uses should be oriented to the rear of the property to provide adequate buffer.

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

17 Tract 15 - This Tract has visibility from I-95 and frontage on  
18 ~~Donut~~ McMahan Lake. It is likely it will be developed either as an office park with  
19 multi-story office buildings or as a residential project with multi-story apartment and/or  
20 condominium buildings and may also include lodging and other tourist related facilities.  
21 The portion of the Tract fronting Town Center Boulevard may include retail commercial  
22 uses.

23 Tract 16 - This Tract is located north of the Royal Palm  
24 Waterway and may be combined with Tract 17 as ~~a second phase~~ part of a business park.  
25 However, because ~~it~~ this Tract is ~~a secluded~~ Tract, contains three lakes and is near the

1 ~~rails-to-trails bikeway, it may be developed for townhomes, row homes, patio homes or it~~  
2 ~~may be used for~~ a multi-family residential project, ~~or some combination of those~~  
3 ~~residential uses.~~

4 Tract 17 - This Tract ~~has a substantial amount of frontage~~  
5 ~~along I-95. Like Tract 14A, it is likely this Tract will~~ may be developed as a business  
6 park, ~~including showroom and flex space for businesses that desire I-95 exposure or 25%~~  
7 ~~of it may be combined with Tract 16 and developed as a residential project, as described~~  
8 ~~above for Tract 16.~~

9 • Town Residential Areas

10 Tract 18A - This Tract will have a primary entrance on  
11 ~~Seminole Woods Parkway extension~~ Town Center Boulevard north of its intersection  
12 with ~~Main Street~~ Central Avenue. ~~A public street~~ Lake Avenue ~~will run~~  
13 ~~Woods Parkway extension~~ Town Center Boulevard along its southern boundary to Tract  
14 18B. This Tract will be designated for residential apartments or condominiums with a  
15 density of ~~twelve up~~ to fifteen units per acre.

16 Tracts 18B and 18C - These long narrow Tracts will have a  
17 primary access from ~~Seminole Woods Parkway extension~~ Town Center Boulevard via a  
18 ~~public street~~ an extension of Lake Avenue that will run between Tract 18A and Tract 13.  
19 ~~The public street~~ Lake Avenue will extend through Tracts 18B and 18C to the Urban Core  
20 (Tract 1A). They ~~will~~ may also have a separate pedestrian connection to the Town Core  
21 (Tract 2). Because of their configuration and proximity to the Urban Core, these Tracts  
22 will be designated for town homes, row homes or patio homes with a density of ~~five up~~  
23 ~~to~~ eight units per acre.

24 Tract 19A, 19B and 19C - These Tracts are near (separated  
25 only by the FP&L easement) ~~the future~~ a rails-to-trails bikeway ~~project~~ and will be



1 connected to Tract 18B. ~~They may also have a direct connection to Seminole Woods~~  
2 ~~Parkway.~~ Because of their location, it is likely these Tracts will be developed for town  
3 homes, row homes or patio homes, possibly as future phases of the development on  
4 Tracts 18B and 18C.

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

8 Tracts 21A and 21B - ~~Tract 21A may be increased in size by~~  
9 ~~adding to it a portion of the adjacent Public Land (Tract 21B). If Tract 21A is increased~~  
10 ~~in size, it is likely it will be developed as an adult residential project with a combination~~  
11 ~~of housing types, including multi-story buildings and attached or detached units, with~~  
12 ~~recreational amenities and may also include onsite medical facilities. If Tract 21A is not~~  
13 ~~enlarged, it will be designated for apartments or condominiums with a density of twelve~~  
14 ~~to fifteen units per acre.~~ It is likely that these Tracts will be developed as a phased  
15 residential apartment or condominium project all or a portion of which may be age  
16 restricted. Tract 21B may have a pedestrian connection to the adjacent City tennis center.

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

22 Tracts 23A and 23B - Like Tracts 18B and 18C, ~~this is a~~ these  
23 are long narrow ~~parcel~~ Tracts. ~~It~~ They will be connected by ~~a public street~~ an extension of  
24 Lake Avenue to the Urban Core (Tract 1A) and ~~Main Street~~ Central Avenue at a point  
25 slightly southeast of Perimeter Commercial Tract 26B. Because of ~~its~~ their configuration

1 and proximity to the Urban Core and a Perimeter Commercial Tract, ~~this~~ these Tracts will  
2 be designated for town homes, row homes or apartments or condominiums with a density  
3 of ~~five~~ up to twelve ~~twelve~~ fifteen units per acre.

