

**ORDINANCE NO. 2022 - 13**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY OF DELAND'S R-1A, SINGLE-FAMILY TO BERESFORD RESERVE PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED NORTH OF EAST BERESFORD AVENUE (C.R. 4112), EAST OF SOUTH BOSTON AVENUE AND WEST OF SOUTH HILL AVENUE (C.R. 4105); APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 167.65 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, Mark Watts, Esq., on behalf of Sandhill Enterprises (hereinafter referred to as "Applicant"), the owner of approximately 167.65 +/- acres of land located north of east Beresford Avenue (C.R. 4112), east of south Boston Avenue and west of south Hill Avenue (C.R. 4105), which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

**WHEREAS**, the Applicant has applied for a change of zoning designation from City of DeLand's R-1A, Single Family to Beresford Reserve Planned Development (PD); and

**WHEREAS**, the Applicant wishes to amend the zoning to planned development to accommodate a new residential development with a mix of single-family detached and single-family attached (town homes), with a public park in the northwest corner; and

**WHEREAS**, said rezoning is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

**WHEREAS**, the Applicant has submitted an application for the approval of a development plan in order to amend the property zoning designation so as to change certain development standards for the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

**WHEREAS**, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

**WHEREAS**, the proposed development plan is consistent with the Low Density Residential land use designation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:**

**Section 1.** The City Commission has held a public hearing to approve the change of zoning from City of DeLand's R-1A, Single-Family to Beresford Reserve Planned Development (PD) on the property located north of east Beresford Avenue (C.R. 4112), east of south Boston Avenue, and west of south Hill Avenue (C.R. 4105), consisting of approximately 167.65 +/- acres.

**Section 2.** Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as Beresford Reserve PD, Planned Development District.

**Section 3.** The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that

Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

**Section 4.** The approved Development Plan for Beresford Reserve PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Department), are attached hereto as Exhibit "B" and by this reference made a part hereof.

**Section 5.** The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

**Section 6.** At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

**Section 7.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

**Section 8.** The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

**Section 9.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 10.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 25<sup>th</sup> day of July, 2022.



ATTE

*Audrey A. Hennessy*  
Audrey A. Hennessy 2.20.2023  
City Clerk - Auditor

*Robert F. Apgar* *Christopher M. Craelman*  
Robert F. Apgar Christopher M. Craelman  
Mayor - Commissioner

Passed on first reading: January 31, 2022  
Adopted on second reading: July 25, 2022

**APPROVED AS TO FORM AND LEGALITY:**

*Darren J. Elkind*  
Darren J. Elkind  
City Attorney

## ATTACHMENT A

### LEGAL DESCRIPTION

#### DESCRIPTION FOR SOUTHRIDGE GOLF COURSE:

A PORTION OF BLOCKS 174, 175, 176, 177, 187, 188, 189, 190, 191, 192, 194, 215, 216, 217 and 218 OF THE "CORPORATION MAP OF THE CITY OF DELAND" RECORDED IN MAP BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LOTS 1 THROUGH 60, SUNNYVIEW ADDITION, BEING A SUBDIVISION OF BLOCK 193, DELAND, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 4, PAGE 111, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, RUN THENCE ALONG THE SOUTH LINE OF SAID SECTION 15, N 89°06'33" E, A DISTANCE OF 30.00 FEET, RUN THENCE N 01°16'11" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH BOSTON AVENUE, THENCE RUN N 01°16'11" W ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2437.96 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST EUCLID AVENUE, THENCE RUN N 87°37'11" E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2565.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH HILL AVENUE, THENCE RUN S 01°38'23" E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 320.74 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 115.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 355.06 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 10.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 1829.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST BERESFORD AVENUE, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 566.28 FEET, THENCE RUN N 01°31'33" W, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W, A DISTANCE OF 208.00 FEET, THENCE RUN S 01°31'33" E, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1681.99 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINING 138.72± ACRES.

TOGETHER WITH

(O.R. 6392 PAGE 0352)

ALL OF BLOCK 170 EXCEPT THE WESTERLY 440 FEET OF THE NORTH ONE-HALF AND EXCEPT THE WESTERLY 40 FEET OF THE SOUTH ONE-HALF AND EXCEPT THE SOUTHERLY 30 FEET; AND ALL OF BLOCK 171, EXCEPT THE WESTERLY 200 FEET OF THE SOUTHERLY 250 FEET AND EXCEPT THE SOUTHERLY 30 FEET, MAP OF THE CORPORATION OF THE CITY OF DELAND ACCORDING TO MAP IN MAP BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(O.R. 6392 PAGE 0352)

WEST ½ OF BLOCK 172 OF DELAND, FLORIDA AS SHOWN IN MAP BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

(O.R. 4157 PAGE 0210)

EAST ½ OF BLOCK 172, CORPORATION MAP OF CITY OF DELAND ACCORDING TO MAP IN MAP BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; AND LESS AND EXCEPT THE SOUTH 25 FEET THEREOF.

