

City of Palm Coast, Florida Agenda Item

Agenda Date: February 6, 2024

Department Division	COMMUNITY DEVELOPMENT	Amount Account #
Subject:	ORDINANCE 2024-XX AN AMENDMENT TO THE TOWN CENTER AT PALM COAST PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT AGREEMENT (DA)	
Presenter:	Jose Papa, AICP, Senior Planner	
Attachments:	<ol style="list-style-type: none"> 1. Ordinance 2. Town Center PUD 3. Summary of Amendments 4. Staff Report 5. Business Impact Estimate 6. Applicant Correspondence 	
Background:	<p>This is a quasi-judicial item, please disclose any ex parte communication.</p> <p><u>UPDATED BACKGROUND FROM THE JANUARY 16, 2024, BUSINESS MEETING:</u> This item was heard by City Council at their January 16, 2024, Business Meeting. At the direction of City Council, the last paragraph of Section 6.4 of the PUD-Development Agreement was amended to include the following clarification (shown in underline).</p> <p>Notwithstanding the cap on the number of Residential dwelling units as provided in DRI-DO, a property owner with Declarant's written consent may request to convert non-residential square footage to residential units for a mixed-use building project <u>within the Urban Core areas of Town Center DRI</u>, using the conversion matrix in Exhibit C, <i>Land Use Conversion Table</i> of the DRI-DO. Such conversions may only be requested on a project-by-project basis and approval of conversions are recorded with the Development Order for subject project.</p> <p><u>UPDATED BACKGROUND FROM THE JANUARY 2, 2024, BUSINESS MEETING:</u> This item was originally scheduled for the January 2, 2024, Business Meeting. City Council concurred to postpone the item to the January 16, 2024, Business Meeting. There have been no changes to the item.</p> <p><u>UPDATE FROM THE DECEMBER 5, 2023, BUSINESS MEETING:</u> On November 30, 2023, City staff received a request from the applicant to reschedule the item to the January 2, 2024, Business Meeting. The letter from the applicant's representative is attached.</p>	
Planning and Land Development Regulation Board (PLDRB) Public Hearing		

The PLDRB held a public hearing on the proposed amendments on October 18, 2023. After discussion, the PLDRB voted to unanimously approve the item. There were no public comments.

Town Center Palm Coast Master Planned Development is a 1,601+/- acre Planned Unit Development. This amendment to the Town Center at Palm Coast Park Planned Unit Development-Development Agreement (Town Center PUD) proposes to accomplish the following:

- Bring consistency to the types of residential uses permitted in the Town Center PUD by eliminating distinction between fee-simple and common ownership multi-family residential units,
- Allow Data Centers as a permitted use in Town Service and Town Business areas of the Town Center PUD,
- Provide additional guidelines and criteria for developing mixed-use buildings within the “Urban Core” areas of the PUD, along with an incentive to permit conversion of non-residential sq. ft. to residential units when project is a mixed-use building within the Urban Core area,
- Create rules for fences or walls needed for security or safety, and
- Housekeeping/Clean-up Items.

The proposed amendment is consistent with criteria established in the Land Development Code (LDC) based on the following:

- Consistency with the following Comprehensive Plan policies – the amendments will not hinder the policy to promote opportunities to provide housing opportunities near services; direct development in areas served by infrastructure (no expansion of development area); provide variety of housing types and opportunities.
- Amendment is not in conflict to public interest or creates a hazard or nuisance – the amendment does not permit a new use that creates a hazard or nuisance. Data Centers are typically permitted in light industrial and business parks. Additionally, clarification of rules for development of Mixed-Use buildings will assist in ensuring and promoting mixed use buildings in the Town Center.
- No significant financial liability or hardship – amendment is in area served by infrastructure.
- The amendment furthers the vision within the PUD to create a Mixed-Use community with a variety of housing types along with a mix of non-residential uses, and
- The amendment will not result in additional impacts to environmental or natural resources since the amendment does not propose to increase the developable area of Town Center.
- Consistency with surrounding land uses – Town Center is a compact planning area bordered by arterial roadways. The standards established for Town Center are based on the vision of Town Center as a Mixed Use “urban center” for Palm Coast. The proposed amendment does not stray from this vision but rather enhances the potential to complete the vision of Town Center as an area to live, work, and play within an “urban center” in Palm Coast.

Pursuant to Section 166.041(4), Florida Statutes, a business impact estimate regarding this proposed Ordinance has been prepared, has been attached to this agenda item, and has been posted to the City’s website.

Recommended Action:

THE PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) FINDS THE PROPOSED AMENDMENT TO THE TOWN CENTER PUD-DA (APPLICATION NO. 5523) CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE CRITERIA IN THE LAND DEVELOPMENT CODE AND RECOMMENDS THAT CITY COUNCIL APPROVE THE PROPOSED AMENDMENTS TO THE TOWN CENTER PUD-DA

ORDINANCE 2024-__
SECOND AMENDED AND RESTATED TOWN CENTER AT PALM
COAST PLANNED UNIT DEVELOPMENT (PUD) DEVELOPMENT
AGREEMENT (DA)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE TOWN CENTER AT PALM COAST PLANNED UNIT DEVELOPMENT (PUD); AMENDING TABLE 6.3 TO PERMIT FEE SIMPLE TOWNHOMES IN AREAS OF THE TOWN CENTER PUD; ADD DATA CENTER AS A PERMITTED USE IN THE TOWN SERVICE AND TOWN BUSINESS AREA; ADDING GUIDELINES, CRITERIA, AND INCENTIVES FOR DEVELOPING MIXED-USE BUILDINGS IN THE URBAN CORE AREA; PERMIT FENCES OR WALLS UP TO 8 FEET UNDER CERTAIN CONDITIONS; AND HOUSEKEEPING AMENDMENTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Town Center Master Planned Development is a Master Planned Development (PUD) previously rezoned to PUD through Ordinance No. 2003-32;

WHEREAS, on October 3, 2006, the City Council of the City of Palm Coast approved an amendment to the Town Center PUD-DA through Ordinance No. 2006-17; and

WHEREAS, on September 18, 2018, the City Council of the City of Palm Coast approved an amendment to the Town Center PUD-DA through Ordinance No. 2018-18; and

WHEREAS, on July 5, 2022, the City Council of the City of Palm Coast approved the first amended and restated Town Center through Ordinance No. 2022-12; and

WHEREAS, the notice and public hearing requirements, as provided for in Chapter 2 (Review Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code have been satisfied; and

WHEREAS, the Planning and Land Development Regulation Board held a public hearing on October 18, 2023, and has found this requested change consistent with the City of Palm Coast Comprehensive Plan and criteria established in the Land Development Code; and

WHEREAS, additional conditions of approval may also be included within the minutes of relevant meetings of the Planning & Land Development Regulation Board and

City Council. Furthermore, any representations or promises made by the Applicant during the zoning review and approval process for the Project (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the City; and

WHEREAS, the City Council of the City of Palm Coast held duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various City reviewing departments, and the recommendation of the Planning and Land Development Regulation Board (PLDRB), and after complete deliberation, the City Council hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan, and that sufficient, competent and substantial evidence supports the proposed amendment set forth hereunder; and

WHEREAS, the City Council of the City of Palm Coast hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast, Florida.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are fully incorporated herein by this reference.

SECTION 2. APPROVAL OF THE SECOND AMENDED AND RESTATED MASTER PLANNED DEVELOPMENT - DEVELOPMENT AGREEMENT (PUD DA) AMENDMENT. The PUD DA Amendment and its exhibits attached hereto as Exhibit “A,” with all appropriate signatures and joinders, is hereby adopted and approved by the City Council of the City of Palm Coast and shall constitute the regulations for the specific PUD District. The Amendment shall be recorded in the Official Records of Flagler County, Florida, by the City Clerk.

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED on first reading this 16th day of January 2024.

ADOPTED on the second reading after due public notice and hearing this 6th day of February 2024.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY

ANTHONY A. GARGANESE, CITY ATTORNEY

Attachments: Exhibit "A" - Second Amended and Restated Town Center at Palm Coast PUD-DA

EXHIBIT “A”
SECOND AMENDED AND RESTATED TOWN CENTER PLANNED UNIT
DEVELOPMENT – DEVELOPMENT AGREEMENT

1 table is included in the DRI Development Order and lists the maximum permitted density and
2 intensity for all uses within Town Center.

3
4 **A Table of Originally 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

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

21
22 The land uses provided for above may be converted to different classifications as provided for
23 in the DRI Development Order, provided that the maximum permitted density and intensity for
24 the aggregate of all land uses within Town Center will not be increased. Refer to the DRI
25 Development Order, as may be amended from time to time, for the current allocation of approved
26 development rights.
27

28 In the event of a conflict between this PUD Agreement and the DRI Development
Order, on one hand, and the building codes, zoning ordinances and other land development

1 regulations of the City, on the other hand, this PUD Agreement and the DRI Development Order
2 will control. In the event of a conflict between this PUD Agreement and the DRI Development
3 Order, the DRI Development Order will control. All building codes, zoning ordinances and other
4 land development regulations of the City of Palm Coast (the "City"), including, without
5 limitation, any concurrency management requirements and the City Comprehensive Plan and/or
6 any similar plans adopted by the City, as may be amended from time to time, will be applicable
7 to the Town Center Property unless otherwise stated herein or in the DRI Development Order.
8
9

10 Transportation concurrency requirements for Town Center may be satisfied by
11 meeting the transportation conditions contained in the DRI Development Order. Other
12 concurrency requirements will be evaluated periodically through the biennial monitoring
13 reporting process that is specified in the DRI Development Order.
14

15
16 3.0 Design Concept –

17 Town Center has an Architectural Review Board (the “ARB”). All development
18 within Town Center shall be approved by the ARB. The ARB’s guidelines parallel those already
19 implemented in the LDC maintained by City, except as modified herein. Unless modified herein,
20 all development within Town Center must comply with the ARB requirements.
21

22 4.0 Project Description –

23
24 4.1 General –

25 Town Center will be a mixed-use development located approximately in
26 the geographic center of the City. The development plan for Town Center is generally outlined
27 below and depicted on the PUD Master Plan which is attached as **Exhibit “CI”** hereto (the
28 “Master Plan”).

