

# Village at Midway

City of Fort Pierce, Florida

## Planned Development Guidelines

*Prepared For:*

**Walton**<sup>TM</sup>

*Prepared By:*



August 5, 2015

Resubmittal: November 3, 2015

**Resubmittal #2: January 5, 2016**

## **Consultant Team**

### **Owner/Applicant:**

Walton Acquisitions FL, LLC  
4800 North Scottsdale Road, Suite 4000  
Scottsdale AZ, 85251

### **Environmental Consultant:**

Paul Ezzo, AICP  
EW Consultants, Inc.  
1000 SE Monterey Commons Blvd., Suite 208  
Stuart, FL 34996  
P: 772.287.8771

### **Land Planner:**

Brian Nolan, ASLA, APA - Senior Project  
Manager  
Lucido & Associates  
701 SE Ocean Blvd.  
Stuart, FL 34994  
P: 772.220.2100

### **Legal Counsel**

W. Lee Dobbins, Esq.  
Dean, Mead, Minton & Zwemer  
1903 South 25th Street, Suite 200  
Fort Pierce, Florida 34947  
P: 772-464-770

### **Civil Engineer:**

Howard Ehram, P.E., CGC, LEED AP  
Senior Project Manager  
Bowman Consulting  
10815 SW Tradition Square  
Port St Lucie, FL 34987  
P: 772.249.0733

### **Surveyor**

Steve Brickley, P.S.M.  
Survey Team Leader / Project Manager  
Bowman Consulting  
7881 SW Ellipse Way, Stuart, FL 34997  
P: 772.283.1413

### **Representative:**

Mark E. Jacobson, P.E., LEED AP  
Senior Planning and Development Manager -  
Florida  
Walton Development and Management  
8390 Champions Gate Blvd., Suite 315  
Champions Gate, FL 33896

### **Traffic Engineer:**

Susan O'Rourke, P.E.  
Susan E. O'Rourke, P.E., Inc.  
969 SE Federal Highway, Suite 402  
Stuart, FL 34994  
P: 772.781.7918

## **Table of Contents**

Development Plan Review Applications	
Project Narrative.....	1
Location Exhibit.....	2
Legal Descriptions.....	3
General Site Data.....	7
Project Phasing.....	8
Quantitative Development Data.....	10
Land Use Conversion Matrix.....	11
Design and Development Guidelines.....	12
Traffic Concurrency.....	35
Zoning Ordinance Exceptions.....	38

## **List of Attachments**

State Historic Preservation Office letter  
Draft of Conservation Easement  
Evidence of Unified Control  
Property Identification Cards  
Boundary and Topographic Survey (24"x36" format attached as a separate document)  
Preliminary Plat (24"x36" format attached as a separate document)  
Planned Development Master Plan (24"x36" format attached as a separate document)  
Project Phasing Plan  
Trip Generation Summary Tables (entire Traffic Impact Report is attached as a separate document)  
Environmental Assessment

## PROJECT NARRATIVE



Rebecca Grohall, AICP  
Planning Manger  
City of Fort Pierce  
100 N. US Hwy. 1  
Fort Pierce FL, 34950

**Re:** Village at Midway – Project Narrative  
**Our Reference Number:** 15-130

Dear Ms. Grohall:

Village at Midway is a proposed mixed use project situated on approximately 516.32 ac. of land lying immediately north of Midway Road, west of I-95, within the City of Fort Pierce. The project is comprised of two parcels of land, one of which is approximately 116 ac. and was recently annexed into the City, while the second parcel is approximately 400 ac. and was annexed into the City on July 19, 2010.

The intent of the proposed project is to provide the potential for sustainable and flexible development options for a variety of uses by utilizing the Planned Development zoning district. Uses within the proposed development include flex industrial and warehouse, flex office and highway oriented commercial development along with neighborhood commercial, general commercial and limited multi-family residential uses on the western portion of the project site.

As proposed, approval of an overall Planned Development master plan and preliminary plat, along with Planned Development guidelines, which will provide for a cohesive project build-out, will provide the foundation for future tenants to submit detailed development plan proposals for review and approval by the City. This affords all involved, including the City, developer and potential tenants, a clear, agreed to path to provide for the most efficient and flexible development of the subject parcels.

As contained in the Planned Development Guidelines, design and development parameters by lot type, such as, but not limited to: permitted and prohibited uses, applicable setbacks; allowable building area; street cross sections; landscaping, irrigation and signage standards have been provided for. A master Property Owners Association (POA) will be created to provide for continued and long term maintenance of common areas, such as parks, open spaces and preserve areas, as well as the master stormwater system, master irrigation system, common area signage, street lighting, and other common improvements and services.

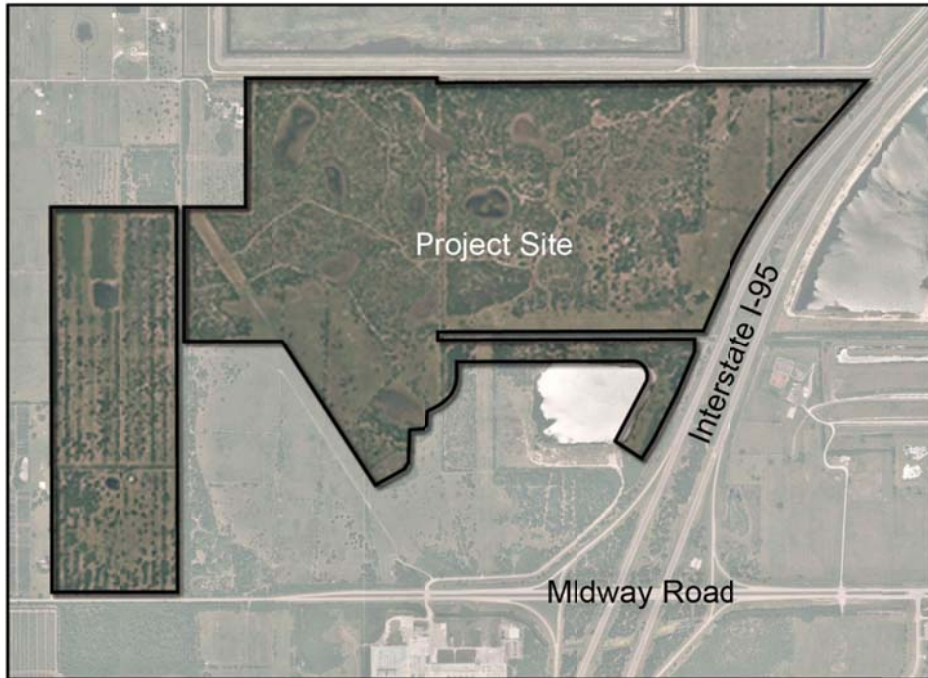
We appreciate the opportunity to work with you in making this project become a reality and encourage any feedback and constructive dialogue you may have to lend. Should you have any questions, please do not hesitate to contact me directly.

Respectfully,

A handwritten signature in blue ink, appearing to read "Brian Nolan", is written over the word "Respectfully,".

Brian Nolan, ASLA, APA  
Senior Project Manager

**LOCATION EXHIBIT**



## LEGAL DESCRIPTIONS

### **LEGAL DESCRIPTON: (MIDWAY PARCEL)**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. LUCIE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

FEE PARCEL:

A PARCEL OF LAND LYING IN SECTIONS 2, 3, 34, AND 35 TOWNSHIP 35 SOUTH AND 36 SOUTH, RANGE 39 EAST IN ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3, THENCE N89°46'35"W ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 2622.04 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 93 (A 78 FEET WIDE RIGHT-OF-WAY) AND BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE N00°20'10"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 93 A DISTANCE OF 1318.99 FEET TO A POINT ON THE SOUTH LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34 A NOT INCLUDED PARCEL; THENCE S89°46'53"E ALONG THE SOUTH LINE OF SAID PARCEL NOT INCLUDED A DISTANCE OF 624.96 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL NOT INCLUDED; THENCE N00°16'46"E ALONG THE EAST LINE OF SAID PARCEL NOT INCLUDED A DISTANCE OF 1319.04 FEET TO A POINT ON THE 1/4 SECTION LINE OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 39 EAST; THENCE S89°47'10"E ALONG THE 1/4 SECTION LINE OF SAID SECTION 34 A DISTANCE OF 1987.99 FEET TO A POINT ON THE EAST LINE OF SECTION 34, THENCE S00°06'37"W ALONG THE EAST LINE OF SAID SECTION 34 A DISTANCE OF 49.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 101 (A 98.00 FEET WIDE CANAL RIGHT-OF-WAY); THENCE S89°59'09"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 101 A DISTANCE OF 2664.42 FEET TO A POINT ON THE 1/4 SECTION LINE OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 39 EAST; THENCE N00°12'25"E ALONG THE 1/4 SECTION OF SAID SECTION 35 A DISTANCE OF 2.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 101 (A 94.00 FEET WIDE CANAL RIGHT-OF-WAY); THENCE S89°52'23"E ALONG THE SOUTH RIGHT-OF-WAY OF SAID N.S.L.R.W.C.D. CANAL NO. 101 A DISTANCE OF 1331.59 FEET; THENCE CONTINUE S89°52'23"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 101 A DISTANCE OF 418.59 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (INTERSTATE HIGHWAY NO. 95) (WIDTH VARIES); THENCE S42°14'14"W ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 A DISTANCE OF 727.09 FEET TO THE BEGINNING OF A CURVE ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5903.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 402.05 FEET THROUGH A CENTRAL ANGLE OF 03°54'07"; TO THE BEGINNING OF A COMPOUND CURVE ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5903.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 597.06 FEET THROUGH A CENTRAL ANGLE OF 05°47'41"; TO THE BEGINNING OF A COMPOUND CURVE ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5903.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 999.10 FEET THROUGH A CENTRAL ANGLE OF 09°41'48"; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE S22°50'38"W A DISTANCE OF 363.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 102 (A 85 FOOT WIDE CANAL RIGHT-OF-WAY); THENCE N89°48'50"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 60.02 FEET; THENCE CONTINUE N89°53'51"W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 900.00 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°53'51"W A DISTANCE OF 430.07 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°53'51"W A DISTANCE OF 1330.07 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE S00°04'39"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 OF

SECTION 35 A DISTANCE OF 42.50 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE S00°06'35"W ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 2, A DISTANCE OF 42.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 102; THENCE S89°53'51"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1330.04 FEET; THENCE CONTINUE S89°53'51"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1300.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF A 30 FOOT ROAD RIGHT-OF-WAY AS RECORDED IN DEED BOOK 116, AT PAGE 379 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE S00°03'15"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 129.69 FEET RETURNING TO THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 9 (INTERSTATE 1-95); THENCE S22°50'38"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 470.73 FEET; THENCE CONTINUE S26°50'37"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 519.99 FEET; THENCE CONTINUE S32°49'14"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 230.02 FEET; THENCE DEPARTING SAID STATE ROAD NO. 9 N56°07'55"W A DISTANCE OF 323.59 FEET; THENCE N27°59'51"E A DISTANCE OF 671.72 FEET; TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 150.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 308.52 FEET THROUGH A CENTRAL ANGLE OF 117°50'41"; THENCE N89°50'50"W A DISTANCE OF 1811.20 FEET; THENCE S00°00'00"E A DISTANCE OF 142.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 335.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 365.79 FEET THROUGH A CENTRAL ANGLE OF 62°33'43"; THENCE S62°33'43"W A DISTANCE OF 139.15 FEET; THENCE S01°56'01"W A DISTANCE OF 142.19 FEET; THENCE S53°57'44"W A DISTANCE OF 58.71 FEET; THENCE S85°17'03"W A DISTANCE OF 146.97 FEET; THENCE S02°37'14"W A DISTANCE OF 332.85 FEET; THENCE S31°56'28"W A DISTANCE OF 78.35 FEET; THENCE S61°15'41"W A DISTANCE OF 335.12 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF A 60 FEET WIDE FP&L EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 119, PAGE 404; THENCE N32°18'17"W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 60 FEET WIDE FP&L EASEMENT A DISTANCE OF 1746.02 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF A 200 FEET WIDE FP&L EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 377, PAGES 2069-2076; THENCE N89°46'35"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 200 FEET WIDE FP&L EASEMENT AND BEING PARALLEL TO THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 1026.62 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 93 (A 78 FEET WIDE RIGHT-OF-WAY); THENCE N00°02'49"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 93 A DISTANCE OF 52.50 FEET TO A POINT ON THE NORTH SECTION LINE OF SAID SECTION 3, TOWNSHIP 36 SOUTH, RANGE 39 EAST AND BEING THE POINT OF BEGINNING. CONTAINING 17,412,284 SQUARE FEET OR 399.73 ACRES, MORE OR LESS.