# "EXHIBIT B"

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PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: Z-20-105, Application of

ELEVATION SANDHILL, LLC

ORDINANCE # 2022-13

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM R-1A SINGLE-FAMILY  
DWELLING DISTRICT TO BERESFORD RESERVE PD

The application of Elevation Sandhill, LLC, hereinafter, "Applicant", for rezoning was heard by and before the City Commission, DeLand Florida, on July 25, 2022. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on March 17, 2021, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

1 GENERAL FINDINGS

2  
3 A. That the application of Elevation Sandhill, LLC was duly and properly filed  
4 herein on July 22, 2020, as required by law.

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

8  
9 C. That the Applicant is the contract purchaser of a 167.36 +/- acre parcel of  
10 land which is situated in DeLand, Florida. This parcel of land is described more  
11 particularly in the survey and legal description, a true copy of which is attached hereto as  
12 Exhibit "A".

13  
14 D. That the Applicant has complied with the concept plan provision as required  
15 by Land Development Regulations Ordinance No. 2013-11, as amended.

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17 E. That the Applicant has complied with the "Due Public Notice" requirements  
18 of the City Commission, Land Development Regulations Ordinance No. 2013-11, as  
19 amended.

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21 F. That the owner of the property, Sandhill Enterprises, LLC, agrees with the  
22 provisions of the Development Agreement.

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1 FINDINGS REGARDING REZONING

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3 A. That the Applicant has applied for a change of zoning from the present  
4 zoning classification of the parcel described in Exhibit "A" from R-1A Single-Family  
5 Dwelling District to Beresford Reserve PD.

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7 B. That the said rezoning to a PD is consistent with both the City of DeLand  
8 Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent and purpose  
9 of the City of DeLand Land Development Regulations Ordinance No. 2013-11, as  
10 amended, and does promote the public health, safety, morals, general welfare and orderly  
11 growth of the area affected by the rezoning request.

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13 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF  
14 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY  
15 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA,  
16 THIS 25<sup>th</sup> DAY OF JULY, 2022, AS FOLLOWS:

17 A. That the Application of Elevation Sandhill, LLC for the rezoning of the  
18 subject parcel is hereby granted.

19 B. That the zoning classification of the subject parcel described in Exhibit "A"  
20 attached hereto is hereby amended from R-1A Single-Family Dwelling District to  
21 Beresford Reserve PD as described in Article VII of the City of DeLand, Land  
22 Development Regulations Ordinance No. 2013-11, as amended.

23 C. That the Official Zoning Map of the City of DeLand, is hereby amended to  
24 show the rezoning of said parcel to Beresford Reserve PD.

1           D.     That the City of DeLand Land Development Regulations Ordinance No.  
2     2013-11, as amended, is consistent with the provisions of the Beresford Reserve PD,  
3     hereinafter "Development Agreement" as hereinafter set forth in this Ordinance and with  
4     respect to any conflict between Land Development Regulations Ordinance No. 2013-11,  
5     as amended, and the "Development Agreement", the provisions of the "Development  
6     Agreement" shall govern. Ordinance No. 2013-11, as amended, shall govern with respect  
7     to any matter not covered by the "Development Agreement." The City of DeLand, will  
8     ensure overall compliance with this Ordinance.

9           E.     Unless otherwise provided for herein the City of DeLand, Land  
10    Development Regulations Ordinance No. 2013-11, as amended, shall apply to the PD in  
11    the same manner as the R-1A, Single-Family Dwelling zoning classification.

12          F.     Nothing in this Ordinance shall abridge the requirements of any City of  
13    DeLand Ordinance other than Ordinance No. 2013-11, as amended. Timing and review  
14    procedures contained in this Order and Resolution may be modified to comply with the  
15    City of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended.  
16    Further, nothing in the Development Agreement is intended to abridge the requirements  
17    of Ordinance No. 2013-11, as amended, and any other City Ordinances.

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1 Ordinance No. 2013-11, as amended. The PD Concept Plan Map shall constitute a  
2 Sketch Plan for purposes of the Land Development Regulations of the City of DeLand.

3 4. Final Site Plan Approval. After the Planned Development Plan is  
4 recorded, and prior to issuance of any permits for construction, including clearing and fill,  
5 a final site plan shall be prepared and submitted for review and approval in the manner  
6 required by Article 12 of the City of DeLand, Land Development Regulations Ordinance  
7 No. 2013-11, as amended.

8 B. Unified Ownership. The Applicant or his successors shall maintain unified  
9 ownership of the subject parcel until after issuance of the final plat.

10 C. Phases of Development. The project may be developed in one or more  
11 phases. Phasing for the project may generally be provided per the attached Exhibit "C".  
12 Phases may be developed in any order. Mass-grading of the site may only occur over the  
13 development area included in a particular phase, as approved by the City during the  
14 subdivision review process, but not over the Tree Preservation Areas or any portion of  
15 the parcel not included within an approved phase. Clearing and grading may occur over  
16 areas not included within a particular phase if such clearing and grading activity is  
17 completed as part of the implementation of the Brownfield Site Rehabilitation Agreement  
18 (as defined below). Mass-graded areas will be stabilized with vegetative cover. No open  
19 burning shall be permitted on the property.