1 **Exhibit “C2”** (the “Tract Map”) depicts the Town Center Tracts (the
2 “Tracts” or individually a “Tract”) and the conceptual roadway system, including public and
3 private roads and driveways through parking areas.
4

5 Town Center will function as an urban center for the City, Flagler County
6 and the surrounding area. Town Center will include areas for traditional and conventional
7 development patterns with a "park and walk" downtown area, compact residential development
8 that is projected to be primarily attached low and mid-rise units, planned business parks,
9 service commercial and extensive open space areas. Town Center will combine local and
10 national retail establishments, restaurants, entertainment and office space. Opportunities will
11 also exist for a governmental complex, a cultural center, a youth center and other public uses.
12 Public outdoor areas will be designed to encourage gatherings and outdoor entertainment and
13 events.
14
15

16
17 4.2 Land Uses –

18 Town Center will be made up of the following land use areas, the locations of
19 which are shown on the Master Plan:
20

21 (a) Town Core Areas -
22

23 The “Town Core Areas” will include both the “Urban Core” and the
24 “Urban Center”. The “Town Core Areas” consists of eighteen tracts, as indicated in subsection
25 (c) of Section 6.1 below, and as shown on the Tract Map. The “Town Core Areas” will include
26 sites for combination of mixed uses, including the following: retail; office; governmental; civic;
27 cultural; lodging; food service; institutional facilities; entertainment; outdoor public gatherings,
28 exhibits and festivals; residential apartments and condominium units, all as more specifically

1 provided for in Section 6.3 below. The “Urban Core” (9 Tracts) will consist of the urban
2 downtown areas with a commercial center designed with convenient automobile access,
3 including diagonal parking along streets, but a strong pedestrian orientation. The “Urban Center”
4 (9 Tracts) will allow a similar variety of uses as the “Urban Core” consistent with Section 6.3
5 below. However, angled on-street parking will not be available and the necessity of internal
6 connection(s) of adjacent parking lots will be addressed during the site plan review process and
7 only requires as deemed practical.
8
9

10 (b) Town Service Area –

11
12 The “Town Service Area” will include sites for warehousing, storage,
13 daycare, fraternal organizations, churches and public facilities, and may also include sites for
14 event (overflow) parking, as more specifically provided for in Section 6.3 below. The Town
15 Service Area consists of one Tract, as shown on the Tract Map.
16

17 (c) Town Business Areas –

18
19 The “Town Business Areas” will include sites for a combination of mixed
20 uses including the following: retail; office; business parks; showroom and flex space; food
21 service; lodging and other tourist related facilities; public facilities; institutional facilities;
22 and residential apartments and condominium units, as more specifically provided for in Section
23 6.3 below. The Town Business Areas consist of two Tracts, as shown on the Tract Map.
24
25

26 (d) Town Residential Areas –

27
28 The “Town Residential Areas” will include sites for various housing types
including the following: apartment units; condominium units; townhomes; row homes; patio
homes and elderly housing, such as independent living, assisted living, congregate care and

1 retirement village, as more specifically provided for in Section 6.3 below. The Town Residential
2 Areas consist of sixteen Tracts, as shown on the Tract Map.

3
4 (e) Perimeter Commercial Areas –

5
6 The “Perimeter Commercial Areas” are located along or near existing
7 perimeter roads and will include sites for retail commercial, food service, office, lodging,
8 financial institutions and automobile care facilities, as more specifically provided for in Section
9 6.3 below. The Perimeter Commercial Areas consist of eight Tracts, as shown on the Tract Map.

10
11 (f) Town Common Areas –

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

21
22
23 5.0 Land Development Code Applicability –

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25 5.1 The Land Development Code of the City (“Land Development Code”)
26 applies to the Town Center Property and development within it, unless expressly otherwise
27 provided in this Section.
28

1 5.2 The requirements of this Section supersede any inconsistent provisions of
2 the Land Development Code or other ordinances of the City.

3
4 5.3 For purposes of Town Center and development within it, the following
5 provisions apply and supersede any conflicting provisions contained in the Land Development
6 Code:

7
8 (a) The Town Center Property contains approximately 580 acres of
9 wetlands, much of which are substantially degraded as a result of years of agricultural use. Of
10 the five hundred eighty wetland acres, approximately five hundred acres of wetlands on the
11 Town Center Property will be conserved and/or enhanced. Because of the complex nature of the
12 design of Town Center, including the wetland mitigation plan that is provided for in the DRI
13 Development Order and the commitment to conserve and/or enhance the majority of the
14 wetlands on site in order to provide an increase in the overall wetland functional values, the
15 wetlands provisions of the Land Development Code will not apply. Instead, Owner will be
16 obligated to obtain approvals, as appropriate, from the United States Army Corps of Engineers
17 (“USACE”) and/or the St. Johns River Water Management District (“SJRWMD”) prior to
18 commencing development within the Town Center Property. However, notwithstanding the
19 requirements of USACE and SJRWMD to the contrary, all mitigation for impacts to the Town
20 Center Property will also occur on the Town Center Property.
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25 (b) An upland buffer averaging no less than twenty-five feet will be
26 maintained adjacent to and surrounding all wetlands. The minimum buffer will be fifteen feet,
27 provided that no more than twenty percent of all buffers will be less than twenty-five feet.
28

1 (c) Title to any Tract may be transferred in its entirety without
2 platting, as more specifically provided for in Section 6.1(b) below. However, no infrastructure
3 improvements, with the exception of stormwater and utility improvements and site fill may be
4 made on any Tract until preliminary plat approval is received for the area to be improved. A final
5 plat must be recorded prior to issuance of a certificate of occupancy or conveyance of any portion
6 of the property that is included in the plat.
7

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

18
19 (d) Subject to administrative approval by the City's Development
20 Services Director, any previously platted block in the Urban Core may be further divided to
21 create CDD Parking Areas, without replatting, and any previously platted lot, tract or parcel
22 anywhere within Town Center may be further divided without replatting ("Split Lot") for the
23 purpose, whether immediate or future, of any kind of transfer of ownership or right-of-
24 possession or for any building development, provided each portion thereof, as divided, will have
25 frontage on a public street or approved private street, or an easement having a width no less than
26 twenty-five feet is dedicated to provide access to the lot, tract, or parcel. Each Split Lot will
27
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1 conform to the site development requirements set forth in Section 6.4 below, and as previously
2 stated, will be subject to an administrative subdivision exemption approval by the City.

3
4 (e) Road rights-of-way may be dedicated to the City on plats or by
5 right-of-way deed. Dedications by right-of-way deed will be accepted by the City when the
6 construction plans or preliminary plat of the road is approved by the City. If not previously
7 recorded, plats of all roads will be recorded following completion of road construction. The City
8 will join in plats if the road being platted is located in a right-of-way that was dedicated to the
9 City by right-of-way deed before the plat is recorded.
10

11
12 (f) To avoid damage to roads, disruption of activities at Town Center
13 and because of the location of fill sources, it will be necessary to fill certain development areas
14 at Town Center before specific site development plans are available for the areas. All areas at
15 Town Center that are shown on **Exhibit "CI"** hereto, except Town Commons, wetland buffers
16 and existing lakes, require clearing and filling. Therefore, clearing of trees, filling, excavation
17 and dredging may be performed within Town Center consistent with permits issued from time
18 to time by SJRWMD. All cleared and filled areas will be seeded or sodded and an average of
19 one tree, with a minimum height of eight feet and two inches caliper measured six inches above
20 grade, will be planted per acre. The trees may be grouped.
21
22

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

26
27 • The sidewalks and pathways that are shown on **Exhibit "D"**
28 hereto ("Master Sidewalk/Pathway System"). Master Sidewalk/Pathway System will be
constructed from time to time, in segments, as the adjacent land is developed. Sidewalks must

1 be constructed concurrent with development of adjoining properties to insure that contiguous
2 walkable sidewalks are available at all times. This means that sidewalk construction may be
3 required to precede development of properties. Any temporary sidewalks fronting vacant
4 building sites may consist of a path constructed with stabilized shell or other material approved
5 by the City's Development Services Director. Temporary paths must be replaced by permanent
6 sidewalks before a certificate of occupancy will be issued for a building that is constructed on
7 the adjacent building site. Crosswalks will be provided on Belle Terre Parkway at the
8 intersections of Central Avenue and Market Avenue.
9
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11
12 Developments adjacent to Town Center may connect their sidewalks to the sidewalks
13 and pathways as shown on **Exhibit "D"**.

14 (h) Within the Urban Core there will be a minimum of one canopy street tree
15 per an average of ninety lineal feet of lot frontage, with small trees and ornamental plantings at
16 intervals averaging thirty feet on center. Five percent of the developed area will be landscaped
17 but no perimeter buffer will be required.
18

19 (i) Within the right-of-way of Central Avenue (except in the Urban Core),
20 Town Center Parkway, Market Avenue, Bulldog Drive and Hospital Drive, on each side of the
21 road and in the median, there will be one tree per thirty lineal feet, one-half of which will be
22 canopy trees. The Urban Core streetscape will include, but not necessarily be limited to the
23 following elements: trees in cutout areas in pavement, planters, window boxes, and foundation
24 plantings.
25
26
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28 Except as otherwise provided herein, there will be canopy trees installed
at intervals of approximately one tree for every fifty linear feet of roadway along common areas

1 and on both sides of the road. Canopy trees will be minimum of two inch caliper measured six
2 inches above grade and eight feet minimum height and will be installed within the right-of-way
3 or within ten feet of the right-of-way line.
4

5 (j) (1) Except as provided for in this Subsection, no sign regulations will
6 apply other than in the Perimeter Commercial Areas, less Tract 28 (the “Town Center Tract”)
7 where the sign regulations that are set forth in the Land Development Code, as from time to time
8 modified, will apply. Under canopy signs in the Urban Core will be set back a minimum of five
9 feet from the lot line. Neon signs will not be permitted except in the Urban Core where they will
10 be permitted but only in connection with food and entertainment. Where permitted, neon signs
11 may not flash, rotate, or flicker.
12

13
14 (2) Tract 28 Building Signage: Signage for each building or storefront
15 shall not exceed 1.25 square feet per linear feet of said building or storefront as generally
16 described in the table attached as **Exhibit “A”** in the approved Minor Modification to this PUD
17 Agreement dated December 21,2007 . Multiple signs per building or storefront shall be permitted
18 and included in the maximum square footage based on 1.25 square feet per linear feet of building
19 or business frontage, if multiple units. Unless otherwise called for herein, all other signage
20 regulations shall be consistent with City regulations. Notwithstanding the foregoing, the sign
21 standard called for in this paragraph shall not apply to Lots 1, 4, and 6 of PC LANDING AT
22 TOWN CENTER Plat recorded at OR 1562 PG 1310 (the “Outparcels”). Signage requirements
23 for the Outparcels shall be consistent with the City’s Land Development Code.
24
25
26

27 (k) The permitted uses and structures within Town Center will be as set forth
28 in the table at Section 6.3 below.

