Ormond Crossings

MASTER DEVELOPMENT PLAN

DRAFT

May 2, 2013

ORMOND CROSSINGS
MASTER DEVELOPMENT PLAN

This Ormond Crossings MASTER DEVELOPMENT PLAN (this "MDP ") is made and entered into as of the ___ day of _____, 2013, by and between **Tomoka Holdings, LLC**, a Florida limited liability company, having an address at 145 City Place, Suite 300, Palm Coast, Florida 32164 (the "Developer") and the **City of Ormond Beach**, a Florida municipal corporation, having an address at P.O. Box 277, Ormond Beach, Florida 32175-0277 (the "City").

RECITALS

A. In December 2002, the Developer acquired a tract of land that includes 2,924 acres that are located in the City on which the Developer plans to develop a mixed-use project known as Ormond Crossings ("Ormond Crossings"). Ormond Crossings is bisected by I-95 and the Florida East Coast rail line and is bordered to the east by US-1. The legal description of Ormond Crossings is attached as **Exhibit "A"** hereto.

B. Ormond Crossings is designated Activity Center on the Future Land Use Map in the City's Comprehensive Land Use Plan and is subject to the Ormond Crossings Development Agreement that was entered into between the Developer and the City on February 19, 2010, pursuant to the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, *Florida Statutes* ("Development Agreement").

C. Section 3 of Part II of the Development Agreement provides that within six (6) months following the effective date of the Development Agreement, the Developer shall submit

an application to the City to rezone Ormond Crossings to Planned Mixed-Use Development ("PMUD") which shall supersede the City's Land Development Code with respect to Ormond Crossings.

D. In compliance with the Development Agreement, on or before August 16, 2010, Developer applied to the City to rezone Ormond Crossings to PMUD.

E. The City Commission finds that this MDP is consistent with the Development Agreement, the City's Comprehensive Plan and Land Development Code, subject to exceptions provided for in this MDP, and also finds that the conditions, terms, restrictions and requirements set forth herein are necessary for the protection of the public's health, safety and welfare of the citizens of the City.

F. The City Commission further finds that this MDP is consistent with and an exercise of the City's powers under the Municipal Home Rule Powers Act; Article VIII, Section 2(b) of the Constitution of the State of Florida; Chapter 166, *Florida Statutes*; the City Charter, or other controlling law; and the City's police powers.

G. This MDP is a non-statutory development agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 - 163.3243, *Florida Statutes.*

H. Whenever an action or approval of the City is referred to herein, except for actions specifically required by the City Commission or the City's Planning Director, the action or approval shall be taken by the City Manager, or designee.

I. All covenants and conditions set forth herein are agreed to by the Developer and represent covenants which touch and concern Ormond Crossings and run with the land and are thereby binding upon the transferees, successors and assigns of the Developer.

NOW, THEREFORE, it is hereby resolved and agreed by and between the City and Developer that Developer's application to rezone Ormond Crossings to PMUD is approved subject to the following terms and conditions:

1.0 Incorporation of Recitals and Development Agreement.

The above Recitals are true and correct and the above Recitals and the Development Agreement are both incorporated herein by this reference and form a material part of this MDP upon which the City and the Developer have relied. The table that is attached as **Exhibit "B"** hereto lists Developer's commitments as provided for in the Development Agreement. In the event of any conflict between this MDP and the provisions of the Development Agreement, the Development Agreement shall prevail. In the event of any conflict between the MDP and the provisions of the 2010-25 Comprehensive Plan in effect at the time the MDP is approved, the 2010-25 Comprehensive Plan shall prevail.

2.0 Representations of Developer.

2.1 The Developer hereby represents and warrants to the City that it is the owner of Ormond Crossings and that the title to Ormond Crossings is free of all liens, mortgages and other encumbrances.

2.2 The Developer represents and warrants to the City that it has the power and authority to enter into and consummate the terms and conditions of this MDP; that all acts, approvals, procedures and similar matters required in order to authorize this MDP have been taken, obtained or followed, as the case may be; that this MDP and the proposed performance of this MDP by the Developer is not an *ultra vires* act; and that, upon the execution of this MDP by the parties, this MDP shall be valid and binding upon the parties hereto and their successors in interest.

3.0 Ormond Crossings Conceptual Plan.

Subject to the provisions of Section 4.0 below, Ormond Crossings shall be developed substantially in accordance with the Ormond Crossings Conceptual Plan which is attached as **Exhibit "C"** hereto (the "Conceptual Plan"). For purposes of the MDP, the term "substantially" shall mean that there is no material deviation from the original plan or document. A deviation will be determined to be material if it creates additional adverse environmental impacts or increases impacts to public facilities or services.

4.0 Site Plan Review Procedures.

The Conceptual Plan is intended to be a general depiction of proposed land uses and development types throughout Ormond Crossings. The specific details and requirements for development on each tract or phase shall be established by application for preliminary site plan approval pursuant to the requirements of this section.

4.1. Preliminary Site Plan Review. Applications for preliminary site plan approval shall contain the following:

(1) A preliminary site plan consisting of a generalized sketch, which is drawn to scale (the proportions and locations of land uses may be generalized), and which shows or addresses (with supporting information) the following items and matters:

a. Generalized location map and legal description, including acreage of the property within the project covered by the preliminary site plan.

b. Major natural features such as lakes, streams and conservation areas.

c. Existing or proposed streets abutting the preliminary site plan area.

d. Proposed land use types and their locations (land use and building bubbles are acceptable).

e. Gross proposed densities.

f. Minimum lot size.

g. Maximum number of units.

h. Maximum floor area for commercial or industrial uses.

i. Adjacent zoning.

j. Internal major road network.

k. Maximum building height.

l. Anticipated phasing plan, if any.

m. Proposed method of providing:

(i) Water service, including the proposed location of fire hydrants or other fire protection measures that may be required.

(ii) Sewage disposal.

(iii) Stormwater management.

(iv) Parks and recreational facilities

(2) Preliminary site plans that substantially conform to the Conceptual Plan, as determined by the Planning Director, qualify as minor modifications to the Conceptual Plan and shall be reviewed and considered by the Site Plan Review Committee (SPRC) after the submittal requirements of Section 4.1(1) are met by the applicant. The SPRC shall approve a minor modification that is determined to be consistent with the Development Agreement, this MDP and applicable provisions of the City's Land Development Code. For purposes of this MDP, a "minor modification" is one that does not have an adverse environmental impact or

increase impacts to public facilities or services. Proposed preliminary site plans that do not qualify as minor modifications to the Conceptual Plan shall be submitted to the SPRC for review and recommendation to the City Commission. The proposed preliminary site plan shall then be considered by the City Commission for adoption by ordinance pursuant to the requirements of Section 166.041(3)(a), *Florida Statutes*.

(3) All preliminary site plans approved as minor modifications to the Conceptual Plan by the SPRC or by the City Commission shall be incorporated as appendices to this MDP and the approved preliminary site plans shall control over any inconsistencies with the Conceptual Plan.

(4) If a preliminary site plan does not contain the park and recreation facilities or open space acreage that would be proportionate to the acreage or density and intensity of development proposed in the preliminary site plan, the Developer must provide adequate documentation to the City that other properties within Ormond Crossings are or will be legally obligated to provide the facilities or acreage, or demonstrate in another manner that the recreation and open space requirements for Ormond Crossings will be met.