BEING ALSO DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN SECTIONS 2, 3, 34, AND 35 TOWNSHIP 35 SOUTH AND 36 SOUTH, RANGE 39 EAST IN ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3, THENCE N89°46'35"W ALONG THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 2622.04 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 93 (A 78 FEET WIDE RIGHT-OF-WAY) AND BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE N00°20'10"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 93 A DISTANCE OF 1318.99 FEET TO A POINT ON THE SOUTH LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 34 A NOT INCLUDED PARCEL; THENCE S89°46'53"E ALONG THE SOUTH LINE OF SAID PARCEL NOT INCLUDED A DISTANCE OF 624.96 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL NOT INCLUDED; THENCE N00°16'46"E ALONG THE EAST LINE OF SAID PARCEL NOT INCLUDED A DISTANCE OF 1319.04 FEET TO A POINT ON THE 1/4 SECTION LINE OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 39 EAST; THENCE S89°47'10"E ALONG THE 1/4 SECTION LINE OF SAID SECTION 34 A DISTANCE OF 1987.99 FEET TO A POINT ON THE EAST LINE OF SECTION 34, THENCE S00°06'37"W ALONG THE EAST LINE OF SAID SECTION 34 A DISTANCE OF 49.00

FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 101 (A 98.00 FEET WIDE CANAL RIGHT-OF-WAY); THENCE S89°59'09"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 101 A DISTANCE OF 2664.42 FEET TO A POINT ON THE 1/4 SECTION LINE OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 39 EAST; THENCE N00°12'25"E ALONG THE 1/4 SECTION OF SAID SECTION 35 A DISTANCE OF 2.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 101 (A 94.00 FEET WIDE CANAL RIGHT-OF-WAY); THENCE S89°52'23"E ALONG THE SOUTH RIGHT-OF-WAY OF SAID N.S.L.R.W.C.D. CANAL NO. 101 A DISTANCE OF 1331.59 FEET; THENCE CONTINUE S89°52'23"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 101 A DISTANCE OF 418.59 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 9 (INTERSTATE HIGHWAY NO. 95) (WIDTH VARIES); THENCE S42°14'14"W ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 A DISTANCE OF 727.09 FEET TO THE BEGINNING OF A CURVE ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5903.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 402.05 FEET THROUGH A CENTRAL ANGLE OF 03°54'07"; TO THE BEGINNING OF A COMPOUND CURVE ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5903.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 597.06 FEET THROUGH A CENTRAL ANGLE OF 05°47'41"; TO THE BEGINNING OF A COMPOUND CURVE ALONG THE WEST RIGHT-OF-WAY OF SAID STATE ROAD NO. 9 CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5903.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 999.10 FEET THROUGH A CENTRAL ANGLE OF 09°41'48"; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE S22°50'38"W A DISTANCE OF 363.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 102 (A 85 FOOT WIDE CANAL RIGHT-OF-WAY); THENCE N89°48'50"W ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 60.02 FEET; THENCE CONTINUE N89°53'51"W ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 900.00 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°53'51"W A DISTANCE OF 430.07 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE N89°53'51"W A DISTANCE OF 1330.07 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE S00°06'37"W ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 OF SECTION 35 A DISTANCE OF 42.50 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE S00°06'35"W ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 2, A DISTANCE OF 42.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 102; THENCE S89°53'51"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1330.04 FEET; THENCE CONTINUE S89°53'51"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1300.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF A 30 FOOT ROAD RIGHT-OF-WAY AS RECORDED IN DEED BOOK 116, AT PAGE 379 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE S00°03'15"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 129.69 FEET RETURNING TO THE WEST RIGHT-OF-WAY LINE OF SAID STATE ROAD 9 (INTERSTATE 1-95); THENCE S22°50'38"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 470.73 FEET; THENCE CONTINUE S26°50'37"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 519.99 FEET; THENCE CONTINUE S32°49'14"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 229.66 FEET; THENCE DEPARTING SAID STATE ROAD NO. 9 N56°07'55"W A DISTANCE OF 323.65 FEET; THENCE N27°59'51"E A DISTANCE OF 671.72 FEET; TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 150.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 308.52 FEET THROUGH A CENTRAL ANGLE OF 117°50.41"; THENCE N89°50'50"W A DISTANCE OF 1811.20 FEET; THENCE S00°00'00"E A DISTANCE OF 142.46 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 335.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 365.79 FEET THROUGH A CENTRAL ANGLE OF 62°33'43"; THENCE S62°33'43"W A DISTANCE OF 139.15 FEET; THENCE S01°56'01"W A DISTANCE OF 142.19 FEET; THENCE S53°57'44"W A DISTANCE OF 58.71 FEET; THENCE S85°17'03"W A DISTANCE OF 146.97 FEET; THENCE S02°37'14"W A DISTANCE OF 332.85 FEET; THENCE S31°56'28"W A DISTANCE OF 78.35 FEET; THENCE S61°15'41"W A DISTANCE OF 335.42 FEET TO A POINT ON THE EAST RIGHT-OF-WAY

LINE OF A 60 FEET WIDE FP&L EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 119, PAGE 404; THENCE N32°18'17"W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 60 FEET WIDE FP&L EASEMENT A DISTANCE OF 1745.80 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF A 200 FEET WIDE FP&L EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 377, PAGES 2069-2076; THENCE N89°46'35"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID 200 FEET WIDE FP&L EASEMENT AND BEING PARALLEL TO THE NORTH LINE OF SAID SECTION 3 A DISTANCE OF 1026.62 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF N.S.L.R.W.C.D. CANAL NO. 93 (A 78 FEET WIDE RIGHT-OF-WAY); THENCE N00°02'49"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID N.S.L.R.W.C.D. CANAL NO. 93 A DISTANCE OF 52.50 FEET TO A POINT ON THE NORTH SECTION LINE OF SAID SECTION 3, TOWNSHIP 36 SOUTH, RANGE 39 EAST AND BEING THE POINT OF BEGINNING.

CONTAINING 17,411,399 SQUARE FEET OR 399.71 ACRES, MORE OR LESS.

**EASEMENT PARCELS:**

**EASEMENT 1:**

TOGETHER WITH THE EASEMENT RIGHTS OF MIDWAY PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, UPON, ACROSS AND OVER THE .EASEMENT PROPERTY. AS SET FORTH IN THE TEMPORARY EASEMENT AGREEMENT DATED JULY 30, 2004, BY AND BETWEEN MIDWAY PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND WILLOW LAKES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, RECORDED IN OFFICIAL RECORDS BOOK 2035, PAGE 1456, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

**EASEMENT 2:**

TOGETHER WITH THE EASEMENT RIGHTS IN FAVOR OF THE FEE PARCEL DESCRIBED ABOVE AS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT DATED JULY 30, 2004, BY AND AMONG MIDWAY PROPERTIES LLC, A FLORIDA LIMITED LIABILITY COMPANY, WILLOW LAKES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, HYMAN B. HENDLER AND ALVIN D. SCHWARTZ, AS CO-TRUSTEES UNDER THE PROVISIONS OF AN UNRECORDED TRUST AGREEMENT KNOWN AS THE RESTATED AND AMENDED AND REVOCABLE LAND TRUST AGREEMENT FOR HHP ASSOCIATES, DATED THE 2ND DAY OF JANUARY, 1995, AND REPECHAGE DEVELOPMENT, INC., A FLORIDA CORPORATION, RECORDED IN OFFICIAL RECORDS BOOK 2035, PAGE 1430, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

**LEGAL DESCRIPTION: (IBERIA PARCEL)**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. LUCIE, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

**PARCEL 1:**

THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LESS AND EXCEPT THE EAST 39.00 FEET FOR CANAL RIGHT-OF-WAY; SAID LANDS SITUATE, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

CONTAINING: 1,701,018 SQUARE FEET OR 39.05 ACRES, MORE OR LESS.

**PARCEL 2:**

THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 3, TOWNSHIP 36 SOUTH, RANGE 39 EAST, LESS AND EXCEPT THE EAST 39.00 FEET FOR CANAL RIGHT-OF-WAY AND LESS MIDWAY ROAD RIGHT-OF-WAY AS SET FORTH IN OFFICIAL RECORDS BOOK 44, PAGE 447, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA.

CONTAINING: 3,378,514 SQUARE FEET OR 77.56 ACRES, MORE OR LESS

**GENERAL SITE DATA**

**Parcel ID Numbers:** 233441000000001; 233434000000007

**General Location:** Northwest quadrant of the interchange of Midway Road and I-95 lying in Sections 2, 3, 34, and 35, Township 35 South and 36 South, Range 39 East

**Overall Site Area:** 516.32 ac.

**Existing Zoning:** St. Lucie County designations: AG-2.5, PNRD – Planned Non-residential Development, AG-1

**Proposed Zoning:** Planned Development (PD)

**Future Land Use:** MXD (Mixed-Use Development)

**Maximum Allowable Residential Density:** Not To Exceed 15 du’s/ac.

**Maximum Allowable Floor Area Ratio:** 1.5 FAR

**Surrounding Zoning, Future Land Use and Existing Use:**

	<b>Zoning</b>	<b>Future Land Use</b>	<b>Existing Use</b>
<b>North</b>	AG-1 / AG-2.5	SD	Vacant/ACOE STA
<b>South</b>	TBD (Approved DRI – City of Port Saint Lucie)	CG/CS/TU (City of Port Saint Lucie)	Vacant/LTC Ranch DRI
<b>East</b>	IL	IND	SLC Landfill
<b>West</b>	AG-2.5	AG-2.5	Vacant

## PROJECT PHASING

As proposed, initial infrastructure improvements will be constructed by the developer, which include excavation of the lakes within the Water Management Tracts; clearing and rough grading development tracts; construction of certain roads or segments thereof. Installation of common utilities such as water and waste water lines, fiber optics and telecom among other general infrastructure improvements is yet to be determined. At this time, the developer will not be constructing any improvements on any tracts other than what is described above with regard to excavation, fill and utility installation. To provide for as much flexibility as possible in accommodating potential end-users, the developer reserves the right to implement construction on any one (1) or more phase at any such time it is deemed appropriate; i.e. based on market demand or other metrics utilized by the developer.

The Phase Schedule below provides for a general outline of the Phases of infrastructure construction.