4  
5 Tract 24 - This Tract ~~can be~~ is connected to ~~Bulldog Drive~~  
6 ~~through Tract 4A, Seminole Woods Parkway extension~~ Town Center Boulevard through  
7 Tract 11 and directly to ~~Main Street~~ Central Avenue. ~~and will have a pedestrian~~  
8 ~~connection to Bulldog Drive. The connection to Main Street and/or Bulldog Drive may~~  
9 ~~be by a non-vehicular pathway that will accommodate pedestrian, bicycle, electric cart,~~  
10 ~~wheel chair and similar traffic. If Tract 21A is not enlarged to include Tract 21B, as~~  
11 ~~described above, this Tract will be designated for an adult residential project, and in that~~  
12 ~~case, it is likely to be developed along with a portion of Tract 11. If Tract 21A is~~  
13 ~~enlarged, this Tract may nevertheless be developed for an adult residential project or it~~  
14 ~~may be developed for other permitted residential uses.~~ This Tract was built-out with four-  
15 plex residential units and one and two-story townhomes, with a community center on the  
16 internal drainage retention pond.

17  
18 • Perimeter Commercial Areas

19 Tract 25 - This Tract ~~will be~~ is bordered on the northeast by  
20 ~~Main Street~~ Central Avenue and on the south by ~~Eastwood Drive~~ Market Avenue which  
21 ~~will~~ intersects ~~Main Street~~ Central Avenue at the eastern corner of the Tract. It ~~will~~  
22 ~~be~~ was subdivided into a number of commercial lots, including a site for a grocery store  
23 anchored retail center. ~~It is likely~~ Tract 25 ~~will~~ also includes sites for banks and ~~offices~~  
24 ~~and certain types of restaurants and~~ the type of office, restaurant and retail uses that are  
25 not planned for the Urban Core area.

1                    Tracts 26A and 26B - These Tracts ~~will be~~are bordered on the  
2 north by ~~Eastwood Drive~~Market Avenue and ~~will be~~were subdivided, along with Tract  
3 25, into a number of commercial lots. Like Tract 25, it is likely Tracts 26A and 26B will  
4 include sites for banks and ~~offices and certain types of restaurants and~~the type of office,  
5 restaurant and retail uses that are not planned for the Urban Core Areas.

6                    Tracts 27A and 27B - These are small Tracts that ~~will be~~were  
7 subdivided along with Tracts 25, 26A and 26B. The access road to Town Residential  
8 Tract 21A ~~will bisect~~s ~~this~~these Tracts so ~~it may be developed in conjunction with Tract~~  
9 ~~21A or it may be used for~~one of the platted lots may provide a sales center site for Tracts  
10 21A, 21B and 22. These ~~tracts~~ may also provide sites for small ~~site~~retail or office  
11 ~~commercial~~ uses that desire high visibility and traffic volumes.

12                    Tract 28 - This Tract ~~will be planned~~was developed as a  
13 "power center" that ~~is compatible with the TND design concept and will include~~s sites for  
14 large and small retail commercial uses and outparcels. This Tract ~~will~~also includes a  
15 ~~public street~~segment of Landing Boulevard connecting directly from a signalized median-  
16 cut on SR-100 to Tract 6A. As described above, ~~a public street connecting to Main~~  
17 ~~Street~~Landing Boulevard will run through Tract 6A and between Tracts 6B and 6C  
18 connecting to Central Avenue.

19                    Tract 29 - ~~This Tract is sandwiched between outparcels that~~  
20 ~~are currently sites for a used RV dealer, body and automobile mechanics shops and~~  
21 ~~similar relatively "unsightly" uses.~~ This Tract which has frontage on SR-100 will be used  
22 for retail commercial and/or non-retail commercial uses that are compatible with  
23 neighboring uses.

24                    Tract 30 - This Tract is located at ~~the~~a main entrance to  
25 Town Center from SR-100 and ~~will be planned as an entrance parcel with~~includes

appropriate Town Center monumentation and ~~will include~~ sites for ~~office and/or retail commercial uses~~ a business class hotel, restaurant and office or retail commercial uses that desire high visibility and traffic volumes.

- Town Common Areas

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

6.27.2 Zoning and Future Land Use Map (FLUM) Category -

The City's ~~current draft~~ Comprehensive Plan shows Town Center ~~re-~~ designated ~~to a newly described FLUM category of~~ DRI (Urban Core). ~~The proposed rezoning~~ Zoning of the Town Center Property in accordance with this ~~PUD~~ MPD Agreement is consistent with ~~the proposed~~ that FLUM category.