4.2 Final Site Plan Approval.

(a) After approval of a preliminary site plan, the property owner shall be entitled to file for final site plan approval for the entire project or for phases of the project as depicted and identified in the preliminary site plan. A proposed final site plan shall substantially conform to the approved preliminary site plan. The final site plan for the entire tract or any phase shall comply with Section 4-06 of the City's Land Development Code ("City's LDC"), subject to the provisions of Section 18.0 below.

(b) Applications for final site plan approval shall be approved by the SPRC after the applicant has met the requirements of this subsection. Upon approval of the final site plan or any phase thereof, the use of land and the construction or modification of any buildings or structures within the project area shall be in accordance with the approved final site plan, this MDP and the City's LDC, subject to the provisions of Section 18.0 below.

(c) The City's Planning Director shall be responsible for certifying that all aspects of the final site plan, including conditions of approval, are in compliance with this MDP.

5.0 Land Use Plan.

Ormond Crossings is divided into the following PMUD zoning areas (a "Zoning Area" or "Zoning Areas"), as generally shown on the Ormond Crossings Land Use Plan that is attached as **Exhibit "D"** hereto ("Land Use Plan"): Business Park Area; Town Center/Business Park Area; Residential-Low Density Areas; Residential-Medium Density Areas; Residential-High Density Area; Institutional Area; Park/School Areas. Following is a brief overview of the land uses that are authorized within each Zoning Area:

- Business Park Area

The Business Park Area, which is located east of I-95 and west of US-1 and includes frontage on the Florida East Coast rail line, will provide an area for economic development within the City. The following land uses are authorized within the Business Park Area: office, business/flex-space; industrial; storage; warehouse/distribution; and public/institutional.

- Town Center/Business Park Area

The Town Center/Business Park Area will also provide an area for economic development within the City. A mixture of non-residential and residential land uses

will be encouraged to provide an opportunity for a live-work-shop-play environment thereby reducing vehicle miles traveled from and to Ormond Crossings. The following land uses are authorized within the Town Center/Business Park Area: retail commercial; office; business/flex-space; storage; public/institutional; multi-family residential; and a community center.

- Residential-High Density Area

The Residential-High Density Area will accommodate a concentration of centrally located residential units adjacent to both the Town Center/Business Park Area and a Park/School Area where a future elementary school will be located. The following housing types are authorized within the Residential-High Density Area: condominiums; apartments; townhomes; and other types of attached residential units.

- Residential-Medium Density Areas

One of the Residential-Medium Density Areas will also accommodate a concentration of residential units near the Town Center/Business Park Area and the Park/School Area where a future elementary school will be located. The other Residential-Medium Density Area will accommodate a concentration of residential units at the northern entrance to Ormond Crossings near retail commercial and other business uses that are existing or planned along US-1. The following housing types are authorized within the Residential-Medium Density Areas: patio homes; zero lot line homes; townhomes; row homes; duplexes; triplexes; four-plexes; and condominiums.

- Residential-Low Density Areas

One of the Residential-Low Density Areas is adjacent to a Park/School Area providing for a diversity of residential housing types near a future elementary school. The other Residential-Low Density Area is located in the southwestern portion of Ormond Crossings

where low density residential is compatible with adjacent land uses. Detached single-family homes on varying sized lots, in conventional or neo-traditional neighborhoods, are authorized in the Residential-Low Density Areas.

- Institutional Area

The Institutional Area is located at the northern entrance to Ormond Crossings providing convenient access from within Ormond Crossings and US-1 to various semi-public uses. The following land uses are authorized within the Institutional Area: churches; daycare; clubs for fraternal organizations; and public facilities.

- Park/School Areas

One of the Park/School Areas is centrally located near the Town Center/Business Park Area and Residential-High Density, Residential-Medium Density and Residential-Low Density Areas. That Park/School Area will have direct access from Crossings Boulevard and will accommodate a 20-acre elementary school site co-located with a park site. The other three (3) Park/School Areas are likely to be used only as park sites.

6.0 Permitted Development Uses.

Ormond Crossings shall consist of a mixture of land uses. The following table identifies the quantity of various land uses that are authorized at Ormond Crossings:

Land Use	**Gross Bldg./Units/Students/Acreage**
Retail Commercial	200,000/SF
Office	900,000/SF
Business/Flex-space (light industrial)	350,000/SF
Industrial (does not include business/flex space)	800,000/SF
Storage	240,000/SF
Warehouse/Distribution	560,000/SF
Public/Institutional	165,000/SF
Elementary School	720 students, Minimum 20 acres

Residential	2,950 units
Stormwater and Lakes	Estimated 400 acres
Open Space	450 acres

The list of uses identified in the above table reflects a reasonable mixture of land uses for Ormond Crossings. However, the amount of a particular non-residential land use within Ormond Crossings may increase or decrease, provided (i) aggregate potable water, wastewater and reclaimed water demands of Ormond Crossings shall not exceed the totals that are set forth in the utility analysis that is attached as Exhibit "C" to the Development Agreement; (ii) non-residential intensity shall not exceed 1.0 FAR on any individual building site within the Business Park Area or an average of 0.35 FAR throughout the entire Business Park Area; and (iii) building heights shall not exceed 75 feet. Increasing the number of residential units and retail commercial uses is strictly prohibited.

Any change of land use must address changes to the potable water usage and identify if the potable water capacity allocation under the applicable consumptive use permit is available. Also, notwithstanding the provisions of the Development Agreement to the contrary, a non-residential land use may not be increased or decreased if the change increases total off-site traffic impacts from Ormond Crossings over 4,551 External Peak Hour Trips.

6.1 Conversion Factors

Conversion factors to permit Ormond Crossings market demand flexibility and provide the City with the ability to track the changes in converted floor area are provided in Tables 1 through 4 below:

Table 1 - Ormond Crossings Generalized Trip Matrix (Based on P.M. Peak-Hour Traffic)

	To					
From	*Shopping Center*	*Office*	*Business Park*	*Light Industrial*	*Warehouse*	*Mini-Warehouse*
Shopping Center	-	2.517	2.907	3.827	5.068	6.356
Office	0.397	-	1.155	1.520	2.014	2.525
Business Park	0.344	0.866	-	1.316	1.743	2.186
Light Industrial	0.261	0.658	0.760	-	1.324	1.661
Warehouse	0.197	0.497	0.574	0.755	-	1.254
Mini-Warehouse	0.157	0.396	0.457	0.602	0.797	-

** Multiply previous land use square footage by factor to determine desired land use square footage*

Keeps total p.m. peak-hour traffic constant

Example:To go from 250 KSF Retail to Business Park, multiply 250 by 2.907 = 726.75 KSF Business Park

Table 2 - ITE Average Trip Rates

Lane Use	P.M. Peak-Hour Rate	Percent Enter	Percent Exit
Shopping Center	3.75	48%	52%
Office	1.49	17%	83%
Business Park	1.29	23%	77%
Light Industrial	0.98	12%	88%
Warehouse	0.74	36%	64%
Mini-Warehouse	0.59	35%	65%

Table 3 - Ormond Crossings Generalized Trip Matrix (Based on P.M. Peak-Hour Traffic)

	To							
From	*Single-Family*	*Single-Family Age Restricted*	*Multi-Family*	*Retail/ Commercial*	*Office*	*Business/ Flex-space*	*Industrial*	*Warehouse/ Distribution*
Single-Family	-	3.885	1.772	****	****	****	****	****
Single-Family Age Restricted	0.257	-	0.456	****	****	****	****	****
Multi-Family	0.564	2.192	-	****	****	****	****	****
Retail/Commercial	****	****	****	-	2.517	2.907	3.827	7.979
Office	****	****	****	0.397	-	1.155	1.520	3.170
Business/ Flex-space	****	****	****	0.344	0.866	-	1.316	2.745
Industrial	****	****	****	0.261	0.658	0.760	-	2.085
Warehouse/ Distribution	****	****	****	0.125	0.315	0.364	0.480	-

