

**ORDINANCE NO. 5038-23**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO A DEVELOPMENT OF REGIONAL IMPACT NOW KNOWN AS CITYPLACE DEVELOPMENT OF REGIONAL IMPACT; AMENDING SECTION 3.20 “CONVERSION OF USES” OF ORDINANCE NO. 4412-12; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HERewith; CONSTITUTING THIS ORDINANCE AS AN AMENDMENT TO THE DEVELOPMENT ORDER APPROVED BY THE CITY OF WEST PALM BEACH IN COMPLIANCE WITH LAW; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND FOR OTHER PURPOSES.**

\* \* \*

**WHEREAS**, in accordance with each and every provision of Chapter 380, Florida Statutes, the Downtown Uptown Development of Regional Impact (DRI) was approved pursuant to Ordinance No. 2268-89, as amended; and

**WHEREAS**, the City Commission adopted Ordinance No. 3098-97 approving a Notification of Proposed Change (NOPC) and amending the Downtown Uptown Development Order to reflect the changes in the proposed development contemplated by the CityPlace Project and the Palm Beach County Convention Center, to change conditions of development based on the lower intensity of the CityPlace Project, and the establishment of the Transportation Concurrency Exception Area (TCEA); and

**WHEREAS**, Ordinance 3098-97, which created the CityPlace DRI, establishes the permitted use categories and the maximum square footage for each use category allowed within the DRI and a methodology for converting square footage from one use category to another; and

**WHEREAS**, Ordinance Nos. 3124-98, 3232-99 and 4154-99 amended Ordinance No. 3098-97; and

**WHEREAS**, Ordinance No. 4412-12 amended and restated Ordinance No. 3098-97; and

**WHEREAS**, Harvey E. Oyer, III, of Shutts & Bowen, LLP, on behalf of CityPlace Retail, LLC, requested a Major Amendment to the CityPlace Development of Regional Impact to change the use conversion ratio permitted by Section 3.20 of Ordinance No. 4412-12, which contains the current DRI regulations; and

**WHEREAS**, the Major Amendment is consistent with the criteria and standards provided in the Comprehensive Plan and the Zoning and Land Development Regulations; and

**WHEREAS**, the Planning Board recommended approval (7-0) of the Major Amendment to the City Commission after a Public Hearing on February 21, 2023.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

**SECTION 1:** The City Commission hereby finds and determines that the Major Amendment to the CityPlace Development of Regional Impact (DRI) to change the use conversion ratio permitted by Section 3.20 of Ordinance No 4412-12 is consistent with the Comprehensive Plan of the City adopted pursuant to Section 163.3161, et. seq., Florida Statutes, and complies with the standards of the City's Zoning and Land Development Regulations.

**SECTION 2:** The City Commission hereby amends Section 3.20 of Ordinance No. 4412-12 as follows:

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 380.06 (19), FLORIDA STATUTES, THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH DOES HEREBY AMEND THE DOWNTOWN UPTOWN DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, INITIALLY APPROVED AS ORDINANCE NO. 2268-89 AND AS AMENDED BY ORDINANCE NO. 2287-89 AND 2313-89 TO READ AS FOLLOWS. THE DOWNTOWN UPTOWN DEVELOPMENT OF REGIONAL IMPACT SHALL BE RENAMED "THE CITYPLACE DEVELOPMENT OF REGIONAL IMPACT."

APPLICATION FOR DEVELOPMENT APPROVAL

1. The Downtown Uptown Development of Regional Impact Application for Development Approval is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. For the purposes of this Development Order, the Application for Development Approval shall include the Downtown Uptown Application for Development Approval dated March 21, 1988; and the supplemental information dated August 30, 1988, and November 4, 1988, and January 4, 1989.
2. The "Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI)" dated June 3, 1989 and the "Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI)" dated October 24, 1997, are hereby incorporated by reference and relied upon by the parties in discharging their statutory duties under Chapter 380, Florida Statutes.
3. The CityPlace Development of Regional Impact (DRI) is approved for the following baseline uses and intensities/densities as defined in Chapter 28-24, Florida Administrative Code:

Retail Use -	850,000 SF
Office Use -	1,239,182 SF
Housing -	800 dwelling units
Hotel -	800 rooms

