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**RESOLUTION 4, 2016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING THE AVENIR PLANNED COMMUNITY DEVELOPMENT (PCD) OVERLAY / MIXED USE DEVELOPMENT (MXD) DISTRICT MASTER PLAN CONSISTING OF 4,763 ACRES, MORE OR LESS, AND DEVELOPMENT STANDARDS, LOCATED ON THE NORTH SIDE OF NORTHLAKE BOULEVARD, EAST OF GRAPEVIEW BOULEVARD, WEST OF BAY HILL DRIVE, AND SOUTH OF BEELINE HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING CONDITIONS OF APPROVAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations (LDR), is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the City received a petition from Avenir Holdings, LLC requesting master plan and development standards approval for the Avenir Planned Community Development (PCD) consisting of 2,407 acres of conservation land, 3,985 dwelling units, 1,800,000 square feet of professional office, 200,000 square feet of medical office, 400,000 square feet of commercial, a 300-room hotel, 20 acres of agriculture, a 55-acre park, a 60-acre civic/recreation parcel, a 15-acre police/fire/city annex parcel, and a 15-acre school site. The subject site is approximately 4,763 acres; and

**WHEREAS**, the subject site has been rezoned to Planned Community Development (PCD) Overlay with an underlying zoning designation of Mixed Use Development (MXD) District by the adoption of Ordinance 4, 2016; and

**WHEREAS**, the Planning and Zoning Department has reviewed the application, has determined that it is sufficient and consistent with the City's Comprehensive Plan and Land Development Regulations, and has recommended approval; and

**WHEREAS**, the Planning, Zoning, and Appeals Board reviewed the petition at its December 8, 2015, meeting and recommended approval of the subject petition (PPCD-13-07-000005) by a vote of 7 to 0; and

**WHEREAS**, the City Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of the various City of Palm Beach Gardens reviewing agencies and staff; and

**WHEREAS**, the City Council deems approval of this Resolution to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA** that:

**SECTION 1.** The foregoing recitals are hereby affirmed and ratified.

**SECTION 2.** The application is hereby APPROVED for a Master Plan consisting of 2,407 acres of conservation land, 3,985 dwelling units, 1,800,000 square feet of professional office, 200,000 square feet of medical office, 400,000 square feet of commercial, a 300-room hotel, 20 acres of agriculture, a 55-acre park, a 60-acre civic/recreation parcel, a 15-acre police/fire/city annex parcel, and a 15-acre school site, and for Development Standards, subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property described as follows:

(See Exhibit "A" for Legal Description)

**SECTION 3.** This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns.

**Uses and Phasing**

1. Uses in the PCD shall be limited to the List of Permitted Uses contained the Avenir Development Standards.
2. The following is the phasing table for the project:

LAND USE	Total	Phase 1 (2015-2020)	Phase 2 (2021-2025)	Phase 3 (2026-2030)	Phase 4 (2031- Buildout)
Public Civic/Recreation	60 acres (land dedication)	60 ac			
Professional Office	1,800,000 SF	225,000	225,000	450,000	900,000
Medical Office	200,000 SF	50,000	100,000	50,000	
Commercial	400,000 sf	200,000	100,000	100,000	
Hotel	300 rooms		150	150	
Public Park	55 acres (land dedication)	55 ac			

Police/Fire/City Annex	15 acres (land dedication)	15 ac			
Public School	15 acres (land dedication)	15 ac			
Multi-family	250 units	250			
Single Family	3,735 units	1,000	1,000	1,000	735

This table is not intended to restrict the amount or type of development by phase, provided the Development Order in its entirety is followed. Rather, the amount and type of development within each phase is only limited by the following maximum number of trips for each phase. These trip amounts are cumulative (include trips from previous phase), and were derived from the trips generated by the development program for each phase listed above. These trip totals were used to calculate the timing of proportionate share payments and the timing of other required traffic improvements.

The maximum number of trips for each phase are as follows:

<b><u>Phase</u></b>	<b><u>AM Peak Hour Trips<sup>1</sup></u></b>	<b><u>PM Peak Hour Trips<sup>1</sup></u></b>
1	1,325	1,760
2	2,397	3,089
3	3,176	3,778
4	4,733	5,774

<sup>1</sup> Cumulative net external trips

A phase is considered complete when either the AM or PM Net External Peak Hour trip number for that phase is met.

### **Traffic Equivalency and Transfer of Uses**

- No building permits shall be issued for more than 3,735 single family dwelling units, 250 multi-family units, 400,000 square feet of commercial/retail development, 1,800,000 square feet of office, 200,000 square feet of medical office, 300 hotel rooms, a public elementary school for approximately 600 students, a 55-acre public park, a 20-acre agriculture, a 60-acre public civic/recreation area, and a 15-acre City administration/police/fire annex. These approved uses may be converted to different uses through the use of a Traffic Equivalency Statement which shall be reviewed and approved in accordance with the City's standard Land Development Regulation Process. A maximum of 20 percent of each of the referenced land uses may be increased or decreased. However, in no case, shall the maximum amount of

residential units increase over the above listed program. No residential density bonuses shall be permitted.

#### **Buildout Date**

4. The Avenir project shall have a buildout date of December 31, 2035, unless otherwise extended by the City's Land Development Regulations or applicable legislation.

#### **Transfer of Approval**

5. Notice of transfer of all or a portion of the subject property shall be filed with the City of Palm Beach Gardens. Prior to transfer, the transferee shall assume in writing on a form acceptable to the City Attorney, any and all applicable commitments, responsibilities, and obligations pursuant to the Development Order. The intent of this provision is to ensure that subsequent property transfers do not jeopardize the unified control, responsibilities, and obligations required of the project as a whole.