Multiply previous land use square footage by factor to determine desired land use square footage. Total p.m. peak-hour traffic is kept constant
***** In order to achieve internal capture estimates, conversion to residential from non-residential is not permitted*

Example: To go from 250 KSF Retail/Commercial to Business/Flex-space, multiply 250 by 2.907 = 726.75 KSF Business Park

Table 4 - ITE Average Trip Rates

Land Use	P.M. Peak-Hour Rate	Percent Enter	Percent Exit
Single-Family	1.01	63%	37%
Single-Family Age Restricted	0.26	61%	39%
Multi-Family [1]	0.57	66%	34%
Retail/Commercial	3.75	48%	52%
Office	1.49	17%	83%
Business/Flex-space	1.29	23%	77%
Industrial	0.98	12%	88%
Warehouse/Distribution	0.47	25%	75%

[1] Multi-family trip rate and directional distribution is average of Condominium/Townhouse and Apartment rates.

Tables 1-4 are provided to calculate the conversion of residential or commercial to any other non-residential development use depicted in Section 6.0. In converting from one use to another use, excess trips may result and shall accrue to the benefit of the Developer. The excess trips may be used to increased the non-residential development use square footages provided in Section 6.0. For example, the conversion of 2,950 single-family units to all 55+ age qualified housing will result in excess trips which may then be used to support an increase in non-residential development use square footage. Non-residential development use square footages in Section 6.0 may be increased or decreased subject to the following restrictions:

1. Commercial uses shall not exceed 200,000 square feet;

2. Residential units of any single type or combination of types shall not exceed 2,950 dwelling units;

3. Development buildout shall not exceed 4,551 external trips

7.0 Tract Map.

For purposes of phasing development and transferring title of portions of Ormond Crossings to project developers and other third parties, Ormond Crossings is divided into 25 tracts as shown on the Tract Map that is attached as **Exhibit "E"** hereto (the "Tract Map"). Table 5 identifies the Zoning Area for each tract.

Table 5

Tract	Zoning Area
1	Residential-Medium Density
2	Residential-Medium Density
3	Residential-Low Density
4	Residential-Low Density
5	Residential-Medium Density
6	Residential-Low Density
7	Residential-Medium Density
8	Residential-High Density
9	Residential-Low Density

Tract	Zoning Area
10	School/Park
11	Institutional
12	Town Center/Business Park
13	Town Center/Business Park
14	Town Center/Business Park
15	School/Park
16	Residential-Low Density
17	Business Park
18	Business Park
19	Business Park
20	Business Park
21	Business Park
22	Business Park
23	Business Park
24	Business Park
25	School/Park

References herein to tracts or a specifically numbered Tract or Tracts shall be to the tracts as shown on the Tract Map.

8.0 Land Use Compatibility.

Ormond Crossings was planned to provide compatible land uses and avoid land use and traffic impact conflicts, as evidenced by the Land Use Plan and the Conceptual Plan. Nevertheless, in the event of a potential conflict involving land uses or traffic impacts, the appropriate of the following mitigation options in Table 6, as determined by the City's Planning Director, shall be provided as a condition of preliminary site plan approval:

Table 6

Created Conflict	Mitigation
Traffic Access or Safety Problems	* Improve road * Control access to road * Upgrade intersection * Propose new road link
Unsightly Views	* Screen view using vegetation * Increase distance * Relocate or redesign offending design element.
Noise	* Attenuate sound through barriers * Increase distance through buffer
Glare	* Screen * Use specialized light fixtures
Odors	* Enclose * Increase distance through buffer
Loss of Privacy	* Screen * Relocate or re-orient building * Raise windows and permit light only
Building Design is Nondescript	* Implement design standards
Natural Light Block	* Reorient building * Reduce building bulk
Pedestrian Access	* Separate pedestrian access from road, parking lots, etc. * Parking perpendicular to buildings

9.0 Use Restrictions.

(a) Use restrictions, as shown in Table 7, shall apply within the various Zoning Areas at Ormond Crossings. Following is the meaning of the initials that are used in the table and elsewhere in this MDP:

"BP" means Business Park Area

"TC/BP" means Town Center/Business Park Area, including Town Core (Tract 12) and Town Business (Tracts 13 and 14)

"RLD" means Residential-Low Density Area

"RMD" means Residential-Medium Density Area

"RHD" means Residential-High Density Area

"I" means Institutional Area

"P/S" means Park/School Area

"P" means a permitted use

"X" means a use that is not permitted

Table 7

LAND USE	BP	TC/BP		RLD	RMD	RHD	I	P/S
		Town Core	Town Business					
Retail Commercial								
Auction Business	P	X	P	X	X	X	X	X
Automatic Amusement Center *	X	P	P	X	X	X	X	X
Automobile Service Stations	P	X	P	X	X	X	X	X
Bakeries	P	P	P	X	X	X	X	X
Bank	P	P	P	X	X	X	X	X
Bar	X	P	P	X	X	X	X	X
Bar, ancillary to Lodging or Restaurant	P	P	P	X	X	X	X	X
Bed and Breakfast	X	P	P	X	P	P	X	X
Bowling Center	P	X	P	X	X	X	X	X
Construction and Home Improvement	P	P	P	X	X	X	X	X
Convenience Store with Gas	P	X	P	X	X	X	X	X
Convenience Store without Gas	P	P	P	X	X	X	X	X
Farmer's Market	X	P	P	X	X	X	X	P
Flea Market	P	X	P	X	X	X	X	X
Garden Center/Nursery	P	X	P	X	X	X	X	X
Medical Supply/Rental	P	X	P	X	X	X	X	X
Mobile Vendors *	P	P	P	X	X	X	X	X
Nightclub	X	P	P	X	X	X	X	X
Pawn Shop *	X	X	P	X	X	X	X	X
Personal Services	P	P	P	X	X	X	X	X
Pharmacy	P	P	P	X	X	X	X	X
Pool Hall/Billiards *	P	P	P	X	X	X	X	X
Restaurant	P	P	P	X	X	X	X	X
Retail Sales and Service	P	P	P	X	X	X	X	X
Shopping Center	X	P	P	X	X	X	X	X
Theater	P	P	P	X	X	X	X	X
Transient Lodging	P	P	P	X	X	X	X	X
Vehicle Rental	P	P	P	X	X	X	X	X
Vehicle Sales, except new & used cars & trucks	P	X	P	X	X	X	X	X
Wine, Beer or Liquor Store	P	P	P	X	X	X	X	X
Office								
Business/Professional Office	P	P	P	X	X	X	X	X