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Minimum 2.5 acres open space as park

Attraction/recreation:

- a. 2,500 seat Kravis Center Theater
- b. 750,000 SF convention center
- c. 4,000 seat cinema and 500-seat IMAX Theater
- d. 400,500 SF Cultural use

Educational Use - 10,206 SF

AIR

- 4. Parcels undergoing active construction activities shall remain landscaped, unless otherwise approved by the City, and shall remain in compliance with City Codes.
- 5. During land clearing and site preparation, wetting operations or other soil treatment techniques to control unconfined emissions shall be employed by individual Developers. At the time the building permit is issued and during construction, the Developer shall adhere to the requirements of the Unconfined Emission Control Guidelines which have been adopted by Palm Beach County and approved by the Health Department in consultation with the Department of Environmental Protection of the State of Florida.

HISTORIC AND ARCHEOLOGICAL SITES

- 6. In the event of discovery of any historical or archeological artifacts during project construction, the Developer shall stop construction in that area and immediately notify the Division of Historical Resources in the Florida Department of State, the City of West Palm Beach, and the Treasure Coast Regional Planning Council. A reasonable amount of time agreed upon by the Developer and the Division of Historic Resources, not to exceed 90 days, shall be provided to examine the artifacts and to remove them if deemed appropriate by the Division.

The CityPlace Project Developer shall maintain the United Methodist Church in such a manner that the physical condition of the structure shall be maintained until such time as adaptive reuse is undertaken.

Prior to the commencement of construction within the Buffer Area described in Exhibit "E" the Developer shall contact the State of Florida, Division of Historic Resources to determine if any of the existing structures are potentially eligible for designation on the National Register of Historic Resources. In the event the Division of Historic Resources and the City determine that any structure is eligible for designation, the City shall provide all necessary documentation and data recovery as required by the Division. In addition, the Developer, in cooperation with the City, shall use good faith efforts to relocate such structures for potential preservation, rehabilitation, restoration or enhancement.

HABITAT, VEGETATION, AND WILDLIFE

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7. Prior to obtaining any certificate of occupancy for any structure located within a development parcel within the CityPlace Development of Regional Impact, all Melaleuca, Brazilian Pepper, and Australian Pine shall be removed from that parcel. Removal shall be in such a manner that avoids seed dispersal by any of these species. There shall be no planting of these species in the area of the CityPlace Development of Regional Impact.

### DRAINAGE

8. The stormwater management system shall be designed, constructed, and maintained to comply with South Florida Water Management District criteria in effect at the time of permit application. Excepting the Convention Center Project, individual Developers, shall provide for on-site treatment of the first one inch of stormwater, before the water enters the City's sewer system. The City of West Palm Beach shall accommodate all drainage requirements for the Convention Center Project on the City property which shall be off-site to that Project.
9. To reduce the possibility of clogging any exfiltration trenches and to improve water quality, upon the completion of each phase of the Projects, best management practices shall be followed by the Developer. In the case of surface parking lots only, all curbed areas, parking, and road surfaces within the boundaries of the project area shall be swept as necessary, but in no case less frequently than once per week.

### WATER CONSERVATION

10. The project shall utilize water conserving devices and methods that, at a minimum, meet the criteria outlined in the water conservation plan of the public water supply permit issued to the City of West Palm Beach Utilities Department by the South Florida Water Management District. Water conserving techniques for landscaping shall be encouraged.
11. All development and redevelopment in the Development of Regional Impact shall use water-saving plumbing fixtures, and other water conserving devices as specified in the Water Conservation Act, Section 553.14, Florida Statutes, to reduce water use.

### HAZARDOUS MATERIALS AND WASTE

12. Prior to demolition of any residential or commercial structures on site, a visual inspection of the interior of the structure and premises shall be undertaken for the purpose of detecting and safely removing any stored hazardous or toxic materials that may be present. Particular attention shall be given to commercial property where past or present storage seems likely (e.g., gas stations). Where storage tanks or hazardous or toxic materials are evidenced, removal and cleanup shall be provided to the satisfaction of Palm Beach County and the Florida Department of Environmental Protection.
13. The Developer shall make the provisions of the plan titled "Hazardous Materials Management Plan In Fulfillment of Development Order Condition 18 of the Downtown

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Uptown Development of Regional Impact West Palm Beach, Florida" prepared January, 1991, (376/41) applicable to property owners and tenants of the Development of Regional Impact. In case of any conflict between the provisions of this plan and current State or local laws regarding hazardous materials management, the stricter requirement shall apply.