#### **Biennial Report**

6. A biennial report shall be submitted every two years on the anniversary date of the adoption of the Development Order and continued every two (2) years thereafter to the City of Palm Beach Gardens. The contents of the report shall include those items required by this Development Order and in addition shall include the following:
  - a) The status of the mobility improvements identified in the Proportionate Share Agreement;
  - b) The amount of Currently Utilized Trips for development, as that term is defined in the Proportionate Share Agreement;
  - c) The status of the proportionate share payments required under the Proportionate Share Agreement;
  - d) The amount of new net external AM and PM peak hour trips for site plans approved during the reporting period and cumulatively for all currently valid site plan approvals;
  - e) The conversion of land uses using the Land Use Conversion Matrix, if any, during the current two year period, as well as cumulative land use conversions;
  - f) Traffic signal warrant analysis and status for the intersections listed in Condition \_\_\_\_.
  - g) Status update of all conditions of approval

## **General Provisions**

7. This Development Order shall be binding upon the Developer and its assignees or successors in interest.

## **PCD Master Plan and Dedications**

8. Parcel A - Residential, is approved for 3,735 single family dwelling units and those uses specified in the permitted uses chart for Parcel A within the Development Standards and on the Master Plan.
9. Parcel B - Town Center, is approved for 400,000 square feet of commercial/retail, 150 hotel rooms, 250 multifamily units and those uses specified in the permitted uses chart for Parcel B within the Development Standards.
10. Parcel C - Workplace/Economic Development, is approved for 100,000 square feet of medical office and 900,000 square feet of professional office.
11. Parcel D - Workplace, is approved for 100,000 square feet of medical office, 900,000 square feet of professional office, and a 15-acre police/fire/city annex which shall be dedicated on the site plan and the first plat of Parcel D.
12. Parcel E is approved for a 55-acre public park and shall be dedicated to the City of Palm Beach Gardens at the time of first plat approval.
13. Parcel F - Public School, is approved for a 15-acre elementary school, which shall be dedicated to the Palm Beach County School District at the time of plat approval.
14. Parcel G - Civic/Recreation, is approved for a 60-acre public civic and recreational area which shall be dedicated to the City of Palm Beach Gardens at the time of first plat approval.
15. Parcel H - Agriculture, is designated on the Master Plan. Prior to the commencement of any agricultural operations on Parcel H, the Applicant shall be required to receive Conditional Use approval from the City Council for any proposed agricultural operations in order to protect and ensure compatibility with the surrounding residential areas, and ensure the protection of nutrient runoff into any adjacent wetlands.

Note: Uses may be exchanged in accordance with the provisions set forth in Condition 3 of the development order.

## **Transportation**

### **Proportionate Share Payments**

16. The Developer shall meet the Concurrency Transportation requirements through payment of its proportionate share contribution pursuant to Section 163.3180, F.S.

Prior to the adoption of the final Development Order, the Developer shall enter into a Proportionate Share Agreement with the Palm Beach County and the City of Palm Beach Gardens in accordance with Section 163.3180, F.S. The Proportionate Share Agreement shall list the improvements that will be made with the proportionate share contributions consistent with conditions included Palm Beach County Traffic Performance Standards Concurrency letter dated 12/10/15.

17. The proportionate share payments do not address the committed Developer improvements for internal project roads, internal program signals, and project intersection/entrance improvements along Northlake Boulevard and the Avenir Connector Road, as specified in this Development Order, and any internal roadway improvements required by the City of Palm Beach Gardens.
18. As it relates to compliance with proportionate share payment obligations, the issuance of all building permits shall be governed by of the Proportionate Share Agreement.
19. Any proposed delay in payment of the proportionate share payment due or a proposed change to the approved development that increases the authorized number of trips or to the phasing schedule shall require a reanalysis of the proportionate share payment amount as part of any approval of the requested change. Any such change shall require an amendment to the Proportionate Share Agreement, and an amendment to the Development Order to include the Amendment to the Proportionate Share Agreement.

#### **Internal Roadways and Access Driveways**

20. No building permits for vertical construction shall be issued until all construction permits are obtained for the connection of the Avenir Connector Road to the Beeline Highway as a signalized intersection to include the following geometry:
  - a) Northbound Dual Left Turn Lanes and Single Right Turn Lane (Avenir Connector)
  - b) Eastbound Four (4) Through lanes and Single Right Turn Lane (Beeline Highway)
  - c) Westbound Four (4) Through Lanes and a Single Left Turn Lane (Beeline Highway)
21. Avenir shall have the following connections to the external roadway network consistent with the Master Development Plan:
  - a) A minimum of seven (7) connections to Northlake Boulevard, as generally depicted on the Master Plan; and
  - b) A minimum of one (1) connection to Beeline Highway, as generally depicted on the Master Plan; and
  - c) An internal roadway network as generally depicted on the Master Plan

22. The internal roadway network as generally depicted on the Master Plan shall be open to the public and shall be prohibited from use of vehicular gates.
23. For the following intersections which are not currently signalized, signalization shall be provided, if warranted, through completion of the project. A signal warrant study for each of the below intersections shall be submitted with the biennial report until signalization is warranted. The first warrant study shall be included in the next biennial report after construction of the north approach for the Northlake Boulevard intersections and the south approach for the Beeline Highway intersection.
  - Beeline Highway and the Avenir Connector Road
  - Northlake Boulevard and Driveway #2 (at 140<sup>th</sup> Avenue North)
  - Northlake Boulevard and Driveway #7
24. No building permits for vertical construction shall be issued until performance security in an amount to be determined by the Palm Beach County Traffic Division is posted with the City for all costs associated with the traffic signals for the intersections listed in Condition \_\_\_\_ and modifications to the signal at the Northlake Boulevard and Coconut Boulevard Intersection.
25. If Palm Beach County and/or FDOT approves a signal warrant study submitted with the biennial report showing that signalization is warranted, or if Palm Beach County provides written notice to the Developer with a copy to the City that a signal warrant study was conducted between biennial reports showing that signalization is warranted at one of the above intersections, the Developer shall install a mast arm traffic signal at the warranted intersection within twelve months of approval or receipt of notice by Palm Beach County. If the Developer fails to complete the signal installation within this time frame, the County Engineer, at his/her sole discretion, shall have the right to request funds be drawn from the performance security (surety drawn) and Palm Beach County may then complete all required work.
26. Upon completion of the project, a signal warrant study shall be conducted and submitted to the City for any of the intersections listed in paragraph a) above that have not been signalized. The signal warrant study will be forwarded to Palm Beach County for its review. If a signal is warranted at any intersection, the Developer shall be responsible for installing the warranted signal. The County shall have 24 months from the receipt of this warrant study to either draw upon the surety to construct a traffic signal or release the surety.
27. At time of driveway connection at the driveway locations listed below the following lane geometry shall be provided at a minimum and signalization and/or signal modifications shall be provided as warranted:
  - a. Northlake Boulevard and Driveway #7
    - Southbound Three left turn lanes and one right turn lane
    - Eastbound One left turn lane and four thru lanes

Westbound One right turn lane and four thru lanes

b. Northlake Boulevard and Coconut Boulevard (Driveway #4)

Northbound One left turn lane, two thru lanes, and one free-flow right turn lane

Southbound Three left turn lanes, two thru lanes and one right turn lane

Eastbound Two left turn lanes, four thru lanes and one right turn lane

Westbound Two left turn lanes, four thru lanes and one right turn lane

c. Northlake Boulevard and 140<sup>th</sup> Avenue North (Driveway #2)