LAND USE	BP	TC/BP		RLD	RMD	RHD	I	P/S
		Town Core	Town Business					
Business Services	P	P	P	X	X	X	X	X
Financial Institution	P	P	P	X	X	X	X	X
Medical Research Laboratory	P	X	P	X	X	X	X	X
Office	P	P	P	X	X	X	X	X
Research Activities	P	X	P	X	X	X	X	X
Veterinarian	P	X	P	X	X	X	X	X
Business/Flex-space								
Flex Space	P	X	P	X	X	X	X	X
Pest Exterminators	P	X	P	X	X	X	X	X
Studios	P	P	P	X	X	X	X	X
Welding & Repair Shops	P	X	P	X	X	X	X	X
Industrial (does not include business/flex space)								
Dry Cleaning Plant and Systems	P	X	X	X	X	X	X	X
Greenhouse	P	X	P	X	X	X	X	X
Hobby Breeder	X	X	X	P	X	X	X	X
Industrial Use, Light	P	X	P	X	X	X	X	X
Kennel	P	X	P	X	X	X	X	X
Machine Shops	P	X	X	X	X	X	X	X
Manufacturing	P	X	X	X	X	X	X	X
Mining and Excavation **	P	P	P	P	P	P	P	P
Outdoor Storage	P	X	P	X	X	P	X	P
Petroleum Product Storage	P	X	X	X	X	X	X	X
Terminal, Bus	P	X	P	X	X	X	P	P
Terminal, Truck	P	X	X	X	X	X	X	X
Vehicle Repair	P	X	P	X	X	X	X	X
Vehicle Washing/Detailing	P	X	P	X	X	X	X	X
Storage								
RV and Boat Storage for residents only as part of multi-family residential apartment or condominium projects	X	P	P	X	X	P	X	X
Warehouse, Mini-Rental	P	X	P	X	X	X	X	X
Warehouse, Storage	P	X	P	X	X	X	X	X
Warehouse/Distribution								
Warehouse, Business	P	X	P	X	X	X	X	X
Public/Institutional								
Campground	X	X	X	X	X	X	X	P
Child Care Facility	P	P	P	X	P	P	P	P
Club and Fraternal Organization	X	P	P	X	X	X	P	X
Funeral Home	P	X	P	X	X	X	X	X

LAND USE	BP	TC/BP		RLD	RMD	RHD	I	P/S
		Town Core	Town Business					
Golf Course/Country Club	X	X	X	P	P	P	X	X
Hospital	P	X	P	X	X	X	P	X
Non-emergency medical transport services	P	X	P	X	X	X	P	P
Adult Day Care Center	P	P	P	X	X	P	P	P
Adult Family Care Home	X	X	P	X	X	X	P	P
House of Worship	P	X	P	X	X	X	P	X
Parking Lot	P	P	P	P	P	P	P	P
Parking Garage	P	P	P	X	X	P	X	P
Parks and Recreation Facilities, Private	P	P	P	P	P	P	P	P
Parks and Recreation Facilities, Public	P	P	P	P	P	P	P	P
Public Facilities	P	P	P	P	P	P	P	P
Public Utilities	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	P	P	P	P	P	P	P	P
Recreation Facilities, Outdoor	P	P	P	P	P	P	P	P
Skating Center	P	X	P	X	X	X	X	P
Taxi Barn	P	X	P	X	X	X	X	X
Telecommunication Tower *	P	X	P	X	X	X	P	P
Telecommunication Tower/Antenna, Camouflaged *	P	P	P	P	P	P	P	P
School								
School of Art	P	P	P	X	X	X	P	P
School, Private	P	P	P	P	P	P	P	P
School, Public	P	P	P	P	P	P	P	P
Residential								
Accessory Residential Living Unit	X	X	X	P	P	X	X	X
Assisted Living Facility	X	X	P	X	P	P	P	X
Cluster Subdivision, Single-family	X	X	X	P	P	X	X	X
Community Residential Home	X	X	X	X	P	P	P	X
Dwelling, Duplex	X	X	X	P	P	P	X	X
Dwelling, Multi-family	X	P	P	X	P	P	X	X
Dwelling, Quadraplex	X	X	X	X	P	P	X	X
Dwelling, Single Family - Detached	X	X	X	P	P	X	X	X
Dwelling, Townhouse	X	P	X	X	P	P	X	X
Dwelling, Triplex	X	X	X	X	P	P	X	X
Family Day Care Home	X	X	P	P	P	P	P	X
Foster Home	X	X	P	P	P	P	P	X
Group Home	X	X	P	P	P	P	P	X
Nursing Home	X	X	P	X	P	P	P	X
Residential Over Retail Commercial or Office	X	P	P	X	X	X	X	X
Patio Home Subdivision	X	X	X	P	P	X	X	X

LAND USE	BP	TC/BP		RLD	RMD	RHD	I	P/S
		Town Core	Town Business					
Zero-lot Line Subdivision	X	X	X	P	P	X	X	X
Stormwater and Lakes								
Stormwater and Lakes	P	P	P	P	P	P	P	P
Open Space								
Golf Course, Contoured	X	X	X	P	P	P	X	X
Wetland Preservation Area	P	P	P	P	P	P	P	P
Wildlife Mgmt. Area	P	P	P	P	P	P	P	P
Wind Energy Systems	P	X	P	P	P	P	P	P
Outdoor Activity	P	P	P	P	P	P	P	P
Agriculture/Forestry **								
Agricultural Use	P	P	P	P	P	P	P	P
Hunting Lodge/Hunting	P	P	P	P	P	P	P	P
Riding Stables, Horse	P	P	P	P	P	P	P	P
Silviculture	P	P	P	P	P	P	P	P

* Uses are subject to the conditions of the City's LDC.

** Mining and excavation; agriculture uses, including grazing of animals, raising of crops, sod farming and nursery activities; hunting lodge/hunting; riding stables; and silviculture shall be permitted in all Zoning Areas and on all tracts prior to commencement of vertical development on the tract. After vertical development is commenced on a tract, those uses shall no longer be permitted, provided that any unharvested crops may be harvested but not replanted.

(b) Each Land Use listed in the above schedule shall have the meaning ascribed to it in the City's LDC or the following meaning in the case of Land Uses that are not defined in the City's LDC:

"Flex Space" means building space that includes a combination of office space, usually in front, and storage or light industrial space, often with a garage door type rear entry. Flex Space is used by mechanics, plumbers, electrical contractors, pest control services, retailers that provide installation like carpeting, flooring, cabinets and spas, and other small businesses.

"Mobile Vendor" means a vendor of products out of a mobile unit that is designed to drive or be towed on public roads, often selling food, beverages, frozen desserts and dairy products or convenience and novelty items.

"Research Activity" means systematic investigation into existing or new knowledge to establish or confirm facts, reaffirm results of previous work, solve new or existing problems, support theorems, develop new theories, or test the validity of instruments, procedures or experiments.

"Pest Exterminator" means anyone who provides services to regulate, manage, or eliminate a species defined as a pest, usually because it is perceived to be detrimental to a person's health, the ecology or the economy.

"Studio" means an artist's or worker's workroom, including, but not limited to, architecture, painting, pottery (ceramics), sculpture, scrapbooking, photography, graphic design, film making, animation, radio or television production broadcasting, making of music or dancing.

"Welding and Repair Shop" means a room, area or small establishment where welding (joining metallic parts) or other light industrial work is done.

"Machine Shop" means a workshop where power driven tools are used for making, finishing or repairing machines or machine parts.

"Manufacturing" means the fabrication or assembly of components into finished products, usually on a fairly large scale.

10.0 Jobs/Housing Balance

Housing Objective 6.1.1 of the Jobs and Housing Balance goal contained in the 2010-25 Comprehensive Plan provides that the jobs-to-housing ratio to be obtained in 2015 is 1.25 (for every 4 houses, five jobs created) The fiscal impact analysis prepared for Ormond Crossing indicates 11,184 jobs will be created. The jobs housing balance ratio is 3.8 (11,184 jobs/2950 housing units). The Developer shall include information relating to job creation in the

Annual Report to be filed with the City, and shall use the following guidelines for reporting job creation within the Ormond Crossings:

Table 8

Use	Employees/1000 sq. ft.
Retail	2.5
Warehousing & Industrial	1.0
Office	4.0

Developer shall make every effort to meet or exceed the City's jobs-to-housing ratio of 1.25, and shall work with the City on economic development initiatives that will assist in reaching this goal.