ENERGY CONSERVATION

14. In the final site and building design plans, each individual Developer shall: 1) incorporate those energy measures identified on page 25-6 of the Application for Development approval; 2) comply with the Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes; and 3) to the maximum extent feasible, incorporate measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan dated May 1979.
15. Each Developer shall use their best efforts to incorporate each of the 17 energy saving methods outlined on pages 51 and 52 in the ENERGY section discussion of the Treasure Coast Regional Planning Council's Assessment Report for Downtown Uptown (attached as Exhibit D), except for methods 15 and 17. The Developer shall not be required to commit to the detailed energy conservation measures until the feasibility has been fully evaluated, as agreed to by the City and Developer.

TRANSPORTATION

16. The CityPlace Development of Regional Impact is part of an approved Transportation Concurrency Exception Area (TCEA) within the City of West Palm Beach. As long as this TCEA remains in effect, the project is not subject to traffic concurrency requirements. Each Developer will cooperate with the City to locate bus stops and bike storage areas in the most appropriate locations within the DRI, to assist the City of West Palm Beach in its efforts to provide efficient movement of people through the downtown. The CityPlace DRI, which includes the Palm Beach County Convention Center, shall be subject to the conditions of approval of the TCEA referenced above, as specified in the City of West Palm Beach Comprehensive Plan at both the Future Land Use Element and the Transportation Elements. Prior to the annual 2010 report for the TCEA, the City shall conduct an evaluation and appraisal of public transit providing service to the CityPlace DRI. The study shall include recommendations for improving such services which shall be transmitted to the appropriate transportation agencies. In no event shall the evaluation or recommendations result in stopping building permits for the DRI.

HOUSING

17. The development facing N Street (southern boundary of the DRI) shall either be (1) residential, or (2) be buffered from N Street by a landscaped buffer, and no vehicular access from the southern boundary of the DRI shall be permitted. The design of the landscaped buffer, referenced herein, shall be reviewed by the City at the time of the Level III Site Plan process.

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18. Within two years of the Developer obtaining building permits for 1.250 million square feet of office or commercial space, the Developer shall apply for building permits for at least 225 dwelling units.
19. No maximum limit to the number of residential units that may be constructed shall be placed on this development other than those limits based on concern for provision of services, health, safety, welfare, and urban design issues. Factors traditionally limiting residential intensity such as minimum parking requirements and transportation constraints shall not be arbitrarily applied without due consideration being given to other competing issues of regional and local concern.

CONVERSION OF USES

20. Subject to Level III site plan approval, the amount of each of the general use categories of Office, Retail, Residential, Attraction/Recreation, Educational and Hotel authorized by this Development Order may be exceeded by way of a conversion from one land use category to another in accordance with the equivalency factors set forth in this provision, provided that (a) the total amount of any land use category that may be converted to another category does not exceed ~~25~~ 50 percent of the amount of development permitted for the land use category from which the conversion is to be made, (b) the conversion does not result in an increase of more than ~~450~~ 175 percent of the amount of the general land use category to which the conversion is to be made, and (c) the total of development in the Development of Regional Impact does not exceed the total equivalent development authorized for the Development of Regional Impact. No conversion of square footage designated for the Convention Center Project shall occur without the prior written approval of the Board of County Commissioners of Palm Beach County and the City Commission of the City of West Palm Beach, unless: (1) the property subject to the Convention Center Project is not conveyed to Palm Beach County, or (2) once the property has been conveyed to Palm Beach County, it ever reverts to the West Palm Beach Community Redevelopment Agency. In the event of (1) or (2) above, the 750,000 square feet designated for the Convention Center Project may be converted to another land use category, as described herein above. Except as noted below, conversions shall be made by calculating an equivalency factor based upon the highest peak-hour traffic generation rates found in the latest Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The equivalency factor shall not include pass by or internal capture calculations. In the event the convention center is not built, the number of residential units permitted in its place will be determined through the Level III site plan review and shall not require a corresponding decrease in other approved land uses. In the event that future phases of the Convention Center Project are not approved through the Level III site plan review by the year 2018, (build-out date), County approval shall not be required for the conversion of the remaining square footage of convention center use to other land uses permitted by this Development Order.