Northbound One left turn lane, one thru lane and two right turn lanes

Southbound Two left turn lanes, one thru lane and one right turn lane

Eastbound Two left turn lanes, three thru lanes and one right turn lane

Westbound Two left turn lanes, two thru lanes and one right turn lane

d. Beeline Highway and the Avenir Connector Road

Northbound Two left turn lanes and one right turn lane

Eastbound Four thru lanes and one right turn lane

Westbound One left turn lane and four thru lanes

28. No building permits for vertical construction shall be issued for development in Parcels B and/or Parcel D until contracts have been let to provide westbound right turn lanes at the following driveways:

a. Northlake Boulevard and Driveway into Parcel B (Driveway #6)

b. Northlake Boulevard and Driveway into Parcel B (Driveway #5)

c. Northlake Boulevard Driveway into Parcel D (Driveway #3)

The westbound right turn lanes shall not be eliminated with any widening of Northlake Boulevard.

## Other Transportation Issues

29. Prior to the issuance of the building permit for development generating more than 450 peak hour directional trips, the construction for Northlake Boulevard from four (4) lanes to six (6) lanes from 140<sup>th</sup> Avenue North to (future) State Road 7 connection shall commence. Construction shall be complete prior to the issuance of development generating 800 peak hour directional trips.

30. Prior to the issuance of the building permit for development generating more than 266 peak hour directional trips, the Avenir Connector road as shown on the PCD Master Plan shall be constructed from Northlake Boulevard to the northern limit of the development to the Beeline Highway as a two-lane roadway.

31. A trip generation analysis shall be performed prior to each site plan approval. The trip generation analysis shall present calculations for both AM and PM peak hour and shall rely upon the approved rates for trip generation, pass-by and internal capture for the



phase in which the development occurs, as approved in the Development Order. The trip generation shall be cumulative and include all currently valid previous site plan approvals. Development order conditions shall be evaluated to determine triggering of any conditions.

32. Prior to site plan approval, a traffic study shall be submitted and approved by the City of Palm Beach Gardens to determine:

- a) Lane geometry for impacted internal roadways and their intersections, and
- b) Timing of signalization improvements at project driveways.

33. Consistent with the Transportation Mitigation program outlined in the Comprehensive Plan Amendment Ordinance 3, 2016, the following Transportation Demand Management Strategies shall be adhered to:

- a. Over 2,400 acres shall be dedicated as conservation preserved lands.
- b. Maximum gross density is 0.84 dwelling units per acre and 3,985 maximum units; no additional density bonuses are permitted.
- c. The Avenir PCD development order shall include the provision of at least 250 residential units as affordable and/or workforce housing units (125 units at 60% of the Area Median Income-AMI and 125 units at 120% of AMI) as more specifically listed in Condition \_\_\_\_.
- d. To ensure a balanced development with a diversity of uses, the project shall (see Condition 2) require a minimum amount of commercial uses to be constructed concurrent with residential uses. Specifically, a minimum of 50% of the commercial square footage in each phase shall be constructed with the residential units listed in each phase.
- e. The Property Owner shall commence construction of the main north-south roadway (Avenir Connector) from Northlake Boulevard to the Beeline Highway as a minimum two (2) lane facility as specified in Condition \_\_\_\_.
- f. The Property Owner shall commence construction of Northlake Boulevard from 140<sup>th</sup> Avenue North to (future) SR 7 from a four (4) lane facility to a six (6) lane facility as specified in Condition \_\_\_\_.
- g. The Property Owner shall coordinate with the City and Palm Tran on future studies and possible funding mechanisms, such as a transit district, to bring transit to the project.

- h. The Property Owner shall provide bus stops and bus bays along Northlake Boulevard as required by Palm Tran for a future transit route, utilizing the City's approved bus shelter design.
- i. The Property Owner shall provide a Multi-Modal Center within the Town Center Parcel "B" that includes:
  - a. A Park and Ride lot
  - b. A Bike-Sharing Facility
- j. The Avenir PCD development order shall include Transportation Demand Management (TDM) policies which shall include, but not be limited to, Ride Sharing and Compressed Work Week strategies for the Workplace district.

## **Environmental and Natural Resources**

### **Preserve Area Management**

- 34. The Developer shall prepare a Preserve Area Management Plan for the 2,407-acre Conservation Area (upland and wetland preserve) identified on the PCD Master Plan. The plan shall: 1) identify locations in the preserve area where upland or wetland natural communities will be created, enhanced, or restored; 2) identify management procedures and provide a schedule for their implementation; 3) include procedures for maintaining suitable habitat for state and federally listed species; 4) include methods to remove nuisance and exotic vegetation and any other species that are determined to threaten the natural communities; 5) include plans to permanently mark the preserve area and provide access for passive recreation, education, or scientific study; and 6) identify a permanent funding source and define a responsible entity for the maintenance and implementation of the management plan in perpetuity. The management plan shall be approved by the City of Palm Beach Gardens in consultation with the U.S. Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, and South Florida Water Management District prior to the initiation of any site clearing activity.
- 35. The Developer shall install temporary fencing around all upland and wetland preservation areas prior to commencing site clearing adjacent to the Conservation Area. The fencing shall clearly identify and designate the boundaries of the Conservation Area and minimize the potential disturbance of the Conservation Area during land clearing and construction. The temporary fencing shall be established at least ten (10) feet outside of the boundaries of the Conservation Area and shall remain in place until the completion of the finish grading on the area adjacent to the fencing.

36. The Conservation Area shall be platted prior to the development of the adjacent parcel and shall be the perpetual maintenance responsibility of the Master Property Owners Association or other entity as approved by the City Attorney.

## **Upland Preservation**

37. Prior to final approval of any site plan application for the project, the Developer shall identify the location of all upland preserve areas that have been shown on the PCD Master Development Plan within the Conservation Area. The intent of this condition is to provide protection of upland natural communities, to provide habitat for wildlife and listed species, and to assist in improving water quality by buffering wetlands and water bodies. The continued viability and maintenance of the Conservation Area shall be assured through a Conservation Easement with the City of Palm Beach Gardens. The easement shall be properly executed and recorded prior to issuance of building permits for any portion of the project.