10.1 Development Phasing

The Conceptual Plan depicts the general layout of Ormond Crossings, including the approximate location of existing and future roads and streets. The location of lot lines, structures, internal landscape buffers, drainage facilities and the internal street system shall be shown on plats or site development plans as portions of Ormond Crossings are designed for development. Ormond Crossings shall be developed in phases and each phase shall be developed so all necessary infrastructure, utilities and other services are available prior to any construction. Title to a tract may be transferred without platting, provided the tract has access to a public roadway or a road right-of-way easement is granted that provides legal access to a public roadway. Development of the Business Park Area, Town Center/Business Park Area and the Residential Areas will be separately phased. Although the phasing may vary in response to marketing opportunities, permitting or development cost considerations, it is anticipated that development will be phased substantially as follows:

10.2 Business Park Area Phasing

- The first phase, which is currently being platted as Ormond Crossings Phase A, includes Tracts 17, 18, 19 and 20.
- The second phase will include the northern one-third of Tract 21 and could also include Tract 22.
- The third phase will include the southern two-thirds of Tract 21 and could include Tract 22, if not included in the second phase, and also could include Tract 24.
- The fourth phase will include Tract 23 and could include one or both of Tract 22 and Tract 24, if not included in the third phase.
- Development of Tract 22 and Tract 24 could be separately phased.
- Tract 25 was already developed by the City and incorporated into an existing City park site.

10.3 Town Center/Business Park Area Phasing.

Development of the Town Center/Business Park Area, which is composed of Tract 12, Tract 13 and Tract 14, will be phased depending on market demand for the various mixed land uses that are allowed in the Town Center/Business Park Area. . A community center will be located at the southern end of Tract 12 with access from Crossings Boulevard. The community center will be constructed prior to buildout of one thousand (1,000) residential units at Ormond Crossings, as provided for in the Development Agreement. For purposes of this MDP, buildout shall be deemed to occur at the time a Certificate of Occupancy is issued.

10.4 Residential Areas Phasing.

- The first phase, which is currently being platted as Ormond Crossings Phase B, will provide access for lot development within Tract 1, Tract 2 and Tract 9, as well as construction of public/institutional uses on Tract 11.

- Lots can be developed within Tract 3 when an access road is available through Tract 2 or Tract 9.

- The second phase of development will provide access to Tract 4 and Tract 8 and also Tract 10 which is a Park/School Area. Tract 10 will be developed when an elementary school is needed at Ormond Crossings; however, the park site on Tract 10 could be developed prior to construction of the school.

- The third phase will provide access to Tracts 5 and 7.

- The fourth phase will provide access to Tract 6, Tract 16 and Tract 15. Low density single-family lots will be developed within Tract 16 after a borrow pit is excavated to provide a lake amenity for an estate lot project. Tract 15 will be developed as a park prior to build out of two thousand (2,000) residential units at Ormond Crossings, as provided for in the Development Agreement. The City could elect to develop Tract 15 any time after access is available.

Prior to the buildout of 1,000 residential units, the following recreational facilities shall be provided on park sites donated by Developer to the CDD or a property owners association:

(i) 1 community center consisting of 6,000 square feet of space which shall be owned and operated by the City.

(ii) a trail system, including a minimum of .75 miles of hard surface walkways;

(iii) a picnic shelter with restrooms;

(iv) 1 soccer/football field;

(v) 1 baseball/softball field;

(vi) 2 outside basketball courts with lights;

(vii) 2 shuffle board courts;

(viii) 1 bocce ball court;

(ix) 1 tennis court; and

(x) 1 racquetball court.

Prior to buildout of 2,000 residential units, the Developer shall deed to the City 45 acres of uplands to serve as park sites. The 45 acres shall be contained in not more than 5 sites. In addition, prior to buildout of 2,000 residential units, the Developer shall provide the following recreational facilities at one or more of the park sites, as determined by the City:

(i) 1 or more community centers consisting of an aggregate of 4,000 SF of space to be owned and operated by the City, the CDD or one or more property owners association;

(ii) a trail system, including a minimum of .525 miles of hard surface walkways;

(iii) passive park area of 36.5 acres (in addition to the 45 acres of park sites referenced above)'

(iv) an off-leash dog park;

(v) a covered playground area;

(vi) 1 baseball/softball field;

(vii) 2 outside basketball courts with lights;

(viii) 2 shuffle board courts;

(ix) 1 bocce ball court;

(x) 2 tennis courts; and

(xi) 1 racquetball court.

11.0 Development Standards.

Table 9 sets forth the development standards in the Residential-High Density (RHD), Residential-Medium Density (RMD) and Residential-Low Density (RLD) Areas and Table 10 sets forth the development standards in the Business Park (BP), Town Center/Business Park (TC/BP), Institutional (I), and Park/School (PS) Areas.

Table 9

Type	Density Units/ Acre [1]	Max Bld. Height	Max Bld. Coverage	Max Impervious Lot Coverage	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Building Setbacks				
								A. Front	B. Rear	C. Side	D. Street Side/ Corne	E. Ponds & Lakes
RLD	Up to 6	35'	40%	75%	4,000 sq. ft.	40'	100'	10' [2]	10' [2]	0' [3]	10' [2]	25'
RMD	Up to 10	45'	50%	75%	2,200 sq.ft.	22'	100'	10' [2]	10' [2]	0' [3]	10' [2]	25'
RHD	Up to 20	75'	50%	75%	2,200 sq. ft.	22'	100'	10' [2]	10' [2]	0' [3]	10' [2]	25'

(1) Density shall be calculated based on upland acreage on the project site prior to site development.
(2) Minimum 20' to garage.
(3) Minimum 10' between buildings as shown on the final site plan.

Permitted Uses	Other Standards
See Land Use Table in Section 9.0	• Minimum 50' buffer along FEC railroad. • Minimum 100' wide buffer along the eastern boundaries of Tracts 10 and 15. • Minimum 200' wide buffer along south property line adjacent to Durrance Lane. • Easements shall be of sufficient dimensions for the intended use as approved by the City's Engineer.

Table 10

Type	Density	Max Bld. Height	Max Bld. Coverage	Max Impervious Lot Coverage	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Building Setbacks				
								A. Front (1)	B. Rear (1)	C. Side (1)	D. Street Side/ Corner (1)	E. Ponds & Lakes (1)
BP	N/A	75'	N/A	85%	20,000 sq. ft.	100'	100'	25'	25'	0 (2)	15'	25'
TC/BP	N/A	75'	N/A	85%	20,000 sq. ft.	100'	N/A	10'	20	0 (2)	15'	25'
I and P/S	N/A	75'	40%	85%	20,000 sq. ft.	100'	100'	25'	25'	10'	15'	25'

(1) Residential uses to comply with RHD standards.
(2) Minimum 10' between buildings as shown on the final site plan.

Permitted Uses	Other Standards
See Land Use Table in Section 9.0 above.	• Minimum 25' wide mixed-use easement paralleling the right-of-way of frontage roads along I-95. • Minimum 50' wide setback along FEC railroad in TC/BP. • Residential uses are permitted above non-residential uses in TC/BP. • Minimum 50' wide setback along Harmony Rd. in BP.