In order to ensure consistent conversion of uses, each use category shall use the following ITE codes and measurement variables for conversion purposes.

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<u>Retail Use</u>	<u>820 [Shopping Center (&gt;150k)] Square Footage</u>
<u>Office Use</u>	<u>710 [Office Building] Square Footage</u>
<u>Hotel</u>	<u>310 [Hotel] Rooms</u>
<u>Theater, Cinema, IMAX Theater</u>	<u>445 [Movie Theater] Seats</u>
<u>Convention center</u>	<u>**</u>
<u>Cultural use (Indoor Recreation subcategory)</u>	<u>445 [Movie Theater] Square Footage (492 [Health/fitness club]) Square Footage</u>
<u>Educational Use</u>	<u>550 [University/College] Square Footage</u>

\*\* The convention center conversion may either use ITE code 495 [Recreational Community Center] Square Footage or utilize a trip generation rate based on a study of actual peak hour trip generation for the Palm Beach County Convention Center, the latter being the preferred option. The City of West Palm Beach and Palm Beach County shall agree on the methodology used in the study to calculate the trip generation rate.

If an ITE code is removed or changed in the current edition from what is listed in this section, then developer's traffic engineer and the City shall agree on the appropriate new ITE code to use and the new code shall be used for any future conversions.

SITE PLAN REVIEW

21. A. Intent

The City Planning Board and the City Commission shall retain the ability to review the specific site development proposals for each parcel in the Development of Regional Impact. This review will ensure that the development of individual parcels is consistent with the conditions of approval contained in this Development Order and that the design characteristics of each component have no substantial, adverse effect on surrounding properties. This process shall be referred to as Level III Site Plan Review.

B. Process

Unless otherwise agreed to by the City and the Developer, site plans for each parcel or portion of a parcel contained within this Development of Regional Impact shall be submitted to the Planning Manager prior to the issuance of any building permit. The site plan shall be submitted to the City Planning Board and the City Commission for its review and, unless postponed pending submission of additional information, shall be acted upon by the City Planning Board within 60 days following the receipt of a completed application and shall be acted on by the City Commission within 90 days after the close of the public hearing conducted by the Planning Board. Minor changes to the approved site plans shall be approved by the Planning Manager, or his/her designee. Minor changes are those changes that do not trigger Level I or Level II site plan review pursuant to Section 94-35(d)(5) and (6), West Palm Beach Zoning and Land Development Regulations.

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C. Standards

The Planning Board and City Commission review of individual site plans is limited to the site design qualitative development standards contained in Section 94-35(c) West Palm Beach Zoning and Land Development Regulations, City concurrency requirements, and the conditions of approval contained in this Development Order. Additionally, the City Commission review shall include the review of any application for a Class A or Class B Special Use and any application for a waiver or reduction of additional standards for a special use or a use permitted with extra requirements submitted with the site plan application. During Level III Site Plan review, the City Commission may exercise its authority to relax or waive zoning code requirements pursuant to Section 94-207, West Palm Beach Zoning and Land Development Regulations.

SUBDIVISION OF LAND

22. Unless otherwise agreed to by the City and the Developer prior to the issuance of any building permits for construction on any parcel, the applicant shall provide, in a form acceptable to the Director of Engineering Services and the Planning Manager, a plan for the subdivision and platting of individual parcels to be developed. The subdivision and platting of individual parcels shall be performed pursuant to the City standards for a major subdivision.