## **Wetlands**

38. Within six (6) months of the PCD approval, specific upland, wetland and habitat restoration vegetation planting plans, grading plans, and wildlife nesting improvement plan shall be submitted for review and approval by City staff. The overall Conservation Area Management plan shall include a pedestrian trail system from Parcels E and G to the Sweet Bay Preserve to Hungryland Preserve, which could include passing by the archaeological site(s) or bird watching site(s) within Avenir.
39. The Developer shall protect and enhance the wetlands which have been preliminarily identified in the Environmental Assessment report, and the Habitat Restoration and Management Plan, both prepared by W.E. Consultants, Inc. and both dated November 2015, and as shown on the PCD Master Plan within the 2,407 acres of Conservation Area. The preserved and enhanced wetlands shall be protected within a Conservation Easement established with the South Florida Water Management District with third party rights granted to the Army Corps of Engineers (ACOE). The easement shall be properly executed and recorded prior to issuance of the first land alternation permit for any portion of the project.
40. The Developer shall coordinate with the City of Palm Beach Gardens, South Florida Water Management District, and U.S. Army Corps of Engineers to determine the exact acreage and type of wetland mitigation required to mitigate wetland impacts on the project site. Wetland mitigation requirements shall be determined following the Unified Mitigation Assessment Method provided in Chapter 62-345, Florida Administrative Code. Methods for the creation restoration, enhancement, preservation and management of wetland mitigation areas on the project site, as outlined in the Environmental Resources Permit (ERP) and the U.S. Army Corps of Engineers Individual Permit (IP) conditions, shall be described in the Preserve Area Management

Plan to be approved by the City of Palm Beach Gardens prior to the initiation of any site clearing activity.

41. All wetland mitigation and restoration shall be completed prior to or simultaneous with the wetland mitigation and restoration plan as set forth in the Preservation Area Management Plan (PAMP). The detailed plans for mitigation and restoration shall be approved by the City of Palm Beach Gardens and South Florida Water Management District prior to the initiation of the mitigation plan and prior to the approval of any site plan for any portion of the project. Reasonable assurance of financial ability to carry out the commitments in the approved mitigation plan shall be provided in a method agreed to and approved by the South Florida Water Management District.

### **Listed Species**

42. The Environmental Assessment report prepared by E.W. Consultants, Inc., dated November 2015, identified one single live siting of a gopher tortoise, which was reported as the first confirmation of the occurrence of gopher tortoises on the site over the ten (10) years of site observations. In order to protect any gopher tortoise population on the project site, the Developer or an authorized entity shall develop a detailed management plan that provides for the protection and relocation of gopher tortoises and their commensal species into the preserve areas identified on PCD Master Development Plan, or an appropriate off-site recipient area. The Developer or an authorized entity shall comply with the Florida Fish and Wildlife Conservation Commission gopher tortoise protection guidelines for this State listed threatened species. Details of the gopher tortoise protection measures shall be provided in the Preserve Area Management Plan, which shall be approved by the City of Palm Beach Gardens prior to the initiation of any site clearing activity.
43. In order to protect any of the listed Federal or State plant or animal species on the project site that were identified in the Environmental Assessment report, prepared by E.W. Consultant, Inc., dated November 2015, the Developer or an authorized entity shall develop a detailed management plan that provides for the protection of the listed species in the preserve areas identified on the PCD Master Development Plan, or an appropriate off-site recipient area. The Developer or an authorized entity shall comply with all recommendations by the City of Palm Beach Gardens in consultation with the Florida Department of Agriculture and Consumer Services and the Florida Fish and Wildlife Conservation Commission regarding the maintenance and management of habitat for these listed species. Details of the protection measures shall be provided in the Preserve Area Management Plan, which shall be approved by the City of Palm Beach Gardens prior to the initiation of any site clearing activity.
44. In the event that it is determined that any additional state or federally listed plant or animal species is resident on, or otherwise significantly dependent upon the project site, the Developer shall cease all activities which might negatively affect that individual population and immediately notify the City of Palm Beach Gardens. The Developer shall provide proper protection to the satisfaction of the City of Palm Beach

Gardens, U.S. Fish and Wildlife Service, and Florida Fish and Wildlife Conservation Commission.

45. The Developer shall work with the City of Palm Beach Gardens to design and determine the appropriate location of suitable wildlife crossings for the Avenir Collector road. The crossing design and location shall be based upon habitat type, size of animals, target species, documented wildlife movement corridors, levels of human activities, etc. The Developer shall have the approval of the City, U.S. Fish and Wildlife Service and Florida Fish and Wildlife conservation Commission prior to construction of the wildlife crossings.

### **Exotic Species**

46. Prior to obtaining building permits for any future structure located on a particular development parcel, the Developer of such parcel shall remove from that parcel all Australian-pine, Brazilian pepper, downy rose-myrtle, Melaleuca, Old World climbing fern, and any other nuisance and invasive exotic vegetation listed under Category I of the Florida Exotic Pest Plant Council's "2015 List of Invasive Plant Species." Removal shall be in a manner that minimizes seed dispersal by any of these species. There shall be no planting of these species on site. Methods and a schedule for the removal of exotic and nuisance species should be approved by the City of Palm Beach Gardens. The entire site, including wetlands and conservation areas, shall be maintained free of these species in perpetuity, in accordance with all applicable permits.

### **Stormwater Management**

47. The Developer of each development parcel shall design and construct a stormwater management system within such development parcel to retain the maximum volumes of water consistent with South Florida Water Management District and Northern Palm Beach County Improvement District criteria for flood control. At a minimum, all discharged water from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 62-302.
48. The Developer shall work with the City of Palm Beach Gardens to minimize the amount of impervious surface constructed for automobile parking on the project site. The Developer and the City should consider the use of pervious parking lot materials where feasible.
49. The surface water management system shall utilize Best Management Practices to minimize the impact of chemical runoff associated with lawn and landscape maintenance. The Developer shall coordinate with the South Florida Water Management District and Northern Palm Beach County Improvement District to formulate and implement Best Management Practices to reduce the use of pesticides and fertilizers throughout the project.

50. Maintenance and management efforts required to assure the continued viability of all components of the surface water management system shall be the financial and physical responsibility of the Developer, a community development district, Northern Palm Beach County Improvement District or other entity acceptable to the City of Palm Beach Gardens. Any entities subsequently replacing the Developer shall be required to assume the responsibilities outlined above.

### **Water Supply**

51. No building permits for vertical construction shall be issued until the Developer demonstrates that the Seacoast Utility Authority, or other public utility provider, has an adequate permitted allocation of potable water and adequate potable water treatment and delivery facilities to meet the demands of the development for which the building permit for vertical construction is requested.

52. The preferred source of irrigation water shall be treated wastewater effluent at such time as this source is made available to the site. The project shall be equipped with an irrigation water distribution system to provide reclaimed water to serve all portions of the site requiring irrigation. No individual home wells shall be constructed on the project site. Prior to availability of a sufficient supply of reclaimed water, other water supply sources may be used for landscape irrigation subject to meeting South Florida Water Management District permitting criteria in effect at the time of permit application.