<b>PHASE SCHEDULE</b>	
Phase Identification	General Description of Improvements
Phase 1A	<ul style="list-style-type: none"> <li>• Roadwork consisting of a full access signalized intersection at Midway Road and two lanes of pavement and a landscaped median for western access road from Midway Road north to the intersection of E-W access road through Tract A.</li> <li>• Drainage associated with roadwork.</li> <li>• Potable water and wastewater service mains and stub-outs for future phases.</li> <li>• Electric and telecom services and stub outs for future phases.</li> <li>• Reclaim water (IQ) service mains and stub outs for future phases.</li> <li>• Sidewalks</li> <li>• Street lighting</li> </ul>
Phase 1B	<ul style="list-style-type: none"> <li>• Roadwork, including stormwater conveyance, consisting of a full access signalized intersection at Midway Road and two lanes of pavement and a landscaped median for central access road from Midway Road north to the intersection of E-W Road through the Ingress/Egress Easement and Tract B.</li> <li>• Sidewalks</li> <li>• Street lighting</li> </ul>
Phase 1C	<ul style="list-style-type: none"> <li>• Roadwork consisting of two lanes of pavement for an east-west access road through Tract C.</li> <li>• Drainage associated with roadwork.</li> <li>• Potable water and wastewater service mains and stub-outs for future phases.</li> <li>• Electric and telecom services and stub outs for future phases.</li> <li>• Reclaim water (IQ) service mains and stub outs for future phases.</li> <li>• Sidewalks</li> <li>• Street lighting</li> </ul>

Phase 1D	<ul style="list-style-type: none"> <li>• Construction of a full-access signalized intersection at Midway Road and two lanes of pavement for Gordy Road from Midway Road north to the intersection of E-W Road.</li> <li>• Drainage associated with roadwork.</li> <li>• Potable water service main and stub outs for future phases.</li> <li>• Electric and telecom services and stub outs for future phases.</li> <li>• Reclaim water (IQ) service mains and stub outs for future phases.</li> <li>• Sidewalks</li> <li>• Street lighting</li> </ul>
Phase 1E	<ul style="list-style-type: none"> <li>• Rough site grading and excavation of water management area(s).</li> <li>• Roadwork within the phase limits that extends the western access road north into the property through Tract A.</li> <li>• Drainage associated with roadwork.</li> <li>• Potable Water and Wastewater services mains and stub-outs along access road extension.</li> <li>• Electric and telecom services and stub outs along access road extension.</li> <li>• Reclaim water (IQ) service mains and stub outs along access road extension.</li> <li>• Sidewalks along access road extension</li> <li>• Street lighting along access road extension</li> </ul>
Phase 1F	<ul style="list-style-type: none"> <li>• Rough site grading and excavation of water management area(s).</li> </ul>
Phase 1G	<ul style="list-style-type: none"> <li>• Rough site grading and excavation of water management area(s).</li> </ul>
Phase 1H	<ul style="list-style-type: none"> <li>• Roadwork within the phase limits that extends Gordy Road north into the property through Tract D.</li> <li>• Drainage associated with roadwork.</li> <li>• Potable Water and Wastewater services mains and stub-outs along Gordy Road extension.</li> <li>• Electric and telecom services and stub outs along Gordy Road extension.</li> <li>• Reclaim water (IQ) service mains and stub outs along Gordy Road extension.</li> <li>• Sidewalks along Gordy Road extension</li> <li>• Street lighting along Gordy Road extension</li> </ul>
Future Phases	<ul style="list-style-type: none"> <li>• To Be Determined</li> </ul>

## **QUANTITATIVE DEVELOPMENT DATA**

### **DEVELOPMENT DATA:**

See attached Planned Development master plan for development data relating to site area calculations.

### **PROPOSED USES AND INTENSITY ALLOCATIONS:**

Please refer to *Table 1-1 – Use and Intensity Allocation* for a list of general uses along with applicable intensities:

<b>TABLE 1-1 USE AND INTENSITY ALLOCATION</b>		
<b>General Use</b>	<b>Applicable Lot Type(s)</b>	<b>Intensity Allocation</b>
Warehouse	Flex-Industrial/Warehouse;	1,500,000 sf.
Multifamily Residential	Residential - Multifamily	650 Units
Shopping Center	Commercial General;	160,000 sf.
General Light Industrial	Flex Industrial/Warehouse;;	1,200,000 sf.
Convenience Store	Commercial General;	5,000 sf.
Fast Food Restaurant	Commercial General	10,000 sf.
High Turnover Restaurant	Commercial General	25,000 sf.

Uses and Intensities listed above in Table 1-1 were derived from ITE Trip Generation Rates – Ninth Edition, which provides for a baseline intensity by which traffic impacts were analyzed and mitigated for, if applicable. The uses listed in the General Uses column above are general in nature and account for similar uses contained within each general use category, the subsets of which may have lower trip generation rates than those listed above in Table 1-1. Please refer to Table 1-2 for Lot Types accommodated by the Planned Development along with associated Lot and Dimensional Requirements and Permitted Uses allowed within each Lot Type.

To provide flexibility in the build-out of the proposed development, Intensity Allocations provided above in Table 1-1 may be increased or decreased based on the Land Use Conversion Matrix below.

**Table 6: Villages at Midway Land Use Conversion Matrix**

	Land Use	Equivalent Square feet/Units						High Turnover Equivalent
		Warehouse Equivalent	Apartment Equivalent	Shopping Center Equivalent	General Light Industrial	Convenience Store Equivalent	Fast Food Equivalent	
<b>Land Use to Increase</b>	Warehouse (1,000 SF)	1,000	0.48	112	154	17	18	62
	Apartment (1 unit)	2086	1.00	234	322	35	38	130
	Shopping Center (1,000 SF)	8921	4.28	1,000	1,378	151	161	556
	General Light Industrial (1,000 SF)	6474	3.10	726	1,000	109	117	403
	Convenience Store (1,000 SF)	59211	28.39	6,637	9,146	1,000	1,071	3,689
	Fast Food Restaurant (1,000 SF)	55263	26.50	6,195	8,537	933	1,000	3,443
	High Turnover Restaurant (1,000 SF)	16053	7.70	1,799	2,480	271	290	1,000
	Hotel (1 room)	2559	1.23	287	395	43	46	159
	Office (1,000 SF)	9,013	4.32	1,010	1,392	152	163	561

## DESIGN AND DEVELOPMENT GUIDELINES

The following section will govern overall design and development guidelines for development occurring within the Village at Midway Planned Development. Table 1-2 provides lot size and dimensional requirements by lot type followed by applicable development standards relating to permitted and restricted uses, landscaping, tree protection, irrigation, site lighting, signage and architectural design standards.

<b>TABLE 1-2 LOT SIZE AND DIMENSIONAL REQUIREMENTS</b>										
Lot Type	Maximum Gross Density (DU/Ac.)	Min. Size	Min. Lot Width <sup>1</sup>	Min. Road Frontage	Minimum Yard <sup>2</sup>				Max. Bldg. Height <sup>3</sup>	Max. Lot Coverage By Bldg.
					Front	Rear	Side	Side Corner		
Flex Industrial/Warehouse,	N/A	1 ac.	100'	100'	25'	10'	0'	0'	60'	60%
Commercial - General	N/A	10,000 sf.	90'	70'	25'	10'	0'	0'	65'	60%
Residential – Multifamily	Up to 15 Units/Ac.	10,000 sf.	30'	30'	25'	10'	10'	15'	35'	60%

*Where more than one lot, or parts of more than one lot, are owned by a single owner and subjected to a unity of title, the setbacks between such lots and any platted easements along the lot lines dividing such lots, shall be disregarded, and such lots or parts of lots may be developed pursuant to single unified site plan. In such event, the setbacks and platted lot line easements shall only apply to the outside boundaries of the property subjected to the unity of title, as if it were a single platted lot.*

1 – Minimum Lot Depth to equal Minimum Lot Width.

2- Minimum Yard requirements abutting a Preserve Area to be a minimum of twenty five (25) feet from Preserve Area boundary. Unless otherwise noted, the minimum yard depth (if not the front yard) for portions of the property abutting a public or private right-of-way or residential district shall be fifteen (15) feet.

Minimum Yard Requirements for Townhomes:

The minimum depth of the front yard for townhome developments will be ten (10) feet.

The minimum depth of the side yards on the periphery of the townhome developments shall be ten (10) feet, except on corner lots the minimum side yard depth on a street side will be fifteen (15) feet.

The minimum depth of the side yard between individual townhome units or lots shall be zero (0) feet.

The minimum depth of the rear yard for townhome lots that abut an alley shall be zero (0) feet. The minimum depth of the rear yard for townhome lots with all other conditions shall be fifteen (15) feet.

Townhome developments shall be subdivided into a minimum lot width of sixteen (16) feet and maximum lot width of twenty-four (24) feet and are not required to have public road frontage.

3 – Maximum height for Hotel/Lodging buildings shall be a maximum of one hundred (100) feet if adjacent to I-95. If not adjacent to I-95, the sixty-five (65) foot maximum height limit shall apply.

**Permitted and Restricted Uses by Lot Type:**

**Restricted Use:**

With respect to each Lot Type, the terms “Permitted Uses” and “Restricted Uses” shall be defined as follows:

Permitted Uses: Uses which are allowed within such lot type, subject to all applicable conditions and requirements set forth herein.

Restricted Uses: Uses which are allowed only if approved in writing by Walton Acquisitions FL, LLC (“Developer”) as the developer of the Village at Midway Planned Development, subject to all applicable conditions and requirements set forth herein. The Declaration of Covenants and Restrictions for the Village at Midway shall address the procedures for (a) lot owners to apply for approval from Developer of a Restricted Use, (b) the Developer to approve or deny such applications, and (c) the Developer to assign its right to approve or deny Restricted Uses to a successor or assign. With respect to any application to use a lot for a Restricted Use, the Developer may approve such application, deny the application or approve the application with conditions.

In the event that the provisions of these Planned Development Guidelines contain any conflict or ambiguity as to whether a use is a Permitted Use or a Restricted Use, the use shall be deemed a Restricted Use.

**Agricultural Use:**

The following uses are permitted on all Lot Types within the Village at Midway Planned Development, at any time prior to the commencement of construction on such lots:

- a. Agricultural production – crops (01)
- b. Agricultural production – livestock & animal specialties (02)

Flex Industrial/Warehouse: The purpose of the Flex Industrial/Warehouse Lot Type is to provide and protect an environment suitable for light to heavy manufacturing, wholesale, and warehousing activities that generally may produce undesirable noise, vibration, odor, dust, or other offensive effects on the immediate area, together with such other uses as may be necessary to and compatible with industrial and warehouse surroundings. The number in "( )" following each identified use corresponds to the Standard Industrial Classification (SIC) Code, as maintained by the U.S. Department of Labor, as may be amended. The number 999 applies to a use not defined under the SIC Code. Office and/or retail uses that are ancillary to the principal use associated with and located on any Flex Industrial/Warehouse Lot Type may not exceed 1,500 sf. or 15% of the overall floor area, whichever is greater, of the principal use which the office and/or retail use(s) is serving. The following uses shall be permitted within the Flex Industrial/Warehouse Lot Type.