1 (l) The dimensional requirements within Town Center will be as set forth in
2 the table at Section 6.4 below.

3
4 (m) The parking requirements within Town Center will be as set forth in
5 Section 8.0 below.

6
7 (n) Roads, streets and alleys within Town Center will be designed and built
8 as provided for in Section 6.6 below.

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

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

15 (q) Applicants of Town Center have held numerous neighborhood informational
16 meetings, as required by the Land Development Code, in connection with obtaining DRI
17 approval and MPD approval. As Town Center is a multi-phase project which already designates
18 the location of approved uses within the Project, neighborhood meetings will only be required if
19 a proposed project substantially deviates from what is currently approved under the DRI and
20 MPD. The Land Use Administrator, or its designee, shall determine whether or not a project
21 substantially deviates from currently approved uses under the DRI and MPD.
22
23

24
25 6.0 Development Plan –

26 6.1 Plan Overview –

27
28 (a) The Master Plan depicts the general layout of Town Center , including the
location of major roads (“Major Roads”) and the approximate location where the internal street

1 system will cross wetlands. The location of lot lines, structures, internal landscape buffers,
2 drainage facilities and the internal street system will be shown on plats, site development plans
3 or condominium documents as portions of Town Center are designed for development.
4

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

11
12 A preliminary plat or site development plan will be submitted for at least
13 the first phase of Town Center and the Major Roads within one year from the date of this PUD
14 Agreement. All infrastructure necessary to support each phase of Town Center will be
15 constructed with that phase. A final preliminary plat or site development plan for Town Center
16 will be submitted within twenty-five years from the date of this PUD Agreement.
17

18
19 (c) Following is a brief summary of Owner’s plan, or alternative plans, with
20 respect to each of the Tracts:

21 • Town Core Areas (“Urban Core”)

22
23 Tract 1 - This Tract will include a central lake surrounded by
24 public gathering space to create a town square. The town square will be surrounded by two lane
25 roads with diagonal parking running parallel from Central Avenue and connected at the north by
26 a two lane cross street that also will include diagonal parking spaces. Sites at the north and south
27 end of the lake will be designated as sites for public uses. It is anticipated that the growth of the
28 Urban Core will begin within and emanate from Tract 1. Tract 1 will include a wide mix of uses,

1 including retail, office, urban residential (over commercial) and institutional with public parking
2 areas.

3
4 Tract 1B - This Tract is separated from Tract 1 by Central Avenue
5 and will not include any internal streets but will include a walk through (and possibly a drive
6 through) from Central Avenue to interior parking. The parking area and a drainage retention
7 pond will buffer Town Center from the adjacent high school site. Buildings on Tract 1B will front
8 on Central Avenue or Bulldog Drive. Uses on Tract 1B will be primarily retail commercial and
9 parking.
10

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

23
24 Tracts 6B and 6C – It is likely that these Tracts will include office
25 and/or retail commercial uses. A north/south public street between Tracts 6B and 6C will provide
26 traffic flow from Central Avenue to Tract 28 (the largest Perimeter Commercial Tract) without
27 impacting SR-100 or Belle Terre Parkway.
28

1 Tract 7 – Because of its location at the western terminus of the 4-
2 lane section of Central Avenue, immediately west of the Urban Core, this Tract may include any
3 of the uses that are permitted within the Town Core Areas. It may or may not be subdivided to
4 include internal public streets.
5

- 6 • Town Core Areas (“Urban Center”)
7

8 Tract 5 - A substantial portion of this Tract will be excavated to
9 create a lake for stormwater retention and fill. The lake may also provide a source of water for
10 irrigation. Useable portions of this Tract may be used as a park and/or outdoor recreational area
11 in conjunction with adjacent Tracts. Tract 5 may also include a site for a restaurant or other
12 commercial or office use that benefits from a lake vista
13

14 Tract 6A- It is likely that this Tract will include either office or
15 urban residential uses. A north/south public street through Tract 6A will provide traffic flow
16 from Central Avenue to Tract 28 (the largest Perimeter Commercial Tract) without impacting
17 SR-100 or Belle Terre Parkway.
18

19 Tract 8 - This Tract is located between the Urban Core and the
20 Town Business Area, and like Tract 7, it may include any of the uses that are permitted within
21 the Town Core Areas. It may or may not be subdivided to include internal public streets. This
22 Tract may also be developed for institutional uses.
23

24 Tract 9 - This is a small Tract along Town Center Blvd. before it
25 intersects with Central Avenue. Because of its size, it is likely this Tract will be a site for a free-
26 standing commercial or office use.
27
28

1 Tracts 10A, 10B, and 10C - These Tracts are located at the corner
2 of Town Center Blvd. and Hospital Way and will include an east/west internal street. Because
3 of its location near the hospital, these Tracts will include a medical /professional office park and
4 may also include lodging and an assisted living residential project.
5

6 Tract 11 - This Tract is separated from Town Center Blvd. by the
7 FP&L power line easement and is adjacent to a Town Residential Tract (Tract 24). Because of
8 its isolation from a major roadway and its proximity to a Town Residential Tract, it is likely this
9 Tract will be a site for a nursing home facility; part of it may be combined with Tract 24 as a site
10 for an adult congregate living facility or other type of retirement housing project.
11

12 Tract 12 - Like Tract 9, this is a small parcel along Town Center
13 Blvd., but unlike Tract 9, it is separated from Town Center Blvd. by the FP&L power line
14 easement. Because of the size of this Tract and the interference of the power line easement, it is
15 likely it will be a site for a nursing home, lodging, day care center or some type of institutional
16 use.
17

18
19
20 • Town Service Area

21 Tract 13 - This Tract is conveniently located at and north of the
22 intersection of Town Center Blvd. and Central Avenue between the Town Core Areas and both
23 Town Residential Areas and Town Business Areas. Because this is the only Town Service Tract,
24 it is likely it will include some or all of the following uses: warehousing, storage, daycare,
25 fraternal organizations, churches, public facilities and event (overflow) parking.
26

27
28 • Town Business Areas

1 Tract 14A - This Tract is located west of Town Center Blvd. and
2 east of a large FP&L substation site. Tract 14A does not have I-95 visibility. It is likely it will
3 be developed as a business park, including showroom and flex space and may also include
4 Institutional uses.
5

6 Tract 14B – This Tract is designated for use as a public facility
7 site.
8

9 Tract 15 - This Tract has visibility from I-95 and frontage on
10 Donut Lake. It is likely it will be developed either as an office park with multi-story office
11 buildings or as a residential project with multi-story apartment and/or condominium buildings
12 and may also include lodging and other tourist related facilities. This Tract may also be
13 developed for institutional uses.
14

15 • Town Residential Areas
16

17 Tract 16 - This Tract is located north of the Royal Palm Waterway
18 and may be combined with Tract 17. It is likely that this Tract will be utilized for residential
19 dwellings.
20

21 Tract 17 – This Tract is also located north of the Royal Palm
22 Waterway. This project will likely be developed either as a multi-family project or a single-
23 family project with buffers along I-95. Further, since this Tract abuts Tract 16, this Tract may be
24 combined with Tract 16.
25

26 Tract 18A - This Tract will have a primary entrance on Town
27 Center Blvd. north of its intersection with Central Avenue. A public street will run from Town
28 Center Blvd. along its southern boundary to Tract 18B. This Tract will be designated for

1 residential apartments or condominiums with a density of twelve to fifteen units per acre or may
2 be designated for institutional uses.

3
4 Tracts 18B and 18C - These long narrow Tracts will have a
5 primary access from Town Center Blvd. via a public street that will run between Tract 18A and
6 Tract 13. The public street will extend through Tracts 18B and 18C to the Urban Core (Tract
7 1A). They will also have a separate pedestrian connection to the Town Core (Tract 2). Because
8 of their configuration and proximity to the Urban Core, these Tracts will be designated for town
9 homes, row homes or patio homes with a density of five to eight units per acre.
10

11
12 Tracts 19A, 19B, and 19C - These Tracts are near (separated only
13 by the FP&L easement) the future rails-to-trails bikeway project and will be connected to Tract
14 18B. They may also have a direct connection to Town Center Blvd. Because of their location, it
15 is likely these Tracts will be developed for town homes, row homes or patio homes, possibly as
16 future phases of the development on Tracts 18B and 18C.
17

18
19 Tracts 20A and 20B - These Tracts will be connected to the Urban
20 Core (Tract 1A) and will be designated for residential apartments or condominiums with a
21 density of twelve to fifteen units per acre.
22

23 Tracts 21A and 21B - Tract 21A may be increased in size by
24 adding to it a portion of the adjacent Public Land (Tract 21B). If Tract 21A is increased in size,
25 it is likely it will be developed as an adult residential project with a combination of housing
26 types, including multi-story buildings and attached or detached units, with recreational amenities
27 and may also include onsite medical facilities. If Tract 21A is not enlarged, it will be designated
28 for apartments or condominiums with a density of twelve to fifteen units per acre.