53. Prior to each site plan approval, the Developer shall provide written confirmation from the Seacoast Utility Authority, or other public utility provider, that: 1) adequate capacity of reclaimed water is available to serve the project site; and 2) adequate reclaimed water treatment and delivery facilities are available to meet the needs of the project site. In the event that the preceding criteria cannot be met, other water supply sources may be used for landscape irrigation subject to meeting South Florida Water Management District permitting criteria in effect at the time of permit application.

54. The residential and non-residential uses in the project shall utilize low volume water use plumbing fixtures and Florida-friendly (drought tolerant) landscape techniques, and other water conserving devices and/or methods. The commercial uses in the project shall also utilize self-closing and/or metered water faucets. These devices and methods shall meet the criteria outlined in the water conservation plan of the public water supply permit issued to the Seacoast Utility Authority by the South Florida Water Management District.

### **Wastewater Management**

55. No residential subdivision plat shall be recorded nor final site plan approved for any development parcel until the Developer has provided written confirmation from the Seacoast Utility Authority, or other public utility provider, that: 1) adequate capacity for wastewater treatment is available to serve such development parcel; and 2) the Developer or others have provided the necessary wastewater system extensions to serve the development parcel.

## **Solid Waste and Hazardous Materials**

56. Prior to the issuance of the first non-residential building permit for vertical construction for the project, the Developer shall prepare a Hazardous Waste Management Plan for the non-residential uses and have it approved by the City of Palm Beach Gardens. The plan should identify off-site disposal plans, on-site waste handling, generation and emergency procedures for each generator of hazardous waste. At a minimum, the plan shall:

- a) Require disclosure by all owners or tenants of the property of all hazardous materials or waste proposed to be stored, used, or generated on premises;
- b) Require the inspection of all premises storing, using, or generating hazardous materials or waste prior to commencement of operation, and periodically thereafter, to assure that proper facilities and procedures are in place to properly manage hazardous materials projected to occur;
- c) Provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of such materials or waste;
- d) Provide for proper maintenance, operation, and monitoring of hazardous materials and waste management systems including spill and hazardous materials and waste containment systems;
- e) Detail actions and procedures to be followed in case of spills or other accidents involving hazardous materials or waste;
- f) Guarantee financial and physical responsibility for spill clean-up; and
- g) Include a program for continued monitoring of surface and groundwater on the site.

## **Air Quality**

57. During land clearing and site preparation, soil treatment techniques appropriate for controlling unconfined particulate emissions shall be undertaken. If construction on a parcel will not begin within thirty days of clearing, the soil shall be stabilized until construction of the parcel begins. Cleared areas may be sodded, seeded, landscaped, mulched, or stabilized by other means as may be permitted by the City of Palm Beach Gardens. Minimal clearing for access roads, survey lines, fence installation, or construction trailers and equipment staging areas is allowed without the need for soil stabilization. The purpose of this condition is to minimize dust production and soil erosion during land clearing and to prevent soil particulates from becoming airborne between the time of clearing and construction. The development shall comply with all National Pollutant Discharge Elimination System requirements.

**Green Building**

58. The Applicant is encouraged to participate in green building and sustainable methods, in compliance with Housing Element, Policy 3.1.1.2. of the City's Comprehensive Plan. For any proposed certified LEED green building projects or equivalent certification, the project shall be eligible for expedited permitting as set forth in Section 78-57 and as determined by the City's Planning and Zoning Director.

**Human Resources**

**Housing**

59. The City's Workforce Housing requirement shall be addressed through the provision of 250 multi-family rental units within the Town Center District. A minimum of 50 percent of the approved multi-family units shall be restricted to a maximum rental rate of 60 percent of the Area Median Income (AMI) for Palm Beach County, as determined by the Palm Beach County Planning Department. The remaining 50 percent of the rental units shall be restricted to a maximum rental rate of 120 percent of the Palm Beach County AMI. This limitation shall run only for the first 15 years of the life of the dwelling unit, which time shall begin to run upon the issuance of the Certificate of Occupancy for such unit. The rental prices for the workforce housing multi-family units shall be provided to the City as part of the project's annual report.

\* HUD FY 2008 Median Household Income of \$66,000 for Palm Beach County.

**Police and Fire Protection**

60. Prior to each site plan approval, the Developer shall provide written confirmation from the City of Palm Beach Gardens Fire Rescue Department verifying that adequate facilities, equipment, and personnel are available to service the Avenir Project based on the demand from the project.

61. Prior to each site plan approval, the Developer shall provide written confirmation from the City of Palm Beach Gardens Police Department verifying that adequate facilities, equipment, and personnel are available to service the Avenir Project based on the demand from the project.

62. The Applicant shall provide fire hydrant layout with each future site plan.

63. All future gated developments must provide access control devices approved by the Fire-Rescue.

64. Any site plan, and associated traffic improvements and traffic calming features will be provided to Fire and Police for review and comment during the development review process.



65. The following are recommendations and or conditions of approval which would be applied at the appropriate time within the permit process:

- a. Recommend a series of construction roads for 'construction traffic only' to avoid conflict with businesses, schools and residents who have already moved in.
- b. Phasing plans should include traffic management plan for construction vehicles and deliveries.
- c. Phasing plan would include approved construction site security plans to include plans to secure construction areas from occupied areas.
- d. Proper signage for each construction site for public safety response.
- e. School construction should adhere to the Jennifer Lunsford Act if applicable.
- f. Schools should be moved further from the center of the proposed communities and closer to the edge. This reduces the opportunity for juvenile related criminal activity throughout the neighborhoods.
- g. Lighting shall be in accordance with City Municipal Code which recommends IESNA standards.
- h. Lighting considerations should include LED lighting or the equivalent at the time of build-out.
- i. Traffic calming within the community shall be implemented in the form of approved methods, i.e. landscaped medians, cobblestone crossings, properly shaped roundabouts, chicanes, etc.

66. For future site plans, structures, landscaping, lighting and the overall design will require CPTED conditions of approval and inspections to monitor the series of target hardening strategies of CPTED which include: Natural Surveillance, Access Control, Territoriality, Defensible Space, Formal Organized Surveillance and Activity Program Support. These crime prevention standards will be derived from the State of Florida Attorney General's Office/ Crime Prevention Training Institute, Florida State Statutes, City of Palm Beach Gardens Municipal Code and the Florida Building Code. (Police Department)

## **Parks and Recreation**

67. Neighborhood and community recreational facilities shall be available to serve projected demand in accordance with the Avenir Development Standards approved by the City of Palm Beach Gardens. A neighborhood public space, consisting of a Park, Green or Square as defined in the Avenir Development Standards, shall be located within one-quarter mile radius of each residential home within Parcel A. For each 300 acres of land area, at least one of these required open spaces shall be a 1-acre minimum park.