RIGHT-OF-WAY ABANDONMENT

23. Abandonment of public rights-of-way in the Development of Regional Impact is authorized, and shall occur in the following manner, unless otherwise agreed to by the City and the Developer:
- A. The applicant shall submit to the Planning Manager a request to abandon all or portions of one or more specific rights-of-way.
  - B. The request shall include a legal description of the property to be abandoned, such legal agreements or release as deemed appropriate by the City Attorney, and such fees as deemed appropriate by the Planning Manager.
  - C. The Planning Manager shall initiate a review of the abandonment request, such review to include the following City departments/divisions: Engineering Services, Public Works, City Attorney's Office, Public Utilities, Police, Fire, Planning Services, and such other departments as deemed appropriate.
  - D. Following the review by City departments and upon a finding that the request for abandonment is consistent with the overall development approval, the Mayor is authorized on behalf of the City Commission to sign such forms or releases as have been approved by the City Attorney to allow abandonment of all or a portion of one or more public rights-of-way.

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LANDSCAPING AND TREE PROTECTION PLAN

- 24. Unless otherwise agreed to by the City and the Developer prior to the issuance of any building permits for a particular site, the Developer shall provide, in conformance to the City of West Palm Beach Zoning and Land Development Regulations and in a form acceptable to the Planning Manager, a landscape and tree protection plan for the subject site. Such plan shall specifically address preservation, protection and relocation of significant vegetation within the site.

DESIGN REQUIREMENTS

- 25. All rooftop and ground level mechanical equipment, including but not limited to such items as public and private utility service connections; heating, ventilating, and air conditioning systems; communications devices; and related equipment, shall be screened from public view through any combination of landscaping, walls and equipment location.
- 26. Unless otherwise agreed to by the City and Developer, the applicant shall submit an overall project signage plan with every Level III Site Plan application. However, no high, free-standing signs (as defined by the Zoning and Land Development Regulations) shall be permitted, unless otherwise waived by the City Commission as part of the Level III Site Plan Review procedures herein cited.

PARKS

- 27. Prior to the issuance of any permits for park construction, detailed plans and specifications shall be approved by the Mayor.

CAPITAL FACILITIES COSTS

- 28. Unless otherwise agreed to by the City and the Developer notwithstanding any other provisions of this Development Order, each Developer of any development within the CityPlace Development of Regional Impact shall make payment for any fair share capital facilities costs imposed. If the Developer advances the funds to build an improvement, it shall be subject to reimbursement by the City for that portion of the funds which exceeds the Developer's fair share of the costs. The City and the County, whichever is appropriate, shall assist and cooperate at the request of CityPlace in the establishment within CityPlace of special taxing and assessment districts, units, zones, areas, or other such mechanisms for the provision of infrastructure for CityPlace.

MINORITY BUSINESS PARTICIPATION

- 29. The Developer shall comply with the provisions of the City's Small Business Enterprise Ordinance. However, in the case of the Convention Center Project, the County shall adhere

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to its own applicable standards relating to the minority and women's business participation in that Project.

**SECTION 3:** Should any section or provision of this Ordinance or any portion, paragraph, sentence, or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof.

**SECTION 4:** All ordinances or part of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** The City Clerk shall provide three certified copies of this Ordinance to the Planning Manager.

**SECTION 6:** This Ordinance shall take effect in accordance with law.

[SIGNATURES ON FOLLOWING PAGE]

**FIRST READING THIS 3RD DAY OF APRIL, 2023.  
SECOND READING AND PASSAGE THIS 17TH DAY OF APRIL, 2023.**



**ATTEST:**

X *Shaquita Edwards*

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CITY CLERK  
Signed by: Shaquita Lasheae Edwards

**CITY OF WEST PALM BEACH BY  
ITS CITY COMMISSION:**

X *Shalonda Warren*

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PRESIDING OFFICER  
Signed by: Shalonda Latrise Warren

**APPROVED AS TO FORM AND  
LEGALITY:**

4/20/2023

X *Kimberly L. Rothenburg*

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CITY ATTORNEY  
Signed by: Kimberly L Rothenburg

**EXHIBIT A**  
**Legal Description for CityPlace**

BEING THAT PART OF SECTION 21 AND 28, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All of the following Blocks in the Plat of Palm Beach Heights, as recorded in Plat Book 2, page 74, Public Records, Palm Beach County, Florida;

Block 1, 2, 3, 5, 6, 7, 8 and 10, together with all alleys, public right-of-way and easements contained therein and adjacent and appurtenant thereto.