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

6 Tracts 23A and 23 B - Like Tracts 18B and 1 8C, this is a long
7 narrow parcel. It will be connected by a public street to the Urban Core (Tract 1A) and Central
8 Avenue at a point slightly southeast of Perimeter Commercial Tract 26B. Because of its
9 configuration and proximity to the Urban Core and a Perimeter Commercial Tract, this Tract
10 will be designated for town homes, row homes or apartments or condominiums with a density
11 of five to twelve units per acre.
12

13 Tract 24 - This Tract can be connected to Bulldog Drive through
14 Tract 4A, Town Center Blvd. through Tract 11 and directly to Central Avenue and will have a
15 pedestrian connection to Bulldog Drive. The connection to Central Avenue and/or Bulldog Drive
16 may be by a non-vehicular pathway that will accommodate pedestrian, bicycle, electric cart,
17 wheel chair and similar traffic. If Tract 21A is not enlarged to include Tract 21B, as described
18 above, this Tract will be designated for an adult residential project, and in that case, it is likely
19 to be developed along with a portion of Tract 11. If Tract 21A is enlarged, this Tract may
20 nevertheless be developed for an adult residential project or it may be developed for other
21 permitted residential uses.
22

- 23 • Perimeter Commercial Areas

24 Tract 25 - This Tract will be bordered on the northeast by Central
25 Avenue and on the south by Market Avenue which will intersect Central Avenue at the eastern
26
27
28

1 comer of the Tract. It will be subdivided into a number of commercial lots, including a site for a
2 grocery store anchored retail center. It is likely Tract 25 will also include sites for banks and
3 offices and certain types of restaurants and retail uses that are not planned for the Urban Core
4 area.
5

6 Tracts 26A and 26B - These Tracts will be bordered on the north
7 by Market Avenue and will be subdivided, along with Tract 25, into a number of commercial
8 lots. Like Tract 25, it is likely Tracts 26A and 26B will include sites for banks and offices and
9 certain types of restaurants and retail uses that are not planned for the Urban Core Areas.
10

11 Tracts 27A and 27B - These are small Tracts that will be
12 subdivided along with Tracts 25, 26A and 26B. The access road to Town Residential Tract 21A
13 will bisect this Tract so it may be developed in conjunction with Tract 21A or it may be used for
14 small site commercial uses that desire high visibility and traffic volumes.
15
16

17 Tracts 28A - This Tract will be planned as a “power center” that
18 is compatible with the ARB design concept and will include sites for large retail commercial
19 uses and outparcels. This Tract will also include a public street connecting directly from a
20 signalized median-cut on SR-100 to Tract 6A. As described above, a public street connecting to
21 Central Avenue will run through Tract 6A and between Tracts 6B and 6C.
22
23

24 Tract 29 - This Tract is sandwiched between outparcels that are
25 currently sites for a used RV dealer, body and automobile mechanics shops and similar relatively
26 “unsightly” uses. This Tract will be used for retail commercial and/or non-retail commercial uses
27 that are compatible with neighboring uses.
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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
Single Family Dwellings, but not mobile home dwellings	X	X	X	X	P	X	X
Duplexes, (when constructed as part of a multi-family complex).	P	P	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.	P	P	X	P	P	X	X
Lodging house residential (including bed and breakfast)	X	P	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	P	P	X	P	P	X	X

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
accessory to res. dev.							
<u>Office Uses</u>							
Professionals such as, but not limited to the following: Accountant Appraiser Architect Artist (illustrator or commercial) Attorney Advertising Bookkeeper Broker, real estate and others; i.e. 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:	P	P	P	P	X	P	X

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
Chiropractic Physicians Dentists Optometrist Ophthalmologist Physicians and surgeons Psychiatrists Psychologists .							
Financial institutions, including but 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
Mixed tenant General office Corporate headquarters Laboratories when incorporated with, or an integral part of, other permitted use. Medical and dental office.	P P P P	P P P P	X X X P	P P P P	X X X X	P P P P	X X X X

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
	P	P	X	P	X	P	X
Data Center	X	X	P	P	X	X	X
<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 not 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	X	P	X	P	X	P	X

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
spirits with 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
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
<u>Non-Retail Commercial</u>							
Studios, including art, dance and photography.	P	P	P	P	X	P	X
Telecommunication towers.	P	P	X	P	X	X	X

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
Medical clinics, including nursing and convalescent homes, physical therapy and health spas.	P	P	P	P	P*	P	X
Restaurants (takeouts with a maximum seating capacity for 75 persons – 1 drive-thru allowed).	P	P	X	P	X	P	X
Restaurants generally.	P	P	X	P	X	P	X
Laundry and dry-cleaning pickup stations.	P	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 ^[1]	X

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
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.	P	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

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
Veterinary clinics.	P	P	P	P	X	P	X
Printing.	P	P	P	P	X	P	X
Mini-warehouses.	X	X	P	P	X	X ^[1]	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 ^[1]	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 <i>and repair</i> 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

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
Data Center	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
<u>Institutional Uses -</u>							
City Hall and governmental offices.	P	X	X	X	X	X	X
Private and public school, colleges and universities. (including Student Housing).	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	X	P	X
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	X	X	P	P	X	X	X

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USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
Emer. srvs. station.							
Hospital	P	P	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
Taxicab 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	P*	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 COMMON 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 any Tract.							

*If ancillary to a primary residential use

^[1] Permitted for Tract 29 only.

6.4 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. Other variances may be granted by the City’s Planning and Land Development Regulation Board.

Table of Site Development Requirements

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Regulation	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas		Perimeter Commercial
	Urban Core	Urban Center			Town & Row Homes	All Others	
Minimum Lot Size	1,920 sq. ft.	4,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	1,500 sq. ft.	2,500 sq. ft.	20,000 sq. ft.
Minimum Lot Width	24'	40'	100'	100'	18'	25'	100'
Minimum Living Area	400 sq. ft.	400 sq. ft.	N/A	600 sq. ft.	600 sq. ft.	1,000 sq. ft.	N/A
Minimum front yard setback	12 ^[1]	20'	20'	20'	10' ^[3] /20' ^[4]	10' ^[3] /20' ^[4]	20'
Minimum street side setback	12 ^[1]	20'	20'	20'	10' ^[3] /20' ^[4]	10' ^[3] /20' ^[4]	20'
Minimum interior side yard setback	0	0	0	0	0 ^[5]	0 ^[5]	0
Minimum rear yard setback	0	20'	20'	20'	10' ^[3] /20' ^[4]	10' ^[3] /20' ^[4]	20'
Maximum building height ^[7]	80'	80'	35'	80'	80'	80'	45' ^[8]
<i>Minimum building height^[2]</i>	24'	24'	16'	16'	16'	16'	16'
Maximum Impervious Coverage per building site	95% ^[6]	85%	85%	85%	75%	75%	85% ^[9]
Maximum total impervious coverage	50%						

Regulation	Town Core Areas		Town Service Area	Town Business Areas	Town Residential Areas		Perimeter Commercial
	Urban Core	Urban Center			Town & Row Homes	All Others	
for Town Center							

^[1] Second through seventh story, balconies, awnings, and their supports may encroach to within 5' of the property line.

^[2] Minimum building height to roof peak

^[3] Setback to building or porch.

^[4] Setback to garage.

^[5] Minimum 10' between buildings.

^[6] Within each lot. Individual building sites within a lot that not contain parking areas may have 100% impervious coverage.

^[7] Maximum building height measured in accordance with the Land Development Code, as may be amended.

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

^[9] Except that 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 but not sidewalks, driveways, patios and similar non-vertical elements. 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.

(d) Mixed-use buildings within the Urban Core areas of the Town Center at Palm Coast Development of Regional Impact (DRI), whose boundaries are shown on Exhibit C1 of the MPD Agreement shall meet the following rules for development and design:

- i. the ground floor shall be primarily dedicated for non-residential uses;
- ii. residential units are not permitted on the ground floor;

- 1 iii. Accessory uses for the residential uses within the mixed use building shall
- 2 not exceed 25% of the total ground floor area (e.g. fitness center,
- 3 community room, etc.),
- 4
- 5 iv. Residential accessory uses on the ground floor shall not front on the
- 6 primary roadway;
- 7
- 8 v. Parking space(s) (enclosed or unenclosed) within the building footprint is
- 9 not permitted.
- 10
- 11 vi. Permitted uses on the ground floor shall be consistent with those found in
- 12 Table 6.3 of the MPD agreement.
- 13
- 14 vii. Development standards shall be consistent with those found in Table 6.4
- 15 of the MPD agreement.
- 16

17 Notwithstanding the cap on the number of Residential dwelling units as provided in DRI-DO, a
18 property owner with Declarant’s written consent may request to convert non-residential square
19 footage to residential units for a mixed-use building project within the Urban Core areas of Town
20 Center DRI, using the conversion matrix in Exhibit C, *Land Use Conversion Table* of the DRI-
21 DO. Such conversions may only be requested on a project by project basis and approval of
22 conversions are recorded with the Development Order for subject project.
23

24
25 6.5 Open Space –

26 The Master Plan depicts approximately seven hundred acres of Common Areas
27 which is approximately forty-five percent of all of the Town Center Property. At a minimum,
28 open space area within Town Center will constitute fifty percent of the Town Center Property.

	Collector	Downtown Core	Local	Residential Local	Alley
Parking	None	Diagonal	Parallel one side ^[3]	Parallel one side ^[3]	None
Curb Radius	25'	15'	15'	15'	N/A
Sidewalk	6.5'*	12' each side	5' each side	4' each side	N/A
Bikeway	10'*	10'*	10'*	10'*	N/A
Curbs	Req. ^[2]	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] Except for portions of Central Avenue and Town Center Parkway, as provided for in (g) below.

^[3] Parallel parking shall be permitted on one side of these roadways and may be permitted on both sides of the roadway if approved by the City's Development Review Committee including, but not limited to, the City's Traffic Engineer.