20 Sales center, design center, model homes and construction trailers may  
21 commence construction upon approval of a preliminary plat and final construction plans  
22 and completion of a stabilized access to the sales center area for emergency vehicles  
23 and the provision of acceptable water supply for fire protection, and one of the following  
24 two options as approved by the City's Chief Building Official and the City Engineer where

1 a temporary or final Certificate of Occupancy is requested prior to full City approval and  
2 acceptance of the infrastructure:

3 1. There shall be potable water and a sewer tie-in as approved by the City Engineer  
4 for the buildings (this does not authorize a well or septic tank), or an ADA compliant fully  
5 self-contained temporary bathroom facility on site for each building to be used short term  
6 as determined by the Chief Building Official.

7 2. The public infrastructure serving the buildings has been accepted by the City  
8 Engineer and the utilities have been permanently connected.

9 Applicant may develop a central sales center area to be used during the life of the  
10 project. The sales center shall consist of the following temporary facilities to be located  
11 within homes to be built on 1 or more platted lots:

12 Sales Office (converted model home)

13 Design Center (converted model home)

14 Up to 4 Model Homes

15 Temporary Parking Lot

16 Temporary construction trailer(s) (may be converted model home)

17 Any temporary structurally supported covered entry to either the sales office or design  
18 center or construction trailer to facilitate entry into the side of either building shall not be  
19 subject to side yard setbacks provided the adjoining area is a vacant lot, right-of-way or  
20 temporary parking lot. Unless otherwise approved by the City, once the sales center and  
21 design center are done being used, the Applicant shall remove all temporary structures  
22 and convert the remaining model to comply with the requirements of this Development  
23 Agreement and the City building code. All sales office, model homes, and construction  
24 trailers shall be approved by the applicable regulatory authorities per the City's LDR's.

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D. Land Uses Within the PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed BERESFORD RESERVE PD. The approximate location and size of said land use areas are shown on the PD Concept Plan Map, Exhibit "B", subject to minor revisions during preliminary and final site design. The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures:

Permitted Uses within Residential Areas:

1. Single-Family Residences:

- Single-family dwellings, except mobile homes.
- Family day care home.
- Mini and neighborhood parks.
- Community uses including but not limited to clubhouse, cabana, community garden, public art displays, and sports courts.

2. Townhome Residences:

- Two-family dwellings and duplexes.
- Multiple-family dwellings and duplexes.
- Family day care home.
- Mini and neighborhood parks.
- Community uses including but not limited to clubhouse, cabana, community garden, public art displays, and sports courts.

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E. Development Standards.

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1. Single-Family Residences:

	40' Lots (Rear entry only)	50' Lots	60' Lots	70' Lots
1. Minimum lot area:	5,200 sq. ft.	6,000 sq. ft.	7,200 sq. ft.	8,400 sq. ft.
2. Minimum lot width:	40 ft.	50 ft.	60 ft.	70 ft.
3. Minimum lot length:	130 ft.	120 ft.	120 ft.	120 ft.
4. Minimum building setbacks:				
a. Front yard to garage face/door:	N/A	25 ft.	25 ft.	25 ft.
b. Front yard to structure:	15 ft.	15 ft.	15 ft.	15 ft.
c. Rear yard:	25 ft.	20 ft.	20 ft.	20 ft.
d. Rear yard screen enclosure	3 ft.	3 ft.	3 ft.	3 ft.
e. Side yard screen enclosure	5 ft.	5 ft.	5 ft.	5 ft.
f. Side yard:	5 ft.	5 ft.	5 ft.	5 ft.
g. Side street:	15 ft.	15 ft.	15 ft.	15 ft.
h. Waterfront rear yard:	N/A	25 ft.	25 ft.	25 ft.
i. Side setback for pools and accessory structures	Per Land Development Regulations			
j. Rear setback for	Per Land Development Regulations			

pools and accessory structures				
5. Minimum floor area:	1,000	1,000 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
6. Maximum lot coverage:	73%	73%	73%	73%
7. Maximum building height:	35 ft.	35 ft.	35 ft.	35 ft.
8. Maximum single family unit count - 254	45	116	32	61

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2. Townhomes:

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a) Minimum Lot Area of 1,800 sq. ft.

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b) Minimum Lot Width of 20 feet

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c) Minimum Lot Depth of 90 feet

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d) Minimum Individual Unit Size of 750 sq. ft.

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e) Maximum Height of 35 ft.

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f) Minimum Spacing Between Townhome Buildings: 15 feet

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g) Minimum Setbacks: internal side 0 ft.; building side 7.5 ft.; front 25 ft.; rear

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25 ft.; street side 15 ft.; accessory structure 5 ft.

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h) Specialty Setbacks

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1. i. Air Conditioning/Heating Units: 5 ft.

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2. ii. Patio: 5 ft.

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3. iii. Generators/Other Mech. Equip.: 5 ft.

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4. iv. Eaves: 5 ft.

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i) Maximum Impervious Surface Area: 50%

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j) Maximum Unit Count: 154 units in the southern section and an additional 189 rental units under unified ownership in the northern section above

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Euclid Avenue.