68. Public space standards for the Town Center and Workplace Districts shall be provided according to the "Public Space Standards" of the Avenir Development Standards.

#### **Historic and Archaeological Sites**

69. The Developer shall protect and set aside from development the prehistoric archaeological site, Site Number 8PB11489, in accordance with the recommendations from the Florida Department of State, Division of Historical Resources. This site is located within the Conservation Area.

70. In the event of discovery of any archaeological artifacts during construction of the project, construction shall stop in the area of discovery and immediate notification shall be provided to the City of Palm Beach Gardens and the Division of Historical Resources, Florida Department of State. Proper protection shall be provided to the satisfaction of the City of Palm Beach Gardens and the Division of Historical Resources.

#### **Engineering**

71. This project will be required to meet the most stringent water quality and nutrient loading criteria of Palm Beach Gardens, Palm Beach County, Florida Department of Environmental Protection, Florida Department of Transportation and South Florida Water Management District, Palm Beach County Environmental Resource Management (ERM), Army Corps of Engineers, State of Florida, and any other agency required for the basin of discharge.

72. The road and street cross-sections depicted in the Design Guidelines represent the minimum allowable design for these streets. All construction plans shall be approved by the City Engineer, roadway owner, utility providers and any other agency having ownership or maintenance responsibilities of the roadway or underlying utilities.

73. Prior to the issuance of the infrastructure permit, if applicable, the Applicant shall provide the City Engineer with copies of all permits, permit applications and Requests for Additional Information to and from regulatory agencies regarding issues on all permit applications, certifications and approvals including South Florida Water Management District, Northern Palm Beach County Improvement District, Seacoast, Palm Beach County, Health Department, FDOT, etc.

74. The Applicant shall comply with all Federal EPA and State of Florida Department of Environmental Protection NPDES requirements, including but not limited to, preparation of a storm water pollution prevention plan and identification of appropriate Best Management Practices, as generally accepted by the Environmental Protection Agency (EPA) and/or local regulatory agencies, for construction activities, implementation of the approved plans, inspection, and maintenance of controls during construction. Including a Notice of Intent prior to the issuance of infrastructure permit

and Notice of Termination prior to the issuance of the Certificate of Completion for the infrastructure permit

75. Prior to the issuance of the clearing permit or infrastructure permit or demolition permit, whichever comes first, the Applicant shall submit an updated construction phasing and safety plan for the City to review. The construction phasing and safety plan shall include all necessary construction zone signage and fencing as required by the Engineering Department and will need to be monitored throughout the construction duration and modified as necessary to allow for safe and effective pedestrian and vehicular movement throughout the project. If at any time the contractor wishes to modify the phasing plan, please submit revised phasing plan to the City Engineer for review.
76. Fencing shall be installed the entire length of the Avenir Connector road from the north end of Parcel A to the Beeline Highway to promote the use of the wildlife crossings and prevent any harm to wildlife.
77. Prior to the issuance of the first vertical permit, the applicant shall identify the agency that will be responsible for operating and maintaining the surface water management system and wetlands.
78. Prior to the issuance of the first plat, the applicant shall confirm the governmental entity that will own and maintain the spine roads as shown on the Master Plan.
79. Prior the issuance of the infrastructure permit, the applicant shall provide detailed water and wastewater service plans and service agreements.
80. Prior to the issuance of the first vertical permit, the applicant shall provide detailed information on the type of irrigation water being proposed for the project and if there is an opportunity to use reclaimed water.
81. Prior to the issuance of the first vertical permit, the applicant shall provide Palm Beach County Utility and SFWMD roadway access to their facility on the Mecca parcel, if required.
82. Prior to the issuance of the first infrastructure permit, the applicant shall provide hydraulic analysis including detailed information on the proposed outfalls. Also maintenance responsibilities of the outfall system shall be identified and agreements obtained from the appropriate entities.
83. The Applicant is required to meet all Total Maximum Daily Load (TMDL) limits and all design requirements of the FDEP, PBC ERM and SFWMD.
84. The applicant is required to provide a pre-post nutrient loading analysis to demonstrate that the nutrient load will be reduced and that the projects proposed surface water management system and best management practices will

1 meet the State's numeric nutrient criteria for its discharges. The project will be required  
2 to meet the more restrictive of the requirements of the receiving basins.

3  
4 85. The applicant will be required to provide the City will require a Soil Assessment Survey  
5 and Groundwater Sampling Study. If there are legacy nutrient issues in the soils  
6 and/or groundwater a Nutrient Management Plan may also be required.

7  
8 86. The Applicant shall provide a Declaration of Covenants to the City for review at the  
9 time of submittal of the first plat application for the project. The Declaration of  
10 Covenants shall specify who or what entity will be controlling, operating, and  
11 maintaining the common elements of the PCD, including, but not limited to, such  
12 elements as the spine roads, the perimeter landscape buffers, major drainage  
13 elements, etc. The subject Declarations must be provided to and approved by the City  
14 Attorney prior to the approval of the first plat of the project.

15  
16 87. The Master Developer shall install landscaping and irrigation along all perimeter  
17 landscape buffers for the PCD. The maintenance of said roadway beautification shall  
18 be the responsibility of the Master Property Owners Association or other entity as  
19 approved by the City Attorney. Buffer areas shall not be cleared of vegetation until  
20 site plan approval has occurred for the adjacent development. Landscape buffers shall  
21 be installed prior to the issuance of the first building permit for vertical construction for  
22 the adjacent parcel.

23  
24 88. Limited clearing may be permitted within an individual parcel of the PCD even though  
25 the subject parcel has not yet received site plan approval when such limited clearing  
26 is necessary in order to facilitate the installation of infrastructure and/or common  
27 amenities necessary to implement an approved site plan for a different parcel within  
28 the PCD. Such limited clearing shall be subject to approval of the Director of  
29 Engineering and City Forester. The limits of said clearing and installation shall be  
30 identified on the final construction plans for review and approval by the City prior to  
31 the issuance of the first land alteration permit.

32  
33 89. Prior to the commencement of construction for the improvements delineated on the  
34 PCD Master Plan, the Applicant shall provide all necessary construction zone signage  
35 and fencing as required by the Director of Engineering.