AND

All of the following Blocks in the Plat of Moss & Heisler Addition to Palm Beach Heights, as recorded in Plat Book 2, page 61, Public Record, Palm Beach County, Florida;

Block 10 less the East 55 feet of Lots 9 to 11 inclusive, together with all alleys, public rights-of-way and easements contained therein and adjacent and appurtenant thereto.

AND

All of the following Blocks in the Plat of Model Land Company's Addition to the City of West Palm Beach, as recorded in Plat Book 1, page 106, Public Records, Palm Beach County, Florida;

Block 57; Block 59 less the South 100 feet of Lots 11 and 12 but including the North Six (6) inches of the South 100 feet of West 41 Feet of Lot 11; and Blocks 60, 61, 63, 64, 65, 66, together with all alleys, public rights-of-way and easements contained therein and adjacent and appurtenant thereto.

AND

All of the following Blocks in the Plat of Highland Park Addition, as recorded in Plat Book 1, page 122, Public Records, Palm beach County, Florida;

Blocks 67 and 68; Block 69 less Lot 1 and the North 42 feet of Lots 10 and 11; and Blocks 70, 73, and 75; Block 76 less Lots 8 and 9, together with all alleys, public rights-of-way and easements contained therein and adjacent and appurtenant thereto.

AND

All of the following Blocks in the Plat of West Palm Beach, as recorded in Plat Book 1, page 2, public records, Palm Beach County, Florida;

Text which is underlined is added.  
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Block 32, together with all alleys, public rights-of-way and easements contained therein and adjacent and appurtenant thereto.

AND

All of the Block in the Plat of Subdivision of Block 58, Model Land Co. Addition to West Palm Beach, Florida, as recorded in Plat Book 2, page 65, Public Records of Palm Beach County, Florida:

Block 58, less Lots 9 through 12 and Lot 18, together with all alleys, public rights-of-way and easements contained therein and adjacent and appurtenant thereto.

AND

A tract of land beginning at the Northwest corner of Lot 9, Block 75, Highland Park Addition to West Palm Beach, Florida, running thence West along the South line of Iris Street 62 feet; then South parallel with the West line of Lot 9, Block 75 aforesaid for a distance of 153 feet; thence East 62 feet to the Southwest corner of Lot 9, Block 75 aforesaid; then North 153 feet to the point of beginning, situated in the Southwest quarter of the, southeast quarter of Section 21, Township 43 South Range 43 East.

AND

A parcel of land lying West of a line parallel with and 62.00 feet West of, as measured at right angles to the West line of Lot 9, Block 75, HIGHLAND PARK, Addition to the City of West Palm Beach, Florida, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach, Florida, recorded in Plat Book 1, page 122; and being more particularly described as follows:

AND

Beginning at the intersection of said parallel line with the South right-of-way line of Iris Street; thence South 00 00' 00" East, along said line, a distance of 153.00 feet to the Westerly extension of the South line of said Lot 9; thence, North 90 00' 00" West, a distance of 19.53 feet to a point on a curve concave Southwesterly, having a radius of 40.00 feet and whose radius point bears South 76 59' 50" West; thence, Northwesterly along said curve, through a central angle of 49 56' 16", a distance of 34.86 feet to the point of reverse curvature of a curve concave Easterly, having a radius of 40.00 feet; thence, Northerly along said curve, through a central angle of 82 02' 49", a distance of 57.28 feet to the point of tangency; thence, North 19 06' 23" East, a distance of 49.19 feet to the point of curvature of a curve concave Southeasterly, having a radius of 46.36 feet; thence, Northeasterly along said curve, through a central angle of 70 53' 37", a distance of 57.36 feet to the point of beginning.

A parcel of land being in the Southeast Quarter of Section 21, Township 43 South, Range 43 East,

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Palm Beach County, Florida, as shown on the Plat of Addition to the West Palm Beach for the Highland Park Land Co. (Inc), according to the Plat thereof, as recorded in Plat Book 1, page 122, Public Records of Palm Beach County, Florida, being more particularly described as follows:

Begin at a point being the Northwest corner of Lot 10, Block 75 according to Plat Book 1, Page 122, extend Westerly along the westerly extension of the North Line of Lot 10 a distance of 133.74 feet; thence a distance off 202.63 feet on a straight line to the Southwest corner of said Lot 10; thence north along the West line of said Lot 10 a distance of 153.0 feet to the Point of Beginning.