3. Perimeter Landscape Buffer Requirements: The minimum perimeter buffer width shall be as follows:<sup>1</sup>

20' buffer	Adjacent to East Euclid Avenue Adjacent to Beresford Avenue
30' buffer	All other boundaries
60' buffer	Adjacent to South Boston Avenue and South Hill Avenue

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In addition, the eastern perimeter buffer shall include a six-foot (6 ft.) opaque fence on the boundary line between the Beresford Reserve PD and the adjacent Southridge Home Owners Association property. The opaque fence may be constructed as a masonry wall if the Southridge Home Owners Association contributes half of the total cost of the masonry wall in lieu of an opaque fence. The fence or wall shall be installed as part of the development infrastructure for the phase of the development adjacent to the Southridge Home Owners Association property.

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- 4. Maximum number of single family/townhome units: 597
- 5. Parking Standards

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In order to accommodate visitors and any demand for parking beyond spaces per residential lot, on-street parking shall be provided in various locations within the Property.

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a. 40' Rear Entry Lots

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Each parcel shall be designed to accommodate no less than two (2) parking spaces via use of on-parcel driveway and two (2) spaces in an internal garage. In addition, on-street parking shall be provided along the street frontages in front of all 40' rear entry lots or along adjacent park or

<sup>1</sup> Except as otherwise specified on the PD Concept Plan Map.  
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1 open space tracts. On street parking spaces shall be located outside of the  
2 travel way. No less than 0.25 spaces per lot of on-street parking spaces  
3 shall be provided. Said parking shall not encroach into the travel lanes and  
4 said travel lanes shall be no less than a combined 20 ft. wide.

5 **b. 50', 60', and 70' Lots**

6 Each parcel shall be designed to accommodate no less than two (2)  
7 parking spaces via use of on-parcel driveway which shall be a minimum of  
8 eighteen feet (18') wide and two (2) spaces in an internal garage. Parking  
9 bays along the street outside of the travel way shall be provided. No less  
10 than 0.25 spaces per lot of on-street parking spaces shall be provided. Said  
11 parking shall not encroach into the travel lanes and said travel lanes shall  
12 be no less than a combined 20 ft. wide.

13 **c. Townhomes**

14 Each parcel shall be designed to accommodate no less than one (1)  
15 parking spaces via use of on-parcel driveway and one (1) space in an  
16 internal garage. Designated parking areas within the townhome sections of  
17 the development shall be provided for guest and overflow parking at a rate  
18 of 0.25 spaces per townhome, as shown on the PD Concept Plan Map.

- 19 6. **Signage**: Signage for the subdivision shall be provided in accordance with  
20 the sign plan attached as Exhibit "D".
- 21 7. **Open Space**: Open space and/or common area requirements shall meet  
22 the Land Development Regulations Ordinance No. 2013-11. Amenity areas  
23 and green spaces may provide for the following uses which are permitted,  
24 but not required: conference meeting spaces, office space, computer lab,

1 shade trees, benches, community garden, picnic area, community fire pit,  
2 pavilion, BBQ area, pool and cabana area, playground equipment, sports  
3 courts: basketball, volleyball, pickleball, shuffleboard, and similar uses and  
4 activities.

5 A central park that will be open to the general public will be established in  
6 the northeast quadrant of the development, as shown on the PD Concept  
7 Plan Map (the "Central Park"). The Central Park may include a disc golf  
8 course, putting green, volleyball and pickleball courts, picnic areas and  
9 pavilions, open play fields and multi-purpose trails, and will be programmed  
10 in coordination with the City's parks department. In addition, public pocket  
11 parks shall be provided throughout the development, as depicted on the PD  
12 Concept Plan Map, and may include sculptures and similar art displays for  
13 the benefit of the public. The Applicant or then owner of the subject property  
14 shall offer to convey to the City the Central Park and all other public parks  
15 on the subject property, either in fee or as a public dedication, upon  
16 completion of all improvements in the Central Park and as to the other public  
17 parks, upon completion of same. If accepted by the City, the Developer or  
18 a community development district ("CDD"), if one is approved by the City,  
19 will fund a pre-paid maintenance reserve in an amount determined by the  
20 City and Developer prior to the City's acceptance of the Central Park  
21 dedication and the other public park(s) dedication(s). If the City does not  
22 accept the Central Park or the other public park(s), then the Central Park  
23 and any other public park(s) not so accepted by the City shall be owned and  
24 maintained by the CDD established for the Beresford Reserve PD if one is

1 established, which CDD shall also own and maintain all other public parks  
2 on the subject property not accepted by the City. If a CDD is not established,  
3 the established homeowners' association shall own and maintain the  
4 Central Park, if not accepted by the City, and shall own and maintain all  
5 other public parks on the subject property not accepted by the City. The  
6 Central Park and its improvements provided in connection with the project  
7 shall serve to offset the parks that would otherwise be funded from the City's  
8 park impact fees, but the cost of environmental remediation shall not be  
9 included in the valuation of the offset. The Central Park improvements,  
10 including any environmental activities, must be completed in the first phase  
11 of development.

12 The townhome parcel north of Euclid Avenue, shall also include community  
13 uses and common amenities limited to use by residents of the townhome  
14 rental units.

