

RESOLUTION 2018-42

AMENDED AND RESTATED DEVELOPMENT ORDER HEATH BROOK DEVELOPMENT OF REGIONAL IMPACT

A RESOLUTION OF THE CITY OF OCALA, FLORIDA, APPROVING AMENDMENTS TO THE HEATH BROOK DEVELOPMENT OF REGIONAL IMPACT; APPROVING THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE HEATH BROOK DEVELOPMENT OF REGIONAL IMPACT; CONTAINING FINDINGS OF FACT AND CONCLUSIONS OF LAW; APPROVING THE DEVELOPMENT PURSUANT TO DEVELOPER COMMITMENTS AND DESCRIBING THE DEVELOPMENT; ADOPTING REVISED CONDITIONS OF APPROVAL; PROVIDING FOR AUTOMATIC APPROVAL OF SUBMITTALS, MODIFICATIONS OF THE DEVELOPMENT ORDER, RECORDING, TRANSMITTAL, AN EFFECTIVE DATE, A TERMINATION DATE, BINDING EFFECT, MONITORING OFFICIAL, PROHIBITION AGAINST DOWN-ZONING, EFFECT OF AN APPEAL, EFFECT OF A VETO, NOTICES, AND DELAY.

WHEREAS,

A. The City Council of the City of Ocala, a Florida municipal corporation ("City"), is the governing body of the unit of local government having jurisdiction over the issuance and conditions of issuance of a Development Order pursuant to Section 380.06, F.S.; and

B. On September 7, 1999, pursuant to an application filed with the City by Ocala 200 Inc., a Florida corporation (the "Original Developer"), the City adopted Resolution No. 99-130, which approved the Development Order for the Heath Brook Development of Regional Impact ("DRI"); and

C. On February 1, 2000, on February 19, 2002, on September 9, 2003, on March 29, 2005 and on December 20, 2005, the City approved amendments to the Development Order; and

D. Ocala Trophy, Ltd. ("Developer"), is the successor developer to the Original Developer.

E. On December 1, 2017, the Developer filed a letter with the City of Ocala requesting further amendments to the Development Order pursuant to Section 380.06, F.S.; and

F. The City has reviewed the proposed amendments and has determined that they meet the criteria for a change pursuant to Section 380.06(7), F.S., and do not constitute a substantial deviation either singularly or in the aggregate with the prior amendments to the Development Order; and

G. The City has conducted a duly noticed public hearing regarding the proposed amendments to the Development Order and during the conduct of said hearing, solicited and evaluated comments, testimony and reports, both verbal and written, from interested parties concerning the proposed amendments to the Development Order; and

H. The City has reviewed the proposed amendments as well as related testimony and evidence submitted by all parties and members of the general public; and

I. This Amended and Restated Development Order for the Heath Brook Development of Regional Impact constitutes approval of the Heath Brook Development of Regional Impact and



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supersedes all prior versions of the Development Order for the Heath Brook Development of Regional Impact.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA:

Section 1. Findings of Fact

The City Council, having considered all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct.
- B. The proposed development is not located in an area of critical state concern designated pursuant to the provisions of Section 380.05, F.S.
- C. The proposed amendments to the Development Order, as described herein, meet the criteria for review and approval pursuant to Section 380.06(7), F.S.
- D. All statutory or regulatory notice requirements have been met.

Section 2. Conclusions of Law

The City Council, having made the above findings of fact, reaches the following conclusions of law:

- A. The Heath Brook Development of Regional Impact, as amended by this Amended and Restated Development Order (this "Development Order"), is consistent with the State Comprehensive Plan.
- B. The Heath Brook Development of Regional Impact, as amended by this Development Order, is consistent with the report and recommendations submitted by the ECFRPC pursuant to Section 380.06(12)(a), F.S., in that it provides adequate protection for regional resources.
- C. The Heath Brook Development of Regional Impact, as amended by this Development Order, is consistent with the City of Ocala Comprehensive Plan and Land Development Regulations.
- D. The Heath Brook Development of Regional Impact, as amended by this Development Order, is approved for the following development subject to the conditions, restrictions, and limitations specified in this Development Order.

Section 3. Development Approved

- A. Developer Commitments

1. Except as otherwise provided in this Development Order, the Heath Brook DRI shall be developed in accordance with the plans and commitments contained in the following documents which are hereby incorporated by reference:
 - a. Application for Development Designation and Appendices dated June 18, 1998, as subsequently revised.
 - b. First Sufficiency responses dated November 9, 1998.
 - c. Second Sufficiency responses dated March 3, 1999.
 - d. Additional information submitted by the Developer on or about May 7, 1999,
 - e. Documents submitted by the Developer to the City at the public hearings.
2. All commitments made by the Developer in those documents that are not in conflict with the conditions, restrictions, and limitations in this Development Order are incorporated herein by reference as conditions for approval.

B. Description of Development

1. The Developer is hereby authorized to develop the property legally described in Exhibit "A" attached hereto (the "Property") as follows:

Residential	1,473	Single Family dwelling units
	1,275	Multi-family dwelling units
	150	ACLF units
Retail	873,160	gross sq. ft.
Hotel	99 rooms	
Office	144,800	gross sq. ft.
Movie Theater	12 screens	
Golf Course and Club House	18 holes	34,500 gross sq. ft.
Business	Park/Light	
Industrial		

On approximately 908 acres with 7,175 parking spaces.

2. Development shall occur in a single phase.
3. Development shall be located in substantial conformity with the Master Development Plan dated June 20, 2018 (Map H) attached hereto as Exhibit "B."
4. The commercial areas located at the north and south ends of the Heath Brook DRI as reflected on Exhibit "B" shall not exceed 110 +/- acres; however, additional commercial and office acreage may be located within the mixed use area shown on Exhibit "B."
5. Retail, hotel, amphitheater, movie theater and office are permitted uses within the northern commercial area.
6. Retail and office are permitted uses in the southern commercial area.

7. Single and multifamily residential, retail, office, hotel and business park/light industrial uses are permitted uses in the mixed use area.
8. The Developer shall commence physical development no later than 18 months of the effective date of this Development Order. This condition has been met.
9. Buildout shall occur by May 21, 2024.
10. The plan of development approved in Section 3.B.1. may be modified by the Developer (or a successor or assign of Developer who is specifically authorized in writing to use the Equivalency Matrix, but no others) in accordance with the Equivalency Matrix attached to this Development Order as Exhibit "C". Such modification shall not require a modification of the Master Development Plan (Map H) so long as it is consistent with the Matrix Conversion - Minimum & Maximum Trade-Off Limits chart which is a part of Exhibit "C". This provides flexibility to meet future demands and eliminates the time and cost associated with modifying the approved plan of development through a Notification of Proposed Change. Any conversion of land uses shall result in an equal or lesser number of peak hour trips generated by the project.

The Developer (or its specifically authorized successor or assign) shall provide the City Planning Director, Regional Planning Council and the Department of Economic Opportunity (DEO) with a copy of any proposed conversion request for their review prior to the conversion becoming effective. The City Planning Director will provide written comments to the Developer, Regional Planning Council and DEO regarding the conversion. In addition, if a proposed conversion pursuant to this paragraph is made, the Developer shall reflect the change in the next Biennial Report.

Section 4. Conditions of Approval

A. Energy Conservation

1. The Development shall utilize the energy saving designs, methods, and devices as outlined in the documents referenced in Section 3.A.1, including non-motorized transportation, connecting routes and sheltered bus stops, avoiding blockage of solar access and natural ventilation, maximum water temperatures, minimum use of incandescent lighting, energy conservation techniques in design, and flexible air conditioning systems/computerized energy management systems.
2. The Developer shall encourage the use of Energy-Star labeled materials and products throughout the Development and shall provide information regarding the Energy-Star program to all builders and residents.