36  
37 90. Prior to the issuance of the clearing permit, infrastructure permit, or the building permit  
38 for the vertical construction, whichever occurs first, the Applicant shall provide  
39 itemized cost estimates and surety for the project (public or private), in accordance  
40 with the LDR Sections 78-309 and 78-461. The itemized cost estimates shall include  
41 all public elements for the onsite and offsite infrastructure, landscaping and irrigation-  
42 related improvements for the project. The cost estimates shall be dated, signed and  
43 sealed by a professional engineer and landscape architect registered in the State of  
44 Florida. Surety will be based on 110% of the total combined City approved cost  
45 estimates and shall be posted with the City.

- 1 91. The construction, operation, and/or maintenance of any elements of the subject  
2 project shall not have any negative impacts on the existing drainage of surrounding  
3 areas. If at any time during the project development it is determined by the City that  
4 any of the surrounding areas are experiencing negative drainage impacts caused by  
5 the project, it shall be the Applicant's responsibility to resolve said impacts in a period  
6 of time and a manner acceptable to the City prior to additional construction activities.  
7 The City may cease issuing building permits and/or Certificates of Occupancy until all  
8 drainage concerns are resolved.  
9
- 10 92. Prior to the issuance of each infrastructure permit for the improvements delineated on  
11 the PCD Master Plan, the Applicant shall provide proper documentation to the City, in  
12 a form satisfactory to the City Attorney, from the applicable utility providers authorizing  
13 the location of landscaping and light poles within the utility easements.  
14
- 15 93. The Applicant shall comply with all Federal Environmental Protection Agency and  
16 State of Florida Department of Environmental Protection permit requirements for  
17 construction activities.  
18
- 19 94. Prior to the issuance of each infrastructure permit for the improvements delineated on  
20 the PCD Master Plan, the Applicant shall submit signed/sealed/dated construction  
21 plans, including a pavement marking and signage plan and a permit application for  
22 review and approval, and paving, grading, and drainage plans, along with surface  
23 water management calculations and hydraulic pipe calculations for City review and  
24 approval. The paving, grading, and drainage plan and calculations shall be signed and  
25 sealed by an engineer licensed in the State of Florida.  
26
- 27 95. Prior to the issuance of the land alteration permit of any infrastructure phase of the  
28 PCD, the Applicant shall plat said infrastructure phase to include all existing and  
29 proposed easements and like encumbrances in accordance with the LDRs for City  
30 Council approval.  
31
- 32 96. Prior to the issuance of the infrastructure permit, the Applicant shall receive a  
33 Technical Compliance Approval letter (TCA) for this project from the Planning &  
34 Zoning Department, in accordance with the City's LDR. Prior to the issuance of a  
35 vertical building permit, the plat for this project shall be approved by City Council.  
36
- 37 97. Prior to the issuance of each infrastructure permit for the improvements delineated on  
38 the PCD Master Plan, the Applicant shall provide a signed and sealed photometric  
39 plan for the infrastructure being applied for and submit a site lighting permit.  
40
- 41 98. Prior to the commencement of construction associated with each infrastructure permit  
42 for the applicable improvements delineated on the PCD Master Plan, the Applicant  
43 shall schedule a pre-construction meeting with City staff. Inspections related to the  
44 infrastructure permit will not be performed until the pre-construction meeting has  
45 occurred. In addition, failure to comply with this condition could result in a Stop Work  
46 Order of all work/construction activity for the subject development site.

99. Prior to the issuance of the Certificate of Completion for each infrastructure permit, the Applicant shall provide copies of the required FDOT testings for the City's review and approval.

100. All lakes shall have at least one aerator/fountain. Prior to the site plan approval process for any site plan that includes a lake within the PCD, the Applicant and its successors or assigns shall demonstrate to the satisfaction of the Director of Engineering that each lake includes an adequate number of aerators/fountains to avoid water stagnation. The total number shall include consideration of the size of each lake and the proper placement of the aerators/fountains.

101. Notice of transfer of all or a portion of the subject property shall be filed with the City of Palm Beach Gardens. Prior to transfer, the transferee shall assume, in writing on a form acceptable to the City Attorney, any and all applicable commitments, responsibilities, and obligations pursuant to the Development Order. The intent of this provision is to ensure that subsequent property transfers do not jeopardize the unified control, responsibilities, and obligations required of the project as a whole.

102. The Applicant shall provide to the City, the Best Management Practices that will be utilized to meet water quality and nutrient loading for the proposed agricultural area and indicate who will be responsible to manage and monitor the BMPs.

### **Economic Development**

103. At the time of first plat approval, the Applicant shall dedicate 50 acres to the City of Palm Beach Gardens for an economic development parcel to accommodate up to 500,000 SF for one or more of the Targeted Industries listed in Section 78-57 of the City's LDRs.

### **GIS Division**

104. Prior to the issuance of each Certificate of Occupancy, digital copies of the approved plans for record shall be submitted to the GIS Manager.

105. Prior to the issuance of the first Building Permit, digital files of the approved plat shall be submitted to the Planning and Zoning Division.

106. Names of arterial streets shall be approved by the City's Addressing Committee prior to PCD plat approval.

107. The Avenir subdivision name shall be approved by the City's Addressing Committee prior to the issuance of the first Building Permit.

**Forestry**

108. Site plans for all of the future development areas must be consistent with the requirements of Section 78-314 *Minimum landscape requirements for residential developments*.
109. The final design and location of all littoral plantings shall be submitted and approved at the site plan review of the respective parcel or Building Permit for lakes outside of a parcel.
110. All lakes shall have a minimum of one water fountain large enough to circulate the majority of the lake. Each site plan shall be reviewed, and an additional foundations may be required.
111. The Applicant, successors or assigns shall be responsible for the roadway beautification of Northlake Boulevard and Beeline Highway from the eastern terminus to the western terminus of both roads. A Landscape and Irrigation Plan for both Northlake Boulevard and Beeline Highway road shoulders and medians shall be submitted to the City for review and approval within six (6) months from the date of the Avenir PCD approval.
112. The Applicant, successors or assigns, and potentially the Master Property Owners Association shall be responsible for the installation and all associated maintenance of the landscaping and irrigation for the Northlake Boulevard and Beeline Highway right-of-way shoulder and median adjacent or contiguous to their development.
113. The Applicant, successors or assigns, the Master Property Owners Association or potentially Northern Palm Beach County Improvement District shall be responsible for the installation and all associated maintenance of all internal roads and roadway buffer landscaping and irrigation, lighting, critter crossings, and hardscapes.
114. All roadway improvements, such as landscaping, irrigation, and lighting, etc., shall be installed prior to the issuance of the first building permit for vertical construct for the adjacent parcel. This condition may be modified at time of Site Plan approval for the adjacent parcel.
115. All preserves shall be platted at the time of first plat approval and shall be the perpetual maintenance responsibility of the Master Property Owners Association or other entity as approved by the City Attorney.
116. The Applicant, successors or assigns shall install and maintain all perimeter PCD buffers prior to the issuance of the first building permit for vertical construct for the adjacent parcel.