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16 F. Environmental Considerations. The development shall comply with the  
17 requirements for preservation of environmental resources as set forth in the Land  
18 Development Regulations Ordinance No. 2013-11, as amended. The development has  
19 been laid out in a manner to best accommodate the existing topography, drainage, and  
20 known environmental conditions identified on the property through the preliminary  
21 environmental testing conducted under the State of Florida Brownfields Redevelopment  
22 Program. In addition to all other environmental testing requirements set forth in this  
23 Agreement or as may otherwise be required, the Developer shall conduct environmental  
24 testing and analysis on the portion of the subject property located north of Euclid Avenue.

1 Such testing and analysis shall be as directed by the City's environmental consultant.

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3         However, the actual location and layout of the developed areas within the  
4 development shall be determined during subdivision review and may be modified from  
5 the development areas shown on the PD Concept Plan Map based on environmental  
6 conditions identified during the brownfield remediation process and required for  
7 implementation of the Brownfield Site Rehabilitation Agreement executed for Brownfield  
8 Site ID BF642001001 (the "Brownfield Site Rehabilitation Agreement"). All amendments  
9 of the Planned Development Plan, other than those deemed by the Planning Department  
10 to be minor amendments as set out in Ordinance No. 2013-11, as amended, shall require  
11 the review and recommendation of the Planning Board and action by the City Commission  
12 in the same manner as a rezoning of the property. Prior to beginning subsurface site  
13 development activities under an approved development order in an area with documented  
14 soil impacts above the applicable residential soil cleanup target level (as set forth in 62-  
15 777 of the Florida Administrative Code) ("Area of Concern"), the Person Responsible for  
16 Brownfield Site Rehabilitation (as said term is defined in the Brownfield Site Rehabilitation  
17 Agreement) (the "PRFBSR") shall obtain Florida Department of Environmental Protection  
18 approval of a cleanup plan for the Area of Concern (e.g., remedial action plan or soil  
19 management plan). The remedial action plan or soil management plan may include off-  
20 site removal, on-site soil management, and/or the use of institutional controls and  
21 engineering controls in accordance with the requirements of Chapter 62-780 of the Florida  
22 Administrative Code. The PRFBSR shall implement the approved Florida Department of  
23 Environmental Protection remedial action and/or soil management plan, complete all  
24 required post-remedial action and/or soil management activities, and comply with the

1 terms of PRFBSR's Brownfield Site Rehabilitation Agreement until the Florida  
2 Department of Environmental Protection issues a Site Rehabilitation Completion Order.  
3 Compliance with the Brownfield Site Rehabilitation Agreement shall include use of the  
4 following: (1) a health and safety plan and proper site controls during remedial activities  
5 to control dust and airborne movement of particles; and (2) clean fill that has been tested  
6 in accordance with Florida Department of Environmental Protection guidance for any  
7 pervious engineering controls (e.g., two feet of clean fill). In addition, the PRFBSR shall  
8 provide the City of DeLand with copies of all technical reports required to submitted to the  
9 Florida Department of Environmental Protection under the Brownfield Site Rehabilitation  
10 Agreement, and provide the City Commission with quarterly updates on the status of the  
11 implementation of the Brownfield Site Rehabilitation Agreement. As the development may  
12 occur in phases, the City of DeLand and the PRFBSR recognize that the Florida  
13 Department of Environmental Protection cannot issue a Site Rehabilitation Completion  
14 Order until all phases of the development and Area(s) of Concern meet the applicable  
15 requirements for regulatory closure. The City of DeLand may contract with an  
16 independent environmental consultant to review any submissions made by the PRFBSR's  
17 environmental consultant to the Florida Department of Environmental Protection. The  
18 City's costs associated with the independent review shall be reimbursed to the City of  
19 DeLand by the PRFBSR.

20

21 In addition, all landscaping, including buffers, shall predominantly utilize Florida-  
22 Friendly Landscaping, as defined by the University of Florida/Institute of Food and  
23 Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology,  
24 native, or low-water plant material. The Planned Development Plan encourages

1 environmental preservation and sustainable development through the provision of  
2 substantial perimeter buffers, natural areas, open space, the incorporation of Low Impact  
3 Development (“LID”) stormwater strategies, as developed by the UF/IFAS, Center for  
4 Landscape Conservation and Ecology, and use of Florida-Friendly Landscaping. The  
5 proposed buffers will add Florida-Friendly vegetation where needed to screen adjoining  
6 residential properties. The development shall include landscape designs such that plants  
7 will serve environmentally friendly functions including, but not limited to, cooling, privacy  
8 screening, shade, aesthetics, wildlife habitat, runoff pollution prevention, and directing  
9 traffic flow onto and within the community. All mulching will be conducted in accordance  
10 with the most current version of the Florida Green Industries Best Management Practices  
11 (BMPs) handbook guidelines. Mowing in common areas shall be done in accordance with  
12 the most current version of the Florida Green Industries BMPs handbook and by certified  
13 landscaping contractors. Mowing adjacent to swales shall be performed such that no  
14 clippings are deposited into any swales or water bodies. All clippings that may have been  
15 deposited on impervious surfaces will be swept back into the vegetated area. All pesticide  
16 applications in common areas shall be done by a certified professional in accordance with  
17 the most current version of the Florida Green Industries BMPs handbook.

