

1 MODEL PD PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: (Case #), Application of

5 (NAME OF APPLICANT)

6 ORDINANCE # _____

7 (# to be Provided After Commission Approval)

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM (CURRENT ZONING) TO

10 (Type of PD) __PD (PLANNED DEVELOPMENT) (see below)

11

12 The application of (Name of applicant), hereinafter, "Applicant", for rezoning was

13 heard by and before the City Commission, DeLand Florida, on (public hearing date). Based

14 upon the verified Application and other supporting documents, maps, charts, overlays,

15 other evidence and instruments; the advice, report, and recommendations of the

16 Community Development, and other Departments and agencies of DeLand, Florida; and

17 the testimony adduced and evidence received at the Public Hearing on this Application by

18 the Planning Board on (public hearing date), and otherwise being fully advised, the City

19 Commission does hereby find and determine as follows:

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GENERAL FINDINGS

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A. That the application of *(name of applicant or corporation, but not the representing attorney)* was duly and properly filed herein on *(application filing date)* as required by law.

B. That all fees and costs which are by law, regulation, or Ordinance required to be borne and paid by the applicant have been paid.

C. That the applicant is the *(status of applicant, such as owner or contract purchaser)* of a *(size of PD)* acre parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A". *(This needs to be labeled as Exhibit A and attached to this document.)*

D. That the Applicant has complied with the concept plan provision as required by Land Development Regulations Ordinance # 2002-09, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance # 2002-09 , as amended.

F. That the owner of the property, *(name of property owner)*, agrees with the provisions of the Development Agreement. *(This section should be used when the Applicant and Owner are not the same.)*

FINDINGS REGARDING REZONING

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A. That the Applicant has applied for a change of zoning from the present zoning classification(s) of the parcel described in Exhibit "A" from (*current zoning*) to (*PD*) (Planned Development).

B. That the said rezoning to a(n) PD is consistent with both the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance # 2002-09, as amended, and does promote the public health, safety, morals, general welfare and orderly growth of the area affected by the rezoning request.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS (*public hearing date*) DAY OF _____, A.D., _____, AS FOLLOWS:

A. That the Application of (*Name of applicant, corporation or other*) for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from (*current zoning*) to _PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

C. That the Official Zoning Map of the City of DeLand, is hereby amended to

1 show the rezoning of said parcel to *(Insert name of PD)* _PD.

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3 D. That the City of DeLand Land Development Regulations Ordinance # 2002-
4 09, as amended, is consistent with the provisions of the "Development Agreement" as
5 hereinafter set forth in this Ordinance and with respect to any conflict between Land
6 Development Regulations Ordinance # 2002-09, as amended, and the "Development
7 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
8 02-09, as amended, shall govern with respect to any matter not covered by the
9 "Development Agreement." The City of DeLand, will ensure overall compliance with this
10 Ordinance.

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12 E. Unless otherwise provided for herein the City of DeLand, Land Development
13 Regulations Ordinance # 2002-09, as amended, shall apply to the PD in the same manner
14 as the *(indicate a zoning classification similar to the requested PD: for example Residential*
15 *PDs should be treated the same as R-1 through R-9; Industrial PDs should be treated*
16 *same as I-1, etc.)* zoning classification.

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18 F. Nothing in this Ordinance shall abridge the requirements of any City of
19 DeLand Ordinance other than Ordinance 2002-09, as amended. Timing and review
20 procedures contained in this Order and Resolution may be modified to comply with the City
21 of DeLand Land Development Regulations, Ordinance No. 2002-09, as amended. Further,
22 nothing in the Development Agreement is intended to abridge the requirements of
23 Ordinance No. 2002-09, as amended, and any other City Ordinances.

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DEVELOPMENT AGREEMENT

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1 A. Development Concept The property shall be developed as a PD
2 substantially in accordance with the Planned Development Plan. The Planned
3 Development Plan shall govern the development of the property as a PD and shall regulate
4 the future land use of this parcel.

5 1. Planned Development Plan The Planned Development Plan shall
6 consist of the Development Plan Map prepared by *(name of person or firm preparing plan)*
7 and dated *(latest revision date at time of approval)* and this development agreement. The
8 Planned Development Plan is hereby approved and incorporated in this Ordinance by
9 reference as Exhibit "B". *(Label the Planned Development Plan as Exhibit B and attach a*
10 *reduced 8 1/2" x 11" copy to this Development Agreement.)* The Planned Development
11 Plan shall be filed and retained for public inspection in the Planning Department and it shall
12 constitute a supplement to the Official Zoning Map of the City of DeLand.