AND

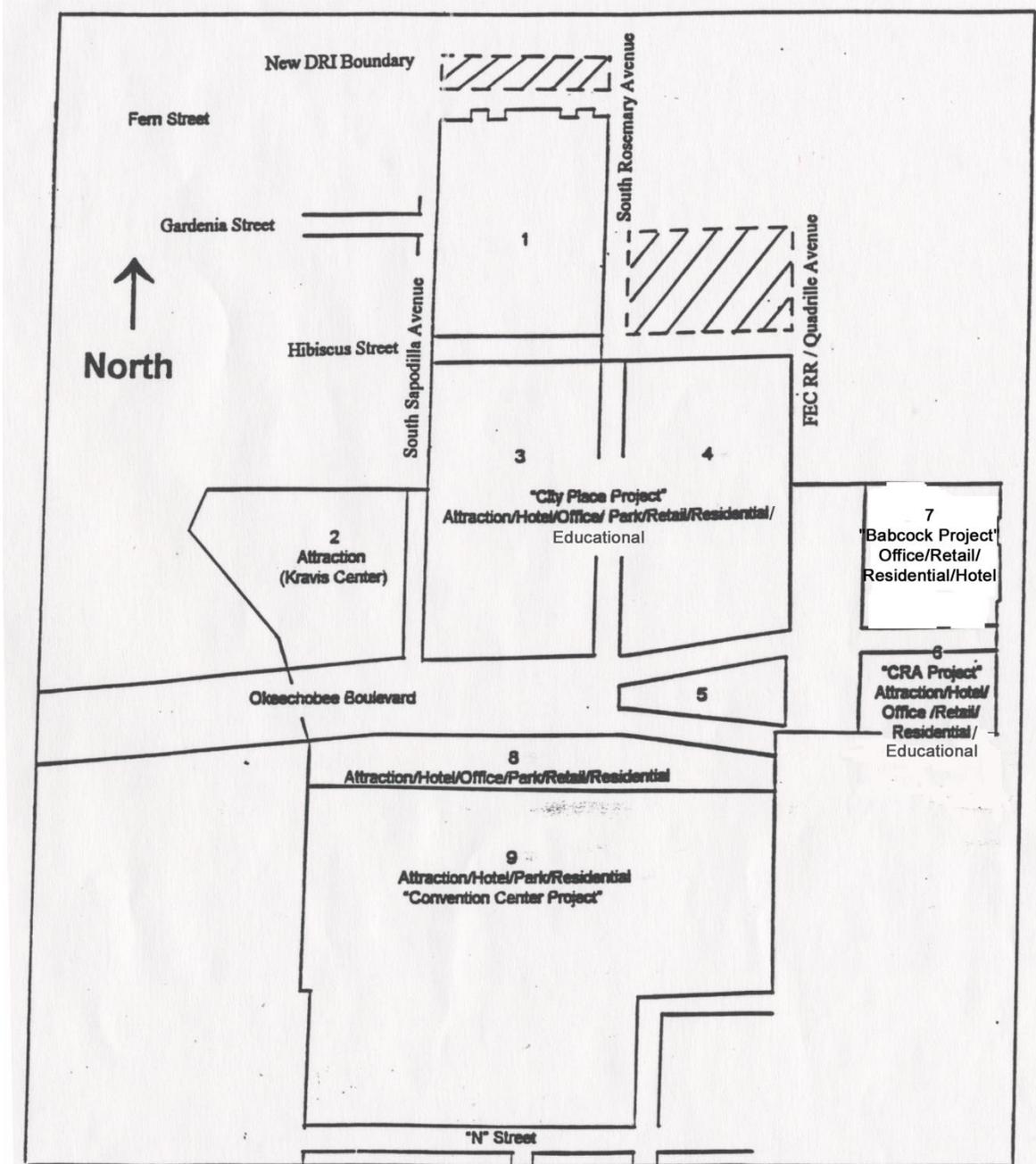
A parcel of land beginning a point, said point being the Southwest corner of Lot 7, Block 76, Highland Park Addition, West Palm Beach, said point being the point of beginning, thence proceeding in a northerly direction along a line a distances of 153 feet, said line being the West line of Lot 7, Block 76, Highland Park Addition, to a point which is the Northwest corner of Lot 7, Block 76, Highland Park Addition thence proceeding in a westerly direction along a line, said line being the North line of Lot 7, Block 76, Highland Park Addition, proceeding a distance of 50 feet to a point thence proceeding in a Southeasterly direction along a line to the point of beginning. Subject to right-of-way for Okeechobee Road, Lake Avenue and Jessamine Street.