B. Surface and Ground Water Management

1. No site developer shall conduct any grading, construction or building activities within the Development without obtaining all applicable permits or approvals, and providing proof thereof to the City.
2. Water Quality Monitoring Program (WQMP)

- a. The Developer shall establish a Water Quality Monitoring Program (“WQMP”) to determine the impact of the Development on the ground and surface waters. The WQMP shall be signed and sealed by a professional geologist registered under Chapter 492, F.S., who prepared or approved the WQMP, certifying that the WQMP complies with standard professional practices, the rules of the Florida Department of Environmental Protection (“FDEP”) and any other laws and rules governing its profession.
- b. The WQMP shall include groundwater monitoring wells and surface water monitoring locations in accordance with Exhibit “B” and the following table:

MW-1	Located at sink hole	Floridan
MW-2	Located at sink hole	Floridan
MW-3	Located along SR 200	Floridan
MW-4	Located along SR 200	Floridan
MW-5	Located along SR 200	Floridan
MW-6	Located along SW 66th St.	Floridan
MW-7	Located along SW 66th St.	Floridan
MW-8	Located along I-75	Floridan
MW-9	Located along I-75	Floridan
WS-1	Located at existing lake	Surface Water
WS-2	Located at existing Lake	Surface Water

- c. Developer shall sample and analyze the water from each of the wells on a biennial basis for the following parameters described in the attached Exhibit “D”. At such time as the valid analysis results for any 'additional' parameter has been shown to be in compliance for four consecutive sampling events, a request may be made to the Department of Environmental Protection to remove that parameter from the sampling suite. Consideration of such a request shall take into account the nature of current and future development on the property.
- d. The Developer shall sample and analyze the water from each of the wells, on an biennial basis, for the potentially harmful components of pesticides and herbicides used within the Development. The Developer shall identify, in the Integrated Pest Management Plan referred to below, the parameters to be analyzed.
- e. Within 15 days from receipt of the laboratory analysis, the Developer may resample a well to verify the original results.
- f. Well Construction, Testing and Operational Procedures
 - 1). Each ground water monitoring well shall be a sufficient depth to test the Floridan Aquifer. The Developer shall perform soil borings at each ground water monitoring well, prior to the construction of such well, in order to determine required well depth such that the potentiometric surface of the upper Floridan aquifer can be representatively sampled during wet season and dry season with a minimum of a sampling interval.
 - a). After installation each well shall be developed pursuant to ASTM standard D 5092(9).

- b). Should substantial clay be encountered above the limestone, the City may approve a monitoring zone slightly above the clay stratum.
- 2). The Developer shall submit specifications of the well design and construction method for approval by the City upon recommendations by FDEP and Southwest Florida Water Management District (“SWFWMD”) prior to construction of each well. The City shall have 30 days after receipt of the specifications to approve or disapprove them.
- 3). If any monitoring well becomes damaged or inoperable, the Developer shall notify the City immediately, and provide the City with a written report within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to repair or replace the well, as appropriate, and to prevent recurrences.
- 4). The Developer shall sample groundwater in accordance with the FDEP procedures as specified in DER QA 001/92, Standard Operating Procedures for Laboratory Operations and Sample Collection Activities.
- 5). Within 30 days of completion of construction of the groundwater monitoring wells, a surveyed drawing shall be submitted showing the location of all monitoring wells (active and abandoned) which shall be horizontally located by metes and bounds or equivalent surveying techniques. The surveyed drawing shall include the monitoring well identification number as well as the location and elevation of all permanent benchmark(s) and/or corner monument marker(s) at the site. The survey shall be conducted by a Florida Registered Surveyor.
- 6). Within 30 days of completion of construction of the ground water monitoring wells, FDEP well completion reports shall be sent to the City.
- 7). Within 30 days of completion of construction of the ground water monitoring wells, the Developer shall submit the following information to the City and SWFWMD for each monitoring well:
 - a). A copy of the SWFWMD Application to Construct a Well, SWFWMD Form SF 306(3) Rev. 9/92; and
 - b). A copy of the SWFWMD Well Completion Report, SWFWMD Form 25-18-3/90.
- 8). Within 60 days of completion of construction of the ground water monitoring system, all piezometers and wells not a part of the approved ground water monitoring plan or hereafter approved by SWFWMD shall be plugged and abandoned in accordance with the requirements of SWFWMD. The Developer shall submit a written report to the City providing verification of the plugging program. A written request for exemption to the plugging of a well must be submitted to the City.

g. Reporting

- 1). The Developer shall take and report initial samples to the City and FDEP prior to the issuance of any grading, construction or building permits. The initial testing shall establish the background parameters for the WQMP.
- 2). After initial sampling to establish background values, biennial sampling shall be taken, analyzed and the results reported in accordance with the Biennial Report. Additional samples, wells and parameters may be required based upon subsequent analysis.
- 3). If the Developer elects to resample a well and to provide those results to the City, the original results shall be disregarded and the results from the resample considered representative of current groundwater conditions at that well site.
- 4). The Developer shall submit, in each Biennial Report, a cumulative summary of the ground water samples. The report shall be submitted by a professional geologist registered under Chapter 492, F.S., or a qualified licensed professional engineer.

h. Mitigation

- 1). The Developer shall report and mitigate degraded water pursuant to these provisions.
- 2). For purposes of these provisions, water shall be considered to be “degraded” if a sample from a well indicates that a parameter exceeds the “Degradation Standard” for such parameter as set forth in the Table contained in Exhibit “D”. The parameter shall be considered to exceed the Degradation Standard if:
 - a). As to parameters for which the Degradation Standard is a percentage, the parameter exceeds the established background parameter (as determined by the initial sample from the well) by the specified percentage for such parameter; or
 - b). As to parameters for which the Degradation Standard is an absolute value, the parameter exceeds the value for such parameter. If, however, the initial sample from each such well indicated the parameter already exceeded the absolute value specified for such parameter in the Table contained in Exhibit “D”, the parameter shall be considered to exceed the Degradation Standard only if it exceeds the initial value.
- 3). The Developer shall provide a report of degraded water (in addition to the regular reports the Developer provides under the WQMP) when:
 - a). Two consecutive water samples taken from the same well indicate the water is degraded;

- b). One biennial water sample taken from a well indicates the water is degraded; or
 - c). Two water samples taken from the same well within 18 months of each other indicate the water is degraded.
- 4). The Developer shall report degraded water to the City and FDEP within 30 days of its discovery by the Developer.
- 5). If the Development contributes to the degradation:
- a). The Developer shall immediately discontinue any activities which significantly contribute to the degradation until a mitigation plan has been approved by the City and DEP, and is being implemented by the Developer; and
 - b). The Developer shall implement the approved mitigation plan.
 - i. The City may require changes to the WQMP concerning parameters, sampling locations and sampling frequencies if recommended by FDEP; based upon changes in such agency's rules or policies, or changes in the proposed design of the golf course which impact the WQMP; or as a part of a mitigation plan. Any changes to the WQMP shall be incorporated into an amended development order.
 - j. After buildout, the Developer may request changes in this WQMP to reduce the frequency of sampling or to modify or eliminate parameters based upon consistency of prior tests.
3. Integrated Pest Management Plan (IPMP).
- a. The Developer (or Original Developer) submitted an Integrated Pest Management Plan (IPMP) for the Development which has been approved by the City.
 - b. The Developer shall submit any revisions to the IPMP to the City, which shall approve or disapprove them within 30 days after receipt. The Developer shall identify any such revisions in its next Biennial Report.
 - c. The IPMP addresses the use of inorganic, organic, and time-release fertilizers, and includes the following provisions:
 - 1). Appropriate measures to reduce the impacts to groundwater, wetlands and sinkhole areas and to prevent pesticide applications to these areas.
 - 2). Pesticide application standards shall allow only purposeful and minimum application of pesticides aimed only at identified targeted species. Regular widespread application of broad spectrum pesticides shall be prohibited.
 - 3). USDA-NRCS Soil Pesticide Interaction Rating Guide shall be used to select pesticides having a minimum potential for leaching based on the site specific soil conditions.

- 4). All fertilizer shall be a minimum of 30% slow release.
- d. The golf course shall be designed, constructed and maintained in accordance with the standards of the Audubon International Signature program, and shall obtain and maintain certification thereunder.
- 1). Audubon certification shall be obtained before golf play starts on the course unless such certification is not available under the Audubon program at such time, in which event certification shall be obtained at the earliest available time after play starts.
 - 2). The Developer shall report the status of the Audubon certification in each Biennial Report.
 - 3). If the Audubon certification is lost (other than as set forth in Subparagraph 3.d.4. below) for the golf course, then:
 - a). The developer of the golf course shall, within 30 days of being advised of such loss, initiate a plan of action which will achieve certification in the shortest possible time, and provide the City with a copy of such plan;
 - b). The developer of the golf course shall implement such plan in good faith;
 - c). The developer of the golf course shall achieve recertification of the golf course within 120 days after the certification is lost;
 - d). The developer of the golf course shall continue to comply with the IPMP and the Audubon standards under its most recent certification; and
 - e). If the developer of the golf course fails to comply with these requirements, it shall stop all golf play on the courses until it cures its noncompliance; provided, however:
 - (1) The developer of the golf course shall continue to maintain the golf course (including irrigating, and applying pesticides and herbicides) in accordance with the IPMP and the Audubon standards under its most recent certification.
 - (2) The developer of the golf course may recommence golf play if approved by the City.
 - 4). Notwithstanding the provisions of Subparagraph 3.d.3). above, if the developer of the golf course loses Audubon certification because Audubon discontinues the Audubon program or its certification of golf courses thereunder, the developer of the golf course shall continue to maintain the golf course in accordance with the Audubon standards under its most recent certification.