6.37.3 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. ~~Development Services Director.~~

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

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
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
Lodging house residential (including bed and breakfast).	X	P	X	X/P*	P	X	X
Retirement housing, (including adult congregate living facility, and assisted living facility).	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
<b>Office Uses</b>							
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	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					
Dentists Optometrist <i>Optomologist</i> Physicians and surgeons <i>Psychiatrists</i> <i>Psychologists.</i>							
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	<del>X</del> P	P	X	P	X
<i>General office</i>	P	P	<del>X</del> 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
<del>Medical and dental office.</del>	<del>P</del>	<del>P</del>	<del>X</del>	<del>P</del>	<del>X</del>	<del>P</del>	<del>X</del>
<b><u>Retail Commercial -</u></b>							
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	X	P	X	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					
higher alcoholic content than malt beverages or fermented wines.							
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 srvs.	X	X	P	P	X	P	X
Roadside and street vendor with current occupational license.	P	P	P	P	P	P	X
<b>Non-retail Commercial -</b>							
Studios, including art, dance and photography	P	P	P	P	X	P	X
Telecommunications tower.	P	P	<del>X</del> P**	P	X	X	X
Hospitals, including behavioral care hospitals; <del>M</del> medical clinics; including nursing and convalescent homes; physical therapy and health spas.	X	P	P	P	<del>P</del> 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

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
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 <sup>[H]***</sup>	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 agencies.	X	P	P	P	X	P	X
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 <sup>[H]***</sup>	X
Commercial recreational uses.	P	P	P	P	X	P	X
Commercial warehouses and contractor storage yards (provided outside	X	X	P	P	X	X/P <sup>[H]***</sup>	X



USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
storage is completely enclosed by a solid fence or otherwise screened from the public view).							
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
<b><u>Institutional Uses -</u></b>							
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

USES	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas	Perimeter Commercial Areas	Town Commons Areas
	Urban Core	Urban Center					
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
<b>Movie Theater</b>	P	X	X	X	X	P	X
<b>Lodging</b> - hotels, motels and other tourist accommodations.	P	P	X	P	X	P	X
<b>Nursing Home</b>	X	P	P	P	<del>P</del> X	P	X
<b>Agriculture / Forestry</b> , strictly limited to the following: Forestry Hayfield Horticulture Plant nurseries Agricultural uses on any Tract must cease within twelve months following issuance of a building permit to construct <del>any</del> <u>on the</u> Tract.	P	P	P	P	P	P	X

\* If ancillary to a primary residential use.

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

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

\*\*\*\* Permitted ~~for~~ on Tract 29 only.

#### 6.47.4 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

Development Services Director 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 <sup>[1]</sup>	Town Residential Areas	Perimeter Commercial
	Urban Core	Urban Center				
Minimum lot size	<del>2,500</del> 1,800 sq. ft.	4,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	<del>2,500</del> 1,800 sq. ft.	20,000 sq. ft.
Minimum lot width	<del>25'</del> 18'	40'	100'	100'	<del>25'</del> 18'	100'
Minimum front yard setback	12' <sup>†</sup> [2]	20'	20'	20'	$\frac{10'}{20'}$ <sup>[3]</sup> <sup>[4]</sup>	20'
Minimum street side setback	12' <sup>†</sup> [2]	20'	20'	20'	$\frac{10'}{20'}$ <sup>[3]</sup> <sup>[4]</sup>	20'
Minimum interior side yard setback	$\frac{10'}{0}$ <sup>[5]</sup> <sup>[6]</sup>	$\frac{10'}{0}$ <sup>[5]</sup> <sup>[6]</sup>	$\frac{10'}{0}$ <sup>[5]</sup> <sup>[6]</sup>	$\frac{10'}{0}$ <sup>[5]</sup> <sup>[6]</sup>	$\frac{5'}{0}$ <sup>[5]</sup> <sup>†</sup> [6]	$\frac{10'}{0}$ <sup>[5]</sup> <sup>[6]</sup>
Minimum rear yard setback	0	20'	20'	20'	$\frac{10'}{20'}$ <sup>[3]</sup> <sup>[4]</sup>	20'
Maximum building height <sup>[7]</sup>	80'	80'	35'	80'	80'	45' <sup>[8]</sup>
Minimum building height <sup>†</sup> [9]	24'	24'	16'	16'	16'	16'
Maximum Impervious Coverage per building site	95% <sup>†</sup> [10]	85%	85%	85%	75%	85% <sup>[11]</sup>

Regulation	Town Core Areas		Town Service Area	Town Business Areas <sup>(1)</sup>	Town Residential Areas	Perimeter Commercial
	Urban Core	Urban Center				
Maximum total impervious coverage for Town Center.	50%					

<sup>(1)</sup> Requirements for Town Residential Areas shall apply in the case of residential projects.