13 2. Amendments. All amendments of the Planned Development Plan,
14 other than those deemed by the Planning Department to be minor amendments as set out
15 in Ordinance No. 2002-09, as amended, shall require the review and recommendation of
16 the Planning Board and action by the City Commission in the same manner as a rezoning
17 of the parcel.

18 3. Subdivision Approval. *(Only for PDs requiring subdivision,)* After the
19 Planned Development Plan is recorded, and prior to any construction, including clearing
20 and landfill, *an application for exemption; or a preliminary and/or a final plat (choose*
21 *appropriate procedure)* of the area to be subdivided shall be submitted for review and
22 approval in the manner required by Article 13 of the City of DeLand Land Development
23 Regulations, Ordinance No. 2002-09, as amended.

24 4. Final Site Plan Approval. *(For PDs requiring site plans.)* After the
25 Planned Development Plan is recorded, and prior to issuance of any permits for

1 construction, including clearing and landfill, a Final Site Plan shall be prepared and
2 submitted for review and approval in the manner required by Article 12 of the City of
3 DeLand, Land Development Regulations Ordinance # 2002-09, as amended. *(Please note*
4 *that some Planned Development Plans will require both subdivision and Final Site Plan*
5 *approvals. If this is the case, both paragraphs 3 and 4 above should be included to reflect*
6 *the Land Development Regulations procedures you will be following.)*

7

8 B. Unified Ownership. The Applicant or his successors shall maintain unified
9 ownership of the subject parcel until after issuance of the Final Development Order Plat(s)
10 or Exemptions for areas to be subdivided or Final Site Plan Development Order. *(choose*
11 *appropriate procedure)*

12

13 C. Phases of Development. *Provide an explanation and time schedule of the*
14 *project phases, if applicable. Each phase needs to be keyed and identified on the*
15 *Development Plan Map, Exhibit "B".*

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17 D. Land Uses Within the PD. The development of the parcel shall be consistent
18 with the uses prescribed for each area within the proposed PD. The location and size of
19 said land use areas are shown on the Development Plan Map, Exhibit "B". The following
20 land uses shall be allowed as permitted principal uses and structures along with their
21 customary accessory uses and structures: *(List all of the principal permitted land uses for*
22 *each land use area identified on the Development Plan Map, Exhibit "B".)*

23

24 E. Development Standards. *(Describe the minimum site design regulations that*
25 *will be used to govern development within the PD. Examples of these might be building*

1 setbacks, building height, lot coverage, parking, access, and the like. For each regulation
2 that is described, a separate subdivision heading should be listed. Examples are given
3 below:)

- 4 1. Minimum lot area
- 5 2. Minimum lot width and/or depth
- 6 3. Minimum yard size (building)
 - 7 a. Front yard: ft.
 - 8 b. Rear yard: ft.
 - 9 c. Side yard: ft.
 - 10 d. Waterfront yard: ft.
- 11 4. Minimum floor area: sq. ft.
(This requirement is for PD within single and/or multiple family
12 dwellings.)
- 13 5. Maximum lot coverage
- 14 6. Maximum building height
- 15 7. Landscape buffer requirements
- 16 8. Perimeter building setbacks
- 17 9. Minimum building separation
- 18 10. Off-street parking requirements
- 19 11. Signage requirements
- 20 12. Open Space and/or Common Area requirements meeting the Land

21 Development Regulations Ordinance # 2002-09. (For clarity, the regulations should be
22 done in a Table Format. Please note that item "7" should meet or exceed the minimum
23 requirements stated in Sections 33-96 and 33-92 of the City of DeLand, Land Development
24 Regulations Ordinance # 2002-09, as amended; and item "10" should meet the minimum
25 requirements of Section 33-91, of the City of DeLand Ordinance 2002-09, as amended,
26 unless a traffic study prepared by a Professional Engineer (P.E.) justifying lower
27 requirements is submitted with the PD application and approved by the City Engineer.)
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30 F. Environmental Considerations. (Describe the manner in which the project's
31 natural resources will be preserved and indicate the location and size of any environmental

1 easements or conservation areas. Also, describe any covenants, easements or other
2 restrictions which may be employed, if applicable. Please note that the minimum
3 requirements of the Land Development Regulations Ordinance # 2002-09, as amended,
4 shall be met.)

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6 G. Sewage Disposal and Potable Water. At a minimum the following sentence
7 needs to be provided: Provision for sewage disposal and potable water needs of the PD
8 will be provided in accordance with the Comprehensive Plan, Ordinance No.1990-04, as
9 amended, the Land Development Regulations Ordinance No. 2009-09, as amended, and
10 State of Florida Administrative Code 64E-6. More specific information may be required
11 under certain circumstances.