11.3 On certain tracts, a mixture of land uses are permitted, including both residential and non-residential uses in the Town Center/Business Park Area. In the case of those tracts, the design standards pertaining to the land use on the first floor shall apply. Also, for those tracts, at the time of platting, a site plan shall be submitted showing the location of each land use category within the plat. For each designated land use category, the applicable of the above permitted specific land uses will be allowed. For example, if a plat includes Retail Commercial and Residential-High Density uses, the specific uses permitted by Retail Commercial will be allowed where Retail Commercial is shown on the site plan and the specific uses permitted by Residential-High Density will be allowed where Residential-High Density is shown on the site plan, or both uses will be allowed on the same building pad in the case of residential units over Retail Commercial or Office uses.

12.0 Roads and Street Design.

12.1 Ormond Crossings will have 2 major entrances and a secondary entrance from US-1, a minimum of 4 entrances from Tymber Creek Road and an entrance from Pineland Trail and Harmony Road. All roads that are shown on the Land Use Plan, except Tymber Creek Road, will be dedicated to the City. All local streets whether planned for public dedication or private maintenance shall be constructed to City standards. Local roads shall be accepted by the City for maintenance at time of plat dedication. Alleys shall be owned and maintained by a property owners association or a community development district, subject to easements for stormwater drainage, utilities and access, as appropriate.

12.2 All roads, streets and alleys within Ormond Crossings will be built consistent with the road, street and alley design standards that are set forth in Table 11.

TABLE 11

ORMOND CROSSINGS STREET STANDARDS						
	Minor Arterial	**Collector**	**Subdivision Feeder**	**Local Access & Cul-de-sac (3)**	**Alley**	**Town Center/Business Park Street with Commercial Frontage**
Minimum R/W or easement width	120' (1)	80'	50'	40'	20'	65'
Lane width	12'	12'	11' (2)	10' (2)	8'	62' (4)
Curbs	Standard or Miami	Standard or Miami	Miami	Miami	None	Standard
ADT served	over 12,000	3,000 - 12,000	1,500 - 3,000	500 - 1,500	N/A	1,500 - 3,000
Parking	None	None	Parallel	Parallel	None	Diagonal both sides
Curb radius	30'	30'	25'	25'	15'	15'
Sidewalk	5' wide One side	5' wide One side	5' wide Both sides	5' wide Both sides	N/A	13' wide
Multi-Modal Trail	12' wide One side	12' wide One side	N/A	N/A	N/A	N/A
Maximum design speed	35 mph	30 mph	25 mph	25 mph	N/A	25 mph

(1) Regardless of the street designation, the north/south street through the Business Park and the segment of Pineland Trail adjacent to Ormond Crossings shall have a right-of-way width of 80'.

(2) Traditional neighborhood design with on-street parallel parking requires additional 8' of pavement width for parking lanes.

(3) Maximum cul-de-sac length = 1,320'.

(4) Includes two 12' travel lanes and parking on both sides of the street.

12.3 The following additional road and street design standards shall also apply within Ormond Crossings:

(a) Four lane road sections shall have a median width of at least thirty (30) feet to allow for turning movements.

(b) The minimum centerline spacing for median openings shall be three hundred (300) feet.

(c) The minimum driveway spacing at intersections shall be thirty (30) feet from the edge of the side street pavement, except minimum driveway spacing at intersections of minor arterial and collector streets shall comply with the City's LDC.

(d) Within the Town Center/Business Park Area, on-street parking shall be allowed.

(e) Within Residential Areas, double-frontage lots shall be subject to restricted access easements that prohibit access onto the higher classification street, as defined in the Transportation Element of the comprehensive plan.

13.0 Multi-Modal Trail System -

The Ormond Crossings multi-modal trail system is shown on attached **Exhibit "F"** hereto (the "Trail System"). The Trail System shall consist of over thirteen (13) miles of on street and off street multi-use trails when completed. The Trail System shall interconnect all residential, non-residential, institutional, school and amenity areas throughout Ormond Crossings thereby reducing vehicular trips traveled and encouraging outdoor recreational activities by residents of and visitors to Ormond Crossings. The Trail System will be designed and constructed so it can accommodate use by pedestrians, cyclists and possibly golf carts or other motorized vehicles.

14.0 Open Space.

At a minimum, the open space area within Ormond Crossings shall constitute 20% of the land area. For purpose of calculating open space areas, open space shall include the following: landscape areas; landscape buffers; landscaped areas above the normal water level in water bodies; conservation areas; tree preservation areas; yard areas; and permeable surfaces of outdoor recreational areas. As development in Ormond Crossings is approved, the City shall

maintain records to reflect the percentage of open space accrued in the development to ensure that the minimum percentage requirement is met.

15. Underground Utilities.

All utility lines, mains, pipes, wires and conduits shall be installed underground within a public right-of-way, mixed-use easement or other dedicated easement area, provided that temporary telephone and electric services may be located on above ground poles until such time as the area where they are located is developed and underground services are available.

16.0 GREEN Development Objectives.

16.1 Best practices to achieve GREEN development objectives will be followed in connection with site development activities, including, but not necessary limited to the following:

(a) Large areas of land will be preserved in their natural state to allow ecosystems to sustain their existence.

(b) A management plan will be developed for preserved wetland areas.

(c) To the extent not already prepared and submitted to the City in connection with prior land use reviews, vegetation, topographical, soil and habitat studies will be prepared prior to development.

(d) Onsite conservation areas will be provided for wildlife species.

(e) Wildlife corridors will be created using the wetland strands and existing waterways that will be improved.

(f) Upland buffers will enhance preserved wetlands.

(g) Treatment will be provided for stormwater from neighboring sites.

(h) Stormwater areas will be designed for multiple uses including stormwater treatment, flood attenuation, buffers between wetlands and development, buffers between land uses, rehydration of wetlands, wildlife corridors, multi-modal trails, and active and passive recreation.

(i) Development will be clustered on upland areas using conservation areas and water bodies as buffers.

(j) An extensive multi-trail and sidewalk system will be provided to connect all development areas.

(k) Low speed neighborhood streets with minimum road widths will decrease impervious areas.

(l) Street trees for shade canopy will help reduce temperature of surrounding area.

(m) Energy efficient streetlights will be installed, if available from the electric utility company in the future.

(n) Bicycle parking facilities will be provided in commercial, office and park areas.

(o) Multiple street connections will reduce travel miles.

(p) Irrigation systems will use reuse water to the extent available, with stormwater used to make up any deficiency.

(q) Irrigation systems will be zoned to minimize water waste.

(r) Native plants will be used for at least 50% of landscape plantings.

(s) Neighborhood and community parks will be located near residential areas.

16.2 For energy conservation, all residential construction within Ormond Crossings shall utilize energy saving techniques consistent with the Energy Star standard for new homes. Non-public and public common facilities, such as community clubhouse buildings, shall follow the elements of sustainable development standards established by appropriate organizations, such as Leadership in Energy and Environmental Design or Florida Green Building Coalition. Commercial and Industrial buildings are encouraged to follow these standards to the maximum extent feasible. Additionally, the development shall utilize "dark skies" measures to reduce light pollution, subject to the City's review and approval as based on the latest standards for safety and security.

16.3 Best practices to achieve GREEN development objectives will be encouraged in connection with building construction.

17.0 Design Standards.

17.1 The Design Standards for Ormond Crossings are attached as **Exhibit "G"** hereto (the "Design Standards"). The Design Standards includes Architectural Design Standards and Guidelines and Landscape Design Standards and Guidelines which supersede and entirely replace the City's architectural and landscape requirements.