18

19 G. Sewage Disposal, Potable Water and Reclaimed Water. Provision for  
20 sewage disposal, potable and reclaimed water needs of the PD will be provided in  
21 accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the  
22 Land Development Regulations Ordinance No. 2013-11, as amended, and State of  
23 Florida Administrative Code 64E-6. No potable water, irrigation or wells of any type shall  
24 be allowed on the subject property, other than as may be required for implementation of

1 Brownfield Site Rehabilitation Agreement, including but not limited assessment,  
2 implementation of the remedial action plan, post remedial monitoring, and testing.

3  
4 H. Stormwater Drainage. Provision for stormwater retention shall be in  
5 accordance with the Land Development Regulations Ordinance No. 2013-11, as  
6 amended. All stormwater retention systems will be designed to meet all required  
7 governmental regulations. Low Impact Development features such as bioswales, rain  
8 gardens and other similar features intended to encourage natural uptake of stormwater  
9 within the natural areas of the Planned Development shall be incorporated as elements  
10 in the stormwater system. A central bioswale is planned in the center of the boulevard  
11 connecting Beresford Avenue and Euclid Avenue, as shown on the PD Concept Plan  
12 Map.

13 I. Access and Transportation System Improvements. All access and  
14 transportation system improvements shall be provided in accordance with the Land  
15 Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be  
16 developed in substantial accordance with the following access and transportation system  
17 improvements:

18 1. Access. Access to the site will be from East Beresford Avenue, East  
19 Euclid Avenue, East Walts Avenue, and South Boston Avenue. The PD Concept Plan  
20 Map indicates the anticipated connection locations; however, the final locations may vary  
21 due to final engineering design and permitting considerations.

22 2. Transportation System Improvements. Transportation system  
23 improvements will be provided as required by permitting agencies and as needed  
24 according to the Traffic Impact Analysis (TIA) for the project.

1                   3.     Public Sidewalks and Multi-use Trails. Five-foot (5 ft.) sidewalks  
2 shall be provided adjacent to all internal roadways within the development. In addition, a  
3 twelve-foot (12 ft.) wide multi-use trail shall be constructed along the northern right of way  
4 of Beresford Avenue as part of the development of the property. A ten-foot (10 ft.) wide  
5 multi-use trail will also connect Beresford Avenue to the central park area and Euclid  
6 Avenue along the central boulevard shown on the PD Concept Plan Map. The trails shall  
7 be owned and maintained by the proposed CDD. If a CDD is not established, the trails  
8 shall be maintained by the homeowners' association or the City and dedicated to the  
9 public.

10           J.     Internal Roadways.

11           Internal roadways for the property shall be provided in accordance with the Land  
12 Development Regulations Ordinance No. 2011-13, as amended. In order to limit the  
13 amount of impervious area within the Planned Development, the width of all paved streets  
14 may be twenty (20) feet, rather than twenty-four (24) feet as typically required by the City's  
15 Land Development Regulations, subject to review by the City of DeLand Fire Department,  
16 except at entryways into the project where wider pavement is required by the City for  
17 ingress and egress of emergency or service vehicles. All sidewalks and street trees,  
18 which are the trees located between the sidewalk and the roadway, as well as any other  
19 improvements located between the sidewalk and the roadway, shall be maintained by the  
20 CDD, if one is created and approved by the City, or the established homeowners  
21 association. No covenant, deed restriction or other document whatsoever shall transfer  
22 the foregoing maintenance requirement to individual homeowners, but nothing in this  
23 Development Agreement is intended to prevent the homeowners from being assessed by  
24 the CDD or homeowners association for such maintenance. Sidewalks shall be

1 maintained free and clear of all tripping hazards in accordance with sidewalk maintenance  
2 industry best practices. Street trees shall be pruned in such a fashion to maintain the  
3 health of the trees and to maintain the appropriate vertical clearance for garbage trucks  
4 and fire engines. The City is hereby granted an irrevocable license to enter upon the  
5 property to conduct any work which is required to maintain the streets or sidewalks which  
6 has not been performed by the homeowners' association or CDD, if established, and said  
7 association shall be liable for any costs incurred by the City in connection therewith unless  
8 an interlocal agreement between the City and CDD provides for payment of such costs  
9 and reimbursement is received by the City. Typical roadway cross sections shall be in  
10 accordance with those shown on the PD Concept Plan Map.

11 All rights-of-way will be a minimum of fifty (50) feet wide and any rights-of-way with  
12 on-street parking will be a minimum of fifty-two (52) feet wide. All internal roads will be  
13 dedicated to the public and owned and maintained by the proposed CDD or, if one is not  
14 created, maintained by the HOA or the City of DeLand and dedicated to the public.

15 K. Home or Property Owners Association. The Applicant shall create a  
16 homeowners' association. The charter and by-laws of said association and any other  
17 agreements, covenants, easements or restrictions shall be furnished to the City of  
18 DeLand at the time of creation. The Applicant shall be responsible for recording said  
19 information in the Public Records of Volusia County, Florida. Also, the applicant shall  
20 bear and pay all costs for recording all of the aforementioned documents. The Applicant  
21 may petition for the creation of a Community Development District (CDD) subject to the  
22 applicable petition requirements and separate approval by the City.