(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 Blvd. in

1 accordance with an approved SJRWMD permit. All roadway drainage not considered suitable
2 for swale and/or ditch type drainage will be designed as one of the following:

- 3
- 4 • Miami curb and gutter section
- 5 • Standard curb and gutter section.
- 6

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

9

10 6.7 Stormwater Management System.

11 (a) Pond treatment volumes will be sized to accommodate run-off volumes
12 as required by applicable regulations for the entire improved area of Town Center. Credit will
13 not be given for areas that sheet flow towards wetlands or off-site areas. Run-off from such areas
14 must, however, be provided treatment prior to release using accepted form of Best Management
15 Practice (e.g., vegetated filter strips and reverse berms).
16
17

18 (b) Discharge locations from treatment ponds will be as shown on the
19 stormwater management master plan for Town Center that is approved by SJRWMD.
20

21 (c) Protection from flooding will be provided by designs which provide for
22 discharge of stormwater as shown on the stormwater management master plan for Town Center
23 that is approved by SJRWMD. Attenuation storage will not be required for a development area
24 so long as the land use for the area is as described in the stormwater management master plan
25 for Town Center that is approved by SJRWMD, and the location of the outfall is as identified on
26 the stormwater management master plan.
27
28

1 (d) Stormwater from any development that is not discharged into the Town
2 Center stormwater management system will be required to meet all applicable regulations and
3 codes and must be approved by Owner, the City, and if applicable, SJRWMD and the Florida
4 Department of Environmental Protection.
5

6 (e) Skimmers will be provided at inflow points to the treatment pond or at the
7 outflow structure. These structures will be designed to skim floating debris, oil, and grease from
8 an elevation six inches below the normal water elevation of the pond or overflow structure
9 elevation to an elevation six inches above the design high water level of the pond. Skimmers will
10 cover all directions of flow through the structures. Skimmers will be maintained by the CDD.
11 The design of this control system will make adequate provision to minimize erosion.
12
13

14 (f) Off-site areas which drain to or across a development area within Town
15 Center will be accommodated in the stormwater management master plan for Town Center that
16 is approved by SJRWMD.
17

18 (g) The ten year frequency storm will be used to calculate the design
19 hydraulic gradient line. The maximum hydraulic gradient line for pavement and swale drainage
20 systems will be no higher than the edge of pavement.
21
22

23 (h) Swale drainage systems will be permitted only when the estimated wet-
24 season water table is a minimum of one foot below the invert of the swale.
25

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

1 6.8 Construction Fences - During building construction within the Town Core area,
2 construction fences shall be erected as proscribed in the Florida Building Code.

3
4 7.0 Design Guidelines – In addition to any private architectural and design guidelines
5 that the Owner may from time to time impose on all or portions of Town Center, the following
6 will apply:

7
8 (a) Buildings will incorporate architectural styles, building materials, and
9 colors used in surrounding buildings.
10

11 (b) Buildings greater than five stories will clearly delineate the boundary
12 between each floor of the structure through belt courses, cornice lines or similar architectural
13 detailing.
14

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

16 (d) Doorways, windows and other openings in the facade of buildings will be
17 proportioned to reflect pedestrian scale and movement, and encourage interest at the street level.
18

19 (e) Buildings will avoid long, monotonous, uninterrupted walls or roof
20 planes. The facades of buildings will be divided into distinct modules no longer than one hundred
21 feet.
22

23 (f) Off-street parking lots will be located to the rear of structures, if possible.
24 If it is necessary to locate parking on the front or side of a structure, the parking will be screened
25 with solid street walls, berms or landscaping a minimum of four feet in height.
26

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

1 (h) Awnings, covered walkways, open colonnades, or similar weather
2 protection, spanning a minimum of eighty percent of the frontage of all buildings and
3 overhanging a minimum of five feet, will be provided for structures within the Urban Core. The
4 same elements will be encouraged in the other areas of Town Center. These elements may
5 encroach in the setback a maximum of seven feet, but in all cases must comply with the minimum
6 sight line requirements.
7

8
9 (i) In the Urban Core, commercial uses will provide a minimum of fifty
10 percent of the street side facade on the ground floor as clear or lightly tinted windows, doors, or
11 other treatments sufficiently transparent to provide views into the interior of the buildings.
12

13 (j) Residential structures will incorporate porches, decks or balconies.
14

15 (k) Buildings located at intersections with Major Roads will incorporate
16 architectural features such as corner towers, cupolas, clock towers, spines, balconies, colonnades
17 or other similar architectural features.
18

19 (l) All mechanical equipment will be placed on the roof, in the rear or side of
20 buildings screened from the street, or in equipment rooms constructed of similar materials as the
21 building on which they are located.
22

23 (m) The main entrance of all structures will face the street where practical and
24 be clearly articulated through the use of architectural detailing.
25

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

1 (o) Stem walls are encouraged to raise residential units eighteen inches above
2 sidewalk elevation for privacy.

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

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

9
10 (r) In the Urban Core, all adjacent parking lots will have internal vehicular
11 connections via a drive.

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

18
19 (t) As an alternative to providing garages for 1/3 of multifamily units as
20 required in Section 4.01.03 A3 of the LDC, Multi-family dwelling properties in the Urban Core
21 area of Town Center may include Parking Canopies in lieu of garages provided they meet the
22 following criteria:
23

- 24
- 25 1. Proposed parking canopies are uniquely designed for the individual multi-
26 family project;
 - 27 2. Propose parking canopies incorporate roof, materials, and design elements of
28 the multifamily project being proposed;

1 3. Propose parking canopies include a complementary roof pitch, and will not
2 be flat;

3 4. Propose parking canopies must be approved by the Town Center
4 Architectural Review Board and the City of Palm Coast;

5 5. Note: Solar collecting parking canopies may be allowed as a design if
6 exception #4 is met;

7 6. Note, Urban Core “Area” may include multi-family dwelling properties
8 within Tract 22, 23, & 18.

9 (u) Fences or walls needed to provide extra security or safety may be
10 permitted with a maximum height of 8 feet and may be located within the perimeter of the
11 property as part of an approved or required landscape buffer plan meeting the requirements of
12 the City’s Land Development Code and upon approval by the City and the Town Center
13 Architectural Review Board.

14 8.0 Parking –

15 (a) The following minimum parking requirements will apply:

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

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

20 • Restaurant/Bar/Night Clubs: one for each hone hundred square
21 feet of gross seating area, plus one space for each employee for shift.

1 • Hotels: one space for each one and one-half unit, plus one space
2 for 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 • Multi-family Dwelling and Lodging House: one and one-half
6 spaces per dwelling unit (one bedroom unit); one and three-quarter spaces per dwelling unit (two
7 bedroom unit); two spaces per dwelling unit (three bedroom unit and more).

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

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

13 • Movie theater: Thirty-five spaces per screen.

14 (b) All on-street parking within the Urban Core shall be shared parking and
15 available to the public generally, as provided that the Town Center CDD may charge for parking
16 in any area that is owned or otherwise controlled by the Town Center CDD and provided further
17 that that on sites that are owned by the City or other public entity, parking may be reserved for
18 designated purposes, consistent with any applicable restrictive covenants. Shared parking,
19 including diagonal parking along public roads and streets, will be taken into consideration for
20 purposes of meeting the parking requirements. When Owner conveys title to a portion of the
21 Urban Core for a building site, Owner will record a restrictive covenant describing and
22 quantifying the shared parking that is allocated to that site for purposes of meeting the parking
23 requirements. The same shared parking spaces will not be credited for purposes of meeting the
24
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1 parking requirements of more than one site, except the same shared parking may meet the
2 parking requirements of both institutional uses with off-peak event oriented parking
3 requirements and retail commercial, non-retail commercial and office uses that have no, or
4 limited, off peak parking requirements, subject to approval, on a case by case basis, by the City's
5 Development Services Director. Shared parking that is credited for purposes of meeting the
6 parking requirements of another site will also be credited for purposes of meeting the parking
7 requirements of a youth or teen center in the Urban Core.
8
9

10 (c) On plats of Town Center, or as provided for in Section 5.3(d) above,
11 parking areas may be dedicated to the Town Center CDD, including but not limited to easements
12 over diagonal parking spaces along platted streets and roads (collectively "CDD Parking
13 Areas"). The Town Center CDD may impose a fee (parking meters or otherwise) and/or
14 maximum parking time limits for parking in CDD Parking Areas provided the revenue is used
15 by the Town Center CDD exclusively for one or more of the following: related administrative
16 costs; maintenance of parking meters and parking areas; construction and maintenance of
17 parking areas, including structured parking; and construction and maintenance of public
18 gathering places within Town Center.
19
20
21

22 (d) Nothing contained herein shall be interpreted to permit over-night parking in
23 any shared parking areas unless specifically permitted and approved by the beneficial owner of
24 the assigned shared parking. Such vehicles that are permitted to park over-night in such
25 designated parking areas shall display a placard from the rear-view mirror identifying the
26 beneficial owner of the shared parking. The CDD and/or the City and/or the adjacent property
27 owner shall have the right, but not the obligation, to tow, at vehicle owner's expense, any vehicle
28

1 parked in a shared parking area that does not display such over-night parking pass as herein
2 contemplated.