17.2 Modifications to the Design Standards, other than those which are considered to be a minor modifications by the City's Planning Director, shall require the approval of the City Commission based upon a recommendation of the City's Planning Director. Public notification procedures for rezoning shall not be required for modifications of the Design Standards, provided that any modification requiring approval of the City Commission shall be considered at a public hearing that has been advertised in a newspaper of general distribution in

the City. Minor modifications to the Design Standards may be approved by the City's Planning Director.

18.0 Land Development Code Applicability.

18.1 The City's LDC applies to Ormond Crossings and development within it, unless expressly otherwise provided in this section or elsewhere in this MDP.

18.2 Ormond Crossings was previously reviewed as a Development of Regional Impact ("DRI Review") pursuant to an Application for Development Approval that was submitted to the City in August 2005 and Sufficiency Responses providing additional information that were submitted to the City in December 2005 and June 2006. Ormond Crossings is also subject to the provisions of the adopted comprehensive plan and the terms and conditions of the Development Agreement. In addition, an extensive drainage study was completed for Ormond Crossings in June 2009 ("Drainage Study"), followed by a FEMA floodplain study that was completed in June 2009 ("FEMA Study"). As a result of the DRI Review, further reviews in connection with the Development Agreement, the Drainage Study and the FEMA Study, various studies, reports, surveys and assessments that are required by the City's LDC have been completed and are not necessary in connection with the future planning, platting, site plan review, permitting and development at Ormond Crossings. Also, certain provisions of the City's LDC are incompatible with the Conceptual Plan and not necessary for the protection of the public health, safety and welfare of the citizens of the City. Therefore, for purposes of Ormond Crossings and development within it, the following provisions apply and supersede any conflicting provisions contained in the City's LDC or other ordinances of the City:

(a) In connection with platting, site plan approvals or building permits at Ormond Crossings, the City may ask for copies of any of the following that Developer

previously submitted to the City: traffic study; environmental assessment report; historical, archaeological and paleontological resources survey, fiscal and economic impact assessment and utility impact assessment. However, the City shall not require a new or updated traffic study, environmental assessment report, historical, archeological and paleontological resources survey, fiscal and economic impact assessment or utility impact assessment unless there is a material change of the Land Use Plan.

(b) Stormwater system design shall be based upon St. Johns River Water Management District standards. Wet detention ponds smaller than two (2) acres shall be aerated. Stormwater retention/detention ponds and lakes shall maintain a fifty (50) foot upland buffer adjacent to wetlands provided that the design engineer of record demonstrates to the satisfaction of the City that the ponds/lakes will not degrade the quality of adjacent wetlands. Existing drainageways and ponds, including drainageways and ponds that are adjacent to or within wetlands, may remain "as is" regardless of whether control elevations are higher or lower than the surrounding wetlands and any other wetlands located within three hundred (300) feet.

(c) For purposes of compliance with any provision of the City's LDC, Groover Branch shall terminate at Durrance Lane. The existing drainage system, future stormwater management system and other ponds and waterways north of Durrance Lane shall not be deemed part of Groover Branch for any purpose.

(d) To the extent available, mitigation for permitted wetland impacts shall consist of onsite mitigation or credits from Lake Swamp Mitigation Bank which is located near Ormond Crossings in Flagler County.

(e) Clearing of vegetation within wetland buffer areas shall be permitted for construction of stormwater outfalls.

(f) Existing drainageways may be regraded to provide 4:1 side slopes without providing additional upland buffers.

(g) The minimum building floor elevation shall be one (1) foot above the 100-year storm elevation or eighteen (18) inches above the street grade, whichever is greater, unless otherwise approved by the City Engineer.

(h) Compensating storage for filling within the flood plain shall be provided at a ratio of 1:1.

(i) Because all development areas will require a minimum of 2 to 3 feet of fill, tree surveys shall not be required. However, prior to removal of any historic or specimen hardwood trees, the Developer shall notify the City and the City may require replacement trees.

(j) As shown on the Conceptual Plan and the Land Use Plan, Ormond Crossings will utilize wetland areas and lakes as buffers between most differing land uses. Where those buffers are not available, an alternative buffer shall be provided in accordance with the Landscape Design Standards.

(k) Landscaping, signage, sidewalks and bikepaths, lighting, berms, utilities, fencing and walls and street furniture may be installed or constructed within the mixed use easements.

(l) Bars, lounges, nightclubs and stores that sell alcoholic beverages may be located anywhere in the Town Center/Business Park Area regardless of proximity to parks, recreational areas and the community center.

(m) Projects shall have at least two (2) separate and remote entrances unless easements are provided for emergency ingress/egress that will not adversely affect the overall street system. This provision shall not apply to Tracts 22 and 24 in the Business Park Area,

residential development on the western portion of Tract 14 in the Town Center Business Park Area or residential development on the eastern portion of Tract 7 in the Residential-Medium Density Area because, in those areas, a second entrance or emergency ingress/egress is constrained by wetlands or existing water bodies.

(n) Title to any tract may be transferred in its entirety without platting. However, no infrastructure improvements, with the exception of stormwater and utility improvements and site fill, may be made on any tract until preliminary plat approval is received for the area to be improved. The final plat must be recorded prior to issuance of a certificate of occupancy or conveyance of any portion of the property that is included in the plat.

As tracts are fully developed and built out, the method of conveying stormwater to stormwater retention areas may be altered from time to time. In the meantime, stormwater may be conveyed to stormwater retention areas on a temporary basis through a variety of methods, including open swales. Temporary easements will be granted to the City and any property owners' association or community development district that is responsible for maintenance over all areas that contain temporary drainage facilities, and when the stormwater facilities are permanently located, those temporary easements will be released in exchange for a grant of permanent easements over the location of the permanent drainage facilities.

(o) Subject to the administrative approval of the City's Planning Director, any previously platted lot, tract or parcel may be further divided without replatting ("Split Lot") for the purpose, whether immediate or future, of any kind of transfer of ownership or right of possession or for any building development, provided each portion thereof, as divided, will have frontage on a public street or approved private street, or an easement having a width of no less than twenty-five (25) feet is dedicated to provide access to the Split Lot. Each Split Lot will

conform to the development standards as set forth in Section 11.0 above, and as previously stated, will be subject to an administrative subdivision exemption by the City's Planning Director.

(p) All parking for non-residential uses in the Town Core (Tract 12) shall be shared parking and available to the public generally. Shared parking, including parking along public roads and streets, shall be taken into consideration for purposes of meeting the parking requirements. When Developer conveys title to a portion of the Town Core for a non-residential building site, Developer shall record a restrictive covenant describing and quantifying the shared parking that is allocated to that site for purposes of meeting the parking requirements. The same shared parking spaces shall not be credited for purposes of meeting the parking requirements of more than one site, except the same shared parking may meet the parking requirements of both institutional uses with off-peak event oriented parking requirements and retail commercial, non-retail commercial and office uses that have no, or limited, off-peak parking requirements, subject to approval, on a case by case basis, by the City's Planning Director.

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

(r) To avoid damage to roads, disruption of activities at Ormond Crossings and because of the location of fill sources, it will be necessary to fill most or all of the development areas at Ormond Crossings before specific site development plans are available for

the areas. All areas that are shown on the Land Use Plan, except Uplands (outside Zoning Areas), Wetlands and Lake will require clearing and filling. Therefore, clearing of trees, filling, excavation and dredging may be performed at Ormond Crossings consistent with permits issued from time-to-time by St. Johns River Water Management District and clearing and grading permits issued by the City that may require seeding and mulching of all cleared and filled areas.

(s) Multiple private or public boat docks shall be permitted within parks and other common areas.