23 The City shall encourage a mixture of design facades within the development, and  
24 the Applicant shall avoid a repeating sequence of designs and shall not utilize the same

1 design on lots within 3 single-family lots of each other on the same side of the street. The  
2 homeowners' association shall ensure that an individual lot owner seeking building  
3 permits shall demonstrate compliance with this Section as part of the construction permit  
4 submittal for the lot.

5 With respect to the enforcement of said agreements, covenants, easements or  
6 restrictions entered into between the Applicant and the owners or occupiers of property  
7 within the BERESFORD RESERVE PD, the City of DeLand shall only enforce the  
8 provisions of the "Development Agreement" and City of DeLand Land Development  
9 Regulations Ordinance No. 2013-11, as amended, whichever is applicable, and not the  
10 private agreements entered into between the aforementioned parties.

11 L. Community Development District. The Applicant may petition the City to  
12 establish a CDD to finance, own and maintain certain public infrastructure improvements  
13 required in connection with the development of the Beresford Reserve PD. If a CDD  
14 petition is submitted, the Applicant shall comply with all requirements regarding formation  
15 of CDDs in the City of DeLand. Nothing herein is intended to bind the City in any way  
16 related to the approval of a petition for establishment of a CDD.

17 M. Reverter Provision: The terms of this Development Agreement shall be  
18 vested for each phase of development upon approval of a final plat for the first phase of  
19 the development, which shall occur within five (5) years from the effective date of the  
20 ordinance adopting this Development Agreement. Each subsequent phase shall be  
21 vested upon issuance of a final plat issued within three (3) years after the approval of the  
22 final plat for the prior phase. If any portion of the subject property is not vested in  
23 accordance with this paragraph, the City Commission may rezone the property as may  
24 be necessary or appropriate to protect adjoining properties or the public health, safety

1 and welfare, unless the City Commission, for good cause shown, shall extend the time  
2 period indicated in this paragraph.

3

4 N. Binding Effect of Plans; Recording; and Effective Date. The Planned  
5 Development Plan, including any and all amendments shall bind and inure to the benefit  
6 of the Applicant and his successor in title or interest. The BERESFORD RESERVE PD  
7 zoning, provisions of the "Development Agreement," and all approved plans shall run with  
8 the land and shall be administered in a manner consistent with Article 12 of the City of  
9 DeLand Land Development Regulations Ordinance No. 2013-11, as amended.

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

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DONE and ORDERED by the City Commission, City of DeLand, Florida,  
this 20<sup>th</sup> day of Feb. 2023 (mo/yr).

ATTEST:

City Commission of DeLand Florida

Michael P. Pleus  
Michael P. Pleus  
City Manager

Christopher M. Cloumen ~~Robert F. Apgar~~  
Mayor

ATTEST:

Julie A. Hennessy  
Julie A. Hennessy, MMC  
City Clerk - Auditor

STATE OF FLORIDA

CITY OF DELAND

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 20<sup>th</sup> day of February, by Michael P. Pleus and Robert F. Apgar, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Julia M. Hewitt

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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WITNESSES:

[Signature]  
[Signature]

Elevation Sandhill, LLC

By: [Signature]  
Owais Khanani, Manager

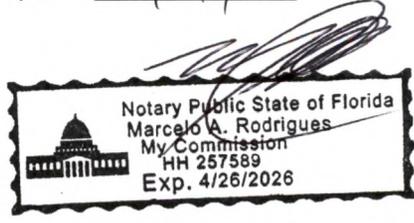
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 12<sup>th</sup> day of October, by OWAIS KHANANI, as Manager of ELEVATION SANDHILL, LLC, applicant, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name: Marcelo A. Rodriguez

Commission No.: HH257589

My Commission Expires: 04/26/2026



1 WITNESSES:

Sandhill Enterprises, LLC

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3  
4 Wendy W.  
5 Wendy Valentin

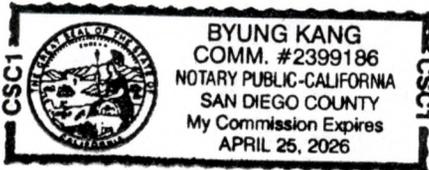
By: [Signature]  
Signature

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8 William Scott Nichols  
Printed Name

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10 [Signature]  
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12 Roberto Payan

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18 [Signature]  
Title

19 The foregoing instrument was acknowledged before me by means of    
20 physical presence or  online notarization this 12<sup>th</sup> day of   
21 October, 2022, by William Scott Nichols, on behalf of   
22 Sandhill Enterprises, LLC, property owner, who is personally known to me   
23 or who has produced Drivers License as identification.