3
4 9.0 Maintenance –

5 The Town Common Areas and other land that are owned or controlled by the
6 Town Center CDD will be maintained by the Town Center CDD. The Town Center CDD will
7 also be responsible for providing any services that are desired by owners of Town Center
8 Property that are in addition to services that are provided generally throughout the City.
9

10
11 10 Service –

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

17
18 11.0 Public Land Parcels –

19 Property that is owned or controlled by the City or other public entity (“Public
20 Land Parcels”) will be maintained by that public entity (“Public Land Parcel Owner”). The
21 Development Order grants the City an option to acquire the sites that are shown as Site A, Site
22 B and Site C on **Exhibit “F”** hereto in which case they will constitute Public Land Parcels.
23 Construction on Public Land Parcels will be subject to the requirements and standards set forth
24 in the PUD Agreement, except for temporary structures that serve as fundraising and
25 construction management offices for projects on public land parcels developed through public-
26 private partnerships. These temporary structures shall be limited to five (5) years, unless
27 extended through a minor modification amendment to this agreement. In addition, to the greatest
28

1 extent possible, the temporary structures shall include adequate landscaping and buffering as
2 well as complying with the following standards:

3
4 (a) The development plan shall indicate the location of the temporary
5 fundraising and construction management office

6
7 (b) Temporary fundraising and construction management office shall be
8 located on ABS pads or stem wall and shall be skirted and landscaped

9
10 (c) Landscaping shall include foundation planting bests a minimum of 4 feet
11 wide, surrounding 100 percent of the building façade or elevations within view of the public
12 right-of-way, with a minimum height of 30 inches at the time of installation

13
14 (d) Pedestrian access shall be provided from the public sidewalk to the office

15
16 (e) Water and wastewater facilities shall be provided

17
18 (f) Minimum eight of the structure shall be 12.5 feet

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

22
23 (h) The temporary fundraising and construction management office shall be
24 remove upon issuance of a Certificate of Occupancy for a permanent principal structure.

25
26 Parking on Public Land Parcels may be reserved as deemed appropriate by the
27 Public Land Parcel Owner but shared parking, as provided for in Section 8.0(b) above is
28 encouraged, especially during non-business hours of the Public Land Owner. On-street parking
and off-site parking for Special Events hosted on Public Land Parcels may be approved by the

1 subject property owners and the Town Center CDD in writing to meet the parking requirements
2 found within Section 8.0 of this Agreement.

3
4 By mutual agreement between the City and LandMark, on December 11, 2007,
5 the City acquired title to Site A and Site C and Lot 19 of Town Center Phase 2 (in substitution
6 for Site B). as a result, the Public Land Parcels will hereafter mean and include Site A (now Lot
7 10 of Town Center Phase 2); Site C (now Lots 20 and 21 of Town Center Phase 2); and Lot 19
8 of Town Center Phase 1. Site B, now Lot 12 of Town Center Phase 2, is not one of the Public
9 Land Parcels, but will remain as a lost within the Urban Core as part of Tract 4A.
10

11
12 12.0 Amending this Agreement –

13
14 (a) Amendments to this PUD Agreement, other than those which are
15 considered to be a “minor modification” by the City Manager, or designee, will require the
16 approval of the City Council following the recommendation of the Planning and Land
17 Development Regulation Board. Public notification procedures required for rezoning will not be
18 required for modification of this PUD Agreement. Minor modifications may be approved by the
19 City Manager, or designee.
20

21
22 (b) This PUD Agreement shall not be modified or amended, unless otherwise
23 provided for in this PUD Agreement except by written agreement executed by all parties hereto,
24 or their successors and assigns, and upon approval of the City Council.
25

26 13.0 Conclusion –

27
28 Town Center is expected to develop into a regional urban center. ARB design
criteria will be followed to the extent feasible to encourage and facilitate pedestrian travel

1 throughout Town Center and gatherings of residents and non-residents at scheduled and informal
2 events.

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CITY COUNCIL: City of Palm Coast

By: _____

David Alfin, Mayor

Signed this ____ day of _____, 2023.

ATTEST:

By: _____

Kaley Cook, City Clerk

Signed this ____ day of _____, 2023.

1 OWNER'S/APPLICANT'S CONSENT AND COVENANT:

2
3 COMES NOW, the Owner 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 fully
5 abide by the provisions, terms, conditions and commitments set forth in this PUD Agreement.
6

7 Florida Landmark Communities, LLC

Palm Coast Holdings, Inc.

8
9 By: _____

By: _____

10 _____

11 Patrick Cutshall, CFO

Patrick Cutshall, CFO

12
13 Signed this ____ day of _____,
14 2023.

Signed this ____ day of _____,
2023.

15
16 ATTEST:

ATTEST:

17
18 By: _____

By: _____

19 _____

20 _____

21 _____

22
23 Signed this ____ day of _____,
24 2023.

Signed this ____ day of _____,
2023.

25 _____

26 _____

27 _____

28 _____

1 **EXHIBIT “A”**

2
3 **GLOSSARY OF DEFINED TERMS**

4 Following, for convenient reference, is a list of all capitalized terms that are used in the
5 PUD Agreement, along with the definition of each term:

6
7 “*ARB*” means the Town Center Architectural Review Board, as provided for in Section
8 3.0.

9
10 “*CDD Parking Areas*” means those easements for parking that may be dedicated to the
11 Town Center CDD over any designated parking areas, including but not limited to diagonal
12 parking spaces along platted streets and roads, as provided for in Section 8.0(c).

13 “*City*” means the City of Palm Coast, as provided for in Section 2.0.

14
15 “*DRI*” means Development of Regional Impact, as provided for in Section 2.0.

16
17 “*DRI Development Order*” means Town Center at Palm Coast Development of Regional
18 Impact Development Order, as provided for in Section 2.0.

19
20 “*FLUM*” means the Zoning and Future Land Use Map, as provided for in Section 6.2.

21
22 “*Land Development Code*” means The Land Development Code of the City, as provided
23 for in Section 5.1.

24
25 “*Landmark*” means Florida Landmark Communities, Inc., one of the primary owners of
26 the Town Center Property, as provided for in Section 2.0.

27
28 “*Major Roads*” means those major roads depicted on the Master Plan of Town Center,
as provided for in Section 6. 1(a) and identified in **Exhibit “CI”** hereto.

1 “*Mardem*” means Mardem, LLC, owner of approximately ten acres of the Town Center
2 Property, as provided for in Section 2.0.

3
4 “*Master Plan*” means the PUD Master Plan, as provided for in Section 4.1 and attached
5 as **Exhibit “CI”** hereto.

6
7 “*Owner*” means Landmark, Mardem and the School Board, collectively, as provided for
8 in Section 2.0.

9
10 “*Perimeter Commercial Areas*” means those areas that are located along or near existing
11 perimeter roads and will include sites for retail commercial, food service, office, lodging,
12 financial institutions and automobile care facilities, and which consist of eight Tracts as shown
13 on the Tract Map, as provided for in Section 4.2(e), Section 6.1(c) and Section 6.3.

14 “*Public Land Parcels*” means property that is owned or controlled by the City or other
15 public land entity, as provided for in Section 11.0.

16 “*Public Land Parcel Owner*” means that City or other public entity which owns or
17 controls Public Land Parcels, as provided for in Section 11.0.

18
19 “*PUD*” means planned unit development, as provided for in Section 2.0.

20
21 “*PUD Agreement*” means this Planned Unit Development Agreement, as provided for
22 in Section 2.0.

23
24 “*School Board*” means the Flagler County School Board, owner of approximately
25 eighteen and one-half acres of the Town Center Property, as provided for in Section 2.0.

26
27 “*SJRWMD*” means the St. Johns River Water Management District, as provided for in
28 Section 5.3(a).

1 “*Split Lot*” means any previously platted lot, tract or parcel that may be further divided
2 without replatting, as provided for in Section 5.3(d). Each Split Lot will conform to the Site
3 Development Requirements set forth in the table at Section 6.4.

4 “*Student Housing*” means a residence for occupancy by groups of people not defined as
5 a family, where such building is specifically designed for students of a college, university, trade
6 school or nonprofit organization for the purpose of providing rooms for sleeping and living
7 purposes. Common gathering spaces, kitchen, cafeteria and sanitary facilities may also be
8 provided. Typical uses include, but are not limited to, fraternity or sorority houses, dormitories,
9 residence halls and boarding/lodging houses

10 “*Town Business Areas*” means those areas of land that will include sites for a
11 combination of mixed uses including the following: retail; office; business parks; showroom and
12 flex space; food service; lodging and other tourist related facilities; public facilities; institutional
13 facilities; and residential apartments and condominium units, and will consist of five Tracts as
14 shown on the Tract Map, and as more specifically provided for in Section 4.2(c), Section 6.1(c)
15 and Section 6.3.

16 “*Town Center*” means Town Center at Palm Coast, as provided for in Section 2.0.

17 “*Town Center CDD*” means the Town Center at Palm Coast Community Development
18 District, as provided for in Section 6.6(a).

19 “*Town Center Property*” means the approximately one thousand five hundred fifty-
20 seven acres of land generally located between Belle Terre Parkway to the west, 1-95 to the east,
21 SR-100 to the south and the Royal Palms Waterway to the north, as provided for in Section 2.0
22 and specifically described on **Exhibit “B”** hereto.

23 “*Town Common Areas*” means those areas of land that will consist of 500 acres of
24 existing high quality wetlands, plus greenways, lakes, bikeways, walkways, parks and other
25 passive recreational areas which will contain over 200 additional acres, which will make up
26 approximately one-half of the Town Center Property and create an edge for the development
27 areas and provide a buffer between land uses, all as provided for in Section 4.2(f), Section 6.1(c)
28 and Section 6.3.

1 “*Town Core Areas*” will include both the Urban Core and the Urban Center. The Town
2 Core Areas consist of eighteen Tracts as provided for in Section 4.2(a), Section 6.1(c) and
3 Section 6.3, as and as shown on the Tract Map. The Town Core Areas will include sites for a
4 combination of mixed uses, including the following: retain; office; governmental; civil; cultural;
5 lodging; food service; institutional facilities; entertainment; outdoor public gatherings, exhibits
6 and festivals; residential apartments and condominium units, all as more specifically provided
7 for in Section 6.3.

8 “*Town Residential Areas*” means those areas of land that will include sites for various
9 housing types including the following: apartment units; condominium units; townhomes; row
10 homes; patio homes and elderly housing, such as independent living, assisted living, congregate
11 care and retirement village and will consist of fourteen Tracts as shown on the Tract Map, all as
12 provided for in Section 4.2(d), Section 6.1(c) and Section 6.3.

13 “*Town Service Area*” means those areas of land that will include sites for warehousing,
14 storage, daycare, fraternal organizations, churches and public facilities, and may also include
15 sites for event (overflow) parking and will consist of one Tract as shown on the Tract Map, all
16 as more specifically provided for in Section 4.2(b) and Section 6.1(c) and Section 6.3.