- 5). In the event of a conflict between the standards of the Audubon International Signature program and the IPMP, the standards of the Audubon program shall control, unless the City determines that the IPMP shall control. Any further references to the IPMP in the context of the golf course shall be deemed to refer to the controlling IPMP and/or Audubon standards, as appropriate.
 - e. The golf course and common area landscaping within gated residential communities shall be maintained in compliance with the IPMP. The site developer of such areas shall retain professionally trained and certified companies for such purpose.
 - f. The developer of the golf course shall retain a qualified golf course superintendent to manage the golf course who is licensed by the state to use restricted pesticides and who is familiar with and experienced in the principles of integrated pest management. Such superintendent shall be responsible for ensuring the implementation of the IPMP on the golf course.
 - g. The developer of the golf course shall keep a written record of each compound, nutrient and chemical applied to the golf course, setting forth, at a minimum, the amount applied, the location and the date.
 - h. The developer of the golf course shall incorporate native vegetation or drought-tolerant grasses in non-play areas of the golf course to reduce the need for pesticides, fertilizers, and irrigation in such areas. Play areas are considered the trees, landing areas, and putting greens.
4. All stormwater retention systems within the Development, including all stormwater retention/detention areas, shall be constructed according to state and local regulations, including, without limitation, SWFWMD's design requirements. In addition, such systems shall comply with the following design requirements:
 - a. Clay or geotextile stormwater basin liners for all constructed wet retention/detention areas.
 - b. Offline stormwater retention/detention areas.
 - c. The use of small retention/detention areas, in lieu of large retention/detention areas.
 - d. Sediment sumps at all outfall inlets to retention/detention areas.
 - e. Maximum storage depth of less than 10 feet.
 - f. A minimum distance of five (5) feet shall be maintained from the bottom of any dry retention/detention basin or golf course green to potential limerock, clay, or karst connection. During excavation, the site developer shall visually inspect the material excavated to detect limerock. Excavation and backfill of suitable material may be used to meet the minimum distance criteria of this subparagraph.
 - g. Where the potential of a connection to the aquifer exists, stormwater runoff shall not be allowed to enter the connector for storm events of less than 25 years.

- h. All swales shall be fully vegetated and operable.**
- i. Stormwater retention/detention areas, including side slopes and bottoms, shall be fully vegetated.**
- j. The Developer shall hire a licensed engineer to conduct biennial inspections of the master stormwater management system for the Development to ensure that the system is being properly maintained in keeping with its design and is providing the level of stormwater storage and treatment as established in the Development's Environmental Resource Permit. The Developer shall include the results of the inspections in each Biennial Report.**
- k. Should the Developer discover that any portion of the master stormwater system for the Development is not being adequately maintained or that the system is not functioning properly (including on occasions other than the engineer's biennial inspections), the Developer shall, within seven days, report such fact to the City, and shall promptly undertake any necessary repairs or modifications to the system. The Biennial Report shall include any such problems and the necessary repairs or modifications to remedy them, as well as what repairs or modifications to the system have been undertaken since the previous Biennial Report.**

5. To reduce the volume of stormwater runoff generated:

- a. Pervious areas (including golf courses, open space, and recreational areas) throughout the Development shall be:**
 - 1). Residential - 40% minimum pervious area**
 - 2). Commercial - 25% minimum pervious area. For purposes of this provision only, lakes shall be considered to be pervious areas.**
 - b. The use of native vegetation is encouraged within the Development.**
 - c. Invasive species, such as Brazilian pepper, Australian pine, Cogan grass, and melaleuca are prohibited.**
- 6. Landscape design and maintenance in the residential, ACLF, and multifamily areas of the Development shall follow the guidelines for lawn and landscape maintenance as set forth in the Florida Yards and Neighborhoods Program published by the University of Florida, except: (a) pesticides may be utilized as permitted by the IPMP; and (b) the minimum grass height provisions of the Program shall not apply; and (c) only 40% of the total square footage of such areas is required to be xeriscaped.**
- a. The site developers of such areas shall hire qualified landscape maintenance companies to maintain the common area landscaping within gated residential communities, ACLF sites, and multifamily sites, which shall adhere to the Florida Yards and Neighborhoods Program.**
 - b. The site developers of such areas shall insure that, prior to undertaking maintenance activities, the employees of such companies who are responsible for the maintenance in such areas have been trained in the practices mandated by the Florida Yards and Neighborhood Program by appropriate agencies.**

7. Wetlands shall be protected in the Development through the following:

- a. At least 90% of all wetlands shall be maintained in their natural state.
- b. Non-impacted wetlands shall be protected by Conservation Easements recorded in the public records of Marion County, Florida. Such Easements shall be recorded before the City issues any grading, construction or building permits within the development site that includes such wetland(s).
- c. During construction, areas subject to Conservation Easements shall be protected from intrusion by appropriate fencing, marking, etc. prior to the issuance of any building permits for activities in the vicinity of such areas.
- d. No wetland shall receive stormwater runoff from a disturbed area unless the developer of the affected site first accurately assesses qualitative and quantitative stormwater impacts, using methods approved by the City and SWFWMD (after consideration of the recommendations from other appropriate agencies), and implements effective mitigation measures to adequately address the impacts of such runoff.

8. Water conservation shall be promoted in the Development through the following:

- a. High-efficiency, low-volume, plumbing fixtures and appliances shall be used throughout the project.
- b. The irrigation system shall include rain sensors with automatic rain shut-off devices which shall be installed on each controller within the irrigation system. Low-volume irrigation system components shall be used to the maximum extent possible. Maintenance of the irrigation system shall include re-setting the automatic controllers according to the season, and checking, adjusting, and repairing irrigation devices to ensure optimum operating efficiency.
- c. The Developer shall establish an educational program for the residents of the Development on their role in the protection of the ground and surface water resources. The program shall include biennial workshops, distribution of educational materials on landscape maintenance, water conservation practices, chemical use and disposal, and other activities that could impact local and regional water resources. The program shall be coordinated with the Marion County Agricultural Extension Service.
- d. Groundwater may be used for irrigation consistent with the Development's SWFWMD consumptive use permit until such time as treated wastewater effluent is available from the City, at which time such effluent shall be used pursuant to the provisions hereof.
 - 1). Irrigation systems with a point of connection(s) along State Road 200 shall be of sufficient size to allow the City to connect its effluent line to the connection(s).
 - 2). If DEP requires additional monitoring wells or posting parameters due to the use of effluent, the Developer shall add them to the WQMP.

9. Should any noticeable soil slumping or sinkhole formation become evident, the developer of such site shall immediately notify the City and SWFWMD and adopt one or more of the following procedures, as appropriate:
 - a. If the slumping or sinkhole formation becomes evident before or during construction activities, all work (except for mitigation activities) shall stop in the affected area and remain stopped until the City and SWFWMD approve resuming construction activities.
 - b. The developer of such site shall take immediate measures to ensure no surface water drains into the affected area;
 - c. The developer of such site shall visually inspect the affected area;
 - d. The developer of such site shall excavate and backfill as required to fill the affected area and prevent further subsidence. The developer of such site shall use geotextile materials in the back filling operation, when appropriate;
 - e. The developer of such site shall maintain a minimum distance of five (5) feet from the surface of the affected area to potential limerock, clay, or karst connection;
 - f. If the affected area is in the vicinity of a water retention area, the developer of such site shall relocate the retention area if the above methods do not stabilize the collapse.
- C. Wildlife and Vegetation
1. Site development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a special concern by either the state or federal government in contravention of applicable state or federal laws. Should listed species be determined to be residing on, or be otherwise significantly dependent upon the project site, the developer of such site shall cease all activities which might negatively affect that individual or population and immediately notify the Florida Department of Economic Opportunity ("DEO"), the City, and the Florida Fish and Wildlife Conservation Commission ("FFWCC"). Proper protection and habitat management, to the satisfaction of all three agencies, and mitigation consistent with Rule 73C-40.041, F.A.C., shall be provided by the Developer.
 2. The Developer (or Original Developer) has submitted a Wildlife Habitat Management Plan which has been approved by FFWCC and includes adequate protection of the foraging areas for the southeastern American kestrel and the Sherman's fox squirrel.
- D. Historical Preservation
1. The Developer shall either preserve Florida Master Site File Forms 8MR2541, 8MR2543, and 8MR2545 or do additional testing to determine their significance and report the result to the City.
 2. Upon the discovery of any artifacts with apparent archaeological or historical significance during site preparation or construction or in connection with the additional testing provided for in Subparagraph D.1. the developer of such site shall

immediately notify the City and the Division of Historical Resources of the Florida Department of State. Such developer shall: provide proper protection for the area to the satisfaction of the Division of Historical Resources; suspend construction activities within a 40 foot radius of the site of discovery to permit the Division of Historical Resources to evaluate the site; and take other appropriate action as determined by the Division of Historical Resources. If the Division of Historical Resources neither responds nor requests the developer to take action within 30 days of the developer's notification, the developer may resume construction activities within the 40 foot radius referred to above.