Containing 76.90 acres, more or less.

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**EXHIBIT B**  
**Master Plan CityPlace Development of Regional Impact**



Added Hotel to Parcel 7 - Ord. No. 4154-08

- Notes:
- The Babcock Project consists of Parcel 7
  - The CityPlace Project consists of Parcels 1, 3, 4 & 5
  - The CRA Project consists of Parcel 6
  - The Convention Center Project consists of Parcels 8 & 9

 Buffer Areas  
 January 12, 1998

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**EXHIBIT C**  
**Legal Description for CRA Added Parcels**

Lot 1 and the North 42 feet of Lots 10 and 11, Block 69, Plat of Addition to West Palm Beach for the Highland Park Land Co. (Inc.) according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat book 1, Page 122, Palm Beach County, Florida.

AND

East 55 feet of Lots 9, 10 and 11 of Block 10 of the Plat Moss & Heisler addition to Palm Beach Heights as recorded in Plat Book 2, Page 61, of the Public Records in and for Palm Beach County.

AND

Lot 18, Less the East 12 feet, Block 58, SUBDIVISION OF BLOCK 58 MODEL LAND CO. ADDITION TO WEST PALM BEACH, FLORIDA, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 65; said lands situate, lying and being in Palm Beach County, Florida.

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**EXHIBIT D**  
**Energy Saving Methods**

1. Use computerized load management where cost-effective and economically feasible.
2. Preserve native vegetation and topography in order to retain their natural energy conserving benefits.
3. Promote carpooling and van pooling through incentives such as priority parking areas.
4. Encourage incentives to nonautomotive travel such as provision of sheltered bus stops, bicycle locking facilities, shaded pathways, and protected crossings.
5. Participate in a systematic approach to the development of walkway and bicycle path networks with the local government that will result in safe, convenient links between home, work, shopping, recreation and schools.
6. Use energy-efficient features in window design (e.g., tinting and exterior shading).
7. Use operable windows and ceiling fans.
8. Install energy-efficient appliances and equipment.
9. Reduce coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflect light and heat.
10. Install energy-efficient lighting for streets, parking areas, recreation areas, and other interior and exterior public areas.
11. Use water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, Section 553.14 Florida Statutes.
12. Select native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.
13. Plant native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.
14. Place trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. (Shade in the summer should receive primary consideration.)
15. Orient structures, as possible, to reduce solar heat gain by walls and windows and to utilize the natural cooling effects of the wind. (A general east-west orientation will usually expose the smallest area to the strong morning and afternoon sun, as will reduced glass area on the east and west sides of buildings, especially buildings over three stories in height.)
16. Provide structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
17. Use solar hot water heating systems or photovoltaic energy systems.

SOURCE: Treasure Coast Regional Planning Council, "Downtown Uptown Assessment Report," pages 51 and 52,

Text which is underlined is added.

Text which is ~~strike-through~~ is deleted.

February 1989.

**EXHIBIT E**  
**Buffer Parcels Legal Description**

Lots 1 through 10, Block 71, Plat of Addition to West Palm Beach for the Highland Park Land Co. (Inc.) according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 122, said lands lying and being in Palm Beach County, Florida.

Lots I through 10, Block 62, the Model Land Company's addition to the City of West Palm Beach, Palm Beach County, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, recorded in Plat Book 1, Page 106, said lands situate, lying and being in Palm Beach County, Florida.

Lots 6 through 10, Block 31, map of the Town of West Palm Beach, according to Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, recorded in Plat Book 1, Page 2, said lands situate lying and being in Palm Beach County, Florida.