17 “*Tract*” or “*Tracts*” means Town Center Tract or Town Center Tracts, as provided for
18 in Section 4.1.

19 “*Tract Map*” shall mean the depiction of the Town Center Tracts and the conceptual
20 roadway system, including public and private roads and driveways through parking areas, as
21 provided for in Section 4.1 and attached as **Exhibit “C2”** hereto.

22 “*Urban Center*” means those Town Core Areas comprised of Tract 5, Tract 6A, and
23 Tracts 8 through Tract 12, as provided for in Section 6.1(c).

24 “*Urban Core*” means those Town Core Areas comprised of Tract 1 through Tract 4B,
25 Tract 6B, Tract 6C and Tract 7 as provided for in Section 6.1(c).

26 “*USACE*” means United States Army Corps of Engineers, as provided for in Section
27 5.3(a).
28

Summary of Amendments to Town Center PUD-DA

Amendment #1. Section 5.3 and 5.3(j)(2). The following proposed amendments to this section of the PUD are for housekeeping/clean up purposes.

Section 5.3 ~~Many of the provisions of the Land Development Code are consistent with the ARB planning concept, and as indicated in Section 3.0 above, Town Center is planned as an ARB. As a result, f~~For purposes of Town Center and development within it, the following provisions apply and supersede any conflicting provisions contained in the Land Development Code: ...

Section 5.3(j)(2) Tract 28 Building Signage: Signage for each building or storefront shall not exceed 1.25 square feet per linear feet of said building or storefront as generally described in the table attached ~~hereto~~ as **Exhibit “A”** in the approved Minor Modification to this PUD Agreement dated December 21, 2007. Multiple signs per building or storefront shall be permitted and included in the maximum square footage based on 1.25 square feet per linear feet of building or business frontage, if multiple units. Unless otherwise called for herein, all other signage regulations shall be consistent with City regulations. Notwithstanding the foregoing, the sign standard called for in this paragraph shall not apply to Lots 1, 4, and 6 of PC LANDING AT TOWN CENTER Plat recorded at OR 1562 PG 1310 (the “Outparcels”). Signage requirements for the Outparcels shall be consistent with the City’s Land Development Code.

Amendment #2. Table 6.3 Permitted Uses and Structures

The proposed amendment to the permitted residential uses is intended to clarify and bring consistency to the types of residential uses permitted in the Town Center PUD. Currently, townhouses as part of a rental community or when land is under common ownership is permitted per the definition of multi-family in the Land Development Code. However, fee simple ownership of townhomes is prohibited per the current Town Center PUD-DA. As previously stated, this amendment will clarify that townhomes are

permitted within certain sections of the PUD regardless of the form of ownership. Finally, this amendment will clarify that duplexes, triplexes, and fourplexes and similar attached dwellings as permitted when constructed as part of a multi-family complex. The amendment will bring these uses into consistency with where multi-family dwellings are permitted. (Proposed Amendment as Shown Below).

USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
Residential Uses							
Single Family Dwellings, but not mobile home dwellings	X	X	X	X	P	X	X
Duplexes, triplexes, fourplexes and similar attached dwellings (when constructed as part of a multi-family complex).	XP	PX	X	PX	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.	XP	XP	X	XP	P	X	X
Lodging house residential (including bed and breakfast)	X	P	X	P	P	X	X

Amendment #3. Table 6.3 Permitted Uses and Structures

The proposed amendment will highlight the inclusion of Data Centers as a permitted use within Town Center. Data Centers are structure or facilities that stores and shares applications and data in a central location. Data Centers are typically permitted within industrial and office park zoning districts. As such, this use will be permitted in the Town Service Area and Town Business Areas. Due to the expected low traffic volume, Data Centers will not be permitted in the Perimeter Commercial Areas, these areas will remain available for more intense non-residential uses as permitted by the current table.

USES	TOWN CORE AREAS		TOWN SERVICE AREA	TOWN BUSINESS AREAS	TOWN RESIDENTIAL AREAS	PERIMETER COMMERCIAL AREAS	TOWN COMMON AREAS
	Urban Core	Urban Center					
<u>Data Center</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>

Amendment #4. Section 6.4 Site Development Requirements

The proposed amendment will add a subsection (d). This amendment is intended to provide additional guidelines and criteria for the development of Mixed-use buildings within the “Urban Core Area” of the PUD as well as providing an incentive to develop a mixed-use project within the Urban Core.

(d) Mixed-use buildings within the Urban Core areas of the Town Center at Palm Coast Development of Regional Impact (DRI), whose boundaries are shown on Exhibit C1 of the PUD Agreement shall meet the following rules for development and design:

- i. the ground floor shall be primarily dedicated for non-residential uses;
- ii. residential units are not permitted on the ground floor;
- iii. Accessory uses for the residential uses within the mixed use building shall not exceed 25% of the total ground floor area (e.g. fitness center, community room, etc.),
- iv. Residential accessory uses on the ground floor shall not front on the primary roadway;
- v. Parking space(s) (enclosed or unenclosed) within the building footprint is not permitted.
- vi. Permitted uses on the ground floor shall be consistent with those found in Table 6.3 of the MPD agreement.

vii. Development standards shall be consistent with those found in Table 6.4 of the MPD agreement.

Notwithstanding the cap on the number of Residential dwelling units as provided in DRI-DO, a property owner with Declarant's written consent may request to convert non-residential square footage to residential units for a mixed-use project using the conversion matrix in Exhibit C, Land Use Conversion Table, of the DRI-DO. Such conversions may only be requested on a project by project basis and approval of conversions are recorded with the Development Order for subject project.

Amendment #5. Section 7.0 Design Guidelines

This proposed amendment is intended to provide guidelines for permitting fence or wall for security consistent with the design aesthetics expected in Town Center.

(u) Fences or walls needed to provide extra security or safety may be permitted with a maximum height of 8 feet and may be located within the perimeter of the property as part of an approved or required landscape buffer plan meeting the requirements of the City's Land Development Code and upon approval by the City and the Town Center Architectural Review Board.



**COMMUNITY DEVELOPMENT DEPARTMENT
CITY COUNCIL
STAFF REPORT FOR APPLICATION # 5523
JANUARY 16, 2024**

OVERVIEW

Application #: 5523

Applicant: Michael Chiumento on behalf of the Declarant, Florida Landmark Communities LLC, Inc.

Property Description: 1,600 +/- acres generally located north of State Road 100 between Belle Terre Pkwy. and Interstate-95

Property Owners: Numerous

Current FLUM designation: DRI-Mixed Use, Conservation

Current Zoning designation: Planned Unit Development

Current Use: Subject area is currently under development for a mix of uses which include residential, retail, office, and institutional uses.

Size of subject property: 1,601 +/- acres

Requested Action: An amendment to the Town Center at Palm Coast Planned Unit Development-Development Agreement (Town Center PUD) for the following:

- Bring consistency to the types of residential uses permitted in the Town Center PUD by eliminating distinction between fee-simple and common ownership multi-family residential units,
- Allow Data Centers as a permitted use in Town Service and Town Business areas of the Town Center PUD,
- Provide additional guidelines and criteria for developing mixed-use buildings within the "Urban Core" areas of the PUD, along with an incentive to permit conversion of non-residential sq. ft. to residential units when project is a mixed use building within the Urban Core area,
- Create rules for fences or walls needed for security or safety, and
- Housekeeping/Clean-up Items

Recommendation: The Planning and Land Development Regulation Board (PLDRB) finds the proposed amendment to the Town Center PUD-DA (Application #5523) consistent with the Comprehensive Plan and the criteria in the Land Development Code and recommends that City Council APPROVE the proposed amendments to the Town Center PUD-DA.

ANALYSIS

REQUESTED ACTION

The Declarant initiated this proposed amendment to the Town Center at Palm Coast Planned Unit Development - Development Agreement (Town Center PUD). The proposed amendments include the following:

- Bring consistency to the types of residential uses permitted in the Town Center PUD by eliminating distinction between fee-simple and common ownership multi-family residential units,
- Allow Data Centers as a permitted use in Town Service and Town Business areas of the Town Center PUD,
- Provide additional guidelines and criteria for developing mixed-use buildings within the “Urban Core” areas of the PUD, along with an incentive to permit conversion of non-residential sq. ft. to residential units when project is a mixed use building within the Urban Core area,
- Create rules for fences or walls needed for security or safety, and
- Housekeeping/Clean-up Items

BACKGROUND/SITE HISTORY

The Town Center PUD-DA was approved in December 2003. The first amendment in 2006 included changing the designation of certain tracts, changing the maximum height, and revising street and sidewalk standards. The second amendment in 2008 allowed for alternate design standards to allow canopies in lieu of garages within the Urban Core Area of Town Center.

The approved PUD-DA includes a Master Development Plan Map that divides Town Center into different land use areas. Within these land uses are “Tracts” which are used to identify the development pods within Town Center. The land use area designations within the PUD are used to identify the permitted uses and development standards for a land use area.

Planning and Land Development Regulation Board (PLDRB) Public Hearing

The PLDRB held a public hearing on October 18, 2023 to discuss and hear comments about the proposed amendments. The PLDRB provided questions about the proposed height and location of the proposed allowance for security fences. The PLDRB also provided comments regarding the need for additional infrastructure (redundancy in power source) for data centers.

After discussion, the PLDRB voted unanimously to approve the proposed amendments.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.05.05

The Unified Land Development Code, Chapter 2, Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

A. The proposed development must not be in conflict with or contrary to the public interest;

Staff Finding: This amendment to the Town Center PUD-DA is not in conflict with, or contrary to, the public interest. The proposed amendment does not create or permit new uses that would be contrary to the public interest. The amendment includes the clarification that fee-simple townhomes are permitted in areas that permit multi-family dwellings (which includes townhomes not under fee-simple ownership).

Additionally, the amendment will allow “Data Center” as a permitted use in the Town Business and Town Service areas. “Data Center” is a relatively new type of land use that is being permitted in either light industrial areas or business parks. Consistent with how they are being permitted in other areas, staff is proposing to allow them in the Town Business and Town Service areas.