E. Water Supply

1. Potable water shall be provided throughout the Development by the City. No building permit shall be issued for the Development unless adequate potable water capacity concurrent with the impacts of the proposed Development at the level of service adopted in the City Comprehensive Plan exist. The City has acknowledged that adequate potable water capacity, capable of serving the entire proposed Development, currently exists and will be maintained for the benefit of the proposed Development.
2. The golf course irrigation shall be designed, installed, and operated for maximum water use efficiency and shall be developed by an irrigation contractor licensed or certified by the State of Florida. The irrigation system shall include the following:
 - a. Irrigation zones with differing water requirements, such as putting greens, tees, fairways, common areas, etc., shall be irrigated separately.
 - b. Low volume irrigation system components shall be used to the maximum extent practical.
 - c. High frequency irrigation areas shall be limited to tees and greens.
 - d. The irrigation system shall include rain sensors with automatic rain shutoff devices which shall be installed on each controller within the irrigation system.
 - e. Maintenance of the irrigation system shall include resetting the automatic controllers according to the season and checking, adjusting, and repairing irrigation devices to ensure optimum operating efficiency.
3. The developer of the golf course shall install potable water conservation devices. The installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required.

F. Wastewater

1. Wastewater treatment and disposal shall be provided throughout the Development by the City. No building permit shall be issued for the Development unless adequate wastewater capacity will be available concurrent with the impacts of the proposed Development at the level of service adopted in the City Comprehensive Plan. The City has acknowledged that adequate wastewater capacity, capable of

serving the entire Development, currently exists and will be maintained for the benefit of the Development.

2. Septic tanks shall not be used within the Development; provided, however, temporary septic tanks, temporary portable pump-out type toilets, or a temporary package treatment plant may be used for golf comfort stations, golf maintenance areas, sales centers, models, guard house facilities, construction activities and other similar temporary activities. Such temporary facilities shall be phased out when the site in which they are located can be served by the central wastewater system but in no event later than buildout.

G. Solid Waste

1. No building permit shall be issued for the Development unless adequate solid waste collection and disposal capacity will be available concurrent with the impacts of the proposed Development at the level of service adopted in the City's Comprehensive Plan. The City has acknowledged that adequate solid waste disposal capacity, capable of serving the entire Development, currently exists and will be maintained for the benefit of the Development.
2. The Developer shall participate in a curb-side recycling program initiated by the City.

H. Air Quality

During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined particulates, including grass seeding and mulching of disturbed areas, shall be undertaken and implemented by the site developer to comply with DEP air quality standards.

I. Hazardous Substances

1. No large quantity generators of hazardous waste shall be allowed within the Development. There shall be no storage or commercial distribution of any hazardous substances in amounts that exceed the small quantity generator upper limits as defined in Rule 62-730.160, F.A.C., and Chapter 40, C.F.R., Section 262.44. A violation of this condition shall be considered a substantial change and development shall stop until appropriate review by the City has been completed, in addition to any other action appropriate under hazardous substances or hazardous waste regulations in effect at the time of the violation.
2. The hazardous waste requirements contained in Rule 62-730.160, F.A.C., and Chapter 40, C.F.R., Section 262.44 shall apply to the retail and office portions of the Development.
3. Disposal of hazardous substances in the retail and office spaces within the Development shall be limited to amounts that are within, but do not exceed, the small quantity generator upper limits as defined in Rule 62.730.160, F.A.C., and Chapter 40, C.F.R., Section 262.44, that are either medical or non-medical hazardous wastes, to be disposed of by a hazardous waste transporter.

4. The Developer shall establish an educational program for the residents of the Development to inform them as to the nature and types of hazardous wastes, methods of storage and disposal, as well as the timing of "Amnesty Days" sponsored by governmental or other appropriate entities.
5. The Developer shall include information in the Biennial Report regarding compliance with the requirements of this Subsection.

J. Transportation/Mass Transit

1. Developer has provided for the reservation of necessary right-of-way for, and has constructed, a two lane public street, with a five-foot sidewalk on one side, in a fifty foot right-of-way connecting the northern and southern commercial areas.
2. Except as otherwise approved by FDOT and the City, access from the Development to State Road 200 shall be limited to the number and location of vehicle access points shown on the Roadway Access Management Plan, attached hereto as Exhibit "E".
3. The Developer previously conveyed to the City for incorporation into the proposed State Road 200 Bypass (S.W. 38th Avenue), free and clear of all liens and encumbrances and in a manner to ensure that the western boundary of the conveyance is a straight line, a minimum 100 feet of land for use as right-of-way and utilities on the Development's eastern boundary from S.W. 66th Street to the southern boundary of Executive Park. However, this right-of-way may be conveyed back to the Developer (or its successor(s)-in-title that own land contiguous to such right-of-way) by the City in the event the County constructs an alternate north/south roadway through the eastern portion of the Heath Brook DRI.
4. The Project shall have access to S.W. 66th Street or to a roadway running north to south for the extent of the Property and located in the eastern half of the Property (the "North-South Road"), or both.
 - a. The exact location of such access shall be determined during the preliminary plat or site plan approval process for the area adjacent to such access.
 - b. Unless otherwise constructed by the entity with maintenance jurisdiction, the developer of the site to which access is provided from S.W. 66th Street shall construct such access, including acceleration and turn lanes, as part of the construction of the improvements for the platted area adjacent to such access, provided:
 - 1). The County permits such access; and
 - 2). Such access does not cause S.W. 66th Street to drop below its adopted level of service.
 - c. Unless otherwise constructed by the entity with maintenance jurisdiction, the developer of the site to which access is provided from the North-South Road shall construct such access, including acceleration and turn lanes, as part of the

construction of the improvements for the platted area adjacent to such access, provided:

- 1). The County permits such access; and
 - 2). Such access does not cause the North-South Road to drop below its adopted level of service.
5. The following pedestrian, transit, and non-automotive amenities shall be provided:
- a. A minimum 8-foot wide multi-purpose path along one side of the Development's collector roadways and a minimum 5-foot wide sidewalk along the other side of the Development's collector roadways as designated on the Master Development Plan.
 - b. Upon the City's request, a minimum of one sheltered bus stop at each commercial area, and, if necessary, pedestrian facilities from each bus stop to access the adjacent commercial area. An additional bus stop may be added at the northern commercial area if necessary to take into account increased bus service and demand.
 - c. A conceptual master plan illustrating a pedestrian/non-automotive system which connects the different land uses and demonstrates an efficient pedestrian/non-automotive system. Such plan shall be submitted with the first rezoning application and, as applicable, with subsequent rezoning applications or, at the discretion of the City, with each application for site plan approval and may be revised from time to time as to undeveloped portions of the Development. With the concurrence of the City, the system shall be in lieu of the 5-foot wide sidewalk provided for in Subparagraph 5.a. above.
 - d. Transportation services for the residents of the ACLF.
6. When warranted and required by FDOT and provided sufficient right-of-way is available, Developer shall provide for the construction of an additional southwest bound left turn lane on SR 200 that leads into Entrance 7.
7. On December 20, 2005, the Developer and City entered into the Concurrency Development Agreement recorded at O.R. Book 4291, Page 1444, as amended (the "Concurrency Development Agreement"). Based on the Developer providing for payment of \$2,017,604.70 to the City, payment of \$1,008,092.40 to FDOT and an additional payment of \$400,127.04 to the City in accordance with the terms of the Concurrency Development Agreement, the Developer has fully satisfied all DRI transportation mitigation obligations related to the Heath Brook DRI except as set forth in Subparagraphs 4., 5., 6. and 8., of this Subsection J. In addition, the Developer has reserved transportation capacity for the Heath Brook DRI in the amount of 3,717 PM peak hour external trips in accordance with the Concurrency Development Agreement, which capacity reservation will expire on November 26, 2024 unless extended.

8. The design and construction of all traffic improvements completed within the Development shall be approved by the entity with jurisdiction over the roadway.

K. Emergency Shelters

The Development shall endeavor to provide emergency shelter space for 10% of its single family and multi-family residents and for all residents of the ACLF in designated areas within the Development, such as the golf course clubhouse, the individual multi-family clubhouses, and the hotel. The shelter space for the residents of the ACLF shall be provided within the ACLF. All shelters shall be constructed in accordance with the criteria adopted by the Marion County Emergency Management Authority.

L. Amphitheater

1. An amphitheater or other open-air venue for public gathering has been constructed in the northern commercial area of the Development.