**Permitted Uses:**

- a. Agricultural services. (07)
- b. Business services. (73)
- c. Communications. (48)
- b. Construction services:

- (1) Building construction - general contractor. (15)
- (2) Other construction - general contractors. (16)
- (3) Construction - special trade contractors. (17)
- e. Docks and boathouses (private). (999)
- f. Engineering services. (871)
- g. Landscape and horticultural services. (078)
- h. Local and suburban transit. (41)
- i. Manufacturing:
  - (1) Food and kindred products. (20)
  - (2) Tobacco products. (21)
  - (3) Textile mill products. (22)
  - (4) Apparel and other finished products. (23)
  - (5) Lumber and wood products, except furniture. (24)
  - (6) Furniture and fixtures. (25)
  - (7) Printing and publishing and allied industries. (27)
  - (8) Chemicals and allied products:
    - (a) Drugs. (283)
    - (b) Soap, detergents and cleaning preparations; perfumes, cosmetics and other toilet preparations. (284)
    - (c) Agricultural chemicals. (287)
  - (9) Rubber and misc. plastic products. (30)
  - (10) Leather and leather products. (31)
  - (11) Glass:
    - (a) Flat glass. (321)
    - (b) Glass and glassware - pressed or blown. (322)
    - (c) Glass products - made of purchased glass. (323)
  - (12) Fabricated metal products (except ammunition and ordnance). (34)
  - (13) Industrial/commercial machinery and computer equipment. (35)
  - (14) Electronic and other electrical equipment and components, except computer equipment. (36)
  - (15) Transportation equipment. (37)
  - (16) Measuring, analyzing and controlling instruments. (38)
  - (17) Misc. manufacturing industries:
    - (a) Jewelry, silverware, and platedware. (391)
    - (b) Musical instruments and parts. (393)
    - (c) Dolls, toys, games and sporting goods. (394)
    - (d) Pens, pencils and other office and artists' materials. (395)
    - (e) Costume jewelry, costume novelties, and notions. (396)
    - (f) Brooms and brushes. (3991)
    - (g) Signs and advertising displays. (3993)
    - (h) Morticians goods. (3995)

- (i) Manufacturing industries, NIC. (3999)
- (18) Paper and allied products:
  - (a) Paperboard containers and boxes. (265)
  - (b) Converted paper and paperboard products. (267)
- j. Mobile food vendors. (999)
- k. Research, development, and testing services. (873)
- l. Transportation services. (47)
- m. Millwork and structural wood members. (243)
- n. Motor freight transportation and warehousing. (42)
- o. Motion pictures. (78)
- p. Membership organizations. (86)
- q. Personal and business services. (72)
- r. Photographic, medical and optical goods. (38)
- s. Plastic products – fabrication, molding, cutting, extrusion, and injection processing. (308)
- t. Research, development, and testing services. (873)
- u. Repair services:
  - (1) Automotive and automotive parking. (75)
  - (2) Electrical. (762)
  - (3) Watch, clock and jewelry repair. (763)
  - (4) Reupholstery and furniture repair. (764)
  - (5) Misc. repairs and services. (769)
- v. Retail trade:
  - (1) Lumber and other building materials. (521)
  - (2) Paint, glass and wallpaper. (523)
  - (3) Hardware. (525)
  - (4) Nurseries, lawn and garden supplies. (526)
  - (5) Mobile home dealers. (527)
  - (6) Automotive/boat/RV/motorcycle dealers. (55)
  - (7) Gasoline service. (55)
  - (8) Furniture and furnishings. (57)
- w. Ship, boat building and repairing – less than forty-five feet. (373)
- x. Sorting, grading and packaging services – citrus/vegetables. (0723)
- y. Telecommunication towers (999)
- z. Vocational schools. (824)
- aa. Watches and Clocks. (38)
- bb. Water transportation. (44)
- cc. Wholesale trade - durable goods:
  - (1) Motor vehicle and automotive equipment. (501)
  - (2) Furniture and home furnishings. (502)

- (3) Lumber and other building materials. (503)
- (4) Professional and commercial equipment/supplies. (504)
- (5) Metals and minerals, except petroleum. (505)
- (6) Electrical goods. (506)
- (7) Hardware, plumbing and heating equipment, and supplies. (507)
- (8) Machinery, equipment, and supplies. (508)
- (9) Misc. durable goods:
  - (a) Sporting and recreational goods. (5091)
  - (b) Toys and hobby goods. (5092)
  - (c) Jewelry, watches, precious stones and metals. (5094)
  - (d) Durable goods NEC. (5099)
- dd. Wholesale trade - nondurable goods:
  - (1) Paper and paper products. (511)
  - (2) Drugs. (512)
  - (3) Dry goods and apparel. (513)
  - (4) Groceries and related products. (514)
  - (5) Farm products - raw materials. (515)
  - (6) Chemicals, and allied products. (516)
  - (7) Beer, wine, and distilled alcoholic beverages. (518)
  - (8) Misc. nondurable goods:
    - (a) Farm supplies. (5191)
    - (b) Books, periodicals, and newspapers. (5192)
    - (c) Flowers, nursery stock and florists' supplies. (5193)
    - (d) Tobacco/tobacco products. (5194)
    - (e) Paints, varnishes and supplies. (5198)
    - (f) Nondurable goods, NEC. (5199)

Restricted Uses:

- a. Airport, landing and takeoff fields - general aviation. (4581)
- b. Kennels.
- c. Laundry, cleaning and garment services (721)
- d. Manufacturing:
  - (1) Paper and allied products. (26)
  - (2) Chemicals and allied products. (28)
  - (3) Petroleum refining and related products. (29)
  - (4) Stone, clay, glass and concrete products. (32)
  - (5) Primary metal industries. (33)
  - (6) Ammunition and ordinance. (348)
- e. Natural or manufactured gas storage and distribution points. (492)
- f. Scrap, waste and land clearing and yard trash recycling operations (999).
- g. Telecommunication towers (999)

- h. Warehousing and storage services - stockyards. (999)
- i. Wholesale trade - nondurable goods:
  - (1) Petroleum and petroleum products. (999)

Commercial – General: The purpose of the Commercial General Lot Type is to provide and protect an environment suitable for a wide variety of commercial uses intended to serve a population over a large market area, which do not impose undesirable noise, vibration, odor, dust, or offensive effects on the surrounding area, together with such other uses as may be necessary to and compatible with general commercial surroundings. The number in "( )" following each identified use corresponds to the Standard Industrial Classification (SIC) Code, as maintained by the U.S. Department of Labor, as may be amended. The number 999 applies to a use not defined under the SIC Code. The following uses shall be permitted within the Commercial - General Lot Type:

Permitted Uses:

- a. Adjustment/collection and credit reporting services. (732)
- b. Advertising. (731)
- c. Amusements and recreation services - except stadiums, arenas, race tracks, amusement parks. (79)
- d. Apparel and accessory stores. (56)
- e. Beauty and barber services. (723/724)
- f. Building materials, hardware and garden supply. (52)
- g. Cleaning services. (7349)
- h. Commercial printing. (999)
- i. Communications - except towers. (48)
- j. Computer programming, data processing and other computer serv. (737)
- k. Contract construction serv. (office and interior storage only). (15/16/17)
- l. Cultural activities and nature exhibitions. (999)
- m. Depository institutions. (60)
- n. Duplicating, mailing, commercial art/photo. and stenog. serv. (733)
- o. Eating places. (581)
- p. Educational services - except public schools. (82)
- q. Engineering, accounting, research, management and related services. (87)
- r. Executive, legislative, and judicial functions. (91/92/93/94/95/96/97)
- s. Farm labor and management services. (076)
- t. Financial, insurance, and real estate. (60/61/62/63/64/65/67)
- u. Food stores. (54)
- v. General merchandise stores. (53)
- w. Health services. (80)
- x. Home furniture and furnishings. (57)
- y. Membership organizations (86)
- z. Miscellaneous retail (see SIC Code Major Group 59):
  - (1) Drug stores. (591)

- (2) Sporting goods. (5941)
- (3) Book and stationary. (5942/5943)
- (4) Jewelry. (5944)
- (5) Hobby, toy and games. (5945)
- (6) Camera and photographic supplies. (5946)
- (7) Luggage and leather goods. (5948)
- (8) Florists. (5992)
- (9) Optical goods. (5995)
- (10) Misc. retail (See SIC Code for specific uses). (5999)
- aa. Miscellaneous personal services (see SIC Code Major Group 72):
  - (1) Tax return services. (7291)
  - (2) Misc. retail (See SIC Code for specific uses). (7299)
- bb. Mobile food vendors (eating places, fruits and vegetables-retail). (999)
- cc. Motion pictures. (78)
- dd. Motor vehicle parking-commercial parking and vehicle storage. (752)
- ee. Museums, galleries and gardens. (84)
- ff. Personnel supply services. (736)
- gg. Postal services. (43)
- hh. Real estate. (65)
- ii. Repair services:
  - (1) Shoe repairs. (725)
  - (2) Watch, clock, jewelry, and musical instrument repair. (7631)
- jj. Retail trade:
  - (1) Antiques. (5932)
  - (2) Apparel and accessories. (56)
  - (3) Books and stationery. (5942/5943)
  - (4) Cameras and photographic supplies. (5946)
  - (5) Drugs and proprietary. (5912)
  - (6) Eating places. (5812)
  - (7) Florists. (5992)
  - (8) Food stores. (54)
  - (9) Gifts, novelties, and souvenirs. (5947)
  - (10) Hobby, toy and game shops. (5945)
  - (11) Household appliances. (572)
  - (12) Jewelry. (5944)
  - (13) Newspapers and magazines. (5994)
  - (14) Optical goods. (5995)
  - (15) Nurseries, lawn and garden supplies. (526)
  - (16) Radios, TV's, consumer electronics and music supplies. (573)

- (17) Sporting goods and bicycles. (5941)
- (18) Tobacco products. (5993)
- kk. Travel agencies. (4724)

Restricted Uses:

- a. Amphitheaters. (999)
- b. Automobile dealers. (55)
- c. Automotive rental, repairs and serv. (except body repairs). (751, 753, 754)
- d. Car washes (999)
- e. Equipment rental and leasing services. (735)
- f. Funeral and crematory services. (726)
- g. Gasoline service stations. (5541)
- h. Landscape and horticultural services. (078)
- i. Laundry, cleaning and garment services. (721)
- j. Miscellaneous Retail.
  - (1) Used merchandise stores. (593)
  - (2) Gifts, novelty and souvenir. (5947)
  - (3) Fabric and mill products. (5949)
  - (4) Catalog, mail order and direct selling. (5961/5963)
  - (5) Liquefied petroleum gas (propane). (5984)
  - (6) Tobacco. (5993)
  - (7) News dealers/newsstands. (5994)
- k. Miscellaneous business services (see SIC Code Major Group 73):
  - (1) Detective, guard and armored car services. (7381)
  - (2) Security system services. (7382)
  - (3) News syndicate. (7383)
  - (4) Photofinishing laboratories. (7384)
  - (5) Business services - misc. (7389)
- l. Mobile home dealers. (527)
- m. Photo finishing services. (7384)
- n. Photographic services. (722)
- o. Recreation facilities. (999)
- p. Repair services. (76)
- q. Retail trade
  - (1) Nurseries, lawn and garden supplies. (526)
  - (2) Gasoline services - accessory to retail food stores under SIC-5411. (999)
  - (3) Undistilled alcoholic beverages accessory to retail sale of food. (5921-Except for liquor)

- r. Social Services:
  - (1) Individual and family social services. (832/839)
  - (2) Child care services. (835)
  - (3) Job training and vocational rehabilitation services. (833)
- s. Veterinary services. (074)
- t. Drinking places (alcoholic beverages) - free-standing. (5813)
- u. Disinfecting and pest control services. (7342)
- v. Amusement parks. (7996)
- w. Go-cart tracks. (7999)
- x. Hotels and motels. (701)
- y. Household goods warehousing and storage-mini-warehouses. (999)
- z. Marina - recreational boats only. (4493)
- aa. Motor vehicle repair services - body repair. (753)
- bb. Sporting and recreational camps. (7032)
- cc. Retail trade:
  - (1) Liquor stores. (592)
- dd. Stadiums, arenas, and race tracks. (794)
- ee. Telecommunication towers (999)

**Residential – Multifamily:** The purpose of the Residential – Multi-family Lot Type is to provide and protect an environment suitable for multiple-family dwellings at a maximum density of fifteen (15) dwelling units per acre, together with such other uses as may be necessary for and compatible with multiple-family developments. The number in "( )" following each identified use corresponds to the Standard Industrial Classification (SIC) Code, as maintained by the U.S. Department of Labor, as may be amended. The number 999 applies to a use not defined under the SIC Code. The following uses shall be permitted within the Residential Multi-family Lot Type:

**Permitted Uses:**

- a. Multiple-family dwellings (three (3) or more units). (999)

**Restricted Uses:**

- a. Community residential homes (999)
- b. Family day care homes. (999)
- c. Family residential homes provided that such homes shall not be located within a radius of one thousand (1,000) feet of another existing such family residential home and provided that the sponsoring agency or the Department of Health and Rehabilitative Services (HRS) notifies the City Commission at the time of home occupancy that the home is licensed by HRS. (999)
- d. Single-family detached dwellings. (999)
- e. Two-family dwellings. (999)

**Prohibited Uses:**

In addition to those prohibited uses described above, the following uses are not permitted within the Village at Midway Planned Development:

- Adult Establishments: No establishment engaged in the sale, purveying, showing or exhibition and the like of erotica is permitted.