Finally, the proposed guidelines and criteria for mixed-use buildings in the Urban Core area is intended to give better definition to what qualifies as a mixed-use building. The encouragement and promotion of mixed use building in the Urban Core area is consistent with the vision of Town Center as an “*urban center for the City of Palm Coast, Flagler County and the surrounding area*”.

B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;

Staff Finding: The proposed PUD amendments are consistent with the following objectives and policies of the Comprehensive Plan:

Chapter 1 Future Land Use Element:

-Policy 1.1.4.1 – Mixed Use land use designation is intended to provide opportunities for residents to work, shop, engage in recreational activities, and attend school and religious services in reasonably close proximity to residential dwellings.

Analysis: The proposed amendments are consistent with the policy above. Town Center PUD has a comprehensive plan designation of DRI-Mixed Use. The purpose and land uses permitted in the DRI remain unchanged and remain consistent with the vision of a development that creates opportunities for residents to work, shop, engage in recreational activities, and attend school and religious services in reasonably close proximity to residential dwellings consistent with the purpose of the DRI-Mixed Use comprehensive plan designation.

-Policy 1.1.4.5 – Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.

Analysis: The proposed amendment is consistent with the above policy. The amendments by expanding the permitted uses within certain land use areas will further provide for more efficient use of land by allowing residential and service uses within proximity of each other. The opportunity remains to locate varying uses within proximity of each other and continue to provide the potential for alternative modes of transportation that foster energy conservation (walking/bicycling).

-Policy 1.3.1.3 – The City shall encourage development to locate in the areas where public facilities, infrastructure, and services are available. Where there are deficiencies and where appropriate, the City shall require the developer to provide or extend the facilities as necessary to accommodate development. Applicable impact fees shall be used by the City consistent with State law to offset the costs of the City providing facilities.

Analysis: The proposed amendment does not expand into areas which are currently not served by infrastructure. Consistent with this Policy, the adopted Development Agreement requires analysis to ensure that the facilities to serve any proposed development is adequate.

Objective 3.4.1 – Diversity in Housing Opportunities - Increase the diversity of the housing types, prices, and opportunities

Policy 3.4.1.1 – Through the FLUM and the zoning district regulations of the LDC, the City shall make provisions to supply land that can be developed with various types of residential uses, including single-family homes of various sizes, duplexes, multi-family dwellings, and residential units in mixed use developments

Analysis: The proposed PUD amendment does not impact the flexibility to offer a variety of housing types within Town Center.

C. The proposed development must not impose a significant financial liability or hardship for the City;

Staff Finding: The proposed PUD amendment does not impose a significant financial liability or hardship for the City. The amendment does not expand beyond the available service areas within Town Center.

D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;

Staff Finding: The proposed PUD amendment will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The proposed PUD amendment remains consistent with the vision of Town Center as an "urban center" for the City of Palm Coast, Flagler County and the surrounding area".

E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes.

Staff Finding: The amendment does not impact the need for the Town Center PUD to comply with the development standards of the City's Land Development Code (as applicable), the Comprehensive Plan, and the requirements of all other applicable agencies throughout the development process.

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.09.04

The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in Subsection 2.05.05, when reviewing a master planned development application.

A. Consistency with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.

Staff Finding: As previously analyzed above, the proposed application is consistent and furthers the goals and objectives of the Comprehensive Plan.

B. Consistency with the general intent of the LDC.

Staff Finding: The proposed amendments do not propose uses or standards that are significantly different from standards established in the LDC.

C. Degree of departure of the proposed development from surrounding areas in terms of character and density/intensity.

Staff Finding: The standards already approved in the Town Center PUD vary from surrounding areas in terms of character (lot width and living area). However, the overall density remains consistent with the surrounding areas.

It is important to note that Town Center is bordered by major arterials (State Road 100 on the south, Belle Terre Pkwy. on the west, I-95 on the east and Royal Palms Blvd. on the north) that serve as boundaries between the more urban standards proposed within the Town Center PUD and the standards permitted by the LDC in the ITT platted areas of Palm Coast.

The differences in the character of Town Center and the surrounding area are tempered by the use of the arterials above as boundaries to demarcate the entrance into the Master Planned Community of Town Center, which is as stated earlier intended to be an “urban center” for Palm Coast and includes areas for “...development patterns with a “park and walk” downtown area, compact residential development that is primarily attached low and mid-rise units, planned business parks, service commercial, and extensive open space areas.”

D. Compatibility within the development and relationship with surrounding neighborhoods.

Staff Finding: As stated previously in the previous criteria, the amendment provides a variety of development not typical of the development pattern for more established areas of Palm Coast. Although not typical with other developed areas of the City in terms of character, the development of Town Center will be compatible with surrounding neighborhoods in terms of uses and density/intensity.

E. Adequate provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the development plan.

Staff Finding: The approved Town Center PUD was previously found to be consistent with the general intent of this criteria in the LDC. As a Development of Regional Impact (DRI), an analysis of the project’s impacts on various infrastructure was part of the DRI approval process. The analysis required that conditions are established to address the impacts of development on public infrastructure through various conditions of the DRI such as contribution of lands for open space and parks, roadway improvements, and development of stormwater facilities along with water/sewer lines. Many of these conditions have been met. Additionally, as each Tract submits for either a plat or master/technical site plan approval, an analysis will be required to determine the adequacy of available infrastructure to serve the project. The amendment does not propose any changes that would impact the PUD’s need to provide for the items listed in the criteria.

F. The feasibility and compatibility of development phases to stand as independent developments.

Staff Finding: The approved Town Center PUD was previously found to be consistent with the general intent of this criteria in the LDC. As a Development of Regional Impact (DRI), a phasing plan was included in the DRI-Development Order. The phasing plan will monitor

development to ensure that adequate infrastructure is available to serve the phases of development.

G. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed development.

Staff Finding: As part of the Town Center at Palm Coast DRI review approval, the traffic impacts of the proposed project was analyzed through a comprehensive traffic study for the entire project. As part of this analysis, various improvement were identified and the Master Developer constructed various road improvements in the impacted area. Finally, as part of the DRI conditions, development within the Town Center PUD will pay impact fees.

H. The benefits within the proposed development and to the general public to justify the requested departure from standard development requirements inherent in a Master Planned Development District classification.

Staff Finding: The approved Town Center PUD was previously found to be consistent with the general intent of this criteria in the LDC. The approved DRI-DO, as well as the PUD-DA for the project provides for a mix of housing types, non-residential uses, as well as open space/conservation areas spread out over 1,600 acres. The PUD zoning designation provides the flexibility to accommodate the vision of a mixed use community in conjunction with the protection of the open space/conservation areas with the Town Center at Palm Coast DRI.

I. The conformity and compatibility of the development with any adopted development plan of the City of Palm Coast.

Staff Finding: Town Center PUD is consistent with the approved Town Center at Palm Coast DRI as well as the City of Palm Coast Comprehensive Plan.

J. Impact upon the environment or natural resources.

Staff Finding: As an approved DRI, Town Center PUD has set aside over 700+/- acres of land as open space/conservation areas. These areas include wetlands and wetland buffers. The proposed amendment does not propose to alter or encroach into any protected areas.

K. Impact on the economy of any affected area.

Staff Finding: Town Center PUD is expected to have a positive impact on the economy in the adjacent areas. Town Center PUD continues to develop with a mix of uses such as retail, office, institutional, and residential uses. The amendments do not hinder the project from proceeding as a mixed-use community.

RECOMMENDATION

The Planning and Land Development Regulation Board (PLDRB) finds the proposed amendment to the Town Center PUD-DA (Application #5523) consistent with the Comprehensive Plan and the criteria in the Land Development Code and recommends that City Council APPROVE the proposed amendments to the Town Center PUD-DA.



**THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164**

**BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)**

**Meeting Date: 12/5/2023
Ordinance Number: 2023-XX
Posted To Webpage: 11/17/2023**

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE TOWN CENTER AT PALM COAST PLANNED UNIT DEVELOPMENT (PUD); AMENDING TABLE 6.3 TO PERMIT FEE SIMPLE TOWNHOMES IN AREAS OF THE TOWN CENTER PUD; ADD DATA CENTER AS A PERMITTED USE IN THE TOWN SERVICE AND TOWN BUSINESS AREA; ADDING GUIDELINES, CRITERIA, AND INCENTIVES FOR DEVELOPING MIXED-USE BUILDINGS IN THE URBAN CORE AREA; PERMIT FENCES OR WALLS UP TO 8 FEET UNDER CERTAIN CONDITIONS; AND HOUSEKEEPING AMENDMENTS; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- 1. Ordinances required for compliance with federal or state law or regulation;
- 2. Ordinances relating to the issuance or refinancing of debt;
- 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
- 5. Emergency ordinances;
- 6. Ordinances relating to procurement; or
- 7. Ordinances enacted to implement the following:

X a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

___ b. Sections 190.005 and 190.046;

___ c. Section 553.73, relating to the Florida Building Code; or

___ d. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Palm Coast.) N/A

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Coast:

(fill out subsections a-c as applicable, if not applicable write "not applicable")

- (a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted: N/A
- (b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible: N/A
- (c) An estimate of the City of Palm Coast's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A

Part III. Good faith estimates of the number of businesses likely to be impacted by the ordinance. N/A

Part IV. Additional Information (if any): N/A

Subject: FW: Town Center DRI / PUD Amendment
Importance: High

From: Michael Chiumento III <michael3@legalteamforlife.com>
Sent: Thursday, November 30, 2023 2:09 PM
To: Ray Tyner <RTyner@palmcoastgov.com>; Bill Hoover <BHoover@palmcoastgov.com>
Cc: Jeff Douglas <jeff@douglaspd.com>; Caroline McNeil <cmcneil@legalteamforlife.com>
Subject: Town Center DRI / PUD Amendment

Ray,

After meeting with Allete this morning, we respectfully request that the above referenced matter be tabled until the January 2, 2024 City Council Meeting.

Please confirm this is acceptable.

Michael D. Chiumento III

Managing Partner



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