<sup>(2)</sup> Second through seventh story, balconies, awnings, and their supports may encroach to within 5' of the property line.

<sup>(2)(3)</sup> Setback to building or porch. ~~Minimum building height to roof peak. 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.~~

<sup>(3)(4)</sup> Setback to garage. ~~Setback to building or porch.~~

<sup>(4)(5)</sup> For detached structures ~~Setback to garage.~~ Equipment like a/c units, generators, and pool pumps within the setback area shall be properly screened.

<sup>(5)(6)</sup> For attached structures and parking lots in accordance with the Land Development Code as from time to time amended. ~~Minimum 10' between buildings.~~

<sup>(6)(7)</sup> Maximum building height measured in accordance with the Land Development Code as from time to time amended. ~~Within each lot. Individual building sites within a lot that do not contain parking areas may have 100% impervious coverage.~~

<sup>(7)(8)</sup> Except that the Tract 30 maximum building height shall be 80'. ~~Maximum building height measured to the highest habitable floor elevation.~~

<sup>(9)</sup> Minimum building height to roof peak of principal structures; no minimum for accessory structures.

<sup>(10)</sup> Within each lot. Individual building sites within a lot that do not contain parking areas may have 100% impervious coverage.

<sup>(11)</sup> Except for Tract 30, the maximum impervious coverage shall be 65%.

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

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

### 6.57.5 Open Space -

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

6.67.6 Roads -

(a) Town Center ~~will have~~has three major entrances from SR-100, two major entrances from Belle Terre Parkway and an entrance from Old Kings Road. All roads that are shown on the Master Plan will be dedicated to the City ~~of Palm Coast~~. Internal streets and alleys may be dedicated to the City ~~of Palm Coast~~ or may be privately owned and maintained by a property owners association or the Town Center ~~at Palm Coast Community Development District ("Town Center CDD")~~CDD.

(b) All roads, streets and alleys within Town Center will be built consistent with the road, street and alley cross sections that are shown on ~~Exhibit "E"~~Exhibit "F-1" hereto and the Street Standards that are setforth 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	<u>80'</u> <del>100'</del>	65'	50'	30' <del>40'</del>	20'
Pavement	12' lane	12'/lane	12'/lane	10'/lane <sup>[12]</sup>	8'/lane
Parking	None	Diagonal	Parallel <del>one</del>	Parallel <del>one</del>	None

	Collector	Downtown Core	Local	Residential Local	Alley
			<del>side</del> <u>both sides</u> <sup>[2]</sup>	<del>side</del> <u>both sides</u> <sup>[2]</sup>	
Curb Radius <sup>[4]</sup>	25'	15'	15'	15'	10'
Sidewalk	6.5'*	12' each side	5' each side	<del>5</del> <u>4</u> ' each side	N/A
Bikeway	10'*	10'*	10'*	10'*	N/A
Curbs	Req. <sup>[43]</sup>	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. ~~All sidewalks will be designed with an appropriate level recovery area.~~

<sup>[1]</sup> ~~Where the standards set herein conflict with State or Federal standards, the applicable State or Federal standards will prevail.~~

<sup>[2]</sup> ~~Ten feet'~~ Ten feet on streets with less than eight hundred projected average trips per day or twelve feet on all other streets.

<sup>[2]</sup> ~~Optional. Developer will demonstrate a clear zone radius to accommodate all vehicles using the roadway.~~

<sup>[43]</sup> ~~Except for portions of Main Street, Central Avenue and Seminole Woods Parkway~~ 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 ~~Main Street, Central Avenue and Town Center Boulevard and Seminole Woods Parkway~~ Central Avenue and Town Center Boulevard in accordance with an approved SJRWMD permit. All roadway drainage not considered suitable for swale and/or ditch type drainage will be designed as one of the following:

- Miami curb and gutter section
- Standard curb and gutter section

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

6.7.7 Stormwater Management System.

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

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

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

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

(e) Skimmers will be provided at inflow points to ~~the treatment ponds~~ or at the outflow structures. These structures will be designed to skim floating debris, oil,

1 and grease from an elevation six inches below the normal water elevation of the pond or  
2 overflow structure elevation to an elevation six inches above the design high water level  
3 of the pond. Skimmers will cover all directions of flow through the structures.  
4 Skimmers will be maintained by the CDD. The design of this control system will make  
5 adequate provision to minimize erosion.