- Any other use or uses not specifically listed herein.

**Open Space:**

Pursuant to Sec. 22-40(b)(3) of the City of Fort Pierce Code of Ordinances, a minimum of 20% of the site area of this development is required to be set aside as Open Space (516.32 ac. x .2 = 103.26 ac.). As part of Phase I of the proposed development, a Preserve Area totaling 136.40 ac. will be placed under a Conservation Easement; this area shall satisfy the required minimum Open Space requirement for the entire site.

**Site Plan Review:**

Development proposed on any one (1) or more lots within the Planned Development shall be reviewed in accordance with Sec. 22-58 – Site Plan Review.

**Landscaping, Tree Protection and Mitigation, and Irrigation:**

**General landscaping requirements:**

All landscape plans shall meet or exceed the following general landscaping requirements which shall be considered complimentary to landscaping provisions contained in the Village at Midway Covenants, Conditions and Restrictions. A certificate of occupancy shall not be issued on any permit for the use, construction, repair or renovation of any structure within the Planned Development, whether residential, commercial, industrial or accessory, unless application for any such permit is accompanied by a detailed landscape plan meeting all requirements of this article.

- (1) Requirements for plant materials. Plant materials used for conformance with this section shall meet or exceed the standards for Florida No. 1 as set out in the most current edition of "Grades and Standards for Nursery Plants Part 1 and Part 2.", State of Florida, Department of Agriculture, Tallahassee. All trees required by this article (excluding palms that are exempt from the grades and standards) shall have a Florida No. 1 or better "Grades and Standards" certification tag attached at time of delivery through final inspection. Grass sod shall be clean and free of weeds, pests and diseases.

Trees:

- a. Trees used to meet the requirements of this section shall be species which when planted have a height of at least twelve (12) feet and have trunks which can be maintained in a clean condition for over five (5) feet of clear wood. At planting, the trees shall have a diameter of at least two and one-half (2½) inches at a point four and one-half (4½) feet above ground level and a spread of at least five (5) feet (except for palms which shall have a minimum clear trunk of ten (10) feet).
- b. Trees used to meet the requirements of this section shall also be species which in St. Lucie County normally grow in a manner such that at maturity they will have a minimum crown spread of fifteen (15) feet and a minimum height of fifteen (15) feet. Trees which can meet the height requirement at maturity but not the crown requirements may be grouped to form a wider crown, but will be counted as one tree. Three palms may be substituted for one tree provided that fifty (50) per cent of requirement shall be trees.
- c. Fifty (50) per cent of the required trees shall be species other than palm trees (Palmaceae family) except when planted in accordance with an approved plan prepared by a Florida registered landscape architect.
- d. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be three (3) feet times five (5) feet and five (5) feet deep, and for which the construction requirements shall be six-inch thick concrete with fiber mesh and no wire mesh or by a root barrier product approved by the city engineer.

- e. None of the following trees shall be planted within the Village at Midway Planned Development and where they presently exist when permit application is made, their removal shall be a condition of any final development order: *Melaleuca*, *leucadendron* (punk tree), *Schinus terebinthifolius* (Brazilian pepper) and *Casuarina* sp. (Australian pine). Nor may any of the following trees be planted for purposes of complying with requirements of this article: any species designated as category I on the Exotic Plant Pest Council's current list of "Florida's Most Invasive Species", *Cupaniopsis anacardioides* (Carrotwood), *Dalbergia sissoo* (Rosewood), *Albizia lebbek* (Woman's tongue), *Araucaria heterophylla* (Norfolk Island pine), *Grevillea robusta* (Silk oak), *Melia azadaracha* (Chinaberry), *Ficus* spp. (non-native *Ficus*), *Eucalyptus* spp. (*Eucalyptus*).
  - f. Shrubs and hedges. Shrubs used to meet the requirements of this section shall be a minimum of twenty-four (24) inches in height when planted. Hedges, where required, shall be planted and maintained so as to form a thirty-six-inch or higher continuous, unbroken, solid, visual screen.
  - g. Ground covers. Ground covers used in lieu of grass, or in part, to meet the requirements of this section, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (12) months after planting.
  - h. Grass. Grass used to meet the requirements of this section shall be planted with species normally grown as permanent lawns in the county. Grass areas will be sodded, except that plugging, sprigging or seeding of grassy areas may be permissible with respect to expansive areas. As to all lots, solid sod shall be used in swales, detention or retention areas and other areas subject to erosion.
  - i. Existing plant material. When plant material exists on a site prior to the date application for a permit is made, credit may be allowed for such plant material provided that it is protected during construction and incorporated into the required landscaping in a manner which satisfies the requirements of this article.
- (2) Landscaped areas. Each separate landscaped area shall have at least one tree, one or more shrubs, or one or more hedges, and ground cover. So as to support long term plant health, planting soil for all landscaped areas shall consist of existing soil mixed with fifty (50) per cent recycled top soil. Such planting soil shall be free of debris, roots, clay, stones, plants or other foreign materials. The planting soil meeting requirements of this subsection shall extend to an appropriate depth so as to eliminate any hindrance to planting operations or detriment to good plant growth. Compliance with these soil requirements shall be verified as part of the final inspection.
  - (3) Landscape strips. Between street rights-of-way and vehicular use, building and retention/detention areas, there shall be a landscaped strip of land, except where driveways are located, meeting these requirements:
    - a. The strip shall be at least six (6) feet wide for lots under ten thousand (10,000) square feet in size and at least ten (10) feet wide for lots ten thousand (10,000) square feet or larger;
    - b. The landscape strip shall include an average of at least one tree for each three hundred (300) square feet of required landscaped area. The remainder of the required landscaped area shall be completely covered with grass, ground cover or other landscaped treatment and shall additionally contain a screen of landscaping which shall be installed and maintained so as to form a thirty-six-inch or higher continuous, unbroken, solid, visual screen within a maximum of one year after the landscaping takes place, except in clear vision areas required in section 22-53.
  - (4) Other property. All property, other than the required landscape strip, located between street right-of-way and buildings, shall be completely covered with grass or other ground cover except to the extent there are permitted, impervious surface structure such as sidewalks, plazas and driveways.
  - (5) Vehicular use, building, retention/detention areas adjacent to other property. Landscape standards for these areas are as follows:

- a. Where a vehicular use area does not abut a street right-of-way but abuts other property, there will be a landscaped strip of land which is at least ten (10) feet wide. When a property line abuts a building, another structure, a joint driveway or joint parking area, such landscaped strip shall not be required.
  - b. The landscaping strip required by the immediately foregoing subsection shall include an average of at least one tree for each two hundred (200) square feet of the required landscape area. The remainder of the required landscape area shall be landscaped with grass, ground cover or other landscape treatment. When the area to be screened abuts residentially zoned property, a site-obscuring fence or planted material which is not less than six (6) feet in height shall be included. If planted material is used, it shall be planted and maintained so as to form a three-foot or higher continuous, unbroken, solid visual screen within a maximum of one year after planting. The planted material shall be a species which in St. Lucie County normally grows to a height of six (6) feet or more.
- (6) Interior vehicular use areas. The following are standards relating to landscaping of interior vehicular use areas:
- a. Lots with vehicular use areas that are four thousand (4,000) or more square feet in size shall have at least one square foot of interior landscaping for each fifteen (15) square feet of vehicular use area, except that areas in a Flex Industrial/Warehouse Lot Type shall only be required to have at least one square foot of interior landscaping for each thirty (30) square feet of vehicular use area. Each separate landscaped area shall be curbed and contain a minimum of one hundred (100) square feet of area and shall be at least ten (10) feet wide and ten (10) feet deep exclusive of curbing in all locations. Progressive urban parking area designs may be used to provide adequate space for multiple tree plantings and allow for proper tree root development so shade trees can grow and develop large canopies to reduce parking lot heat islands.
  - b. Interior landscaping shall include an average of at least one tree for each one hundred (100) square feet of required landscaped area. The remainder of the required landscaped area shall be landscaped with grass, ground cover or other landscaped treatment. Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.
  - c. When trees exist on a site prior to site development, the amount of the required interior landscaped area may be reduced by the following amount for preserving existing trees, provided that the total amount of the interior landscaped area is not reduced by more than fifty (50) per cent.

Diameter of tree	Reduction in interior
4.5 feet above ground level	Landscaped areas
Over 12 inches	500 square feet
6 inches to 12 inches	400 square feet
Under 6 inches but over 3 inches	100 square feet

These reductions in the interior landscaped areas shall only apply where the preserved tree is in a planting area which has dimensions not less than the radius of the crown spread measured from the trunk center and where no grade changes within the landscaped area may be anticipated.

- (7) Lands adjacent to street right-of-way. Lands immediately adjacent to street right-of-way shall meet the following requirements:

- a. Trees will be planted along the public right-of-way, but not in conflict with overhead or below ground utilities, to assure shading for sidewalks and to contribute to the streetscape design of the roadway;
- (8) Other areas. When an area other than a vehicular use and retention/detention area of a developed lot in a Flex Industrial/Warehouse or Commercial- General Lot Type abuts a Multi-Family Lot Type, such area in a commercial or industrial zone shall have a site obscuring fence or planted material so as to provide a visual and noise buffer between such areas and the lot in the residential zone. Such fence will be constructed from wood, stone, brick or other suitable material and be a minimum of six (6) feet high. If planted material is used, it shall be planted and maintained so as to form a thirty-six-inch or higher continuous, unbroken solid screen. There shall be at least one shrub, bush or vine planted along the fence for each ten (10) feet of fence for the purpose of beautifying the fence. Slats shall not be put into chain-link fence to obscure the view. The planted material shall be a species which in the county normally grows to a height of six (6) feet or more.
  - (9) Screening of refuse collection areas. Refuse and recycling dumpsters utilized within any Lot Type shall be screened from view on all sides and shall be gated. Gates may be left open only on scheduled pick up days and must be closed following pick up. Such screening shall consist of a six-foot-high masonry wall or wooden fence. In addition, when feasible, one shrub or hedge shall be planted at two-foot centers along the outside perimeter of the screen. Dumpsters shall be located in an area that minimizes public view.
  - (10) Installation of landscaping. All landscaping required by this section shall be installed in compliance with these requirements:
    - a. Landscaping shall be installed in accordance with the approved landscape plan, including all specified conditions to a particular landscape approval, and inspected prior to issuance of a certificate of occupancy. Such inspection shall include verification that planting soil meets specified composition and depth requirements. In the event there are any changes to the approved landscape plan, such changes must be reviewed and approved by the City Planning Department and noted on the plan prior to notification for the final inspection for a certificate of occupancy.
    - b. Landscaped areas shall be covered in their entirety with shrubs, ground cover, turf, or three (3) inches of bulk organic mulch or other suitable material which permits percolation and is approved by the department. Where mulch is used, it must be protected from washing out of the planting bed. Inorganic mulch, such as gravel or rock, should only be used where washouts occur. The final inspection prior to issuance of certificate of occupancy, shall include verification that any mulch is installed at the requisite depth.
    - c. Trees which are balled and burlaped must have the burlap removed or folded down at the time of the planting. All twine or rope must be removed. If wire baskets are used, the upper rows must be cut before planting. Remove all soil from above the root flare and plant the tree so the top of the root ball is ten (10) per cent above the landscape soil. Do not place any soil or mulch over the root ball. If stakes or guide wires are used to support a tree, the wire must be covered with protective material where it is in contact with the tree and the stakes or guide wires must be removed after one year.
    - d. All landscaping required by this section must be protected from vehicular and pedestrian traffic by the installation of curbing, wheel stops or other protective devices along the perimeter of any landscaping which adjoins vehicular use areas or sidewalks. These protected devices shall have a minimum height of six (6) inches above grade.
    - e. No parking, display of vehicles or outside storage or display of merchandise is permitted in or over any required landscape area, nor are vehicles permitted to overhang any required landscaped area.
    - f. Soil, except for planting soil, in which required landscape is to be installed must be generally indigenous to the locale. Soil must be loose, friable, and free of limestone and other construction materials, road base material, rocks, weeds, grasses, hard pan, clay or other

debris. PH shall be adjusted where necessary to be compatible with the plant species being installed. Soil shall be slightly swaled to retain surface stormwater. Backfill soil material shall be thoroughly watered in and around plant root balls to prevent any air pockets. The use of amended and enriched soils may be required where necessary to increase the water retention capabilities of soil in order to reduce the amount of watering needed to meet the landscaping water requirement. Final inspection of required landscape prior to issuance of the certificate of occupancy shall include PH testing to verify compatibility with permitted plantings.