M. Developer Contributions

1. The Developer (or the Original Developer) has made the following contributions to provide for the following public facilities needed to accommodate the impacts of the proposed Development.
 - a. The Developer (or the Original Developer) paid \$1,091,500 to the City for construction of a fire station, the purchase a pumper fire truck, and the provision of fire service for the Development.
 - b. The Developer (or the Original Developer) paid \$400,000 to the City for the purchase of the following equipment in order to provide solid waste services to the Development: a commercial front end loader; a residential automated side loader and solid waste carts.
 - c. The Developer (or the Original Developer) paid \$33,500 to reimburse the City for its expenses incurred in processing the ADA and preparing the initial development order for the Heath Brook DRI.

N. Design Standards

1. The design for the State Road 200 landscape buffer have been submitted by the Developer and approved by the City.
2. The City has approved Design Standards for the single family development which consist, at a minimum, of the following:
 - a. A common signage program;
 - b. Landscape buffers along State Road 200, Interstate 75 and S.W. 66th Street;
 - c. A landscaping pallet and criteria;
 - d. Exterior lighting design criteria; and

- e. Parking, dumpster and service area design criteria;
- 3. The City has approved Design Standards for the commercial and multi-family areas which consist, at a minimum, of the following for the respective areas:
 - a. A common signage program;
 - b. Landscape buffers along State Road 200 and S.W. 66th Street;
 - c. A landscaping pallet and criteria;
 - d. Exterior lighting design criteria;
 - e. Parking, dumpster and service area design criteria; and
 - f. Exterior design criteria for any portions of the retail areas exposed to State Road 200.
- 4. The Developer shall submit to the City for approval, at or prior to the submission of a site plan for a business park/light industrial area, Design Standards which shall consist, at a minimum, of the following for such area:
 - a. A common signage program;
 - b. Landscape buffers along SW 49th Avenue;
 - c. A landscaping pallet and criteria;
 - d. Exterior lighting design criteria; and
 - e. Parking, dumpster and service area design criteria.
- 5. All improvements shall be constructed in substantial compliance with the approved Design Standards.
- 6. The architecture for the commercial and adjacent multi-family areas shall be compatible.

O. Affordable Housing

The Development shall endeavor to provide for at least 15% of the residential units to be affordable for "moderate income households" as determined by the standards of the United States Department of Housing and Urban Development for Marion County.

P. Biennial Reports

A Biennial Report shall be submitted in even-numbered years on the anniversary of the effective date of this Development Order to the City. The Biennial Report shall include those items required by Rule 73C-40.025(7), F.A.C., and the following items required by this Development Order.

- a. A cumulative summary of the ground water samples;

- b. Any revisions to the IPMP; The status of the Audubon certification of the golf courses;
- c. The results of the biennial inspections of the stormwater management system and any problems, repairs, or modifications of the stormwater management system;
- d. Hazardous substances report;
- e. Any required biennial traffic signal warrant study; and
- f. The initial transportation monitoring study and each TIA.

Q. Vested Rights

This Development Order does not diminish any vested rights the project acquired by virtue of obtaining DRI approval before the date that school concurrency became effective in the City.

Section 5. City or Agency Automatic Approval

A. Where a provision of this Development Order indicates that a matter is to be submitted to the City or an agency for approval, or is otherwise subject to City or agency approval, and provides a time period for the City or the agency to approve it, the matter shall be deemed automatically approved if:

- 1. The Developer transmits the matter to the City or agency for approval with a cover sheet containing the following legend (with the appropriate time period filled in) typed in bolded, 16-point (or larger) font:

Pursuant to the Development Order for Heath Brook, this matter will be deemed approved if the recipient hereof fails to act with ____ days of its receipt.

and,

- 2. Thereafter, the City or agency fails to act, within the time period specified in this Development Order or such longer period as consented to by the Developer in writing.

Section 6. Modifications of the Development Order

Except as provided above relating to the Developer's use of the Equivalency Matrix, any change in the plan of development or provisions of this Development Order shall be submitted and reviewed in accordance with Section 380.06(7), F.S. In addition, any change in the plan of development shall be reviewed under, and subject to, the City's comprehensive plan and land development regulations and agency rules and regulations in effect at the time the proposed changes are submitted.

Section 7. Recording

Within ten days of the effective date of this Development Order, the Developer shall cause notice of the adoption of the Development Order and a copy of this Development Order to be recorded in accordance with Section 28.222, F.S.

Section 8. Effective Date

This Development Order shall be effective immediately upon its adoption by the City.

Section 9. Termination Date of the Development Order

This Development Order shall expire May 21, 2024, unless extended.

Section 10. Binding Effect

This Development Order shall be binding upon and shall be for the benefit of the Developer, its assigns, or successors in interest, including, without limitation, any entity, such as a homeowner's association, that may assume any of the responsibilities imposed on the Developer by this Development Order.

Section 11. Monitoring Official

The City Manager or a designee shall monitor the Development through the review of the Biennial Report and other studies and reports required of the Developer, building permits, certificates of occupancy, plats, if applicable, or any other relevant and factual information.

Section 12. Down-Zoning

Prior to the termination date of this Development Order, the Heath Brook DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is essential to the public health, safety, or welfare.

Section 13. Effect of Appeal

Any appeal of this Development Order shall:

- A. Stay the effectiveness of this Development Order;
- B. Extend the commencement, phase, buildout, and termination dates established herein by a period of time equal to the length of time that the appeal, challenge, or non-compliance proceeding remains pending; and
- C. Extend the time in which the Development must fulfil obligations imposed herein by a period of time equal to the length of time that the appeal, challenge, or non-compliance remains pending.

Section 14. Notices

- A. All notices, notifications, requests, consents and other communications required or permitted under this Development Order shall be in writing (including faxed

communication) and shall be (as elected by the person giving such notice) hand delivered by messenger or courier service or mailed by Registered or Certified Mail (postage pre-paid), Return Receipt Requested, addressed to:

a.	If to City:	City of Ocala PO Box 1270 121 SE Watula Ave. Ocala, Florida 34478 Attn: Planning Director Fax: (352) 368-5594
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b.	If to the Developer:	Ocala Trophy, Ltd. Attn: Mr. Marvin Smollar 3483 W. Woolbright Rd. Boynton Beach, FL 33436 Fax: (561) 362-9208
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or to such other addresses as either may designate by notice complying with the terms of this section.

2. Each such notice shall be deemed delivered:

- a. On the dated delivered if by personal delivery; or
- b. On the date upon which the Return Receipt is signed or delivery is refused or the notice is designated by the postal authorities as not delivered, as the case may be, if mailed.

Section 15. Violations.

A. The provisions of this section are designed to apply in the event the Developer, its successors, grantees or assigns, violates any of the conditions of this Development Order or otherwise fails to act in substantial compliance with this Development Order (which violation or failure to comply is referred to as a "violation").

B. In the event of a violation, the City may, in its discretion, stay the effectiveness of this Development Order on:

- 1. Identifiable tracts or parcels, or portions of tracts or parcels owned by the person or entity violating a condition of this Development Order and within the property described in Exhibit "A" attached hereto, in which case all further development permits, approvals and services for the development of said tracts or parcels, or portions of tracts or parcels shall be withheld. Person or entities owning property within the Heath Brook DRI who have not violated a condition of the Development Order, as amended, may continue to develop under the terms and conditions of this Development Order. For purposes of this section, the term "tract" shall be defined to mean:

Any quantity of land capable of being described with such definiteness that its boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit,

located within the legal description set out in Exhibit "A" attached hereto and the Heath Brook DRI Master Development Plan, dated October 26, 2017 (Map H).

- 2. The Developer, its successors, assignees, or grantees who are subject to a stay of the Development Order pursuant to subparagraph b. above, shall be given a written notice of violation by the City and a reasonable period of time to cure the violation. The person subject to the stay may petition the City Council for review of the notice of violation, prior to the stated compliance date, and such review shall be conducted at a public hearing.
- 3. In addition to the remedies set forth herein, the City may, in the event of a violation, pursue any such remedies provided the City by Section 380.11, F.S.

Section 16. Delay.

The Developer's failure to perform an obligation or fulfill a condition of this Development Order caused by events not anticipated at the time this Development Order was issued, including acts of God; delay due to a strike or labor difficulty; material, product or equipment shortages; or by other causes over which the Developer has no control, including delay in, failure of, or refusal by county, regional, state or federal authorities to issue permits for the activity required, shall not terminate or permit the termination of this Development Order, but shall not preclude the City from abating development until such failure is cured.

ADOPTED by the City Council of the City of Ocala, Florida, on 8/21, 2018.

This resolution adopted this 21 day of August, 2018.