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

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

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

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

18 6.87.8 Construction Fences - During building construction within the Town Core  
19 area, construction fences will be installed and maintained to provide screening and a  
20 buffer from all streets and pedestrian areas.

21  
22 7.08.0 Design Guidelines - ~~In addition to any private architectural and design guidelines~~  
23 ~~that the Owner may from time to time impose on all or portions of Town Center, the~~  
24 ~~following will apply~~ As provided for in Section 6.3(l) above, the ARC will apply the  
25



1 following design guidelines when reviewing new development and construction,  
2 redevelopment and alterations to existing structures within Town Center:

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

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

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

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

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

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

18 (g) ~~Within the Urban Core there will be a through pedestrian arcade or other~~  
19 ~~access at ground level, at approximately mid-block.~~

20 ~~(h)~~ Awnings, covered walkways, open colonnades, or similar weather  
21 protection, spanning a minimum of eighty percent of the frontage of all buildings and  
22 overhanging a minimum of five feet, will be provided for structures within the Urban  
23 Core that are set back twenty-two feet or less from the front property line. The same

24 elements will be encouraged in the other areas of Town Center. These elements may  
25

1 encroach in the setback a maximum of seven feet, but in all cases must comply with the  
2 minimum sight line requirements.

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

7 ~~(i)~~ (i) ~~Except in the Urban Core, R~~ residential structures will incorporate porches,  
8 decks or balconies.

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

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

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

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

21 ~~(n)~~ (n) Stem walls are encouraged to raise residential units eighteen inches above  
22 sidewalk elevation for privacy.

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

1 materials. Chain link fences are prohibited in Town Residential areas, except around  
2 utility installations. In those areas where chain link fences are permitted, they must be  
3 made of black vinyl coating material.

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

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

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

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

15  
16 8.09.0 Parking -

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

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

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

24 • Restaurant/Bar/Night Clubs: one space for each one hundred square  
25 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 Mmulti-family Ddwellings (usually multi-story) and  
6 Lodging House: one and one-half spaces per dwelling unit (one bedroom unit); one and  
7 three-quarter spaces per dwelling unit (two bedroom unit); two spaces per dwelling unit  
8 (three bedroom unit and 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 theater: Thirty-five spaces per screen.

16           • Garages only for single-family residential homes.

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

1 off-street spaces; e.g.s., an owner or lessee occupying fifteen thousand square feet of  
2 space will be entitled to four reserved off-street spaces and an owner or lessee occupying  
3 fifty thousand square feet of space will be entitled to six reserved off-street spaces.  
4 Because reserved off-street parking will be located on privately-owned property, the City  
5 has no enforcement authority with respect to reserved parking spaces, except on sites that  
6 are 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,  
12 will be taken into consideration for purposes of meeting the parking requirements. When  
13 ~~Owner conveys~~ title to a portion of the ~~Town-Urban~~ Core is conveyed for a building site,  
14 ~~Owner will record~~ a restrictive covenant will be recorded describing and quantifying the  
15 shared parking that is allocated to that site for purposes of meeting the parking  
16 requirements. The same shared parking spaces will not be credited for purposes of  
17 meeting the parking requirements of more than one site, except the same shared parking  
18 may meet the parking requirements of both institutional uses with off-peak event oriented  
19 parking requirements and retail commercial, non-retail commercial and office uses that  
20 have no, or limited, off peak parking requirements, subject to approval, on a case by case  
21 basis, by the City's Land Use Administrator ~~Development Services Director~~. ~~Shared~~  
22 ~~parking that is credited for purposes of meeting the parking requirements of another site~~  
23 ~~will also be credited for purposes of meeting the parking requirements of a youth or teen~~  
24 ~~center in the Urban Core.~~

1 (c) On plats of Town Center, or as provided for in Section ~~5.3~~6.3(d) above,  
2 parking areas may be dedicated to the Town Center CDD, including but not limited to  
3 easements over diagonal parking spaces along platted streets and roads (collectively  
4 "CDD Parking Areas"). The Town Center CDD may impose a fee (parking meters or  
5 otherwise) and/or maximum parking time limits for parking in CDD Parking Areas  
6 provided the revenue is used by the Town Center CDD exclusively for one or more of the  
7 following: related administrative costs; maintenance of parking meters and parking  
8 areas; construction and maintenance of parking areas, including structured parking;  
9 construction of road improvements; purchase, maintenance and operation of trams or  
10 other "people movers" within Town Center and to nearby destinations; and construction  
11 and maintenance of public gathering places within Town Center.  
12  
13  
14