- g. To minimize traffic hazards at street or driveway intersections, all landscaping installations must provide unobstructed views as required by applicable City of Fort Pierce Code of Ordinances.
- h. Any irrigation system placed on city right-of-way will be the responsibility of the property owner who shall relocate, replace or repair the system as appropriate in the event it is damaged due to permitted construction in the right-of-way.
- i. Prior to issuance of certificate of occupancy, final landscape installation shall be certified as complete and in conformance to the approved landscape plan by submission of a certification letter by a landscape architect.

(11) Maintenance of landscaping. Property owners shall maintain all required landscaping within their respective lot so that it continues to present a healthy, neat and orderly appearance free of refuse and debris, in conformity with the following requirements:

- a. Vegetation required by this section shall be replaced with equivalent vegetation if it is not living. All trees for which credit is awarded and which subsequently die shall be replaced by the same number of living trees according to the standards established in this article.
- b. Maintenance shall include sufficient weeding, watering, fertilizing, pruning, mowing, edging, mulching and other horticultural practices so as to assure that the landscaping continues to maintain a healthy, neat and orderly appearance.

(12) Landscape Plans:

(a) Refer to current City of Fort Pierce Code of Ordinances for applicable landscape plan submittal requirements.

(13) Irrigation plans:

(a) Refer to current City of Fort Pierce Code of Ordinances for applicable irrigation design and plan submittal requirements.

**Tree Protection and Mitigation:**

- (a) Prior to the removal or grubbing of native vegetation for the purpose of implementing a final development order, the removal plan shall demonstrate that reasonable effort was made to micro-site impervious surfaces so as to protect such vegetation.
- (b) Any native tree at least fourteen (14) inches in diameter at breast height (DBH), except for palms which have a minimum clear trunk of ten (10) feet, shall be preserved and protected in accordance with this article, unless the tree is determined to be a safety hazard, prevents the reasonable development of a site, is causing damage to structures or more desirable trees around it, is infected with disease or is infested with insects. A land clearing applicant shall demonstrate why the tree should not be protected or why it is not feasible to develop without removing the tree.
- (c) When a native tree is at least fourteen (14) inches DBH, except for palms which shall have a minimum clear trunk of ten (10) feet, is to be removed pursuant to a tree removal permit, such permit shall not be issued unless or until there is additionally approved by the department a mitigation plan. Any

replacement trees which are the subject of such mitigation shall be planted, relocated, or preserved before issuance of the final development order.

- (d) Mitigation shall be required for the loss of any native tree at least fourteen (14) inches DBH (except for palms which shall have a minimum clear trunk of ten (10) feet) and shall include the following:
  - (1) The replacement trees, either preserved, relocated or newly planted, shall be of the same or other native species as the tree(s) approved for removal;
  - (2) The quality and replacement of the replacement trees shall exceed the minimum landscape requirements otherwise set out in this article and shall be at least twelve (12) feet tall and two and one-half (2½) inches DBH except for palms which shall have a minimum clear trunk of ten (10) feet. Any tree which is the subject of a mitigation plan shall be replaced at a ratio of one inch DBH for each inch of DBH removed, except that each palm tree which is preserved through on-site protection or relocation will count towards any required palm tree mitigation requirement at a rate of one palm tree preserved/relocated equal to one palm tree removed. The following mitigation credit shall apply:
    - a. Trees preserved or relocated on-site, which exceed the minimum landscape requirements of this article shall count as equivalent replacement DBH;
    - b. Trees planted on-site which exceed the minimum landscape code shall count as half credit towards the mitigation requirements.
  - (3) The replanting design shall provide adequate space for root and crown development;
  - (4) The property owner shall be responsible for maintenance of the mitigation trees, such responsibility to include replacement of unhealthy and dead trees. The property owner shall submit to an on-site inspection of the planted/preserved vegetation twelve (12) months after the issuance of the final development order or permit approval. If it is determined that the planted vegetation is dead, diseased or otherwise not in compliance with provisions of this Code and the original approved mitigation plan, the property owner shall be provided notice and directed to correct any such deficiencies and replace all non-compliant materials within sixty (60) days.
  - (5) When the property being developed is not suitable for on-site mitigation, the applicant's plan, may, with city approval, provide for use of a site on city public lands providing that the applicant furnishes all necessary services incident to such mitigation on public property, including but not limited to funding of plant materials and labor. Alternatively, the applicant may contribute a fee established by the city commission by resolution per inch DBH required for mitigation to the city to be used by the city for acquisition, maintenance or planting of native trees on publicly owned lands. Any such monies contributed in satisfaction of the applicant's mitigation requirement shall be placed in a specially designated fund entitled the City of Fort Pierce Tree Preservation Funds, the use of which is limited as provided in this section.
- (e) Tree protection as justification for variance relief from other land development regulations. Inasmuch as tree protection is determined to be a vital importance to the health, safety, aesthetics and well-being of the community, the interest in preserving a protected tree shall be considered prima facie a unique or special condition or circumstance peculiar to the land involved for the purpose of application for a variance from the literal requirements of a land development ordinance, or these design and development guidelines, such as building set backs, parking space requirements, or minor or residential street right-of-way widths, providing adjustments are made elsewhere on the site to preserve the maximum permitted lot coverage and the total minimum number of parking spaces, and provided safety precautions are taken to offset any hazard resulting from decreased right-of-way widths.
- (f) Pruning and trimming. Trees shall be pruned only as necessary to promote uniform healthy growth. Trees shall be allowed to attain their natural size. Trees may be pruned to remove diseased or dying portions in areas where falling limbs may be a hazard to people or property. Lower limbs and suckers may be selectively removed to provide clearance for pedestrians. In addition, trees located in association with vehicular use areas shall also be pruned to allow for a clearance of seven (7) feet from ground level to avoid potential for damage or injury to vehicles and pedestrians. However, excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary

reduction of leaf mass shall be prohibited. Severe cutting back of lateral branches and canopy or topping or hatracking trees is expressly prohibited. All pruning shall be accomplished in accordance with National Arborists Association standards for pruning. The City planning department shall maintain a stock of these written standards to give out to permit applicants, particularly though not exclusively to homeowners. Pruning restrictions shall not apply to trees under power lines except for Historic trees, Live oak trees (*Quercus virginiana*) and other valuable trees specified by the department that fall in the protected tree size range. In the event that any tree trimmer is found to be in violation of these guidelines, the director of development is authorized to direct that all tree trimming activities are halted until corrective measures are accomplished such as but not limited to installation of protective covers for electric wires that will eliminate the need for trimming specific trees.

**Signs (Not including Off-premises Signs/Billboards):**

- (a) General. In addition to the requirements set forth herein below for Permitted Temporary Signs and Permitted Permanent Signs, this section shall apply to specific types of signs.
- (b) On-premises signs.
  - (1) Wall signs:
    - a. Shall not extend more than eighteen (18) inches from the wall or facade of the building to which they are attached.
    - b. Shall not extend more than twenty-four (24) inches above the roof or parapet of a building, whichever is greater.
    - c. Shall be located on the main street wall face of the establishment or building they identify except that up to fifty (50) per cent of such permitted sign area may be located on other wall faces.
    - d. Shall be adequately constructed and securely anchored in accordance with the requirements of Chapter 23 of the Standard Building Code.
  - (2) Projecting signs:
    - a. Shall provide a vertical clearance of not less than nine (9) feet over any pedestrian walkway or fourteen (14) feet over any vehicular driveway.
    - b. Shall not extend closer (leading edge measured horizontally) than eighteen (18) inches to the curbface or, where no curb is installed, to the curblines as established by the city engineer, whichever is less.
    - c. Shall not extend more than twenty-four (24) inches above the roof or parapet of a building, whichever is greater.
    - d. Shall be adequately constructed and securely anchored in accordance with the requirements of Chapter 23 of the Standard Building Code.
  - (3) Ground signs:
    - a. Sites that are less than three (3) acres shall have a maximum height of ten (10) feet in height,
      - 1. Sites that are greater than three (3) acres and less than five (5) acres shall have a maximum height of twelve (12) feet.
      - 2. Sites that are greater than five (5) acres and less than ten (10) acres shall have a maximum height of fifteen (15) feet.
      - 3. Sites that are greater than ten (10) acres and less than twenty (20) acres shall have a maximum height of eighteen (18) feet.
      - 4. Sites that are greater than twenty (20) acres shall have a maximum height of twenty (20) feet.

- b. Shall not be located less than five (5) feet from any public right of way line, adjacent property line, or structure.
- c. Shall provide a vertical clearance of not less than nine (9) feet over any pedestrian walkway or fourteen (14) feet over any vehicular driveway.
- d. Shall be adequately constructed and securely anchored in accordance with the requirements of Chapter 23 of the Standard Building Code.
- e. Shall have a landscaped area around its base which extends a minimum distance of three (3) feet in all directions. Such landscaped area shall be completely covered by ground cover and shrubs, hedges or similar vegetative materials. Vegetation in the area surrounding said sign shall be maintained at a height of less than twelve (12) inches.
- f. Shall conform to the clear vision areas of section 53 of the City of Fort Pierce Zoning Ordinance with support structures limited to a maximum two (2) feet in diameter.

**Permitted Temporary Signs:**

- (a) General. The types and sizes of advertising structures in this section shall be permitted on a temporary basis subject to the following provisions.
- (b) Real estate signs. Real estate signs:
  - (1) Shall be limited to one sign per parcel, establishment or dwelling unit.
  - (2) Shall not exceed the following maximum sign areas by Lot Type:

District	Square Feet
Flex Industrial/Warehouse, Commercial – General, Multi-Family	32

- (3) Shall be removed within ten (10) days after the real estate transaction.
- (4) Shall not be illuminated.

- (c) Construction project signs. Construction project signs:
  - (1) Shall be limited to one sign per active construction project.
  - (2) Shall not exceed the following maximum sign areas by Lot Type:

District	Square Feet
Flex Industrial/Warehouse, Commercial – General, Multi-Family	32

- (3) May contain the name of the project, contractor, subcontractor, architect, developer, supplier or financial institution.
- (4) Shall not be erected prior to the issuance of a building permit and shall be removed prior to the issuance of a certificate of occupancy or certificate of completion.
- (5) Shall not be illuminated.

- (d) Political signs:
  - (1) Permitted to be located only on properties in the Flex Industrial/Warehouse and General Commercial Lot Types. Political signs may be no larger than four (4) square feet, excluding the freestanding supports. Said signs shall be freestanding on their own supports and not attached to utility poles, lampposts or other common area property. Said signs shall not have an aggregate height of the sign, including the support, exceeding three (3) feet, to be measured from the ground

to the top of the actual sign, so as not to impede vision of traffic at intersections or on streetways, and said signs shall be placed on residential property no closer than twenty (20) feet from the road right-of-way or from any intersection abutting or adjacent to the property where the sign is placed so as not to impede vision of traffic at intersections. There shall be no more than one sign per political candidate or political issue per lot, and every sign in residential districts shall contain a posting date showing the date it was erected, and that date may be no sooner than thirty (30) days prior to the election in which the candidate or issue will be first on the ballot, and the date of election and the name of the person or entity erecting or posting said sign. Each sign shall be removed by the person stated on the sign within seven (7) days after the election in which the candidate or issue was last on the ballot. The city may remove any sign posted on the property if the sign is not posted in a manner specified above or more than seven (7) days have passed since the election and/or ballot. If the city incurs costs and expenses for the removal of signs because they are posted in violation of any provisions of this subsection, the person or entity named on the sign as provided for above shall be billed by the city for the costs and/or expenses of said removal. In the event that litigation arises out of the enforcement of this subsection, the city shall be entitled to all litigation costs, including attorney's fees through the appellate level.