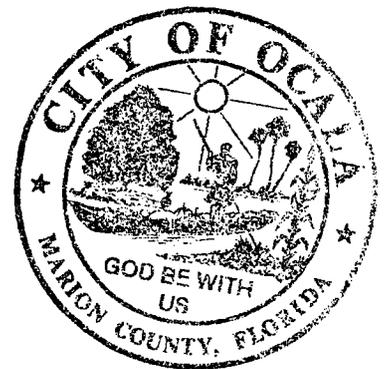
CITY OF OCALA

By: Matthew J. Warden
Matthew J. Warden
President, Ocala City Council

ATTEST:
By: Angel B. Jacobs
Angel B. Jacobs
City Clerk

Approved as to form and legality:

By: W. James Gooding III
~~Patrick G. Gilligan~~
~~City Attorney~~
W. James Gooding III
Assistant City Attorney



THIS IS TO CERTIFY THE FOREGOING TO BE A TRUE AND ACCURATE COPY
Roseann J. Floto
DEPUTY CITY CLERK

EXHIBIT A – LEGAL DESCRIPTION

LEGAL DESCRIPTION (FURNISHED):

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 21 EAST, AND RUNNING THENCE S 89°00'19" E, ALONG THE SOUTH BOUNDARY OF SAID SECTION 3, 2643.75 FT., TO THE SOUTH 1/4 CORNER; THENCE S 89°59'56" E, ALONG THE SOUTH BOUNDARY OF SAID SECTION 3, 1681.69 FT.; THENCE N 01°00'04" E, 85.00 FT.; THENCE S 88°59'56" E, 912.33 FT., TO EAST BOUNDARY OF THE SAID SECTION 3; THENCE N 00°21'02" E, 1238.73 FT.; THENCE N 89°34'20" E, 38.02 FT., TO THE WESTERLY RIGHT OF WAY OF STATE ROAD / 93 (ALSO KNOWN AS I-75); THENCE N 00°21'42" E, 1323.10 FT., ALONG THE SAID WESTERLY RIGHT OF WAY; THENCE N 89°27'28" W, 38.27 FT. TO THE EAST 1/4 CORNER OF SAID SECTION 3; THENCE N 00°20'17" E, ALONG THE AFOREMENTIONED EAST BOUNDARY 2605.21 FT. TO THE NE CORNER OF THE SAID NW 1/4; THENCE N 89°20'41" W, 115.47 FT., TO THE SE CORNER OF SECTION 34, TOWNSHIP 15 SOUTH, RANGE 21 EAST; THENCE N 89°19'20" W, 1321.63 FT. TO A REBAR AND GAP AT THE SE CORNER OF THE W 1/2 OF THE SE 1/4 OF SAID SECTION 34 (SAID POINT ALSO BEING THE SOUTHEAST CORNER OF "EXECUTIVE PARK" AS RECORDED IN THE PUBLIC RECORDS OF MARION COUNTY FLORIDA IN PLAT BOOK "T" ON PAGE 11); THENCE N 00°15'07" E, ALONG THE EAST BOUNDARY OF THE SAID W 1/2, 2845.25 FT., TO A 4X4 CONCRETE MONUMENT AT THE NORTH BOUNDARY OF THE AFOREMENTIONED SE 1/4; THENCE N 89°38'13" W, ALONG THE NORTH BOUNDARY OF THE SAID SE 1/4, 609.21 FT. TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 200 (AS MONUMENTED BY FLORIDA DEPARTMENT OF TRANSPORTATION); THENCE S 41°48'37" W, 781.55 FT., TO A REBAR & CAP; THENCE N 00°05'30" E, 6.01 FT. TO A REBAR & CAP; THENCE S 41°48'37" W, 983.78 FT., TO A REBAR & CAP; THENCE N 89°28'49" W, 1.33 FT., TO A REBAR & CAP; THENCE S 41°48'37" W, 648.31 FT. TO A REBAR & CAP; THENCE S 48°11'23" E, 18.00 FT., TO A REBAR & CAP; THENCE S 41°48'37" W, 200.00 FT., TO A REBAR & CAP; THENCE N 48°11'23" W, 11.00 FT., TO REBAR & CAP; THENCE S 41°48'37" W, 379.00 FT., TO REBAR & CAP; S 48°11'23" E, 20.00 FT., TO A REBAR & CAP; THENCE S 41°48'37" W, 100.00 FT., TO A REBAR & CAP; THENCE N 48°11'23" W, 20.00 FT., TO REBAR & CAP; THENCE S 41°48'37" W, 721.00 FT., TO A REBAR & CAP; THENCE S 48°11'23" E, 345.73 FT., TO A REBAR & CAP; THENCE S 41°48'37" W, 585.48 FT., TO WEST BOUNDARY OF THE NW 1/4 OF THE AFOREMENTIONED SECTION 3; THENCE S 00°38'38" W, 31.71 FT., TO A 4X4 CONCRETE MONUMENT; THENCE S 00°38'38" W, 873.20 FT., TO 4x4 CONCRETE MONUMENT; THENCE DEPARTING FROM SAID EAST BOUNDARY LINE, S 89°50'16" W, 1043.49 FEET; THENCE, S 00°38'42" W, 417.13 FEET; THENCE N 89°50'16" W, 591.11 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD #200; THENCE S 41°48'37" W, ALONG SAID SOUTHERLY RIGHT OF WAY, 1334.25 FEET, TO A REBAR & CAP (MARKED FL D.O.T.); THENCE, S 00°29'22" W, 7.57 FEET, TO A REBAR & CAP (FL D.O.T.); THENCE S 41°48'37" W, 94.03 FEET, TO A REBAR (FL D.O.T.); THENCE ALONG A CURVE CONCAVE SOUTHEASTERLY HAVING A CENTRAL ANGLE OF 01°14'48", A RADIUS OF 22835.31 FEET, AN ARC LENGTH OF 498.84 FEET, A CHORD BEARING OF S 41°09'56" W AND A CHORD DISTANCE OF 496.83 FEET TO REBAR & CAP (FL D.O.T.); THENCE S 48°27'28" E, 17.00 FEET, TO A REBAR & CAP (FL D.O.T.); THENCE ALONG A CURVE CONCAVE SOUTHEASTERLY HAVING A CENTRAL ANGLE OF 00°14'38", A RADIUS OF 22818.31 FEET, AN ARC LENGTH OF 99.50 FEET, A CHORD BEARING OF S 40°25'02" W AND A CHORD DISTANCE OF 99.50 FEET, TO A REBAR & CAP (FL D.O.T.); THENCE N 48°42'28" W, 18.16 FEET TO A REBAR & CAP (FL D.O.T.); THENCE ALONG A CURVE CONCAVE NORTHWESTERLY HAVING A CENTRAL ANGLE OF 00°49'55", A RADIUS OF 23002.31 FEET, AN ARC LENGTH OF 333.98 FEET, A CHORD BEARING OF S 40°24'29" W AND A CHORD DISTANCE OF 333.97 FEET, TO A REBAR & CAP (FL D.O.T.); THENCE DEPARTING FROM THE AFORESAID SOUTHERLY RIGHT OF WAY LINE, S 00°28'25" W, 694.53 FEET, TO A REBAR & CAP (MARKED MEC) ON THE NORTHERLY RIGHT OF WAY LINE OF WILLIAMS ROAD ALSO KNOWN AS SW 66th STREET; THENCE S 89°44'43" E, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 1103.74 FEET, TO A 4x4 CONCRETE MONUMENT (MEC); THENCE N 00°32'25" E, 499.87 FEET, TO AN IRON PIPE; THENCE S 89°43'12" E, 219.96 FEET TO A 4X4 CONCRETE MONUMENT (MARKED #2502); THENCE S 00°31'20" W, 512.70 FEET, TO THE SOUTH BOUNDARY LINE OF AFORESAID SECTION 4; THENCE S 89°47'51" E, ALONG THE SAID SOUTH BOUNDARY, 1960.88 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:
 COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 16 SOUTH, RANGE 21 EAST; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID NORTHEAST 1/4 N 89°50'16" W FOR 943.53 FEET TO THE POINT OF BEGINNING; THENCE N 89°50'16" W FOR 100.00 FEET; THENCE N 00°38'42" E FOR 417.13 FEET; THENCE S 89°50'16" E FOR 100.00 FEET; THENCE S 00°38'42" W FOR 417.13 FEET TO THE POINT OF BEGINNING. SAID LAND BEING SITUATED IN MARION COUNTY, FLORIDA AND CONTAINS 0.958 ACRES MORE OR LESS.

EXCEPT PARCEL NO. 120 PART C, FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 36100-2321 (WATER RETENTION AREA) RECORDED IN OFFICIAL RECORDS BOOK 2069, PAGE 1882, MARION COUNTY RECORDS.

SUBJECT TO PARCEL NO. 802, FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 36100-2521 (30 FOOT STORM EASEMENT & MAINTENANCE ROAD RIGHT OF WAY) RECORDED IN OFFICIAL RECORDS BOOK 2069, PAGE 1882, MARION COUNTY RECORDS.