(t) No wall, hedge or other landscape planting shall be required along the Trail System.

(u) No architectural or landscape regulations shall apply, other than compliance with the Design Standards.

(v) The sign regulations contained in the City's LDC shall apply to signage within Ormond Crossings, subject to the following exceptions:

(i) With the exception of the icon signs provided for in (v) below, which may be pole signs, pole signs shall be prohibited within Ormond Crossings.

(ii) Monument signs shall not exceed a maximum height of eight (8) feet with a maximum signage area of ninety-six (96) square feet.

(iii) Wayfinding signs shall be allowed within the public rights-of-way or any mixed-use easement.

(iv) Interstate visibility signs shall be allowed only on Tracts 12, 13, 14, 18, 20 and 21.

(v) Three (3) main project icon type signs, not to exceed fifty (50) feet in height, identifying Ormond Crossings Business Park, Ormond Crossings Town Center and

Ormond Crossings Residential shall be allowed, but only on one or up to any three of Tracts 12, 13, 14, 17, 18, 20, 21 and 23.

(vi) Main project entrance features may be located onsite or offsite at the US-1 entrances and I-95 overpass, subject to design approval by the SPRC.

(w) The permitted uses and structures within Ormond Crossings will be as set forth in the table at Section 9.0 above.

(x) The development standards within Ormond Crossings will be as set forth in the tables at Section 11.0 above.

(y) Roads, streets and alleys within Ormond Crossings will be designed and built as set forth in the table at Section 12.0 above.

(z) The time limits for commencing and completing development activities within Ormond Crossings will be as set forth in the Development Agreement.

19.0 Maintenance.

19.1 The maintenance and upkeep of privately owned property shall be the responsibility of the property owner and shall be enforced by a property owners' association for the Business Park Area and Town Center/Business Park Area and one or more homeowners' associations for the Residential Areas, or by one or more community development districts for all areas.

19.2 The maintenance and upkeep of common areas that are not owned by the public and improvements within public rights-of-way, including but not necessarily limited to landscaping, irrigation, lighting, way-finding signage and trails, shall be the responsibility of one or more property owners' associations for the Business Park Area and Town Center/Business

Park Area and one or more homeowners' associations for the Residential Areas, or by one or more community development districts for all areas.

20.0 Affordable Housing.

Based on data that was produced during the DRI Review, it has been determined that 113 units of affordable housing will be needed at Ormond Crossings for persons who are considered to be within the low and moderate income levels. To provide for affordable housing, a minimum of 113 residential units shall be allocated to be built on the western portion of Tract 14 and covenants and restrictions shall be recorded to assure the continued affordability of the units that are built on that site.

21.0 General Provisions.

21.1 Venue and Enforcement.

This MDP shall be governed by and construed in accordance with the laws of the State of Florida. Exclusive venue for purposes of litigation shall be Volusia County, Florida.

21.2 Notice.

Any and all notices required or allowed to be given in accordance with this MDP shall be mailed or delivered as follows:

To the Developer:

Tomoka Holdings, LLC
145 City Place, Suite 300
Palm Coast, Florida 32164
Attention: President/Manager
Telephone: (386) 446-6226

To the City:

City of Ormond Beach
P.O. Box 277
Ormond Beach, Florida 32175-0277

Attention: City Manager
Telephone: (386) 677-0311

21.3 Severability.

In the event any provision of this MDP shall be declared invalid, illegal or unconstitutional by a court of competent jurisdiction, such adjudication shall in no manner affect the other provisions of this MDP which shall remain in full force and effect as if the provision declared invalid, illegal or unconstitutional was not originally a part hereof, provided, however, that if the result of the severance of the provision results in harm to the public health, safety or welfare, results in a public harm, or substantially negates a public benefit or imposes a public burden, then the provisions of this MDP shall be deemed not severable and this MDP shall be reformulated and reconstituted to avoid that consequence.

21.4 Cooperation in the Event of Legal Challenge.

In the event of any legal action instituted by a third party or a governmental entity other than the City challenging the validity of any provisions of this MDP, the parties hereby agree to cooperate in defending such action.

21.5 Joint Preparation.

Preparation of this MDP has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

21.6 Exhibits.

All Exhibits attached hereto contain additional binding terms of this MDP and are incorporated herein by reference.

21.7 Caption or Section Headings.

Captions and section headings contained in this MDP are for convenience and reference only, and in no way define, describe, extend or limit the scope or intent of this MDP, nor the intent of any provision hereof.

21.8 Further Assurances.

Each of the parties hereto shall execute, acknowledge and deliver, or cause to be executed, acknowledge and delivered, all such further acts and assurances as shall be reasonably requested by the other party in order to carry out the intent of this MDP and give effect hereto to the extent allowed and in a manner permitted by law. Without any manner limiting the specific rights and obligations set forth in this MDP or legally limiting or infringing upon the governmental authority of the City, the parties hereby declare their intention to cooperate with each other in effecting the terms of this MDP and to coordinate the performance of their respective obligations under the terms of this MDP.

21.9 Disclaimer of Third Party Beneficiary.

This MDP is solely for the benefit of the parties hereto and no right or cause of action shall accrue by reason hereof to or for the benefit of any third party not a party hereto. Nothing in this MDP, expressed or implied, is intended or shall be construed to confer upon or give any person or entity any right, remedy or claim under or by reason of this MDP or any provisions or conditions hereof, other than the parties hereto and their respective representatives, successors and assigns.

21.10 Successors and Assigns.

This MDP and the terms and conditions hereof shall be binding upon and inure to the benefit of the City and Developer and their respective successors-in-interest. The

terms and conditions of this MDP similarly shall be binding upon the property and shall run with the land and the title to the same.

21.11 Terms; Effective Date.

This MDP shall be effective upon approval by the City Commission and execution of this MDP by all parties and shall expire upon rezoning of Ormond Crossings to other than PMUD.

21.12 Recordation.

Upon approval by the City Commission and execution of this MDP by all parties, this MDP and any and all amendments hereto shall be recorded by the City with the Clerk of the Circuit Court of Volusia County within fourteen (14) days after its execution by the City and this MDP shall run with the land. The Developer shall pay the costs to record this MDP.

21.13 Amending this MDP.

Specific amendments to this MDP are provided for in Sections 4.1(2) and 17.2 above. Other amendments to this MDP shall be adopted in accordance with the provisions of Chapter 1, Article II of the City's LDC. Public notification procedures required for rezonings will not be required for modifications of this MDP, except as required by Section 166.041(3)(a), *Florida Statutes*.

WHEREFORE, the parties hereto have caused these presents to be signed all as of the date and year first above written.

ATTEST:	**CITY OF ORMOND BEACH**
_____,	_____
City Manager	Mayor

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me this ___ day of _____, 2013, by _____ and _____, the Mayor and City Manager respectively, for and on behalf of the City of Ormond Beach, Florida, who are personally known to me and who did not take an oath.

WITNESS my hand and official seal this ___ day of _____, 2013.

_____
Notary signature

(Seal)

_____
Printed name

WITNESSES:

TOMOKA HOLDINGS, LLC, a Florida Limited liability company

_____
Printed Name

_____
William I. Livingston
President/Manager

_____
Printed Name

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me this ___ day of _____, 2013, by **William I. Livingston**, the President/Manager, for and on behalf of the Tomoka Holdings, LLC, who is personally known to me and who did not take an oath.

WITNESS my hand and official seal this ___ day of _____, 2013.

_____
Signature

(Seal)

_____
Printed Name

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5/2/13