31 NOTARY PUBLIC, STATE OF ~~FLORIDA~~ CALIFORNIA

Type or Print Name: BYUNG KANG

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Commission No.: 2399186

My Commission Expires: APR-25, 2026

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Exhibit A

DESCRIPTION FOR SOUTHRIDGE GOLF COURSE:

A PORTION OF BLOCKS 174, 175, 176, 177, 187, 188, 189, 190, 191, 192, 194, 215, 216, 217 and 218 OF THE "CORPORATION MAP OF THE CITY OF DELAND" RECORDED IN MAP BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LOTS 1 THROUGH 60, SUNNYVIEW ADDITION, BEING A SUBDIVISION OF BLOCK 193, DELAND, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 4, PAGE 111, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, RUN THENCE ALONG THE SOUTH LINE OF SAID SECTION 15, N 89°06'33" E, A DISTANCE OF 30.00 FEET, RUN THENCE N 01°16'11" W, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH BOSTON AVENUE, THENCE RUN N 01°16'11" W ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2437.96 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EAST EUCLID AVENUE, THENCE RUN N 87°37'11" E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2565.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH HILL AVENUE, THENCE RUN S 01°38'23" E ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 320.74 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 115.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 355.06 FEET, THENCE RUN S 89°06'19" W, A DISTANCE OF 10.00 FEET, THENCE RUN S 01°38'23" E, A DISTANCE OF 1829.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST BERESFORD AVENUE, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 566.28 FEET, THENCE RUN N 01°31'33" W, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W, A DISTANCE OF 208.00 FEET, THENCE RUN S 01°31'33" E, A DISTANCE OF 226.00 FEET, THENCE RUN S 89°06'33" W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1681.99 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINING 138.72± ACRES.

TOGETHER WITH

(O.R. 6392 PAGE 0352)

ALL OF BLOCK 170 EXCEPT THE WESTERLY 440 FEET OF THE NORTH ONE-HALF AND EXCEPT THE WESTERLY 40 FEET OF THE SOUTH ONE-HALF AND EXCEPT THE SOUTHERLY 30 FEET; AND ALL OF BLOCK 171, EXCEPT THE WESTERLY 200 FEET OF THE SOUTHERLY 250 FEET AND EXCEPT THE SOUTHERLY 30 FEET, MAP OF THE CORPORATION OF THE CITY OF DELAND ACCORDING TO MAP IN MAP BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AND

1 (O.R. 6392 PAGE 0352)  
2 WEST ½ OF BLOCK 172 OF DELAND, FLORIDA AS SHOWN IN MAP BOOK 2, PAGE 45 OF THE PUBLIC  
3 RECORDS OF VOLUSIA COUNTY, FLORIDA.  
4  
5 AND  
6  
7 (O.R. 4157 PAGE 0210)  
8 EAST ½ OF BLOCK 172, CORPORATION MAP OF CITY OF DELAND ACCORDING TO MAP IN MAP  
9 BOOK 2, PAGE 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; AND LESS AND EXCEPT THE  
10 SOUTH 25 FEET THEREOF.

Exhibit B

**LEGEND**

- Ⓐ AMENITY (1.5 ACRES)
- Ⓑ PARK
- Ⓒ RECREATION AREA
- Ⓓ DRY RETENTION POND
- Ⓔ EXISTING TREES

PARK/RECREATION = ~40 ACRES  
 TOTAL GREEN SPACE = ~50 ACRES

**KEY**

- 40' SINGLE FAMILY LOTS  
REAR LOADED  
(45 LOTS) 40'x130'
- 50' SINGLE FAMILY LOTS  
(116 LOTS) 50'x120'
- 60' SINGLE FAMILY LOTS  
(32 LOTS) 60'x120'
- 70' SINGLE FAMILY LOTS  
(61 LOTS) 70'x120'
- RENTAL UNITS  
(189 UNITS)
- TOWNHOMES (154 UNITS)
- POCKET PARKS -  
HISTORIC TREE SAVES
- STREET PARKING  
(320 SPACES)



MASTER PLAN 1"=200'

PROJECT #2020.173



# Beresford Reserve

2022.01.06



Map#C



**ELEVATION DEVELOPMENT - DELAND, FL**

**SITE DATA:**

PARCELS	
NORTH PARCEL:	±24.41 AC
SOUTH PARCEL:	±142.95 AC
TOTAL ACREAGE:	±167.36 AC

**PHASING LOT BREAKDOWN**

<b>PHASE 1</b>	
40' LOTS	40
50' LOTS	92
60' LOTS	6
70' LOTS	16
<b>TOTAL PH 1</b>	<b>150</b>
<b>PHASE 2</b>	
TOWNSHOMES	154
70' LOTS	5
<b>TOTAL PH 2</b>	<b>159</b>
<b>PHASE 3</b>	
RENTAL UNITS	189
<b>TOTAL PH 3</b>	<b>189</b>
<b>PHASE 4</b>	
50' LOTS	24
60' LOTS	26
70' LOTS	40
<b>TOTAL PH 4</b>	<b>90</b>
<b>TOTAL LOTS</b>	<b>507</b>

Project: 15, 2000 - 10/11/2011. Date: 8/22/2022. Contact: Brooks A. Stickler, P.E. (407) 427-1677. Kimley-Horn and Associates, Inc. 1000 Peachtree Street, N.W., Atlanta, GA 30309. www.kimley-horn.com

**ELEVATION DEVELOPMENT**  
DELAND, FLORIDA

**PHASING PLAN BERESFORD SPRINGS**

08/22/2022 - CONTACT BROOKS A. STICKLER, P.E. (407) 427-1677



**Kimley-Horn**

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## *Residential Sign Concepts*



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*Signs demonstrate design concepts and elements being considered.*