SUBJECT TO PARCEL NO. 707, FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 36100-2521 (10 FOOT TEMPORARY CONSTRUCTION EASEMENT) RECORDED IN OFFICIAL RECORDS BOOK 2069, PAGE 1882, MARION COUNTY RECORDS.

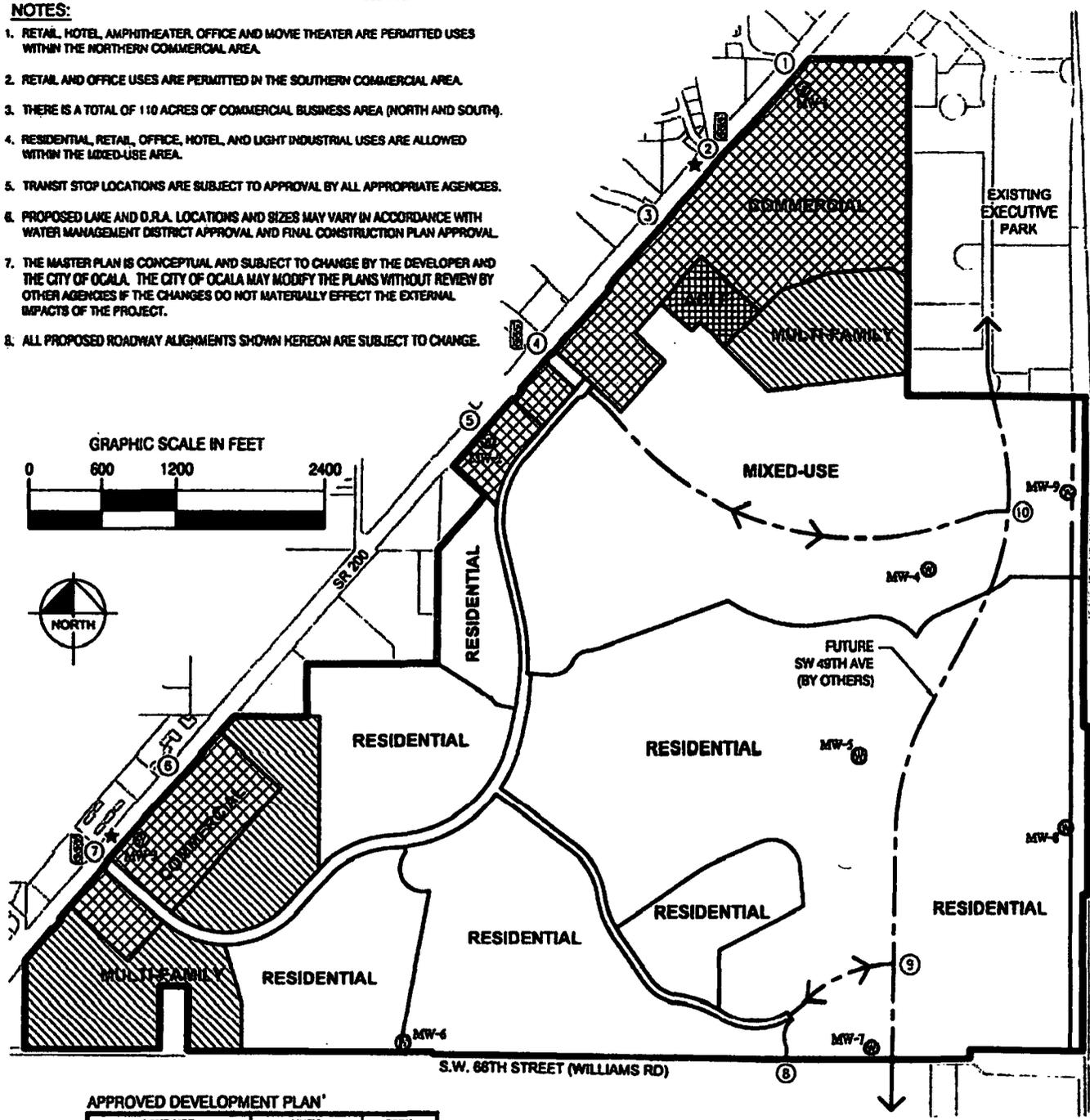
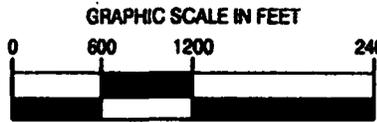
SUBJECT TO THE RIGHTS OF THE PUBLIC OVER S.W. 66TH STREET (WILLIAMS ROAD)

SUBJECT TO ALL EASEMENTS RIGHTS OF WAY AND RESERVATIONS OF RECORD, IF ANY

SAID LANDS LYING AND BEING IN MARION COUNTY, FLORIDA CONTAINING 908.572 ACRES MORE OR LESS

NOTES:

1. RETAIL, HOTEL, AMPHITHEATER, OFFICE AND MOVIE THEATER ARE PERMITTED USES WITHIN THE NORTHERN COMMERCIAL AREA.
2. RETAIL AND OFFICE USES ARE PERMITTED IN THE SOUTHERN COMMERCIAL AREA.
3. THERE IS A TOTAL OF 110 ACRES OF COMMERCIAL BUSINESS AREA (NORTH AND SOUTH).
4. RESIDENTIAL, RETAIL, OFFICE, HOTEL, AND LIGHT INDUSTRIAL USES ARE ALLOWED WITHIN THE MIXED-USE AREA.
5. TRANSIT STOP LOCATIONS ARE SUBJECT TO APPROVAL BY ALL APPROPRIATE AGENCIES.
6. PROPOSED LAKE AND D.R.A. LOCATIONS AND SIZES MAY VARY IN ACCORDANCE WITH WATER MANAGEMENT DISTRICT APPROVAL AND FINAL CONSTRUCTION PLAN APPROVAL.
7. THE MASTER PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE BY THE DEVELOPER AND THE CITY OF OCALA. THE CITY OF OCALA MAY MODIFY THE PLANS WITHOUT REVIEW BY OTHER AGENCIES IF THE CHANGES DO NOT MATERIALLY EFFECT THE EXTERNAL IMPACTS OF THE PROJECT.
8. ALL PROPOSED ROADWAY ALIGNMENTS SHOWN HEREON ARE SUBJECT TO CHANGE.



APPROVED DEVELOPMENT PLAN'

LAND USE	UNITS	TOTAL
RESIDENTIAL SINGLE FAMILY	DU	1473
RESIDENTIAL MULTIFAMILY	FU	1775
RESIDENTIAL ACF	DU	150
GOLF COURSE	HOLES	18
RETAIL	SF	873,160
OFFICE	SF	144,800
MOVIE THEATER	SCREENS	12
HOTEL	ROOMS	99
BUSINESS PARK/LIGHT INDUSTRIAL	SF	24,500

1. THE ABOVE LAND USES AND DENSITIES AND INTENSITIES ARE SUBJECT TO MODIFICATION IN ACCORDANCE WITH THE DEVELOPMENT EQUIVALENCY MATRIX AND THE MATRIX CONVERSION - MINIMUM & MAXIMUM TRADE-OFF LIMITS.

LEGEND & LAND USE DESIGNATIONS

- ★ TRANSIT STOP
- ④ PROPOSED ACCESS LOCATION NUMBERS
- Ⓜ TRAFFIC SIGNAL
- ⊙ MONITORING WELL
- ACLF
- COMMERCIAL
- SINGLE FAMILY RESIDENTIAL
- MULTI-FAMILY
- MIXED-USE

HEATH BROOK

MASTER DEVELOPMENT PLAN

Kimley»Horn

Prepared for:
OCALA TROPHY LIMITED PARTNERSHIP

MAP H

© 2018 KIMLEY-HORN AND ASSOCIATES, INC.
104 EAST SILVER SPRINGS BLVD. SUITE 400, OCALA, FL 34470
PHONE: 352-438-3000
WWW.KIMLEY-HORN.COM CA 06500026

JUNE 20, 2018

K:\OCA_Civil\142175003 - Heath Brook Tract C\CADD\Exhibits\Map H.dwg, Layout: Map H Jun 20, 2018 mohammed.murad
XREFS: xBase-142175003 xBoundary-142175003 kh-address-oco DrawingDate