- (2) May be erected no sooner than thirty (30) days prior to the election in which the candidate or issue will first be on the ballot.
- (3) Shall be removed within seven (7) days after the election in which the candidate or issue was last on the ballot.

(e) Special event signs:

- (1) May be permitted by the developer for a specific purpose and period of time.
- (2) May be displayed up to fourteen (14) days prior to the special event, during the special event which shall not exceed sixty (60) days and shall be removed within seven (7) days after the event.
- (3) Shall not exceed thirty-two (32) square feet in sign area, except that the combined area of all banners shall not exceed the sign area allowed for on-premises wall or projecting signs.
- (4) Shall not be illuminated.

(f) Streamers, pennants and flags.

- (1) Shall be maintained in good condition; torn, weathered or otherwise deteriorated streamers or flags shall be repaired, replaced or removed.

(g) Proposed development signs.

- (1) Shall be limited to one sign per parcel or establishment or dwelling unit.
- (2) Shall not exceed the following maximum sign area by Lot Type:

Lot Type	Square Feet
Flex Industrial/Warehouse, Commercial – General, Multi-Family,,	32

- (3) Shall have the date of erection in the lower left-hand corner of sign in letters and/or numbers at least one inch high.
- (4) Shall not remain on the premises more than two years.

**Permitted Permanent Signs:**

The following types and sizes of signs or advertising structures of a permanent nature shall be permitted within the following zoning districts:

- (1) Multi-Family Lot Type

1. One nonilluminated nameplate per individual dwelling unit, which shall not exceed one square foot each in sign area.
  2. One nonilluminated wall or ground sign per entrance identifying only the name and/or address of a permitted principal building or use, which shall not exceed eighteen (18) square feet in sign area. Ground signs shall not exceed six (6) feet in height.
  3. Nonilluminated directional signs, which shall not exceed six (6) square feet in sign area, may be installed as needed to ensure adequate way-finding.
- (2) Flex Industrial/Warehouse and Commercial – General Lot Types.
1. Off-premises signs.
  2. One wall sign or one projecting sign per tenant, which shall not exceed a sign area equal to twenty (20) per cent of the total wall face area fronting on the main street.
  3. Any establishment, or group of establishments, which has a main street lot frontage of sixty (60) linear feet or more, shall also be permitted one ground sign. Such sign shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street of lot frontage, up to a maximum of two hundred (200) square feet except that one additional ground sign shall be permitted when the main street lot frontage exceeds five hundred (500) feet. The second ground sign shall not exceed a sign area equal to one square foot for every three (3) linear feet of main street lot frontage in excess of the first five hundred (500) feet of frontage, up to a maximum of two hundred (200) square feet. Structures on out parcels with a single tenant having sixty (60) feet of frontage or more shall also be permitted a separate ground sign subject to the restrictions above. The out parcel frontage shall not be subtracted in calculating the frontage for the group of establishments.
  4. One pedestrian sign per tenant, which shall not exceed six (6) square feet in sign area.
  5. One rear entrance wall sign per tenant, which shall not exceed six (6) square feet in sign area.
  6. Window display signs per tenant, which shall not exceed twenty-five (25) per cent of such open window area.
  7. Directional signs, which shall not exceed six (6) square feet in sign area may be installed as needed to ensure adequate way-finding.
  8. In addition to the other signage set forth herein, buildings with frontage on I-95 may have wall signage with a sign face area not to exceed 20% of the building façade facing I-95 or projecting wall signage not to exceed 20% of the building façade facing I-95.

**Off-premises Signs/Billboards:**

There currently exist two (2) two-sided billboards along the I-95 frontage, which lie within the Planned Development project boundary. The billboards are located approximately where shown on the attached Planned Development Site Plan. Developer does not own the billboards and both billboards lie within a 60' Access, Utility, Drainage and Billboard Easement, which provides for the right of the billboard owner to keep and maintain the billboards. The existence of the two (2) existing billboards shall be disregarded for purposes of determining what signage may be constructed for any development within the Planned Development. The sign face area of the two (2) existing billboards shall not be included in calculating or otherwise determining allowable sign face area for any development occurring within the Planned Development. Additionally, the sign face area of the two (2) existing billboards shall not be included in calculating or otherwise used to determine allowable sign face area of tenants or users within the Planned Development should tenants or users utilize billboard signage on one (1) or both sides of the two (2) existing two-sided billboards.

**Lighting:**

In addition to requirements relating to the type and style of allowable lamps, lighting fixtures, and light poles, as contained in the Village at Midway POA documents, the following lighting standards shall apply to all development internal to the Village at Midway Planned Development:

Lighting standards for streets:

All interior streets shall be illuminated as follows:

- a. At least one (1) average foot-candle for streets classified as local, collector, arterial or higher classification;
- b. At least one half (0.5) average foot-candle for streets other than collector, arterial or higher classification;
- c. At least one (1) average foot-candle for sidewalks, pedestrian pathways and other pedestrian areas, other than parks, preserve areas,

Lighting standards for vehicular use areas (i.e., drive ways, drive aisles, parking areas and the like), other than a street, internal to a lot or parcel:

- a. Flex Industrial/Warehouse Lot Type: A minimum of one half (0.5) foot-candle / maximum foot candle of ten (10);
- b. Commercial General: A minimum of two (2) foot-candles / maximum foot-candle of ten (10);
- c. Residential Multi-family: A minimum of one half (0.5) foot-candle / maximum foot-candle of six (6);

So as to prevent light pollution or spill-over onto adjacent properties, the maximum foot-candle reading at the property/line shall not exceed 0.01 foot-candles.

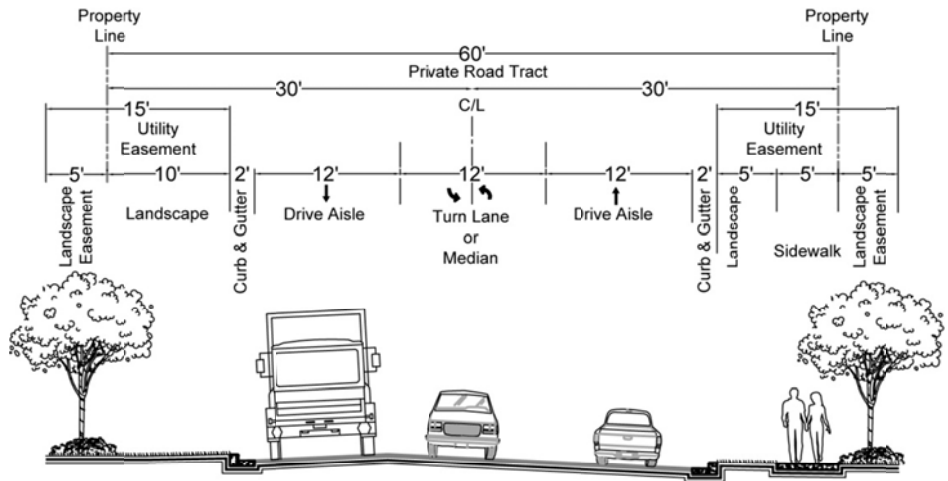
Lighting plan submittal requirements, along with applicable review and approval guidelines, shall be in accordance Section 22-59(g)(6) – Design Review, City of Fort Pierce Code of Ordinances.

**Design Review:**

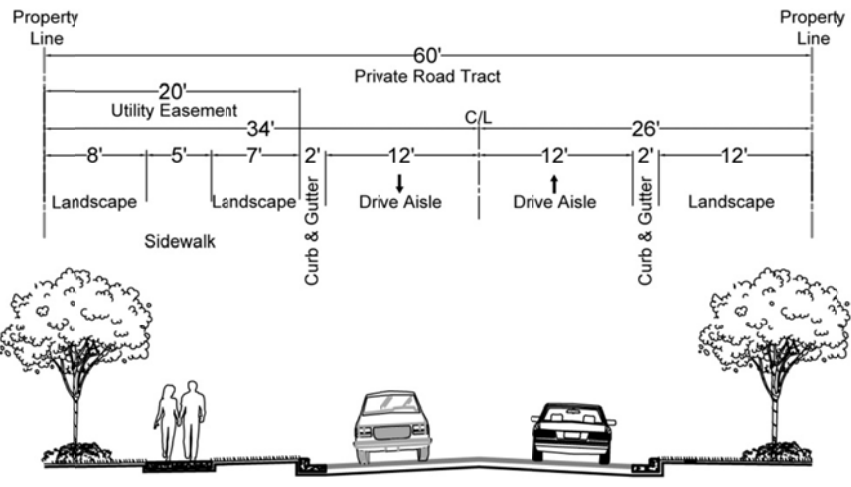
The Design Review Guidelines set forth in Section 22-59 of the City of Fort Pierce Code of Ordinances shall not apply to any development occurring within the boundary of the Village at Midway Planned Development; however, the City of Fort Pierce Building Code along with any applicable State or Federal building regulations shall apply. Design guidelines concerning roofs, entrances, windows, building elevations, streetscaping, walls and fences, awnings and renovations shall be addressed in the Declaration of Covenants and Restrictions governing the Planned Development.

**Private Access Tract Street Sections:**

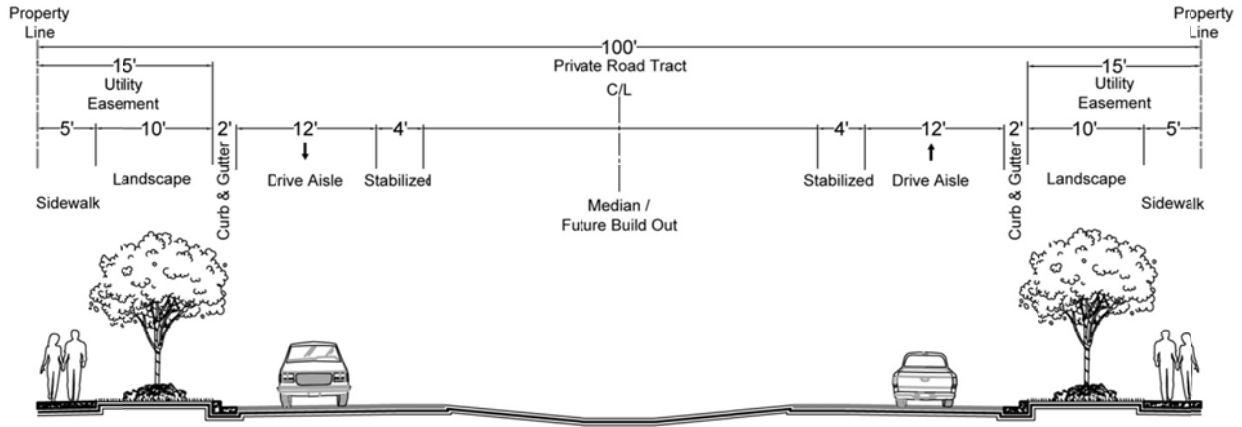
Please refer to the typical street sections below for dimensional requirements for the private internal streets proposed within the development:



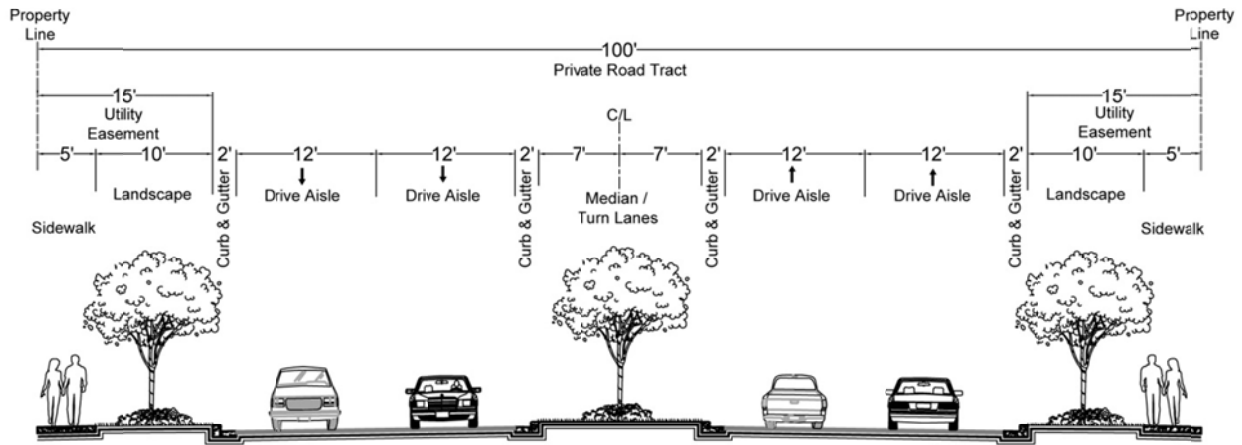

**E - W ROAD**  
 60' PRIVATE ROAD TRACT n.t.s.



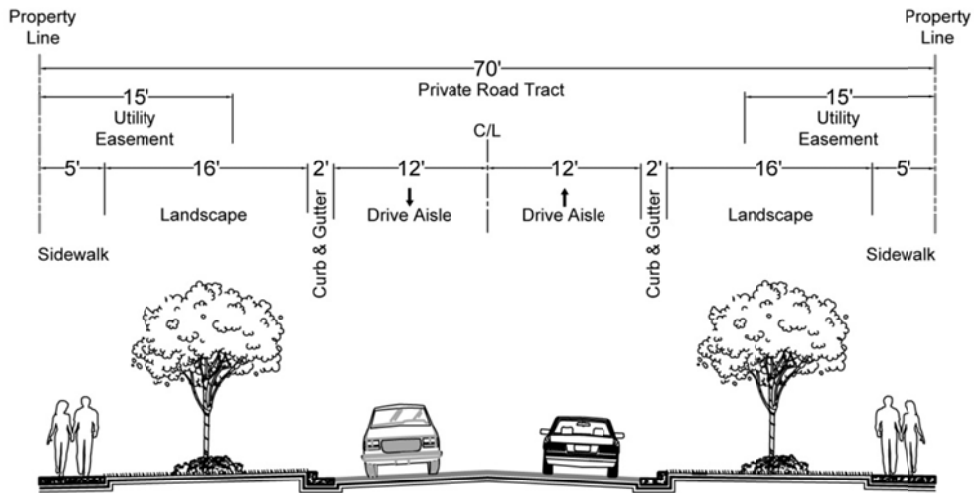

**GORDY ROAD**  
 60' PRIVATE ROAD TRACT n.t.s.



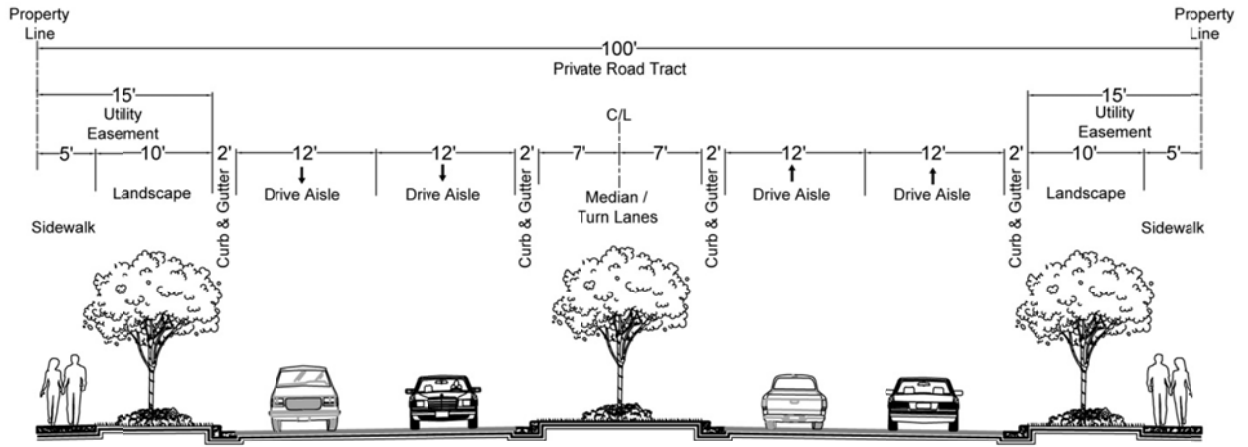
CENTER ROAD (PHASE 1)  
100' PRIVATE ROAD TRACT n.t.s.



CENTER ROAD (PHASE 2)  
100' PRIVATE ROAD TRACT n.t.s.



WESTERN ACCESS RD. (NORTHERN SECTION)  
70' PRIVATE ROAD TRACT n.t.s.




**WESTERN ACCESS RD. (SOUTHERN SECTION)**  
 100' PRIVATE ROAD TRACT n.t.s.

## TRAFFIC CONCURRENCY

### Transportation Concurrency Condition

**A. Tracking of Trips.** The Developer is responsible for its proportionate share of the cost of constructing improvements required to achieve the adopted level of service standard for the road improvements identified below, which proportionate share totals \$6,163,166 in 2015 dollars and which shall be adjusted to account for inflation using the latest edition of the Florida Department of Transportation’s “Work Program Highway Construction Cost Inflation Factors.” The cost shown in the table below under “Total Improvement Cost” includes 100% of the total construction costs as well as engineering design, inspection and right of way costs. Tracking of Project trips shall be required in conjunction with each final construction plan application or final plat to determine if an improvement in the table below is warranted based on cumulative estimated trips. When the cumulative tracking of Project trips confirms that an improvement is warranted due to a Peak Hour Directional Project Trip Threshold shown in the table below being exceeded, then the Project Share for the improvement must be paid by the Developer before such final construction plan application or final plat shall be approved. The Total Improvement Cost and Project Share for that improvement (as set forth below) shall be adjusted to account for inflation through that year.

**B. Impact Fee Credits.** The City and County Transportation Impact Fee will generate significant revenue from the Project. Based on the fee schedules in effect in 2015, it is anticipated that Transportation Impact Fees payable by the Project may exceed the required total Project Share for the Project. Transportation Impact Fees paid for development within the Project shall be credited against the Project Share for each improvement in accordance with s.163.3180(5)(h)2.e. Florida Statutes (2015), which shall satisfy the Project Share for each improvement to the extent of the required credit. In the event that the Developer implements one of the three options below for one or more improvements, the Project Share for each improvement shall be credited against any Transportation Mobility Fee subsequently due for the Project.

**C. Table.** The Transportation Impact Study completed for the Project in accordance with the City-approved methodology confirms that the Project will result in the following transportation improvements set forth in the table below.

#### **Proportionate Share of Project**

Segment	Improvement	Total Improvement Cost	Project Proportionate Share	Project Share	Peak Hour Directional Project
Midway Road from Arterial A to just west of I-95-Eastbound	Widen from 2L to 4L	\$1,745,395	100.%	\$1,745,395	AM-549 outbound trips

Midway Road from Arterial A to just west of I-95- Westbound	Widen from 2L to 4L	\$1,751,461	100%	\$1,751,461	PM-578 inbound trip
Midway Road from Arterial A to I-95- Eastbound	Widen from 4L to 6L	\$2,167,042	70.2%	\$1,521,179	PM-1983 outbound trips
	Add a WBL at I-95 (NB)	\$803,601	67.0%	\$538,412	
	Add an EBL at I-95 (SB)	\$803,601	75.5%	\$606,719	
<b>Total Cost</b>		\$7,271,100		\$6,163,166	

Note: The trip thresholds on this link refer to net trips plus 78% of pass-by trips which are “new” on this link.

For each required Project Share listed in the table, the Developer shall have the option of applying Transportation Impact Fee credits as described above or selecting one of the following options:

- 1) Pay the Project Share to the County when triggered based upon reaching the corresponding Peak Hour Directional Project Trip Threshold, as determined by the cumulative Project trip tracking.
- 2) Construct the improvement when triggered based upon reaching the corresponding Peak Hour Directional Project Trip Threshold, as determined by the cumulative Project trip tracking. If this option is selected, and the total cost to construct the improvement exceeds the Project Share for the improvement, then the Developer shall be credited for the difference between the total cost to construct the improvement and the Project Share for the improvement. This credit shall be applied against any remaining Project Share for other improvements listed in the table, pursuant to applicable laws.
- 3) Execute a Proportionate Share Agreement ("Agreement") with the City and County pursuant to s. 163.3180(5), Florida Statutes. The Agreement shall identify one or more improvements that the Developer, the City and County agree will benefit a regionally significant roadway and benefit the Project ("Alternative Improvement") and pool all or a portion of the Project Share toward the completion of the selected Alternative Improvement.

The Developer's selection of one of the three options above or use of credits from Transportation Mobility Fees or Transportation Impact Fees, or any combination of the foregoing options, shall fully satisfy transportation concurrency for the Project.

**D. Application of Project Share to Improvements.** Any payments made by the Developer to the County of a Project Share pursuant to this Agreement or any payment of Transportation Impact Fees or Mobility Fees credited against such Project Share, shall be applied by the County to the construction of

the applicable improvements described in the table above or the purchase of right-of-way for such improvements. In the event that an improvement required in the table above has already been constructed at the time that the Project reaches the Peak Hour Directional Project Trip Threshold corresponding to such improvement, then the Developer shall not be required to pay the Project Share corresponding to such improvement.

## **ZONING ORDINANCE EXCEPTIONS**

The following deviations from the current City of Fort Pierce Code of Ordinances are proposed within the Village at Midway Planned Development.

- **Sec. 18-12(e)(1):** *Sidewalks shall be installed on both sides of all streets in the subdivision.*  
As proposed, the east/west street (referred to as Access Tract C on the PD master plan and Preliminary Plat) will have one (1) 5' wide sidewalk along the south side of the proposed street, as the north side of the proposed street will predominantly be developed with Flex-Industrial and Warehouse uses. Additionally, as Commercial uses are proposed along the west side of Gordy Road (referred to as Access Tracts D1 and D2), just south of the east/west street, one (1) 5' wide sidewalk along the west side of Gordy Road is proposed.
  
- **Chapter 22- Zoning:**
  - Hotels shall be permitted to be constructed to a height not to exceed one hundred (100) feet if constructed generally adjacent to the frontage of I-95. This 100' height allowance exceeds the sixty-five (65) foot height limit for Hotel uses found in Chapter 22 – Zoning, of the City of Fort Pierce Code of Ordinances.
  - A comprehensive list of permitted and semi-permitted uses has been included herein, which shall govern use allowances with the Planned Development; such permitted and semi-permitted uses included herein may or may not be found within Chapter 22 – Zoning.
  
- **Section 22-59 – Design Review:** The Village at Midway Planned Development shall not be subject to the City's Design Review Ordinance, but rather the project's Conditions, Covenants and Restrictions documents shall apply.
  
- **Chapter 15 – Signs and Billboards:** Excerpts of Chapter 15 of the City of Fort Pierce Code or Ordinances have been incorporated herein to address signage within the Village at Midway Planned Development. Under Permitted Permanent Signs, allowances for façade signage, for building facades within the Flex Industrial/Warehouse Lot Type facing I-95, have been provided for. Additionally, under Billboards/Off-premises signs, the existence of the two (2) existing double-faced billboards has been incorporated herein. Additional modifications to the City's Sign Code have been provided for to address the specific Lot Types within the Village at Midway Planned Development.