117. Limited clearing may be permitted within an individual parcel of the PCD even though the subject parcel has not yet received site plan approval when such limited clearing is necessary in order to facilitate the installation of infrastructure and/or common amenities necessary to implement an approved site plan for a different parcel within the PCD. Such limited clearing shall be subject to approval of the City Engineer and City Forester and Director of Planning and Zoning. The limits of said clearing and installation shall be identified on the final construction plan for review and approval by the City staff prior to the issuance of the first land alteration permit.

118. Prior to land clearing, the Applicant shall obtain a tree-removal permit from the Planning and Zoning Department.

119. Within three (3) months from the issuance of the CSX permit for the Bee Line Highway connection, the applicant shall provide a buffer landscape plan along Bee Line Highway (between the property line and preserve), which includes the overhead power line, road, road swale, water conveyance system and pedestrian sidewalk system, which separates the new north/south road from the CSX railroad.

120. There shall be a minimum 15-foot wide landscape buffer outside of the Avenir Collector and Avenir Connector roadway sections prior to any residential lot property line.

121. Within six (6) months of the PCD approval, specific upland, wetland and habitat restoration vegetation planting plans, grading plans, and wildlife nesting improvement plan shall be submitted for review and approval by City staff. The overall Conservation Area Management plan shall include a pedestrian trail system from Parcels E and G to the Sweet Bay Preserve to Hungryland Preserve, which could include passing by the archaeological site(s) or bird watching site(s) within Avenir.

### **Planning**

122. Prior to the issuance of the first Certificate of Occupancy on site, the Applicant shall obtain approval of a Master Signage Program for the Property.

123. The Applicant, successors or assigns shall install and maintain the City of Palm Beach Gardens gateway sign located in the southwest corner prior to the issuance of the first building permit for vertical construct of any on-site structure.

### **Building**

124. The Applicant shall delineate all water structure locations for all canals as part of each site plan review.

**SECTION 4.** This petition is approved subject to strict compliance with the Exhibits listed below, which are attached hereto and made a part hereof as Exhibit "B":



- 1.
2. Avenir PCD Master Plan, Sheet MP-1, prepared by *Urban Design Kilday Studios*, dated December 17, 2015.
- 3.
- 4.
5. Avenir Roadway Sections, Sheets 1 of 3, 2 of 3, and 3 of 3, prepared by *Urban Design Kilday Studios*, dated December 17, 2015.
- 6.
- 7.
8. Avenir 90' Parkway Buffer – Northlake Boulevard, Sheet LP-1, prepared by *Urban Design Kilday Studios*, dated December 17, 2015.
- 9.
- 10.
11. Avenir 50' Parkway Buffer – Northlake Boulevard, Sheet LP-2, prepared by *Urban Design Kilday Studios*, dated December 17, 2015.
- 12.
- 13.
14. Avenir 25' PCD Buffer, Sheet LP-3, prepared by *Urban Design Kilday Studios*, dated December 17, 2015.
- 15.
- 16.
17. Avenir Northlake Beautification Plan, Sheet LP-4, prepared by *Urban Design Kilday Studios*, dated December 17, 2015.
- 18.
- 19.
20. Avenir Development Standards Draft, prepared by *Urban Design Kilday Studios*, dated December 1, 2015.
- 21.
- 22.

**SECTION 5.** All representations made by the Applicant or the Applicant's agent at any public hearing regarding this application are specifically incorporated herein, and this approval is granted subject to same.

**SECTION 6.** This Resolution shall become effective immediately upon adoption.

(The remainder of this page intentionally left blank)

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF PALM BEACH GARDENS, FLORIDA**

BY: \_\_\_\_\_  
Eric Jablin, Mayor

**ATTEST:**

BY: \_\_\_\_\_  
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
R. Max Lohman, City Attorney

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**VOTE:**

**AYE   NAY   ABSENT**

MAYOR JABLIN

\_\_\_\_\_

VICE MAYOR LEVY

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COUNCILMEMBER RUSSO

\_\_\_\_\_

COUNCILMEMBER PREMUROSO

\_\_\_\_\_

COUNCILMEMBER TINSLEY

\_\_\_\_\_

\_\_\_\_\_

DRAFT

## **EXHIBIT “A”**

### LEGAL DESCRIPTION:

ALL OF SECTIONS 28, 32, AND 33, LYING SOUTHEAST OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT CANAL C-18, AS RECORDED JUNE 8, 1954, IN DEED BOOK 1056, PAGE 456, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND SOUTHWEST OF THE SEABOARD AIRLINE RAILROAD, TOWNSHIP 41 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH

ALL OF SECTION 4, AND THE EAST ONE-HALF (E-1/2) OF SECTION 5 LYING SOUTHEAST OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT CANAL C-18 AS RECORDED JUNE 8, 1954, IN DEED BOOK 1056, PAGE 456, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH

THE EAST ONE-HALF (E-1/2) OF SECTION 8, ALL OF SECTIONS 9 AND 10, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH

THE WEST ONE-HALF (W-1/2) OF SECTION 14, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF LAKE PARK ROAD WEST EXTENSION (A/K/A NORTHLAKE BOULEVARD);

EXCEPTING THE LANDS LYING IN SAID SECTION 14 AS RECORDED IN OFFICIAL RECORDS BOOK 6114, PAGE 637, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA;

TOGETHER WITH

ALL OF SECTION 15, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF LAKE PARK ROAD WEST EXTENSION (A/K/A NORTHLAKE BOULEVARD);

TOGETHER WITH

ALL OF SECTION 16, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTHEAST ONE-QUARTER THEREOF, LYING NORTH OF LAKE PARK ROAD WEST EXTENSION (A/K/A NORTHLAKE BOULEVARD);

TOGETHER WITH

THE EAST ONE-HALF (E-1/2) OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LYING NORTH OF LAKE PARK ROAD WEST EXTENSION (A/K/A NORTHLAKE BOULEVARD).

CONTAINING 4762.9 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, AND/OR RIGHTS-OF-WAY OF RECORD.

## **EXHIBIT “B”**

*(For Exhibit B items, please see Staff Report for Ordinance 4, 2016)*