EXHIBIT C – HEATH BROOK DRI DEVELOPMENT EQUIVALENCY MATRIX AND MAXIMUM/MINIMUM TABLE

Development Equivalency Matrix

		A. LAND USE EQUIVALENCY RATES													
CHANGE TO ↓	CHANGE FROM →	Gated Single Family Community (Units)	Condominium (Units)	Gated Golf Community (Units)	Multi-Family (Units)	ACLF (Units)	Shopping (North) (Sq. Ft)	Shopping (South) (Sq. Ft)	Multiplex Movie Theater (Screens)	Office (North) (Sq. Ft)	Office (South) (Sq. Ft)	Hotel (Room)	Business Park/Light Industrial (Sq. Ft)	Warehousing (Sq. Ft)	Mini-Warehouse (Sq. Ft)
		Gated Single Family Community	–	1,670	1,663	1,629	9,941	0,294	0,193	0,074	0,485	0,250	1,423	0,002	6,318
Condominium	0,633	–	0,900	0,871	3,176	0,162	0,103	0,039	0,263	0,137	0,701	0,429	2,842	3,176	
Gated Golf Community	0,594	1,111	–	0,988	3,329	0,189	0,116	0,044	0,279	0,132	0,545	0,470	3,159	3,629	
Multi-Family	0,614	1,148	1,053	–	3,647	0,174	0,119	0,045	0,279	0,137	0,575	0,482	3,263	3,647	
ACLF	0,168	0,318	0,263	0,274	–	0,048	0,033	0,012	0,077	0,043	0,229	0,135	0,691	1,000	
Shopping (North)	3,329	6,593	5,853	5,743	20,941	–	0,051	0,259	1,894	0,901	5,014	3,629	16,737	20,941	
Shopping (South)	5,178	9,683	8,717	8,435	30,765	1,480	–	0,381	2,356	1,324	7,396	4,151	27,820	30,765	
Multiplex Movie Theater	13,694	26,426	22,893	22,145	80,765	3,857	2,826	–	0,185	3,476	19,338	10,837	72,363	80,765	
Office (North)	2,198	4,111	3,700	3,581	13,069	0,624	0,424	0,162	–	0,582	3,127	1,702	11,684	13,069	
Office (South)	3,911	7,318	6,563	6,371	23,235	1,110	0,765	0,288	1,779	–	5,563	3,135	20,789	23,235	
Hotel	0,703	1,318	1,193	1,145	4,178	0,199	0,136	0,052	0,320	0,180	–	0,063	3,737	4,178	
Business Park/Light Industrial	1,248	2,333	2,100	2,032	7,412	0,354	0,241	0,092	0,508	0,219	1,775	–	6,632	7,412	
Warehousing	0,168	0,332	0,317	0,308	1,118	0,063	0,038	0,014	0,098	0,048	0,268	0,181	–	1,118	
Mini-Warehouse	0,168	0,315	0,283	0,274	1,000	0,048	0,033	0,012	0,077	0,043	0,239	0,135	0,695	–	

B. EQUIVALENCY EXAMPLES

- EXAMPLE 1:** To add 2,000 square feet of Shopping (North) and change from Office (North);
7 KSF = 1,604 = 3,708 = Reduce Office (North) by 3,708 Square Feet
- EXAMPLE 2:** To add 50 Multi-Family Units and change from Hotel;
50 Units = 0,873 = 44 = Reduce Hotel by 44 Rooms
- EXAMPLE 3:** To change from 500 Single Family Units to Shopping (North);
500 Units = 0,675 = 141,844 square feet of Shopping
- EXAMPLE 4:** To change from 500 Single Family Units to Office (North);
500 Units = 2,198 = 277,473 square feet of Office
- EXAMPLE 5:** To change from 10,000 square feet of Retail (North) to Business Park;
10 KSF = 0,534 = 28,263 square feet of Business Park

C. SOURCE INFORMATION AND DOCUMENTATION FOR EQUIVALENCY RATES

Land Use	Source	Units	Gross Trip Rates
Gated Single Family	PM Peak Hour Trip Rate for Land Use Code 210.0TR Trip Generation Manual 6th Edition	1 DU	1.01
Condominium	PM Peak Hour Trip Rate for Land Use Code 220.0TR Trip Generation Manual 6th Edition	1 DU	0.64
Gated Golf Community	PM Peak Hour Trip Rate from the Heath Brook GRI Report	1 DU	0.68
Multi-Family	PM Peak Hour Trip Rate for Land Use Code 220.0TR Trip Generation Manual 6th Edition	1 DU	0.62
ACLF	PM Peak Hour Trip Rate for Land Use Code 23.2.0TR Trip Generation Manual 6th Edition	1 DU	0.17
Shopping (North)	PM Peak Hour Trip Rate for Land Use Code 620.0TR Trip Generation Manual 6th Edition	1 KSF	3.56
Shopping (South)	PM Peak Hour Trip Rate for Land Use Code 620.0TR Trip Generation Manual 6th Edition	1 KSF	5.23
Multiplex Movie Theater	PM Peak Hour Trip Rate for Land Use Code 645.0TR Trip Generation Manual 10th Edition	1 Screen	13.73
Office (North)	PM Peak Hour Trip Rate for Land Use Code 710.0TR Trip Generation Manual 6th Edition	1 KSF	2.22
Office (South)	PM Peak Hour Trip Rate for Land Use Code 710.0TR Trip Generation Manual 6th Edition	1 KSF	3.85
Hotel (OTE 310)	PM Peak Hour Trip Rate for Land Use Code 710.0TR Trip Generation Manual 6th Edition	1 Room	0.71
Business Park/Light Industrial	PM Peak Hour Trip Rate for Land Use Code 770.0TR Trip Generation Manual 10th Edition	1 KSF	1.26
Warehousing	PM Peak Hour Trip Rate for Land Use Code 130.0TR Trip Generation Manual 10th Edition	1 KSF	0.19
Mini-Warehousing	PM Peak Hour Trip Rate for Land Use Code 121.0TR Trip Generation Manual 10th Edition	1 KSF	0.17

Note 1: Trip rates are as approved per the 4th Amendment to the Heath Brook Development Order (March 23rd, 2005).
 Note 2: Trip rate is from land use code 445 (Multiplex Movie Theater) from ITE Trip Generation Manual, 10th edition based on the type of movie theatre proposed.

Matrix Conversion Minimum & Maximum Trade-Off Limits

Land Use	Minimum	Maximum
Single-Family Detached (units)	750	2,250
Condominium (units)	0	680
Multi-Family (units)	320	1,275
ACLF (units)	0	225
Shopping (rsf)	350,000	1,050,000
Movie Theater (screens)	0	18
Office (rsf)	50,000	150,000
Hotel (rooms)	99	300
Business Park/Light Industrial (rsf)	0	50,000
Warehousing/Mini-warehousing (rsf)	0	330,000

Ground & Surface Water – Parameter – Heath Brook Water Monitoring Program

ITEM	PARAMETER	REPORTING UNIT	DEGRADATION STANDARD
	Core Parameters		
a.	Fecal Coliforms	Cts./100 mL	2 cts./100 mL
b.	Nitrate	mg/L	3 mg/L
c.	Total Dissolved Solids	mg/L	500 mg/ L
d.	Sodium	mg/L	15 mg/L
e.	Sulfate	mg/L	45 mg/L
	Field Parameters		
f.	Turbidity	NTUs	10 NTU
g.	Water Level	NGVD 29	NA
h.	pH	St. units.	Outside of 6.5 < pH > 8.5
i.	Temperature	°C	NA
j.	Specific Conductance	mhmos/cm	NA
k.	Dissolved Oxygen	mg/L	NA
	Additional Parameters		
l.	Chloride	mg/L	20 mg/L
m.	Arsenic	µg/L	10 µg/L
n.	Copper	µg/L	100 µg/L
o.	Iron	µg/L	25 µg/L
p.	Manganese	µg/L	25 µg/L
q.	Ammonia (as N)	mg/L	0.15 mg/L
r.	Foaming Agents	µg/L	0.15 µg/L
s.	Color	Color Units	15 C.U.
t.	Odor	TON	2.5 TON

ml = milliliter
MCL = maximum contaminant level
mg/L = milligrams per liter
Ntu = nephelometric turbidity units
µg/L = micrograms per liter

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Revised EXHIBIT "D"

EXHIBIT E – ROADWAY ACCESS MANAGEMENT PLAN

The location of the following existing and anticipated access points are shown on Map H:

Opening 1	Northern Entrance to Northern Commercial	Existing directional
Opening 2	Center Entrance to Northern Commercial	Existing full signalized intersection
Opening 3	Entrance to ACLF, North Multifamily, Sales Center	Existing directional
Opening 4	Northern Main Entrance to Residential Community	Existing full signalized intersection
Opening 5	Entrance to Frontage Commercial	Existing right in/right out
Opening 6	Entrance to Southern Commercial and Multifamily	Existing directional
Opening 7	Entrance to Southern Commercial and Residential	Existing full signalized intersection
Opening 8	S.W. 66 th St. (Williams Rd.)	Full intersection (Future Entrance, if approved)
Opening 9	S.W. 49 th Avenue (Future Road)	Full intersection (Future Entrance, if approved)
Opening 10	S.W. 49 th Avenue (Future Road)	Full intersection (Future Entrance, if approved)