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13 H. Stormwater Drainage. Provision for stormwater retention shall be in
14 accordance with the Land Development Regulations Ordinance # 2002-09, as amended.

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16 I. Access and Transportation System Improvements. All access and
17 transportation system improvements shall be provided in accordance with the Land
18 Development Regulations, Ord. 02-09, as amended. The parcel shall be developed in
19 substantial accordance with the following access and transportation system improvements:

20
21 1. Access. (Describe specific points of ingress and egress to the site, or
22 limit the number of driveways to each proposed parcel for developments or subdivisions.
23 Turning movement restrictions should be described, if applicable.)

24 2. Transportation System Improvements. (Describe road improvements
25 required to ensure safe ingress and egress to the proposed development such as

1 construction of turn lanes, intersection improvements, traffic signals, etc. Describe when
2 and how these improvements will be made.)

3

4 J. Internal Roadways. (If applicable, describe the street system and right of way
5 widths in the PD development. The Preliminary Plan shall at a minimum show any
6 proposed arterial or collector streets. The proposed location of local streets should also be
7 shown. Identify those streets that will be dedicated to the City or will be private.)

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9 K. Building or Property Owners Association. Such associations are most
10 frequently used for PDs. State whether it is the intent of the applicant to create a building
11 or property owner's association. If an association is to be created the following language
12 needs to be included: The charter and by-laws of said association and any other
13 agreements, covenants, easements or restrictions shall be furnished to the City of DeLand
14 at the time of creation. The applicant shall be responsible for recording said information in
15 the Public Records of Volusia County, Florida. Also, the applicant shall bear and pay all
16 costs for recording all of the aforementioned documents.

17 With respect to the enforcement of said agreements, covenants, easements or
18 restrictions entered into between the applicant and the owners or occupiers of property
19 within the _PD, the City of DeLand shall only enforce the provisions of the "Development
20 Agreement" and City of DeLand Land Development Regulations Ordinance # 2002-09, as
21 amended, whichever is applicable, and not the private agreements entered into between
22 the aforementioned parties.

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24 L. (Other). (Additional regulations to govern the PD {such as under ground
25 electric and telephone utility lines, establishment of parks, etc.} should be covered under

1 *separate sections.)*

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3 M. Reverter Provision: The City Commission may rezone any portion of the
4 project which has not secured a (*final development order*) on or before 5 years from the
5 effective date of this ordinance as may be necessary or appropriate to protect adjoining
6 properties or the public health, safety and welfare, unless the City Commission, for good
7 cause shown, shall extend the time period indicated in this paragraph.

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9 N. Binding Effect of Plans; Recording; and Effective Date. The Planned
10 Development Plan, including any and all amendments shall bind and inure to the benefit of
11 the Applicant and his successor in title or interest. The _PD zoning, provisions of the
12 "Development Agreement," and all approved plans shall run with the land and shall be
13 administered in a manner consistent with Article 12 of the City of DeLand Land
14 Development Regulations Ordinance # 2002-09, as amended.

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16 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
17 Court and recorded within forty-five (45) days following execution of the document by the
18 City Commission, in the Official Records of Volusia County, Florida. One copy of the
19 document, bearing the book and page number of the Official Record in which the document
20 was recorded, shall be submitted to the Planning Department for placement in the public
21 file. The date of recording of this document shall constitute the effective date of the _PD or
22 its subsequent amendments. The applicant shall pay all filing costs for recording
23 documents.

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1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this
2 ____ day of _____ (mo/yr).

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ATTEST: City Commission of DeLand Florida

8 _____
9 Mike Abels
10 City Manager
11

_____ Robert Apgar
Mayor

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13 STATE OF FLORIDA

14 CITY OF DELAND

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16 The foregoing instrument was acknowledged before me this ____ day of
17 _____ (mo/yr), by Mike Abels and Robert Apgar, as City Manager
18 and Mayor, City of DeLand, respectively, on behalf of the City of DeLand,
19 and who are personally known to me.

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21 NOTARY PUBLIC, STATE OF FLORIDA

22 Type or Print Name:

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Commission No.: _____

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My Commission Expires: _____

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WITNESSES:

Applicant's Name, Title & Corporation

Applicant's Name, Title & Corporation

Owner of Property (if other than applicant)

The foregoing instrument was acknowledged before me this _____ day of _____ (mo/yr), by (N A M E), who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.: _____

My Commission Expires: _____

Revised July 24, 2008 u/p/zone/pd_doc