15 ~~9.0~~10.0 Maintenance -

16 The Town Common Areas and other land that are owned or controlled by the  
17 Town Center CDD will be maintained by the Town Center CDD. The Town Center  
18 CDD will also be responsible for providing any services that are desired by owners of  
19 Town Center Property that are in addition to services that are provided generally  
20 throughout the City. An existing maintenance agreement between the CDD and the City  
21 of Palm Coast has been established and may be modified by both parties from time to  
22 time.  
23

24 ~~10.0~~11.0 Services -  
25

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

5  
6 ~~11.012.0~~ Public Land Parcels -

7 Property that is owned or controlled by the City or other public entity ("Public  
8 Land Parcel~~s~~") will be maintained by that public entity ("Public Land Parcel Owner").

9 ~~The Development Order grants the City an option to acquire the sites that are shown as~~  
10 ~~Site A, Site B and Site C on Exhibit "F" hereto in which case they will constitute Public~~  
11 ~~Land Parcels.~~ Construction on a Public Land Parcel will be subject to the requirements  
12 and standards set forth in this PUD-MPD Agreement, except for any temporary structure  
13 that serves as a fundraising or construction management office ("Temporary Office") for  
14 a project on a Public Land Parcel developed through public-private partnerships. A  
15 Temporary Office shall be limited to five years, unless extended through a minor  
16 modification amendment to this MPD Agreement. In addition, to the greatest extent  
17 possible, the Temporary Office shall include adequate landscaping and buffering as well  
18 as complying with the following standards:

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

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

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

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

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

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

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

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

10 Parking on a Public Land Parcel~~s~~ may be reserved as deemed appropriate by the  
11 Public Land Parcel Owner but shared parking, as provided for in Section ~~8.09.0~~9.0(b) above,  
12 is encouraged, especially during non-business hours of the Public Land Parcel Owner.

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

16  
17 ~~12.0~~13.0 Amending this Agreement -

18 Amendments to this ~~PUD-MPD~~ Agreement, other than those which are considered  
19 to be a "minor modification" by the City Manager, or designee, will require the approval  
20 of the City Council following the recommendation of the Planning and Land  
21 Development Regulation Board. Public notification procedures required for rezoning  
22 shall will comply with State law ~~not be required for modification of this PUD-MPD~~  
23 Agreement. Minor modifications may be approved by the City Manager, or designee.  
24  
25



1  
2 ~~13.0~~14.0 Conclusion -

3 Town Center is expected to develop into a regional urban center. TND design  
4 criteria will be followed to the extent feasible to encourage and facilitate pedestrian travel  
5 throughout Town Center and gatherings of residents and non-residents at scheduled and  
6 informal events.

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10  
11 CITY COUNCIL: **City of Palm Coast**

12 By: \_\_\_\_\_  
13 ~~James V. Canfield~~ \_\_\_\_\_, Mayor

14 Signed this \_\_\_\_ day of \_\_\_\_\_,

15 2017\_\_03

16 ATTEST:

17 By: \_\_\_\_\_  
18 \_\_\_\_\_ ~~Richard M. Kelton~~ \_\_\_\_\_, City Manager

19 Signed this \_\_\_\_ day of \_\_\_\_\_,

20 2017\_\_03  
21  
22  
23  
24  
25

1 ~~OWNER'S/APPLICANT'S~~ MASTER DEVELOPER'S CONSENT AND COVENANT:  
2 COMES NOW, ~~the Owner~~ Florida Landmark Communities, LLC, as master  
3 developer of Town Center, on behalf of itself and its successors, assigns and transferees  
4 of any nature whatsoever, and consents to and agrees with the covenants to perform and  
5 fully abide by the provisions, terms, conditions and commitments set forth in this ~~PUD~~  
6 MPD Agreement.

7  
8 **Florida Landmark Communities, ~~Inc.~~ LLC**

9 By: \_\_\_\_\_  
10 William I. Livingston, President Manager

11 Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_ ~~03~~

12 ATTEST:

13 By: \_\_\_\_\_  
14 ~~Eileen L. Linehan,~~ Danielle M. Ferguson

14 Secretary

15 Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_ ~~03~~  
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