

ORDINANCE NO. 2005-12

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-R, RURAL RESIDENTIAL TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED ON THE ACREAGE FRONTING ON THE WEST SIDE OF HILL AVENUE, 652 FEET SOUTH OF BERESFORD AVENUE; APPROVING A DEVELOPMENT PLAN FOR DETACHED SINGLE FAMILY RESIDENTIAL, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 41.5 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Florida Residential Communities, represented by C. Allen Watts, Esquire (hereinafter referred to as "Applicant"), owns a 41.5 acre parcel of land located on the acreage fronting on the west side of Hill Avenue, 652 feet south of Beresford Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, Applicant has applied for a change of zoning from the present zoning classification of Volusia County R-R, Rural Residential, to PD, Planned Development District; and

WHEREAS, said rezoning as a PD District 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, Applicant has submitted an application for approval of a development plan for the Saddlebrook Reserve PD to encompass all of 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 which: encourages intensified development in outlying or newly developed areas for a variety of commercial and office needs; encourages clustering of new development to promote shared facilities and access and to discourage linear development along collector and arterial level roadways; permits energy and cost effective delivery of services; and, requires properly designed ingress and egress to avoid undue traffic hazards or congestion;

**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 Volusia County R-R, Rural Residential, to PD, Planned Development District.

**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 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 Report, Narrative, 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 the Saddlebrook Reserve PD, 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 City Commission may rezone any portion of the Project which has not obtained a certificate of occupancy within five years from the date of adoption of this Ordinance.

**Section 9.** Prior to the issuance of a building permit for any nonresidential development, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities and stormwater.

**Section 10.** The City Engineer, Planning Director and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

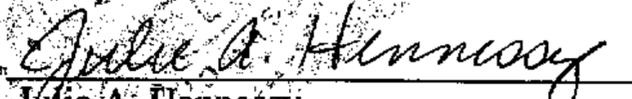
**Section 11.** No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, subdivision and site plan approval shall be subject to a determination of concurrency.

**Section 12.** 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 13.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 21<sup>st</sup> day of March, 2005.

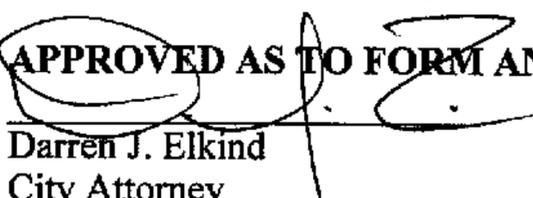
**ATTEST:**

  
Julie A. Hennessy  
City Clerk - Auditor

  
Robert F. Apgar  
Mayor - Commissioner

Passed on first reading: March 7, 2005  
Adopted on second reading: March 21, 2005

**APPROVED AS TO FORM AND LEGALITY:**

  
Darren J. Elkind  
City Attorney

Instrument# 2005-257477 # 3  
Book: 5654  
Page: 3523

**LEGAL DESCRIPTION:**

THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22,  
TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOULSIA COUNTY, FLORIDA;  
AND  
THE NORTH 1/2 OF SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22,  
TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOULSIA COUNTY, FLORIDA;

CONTAINING 41.497 ACRES, MORE OR LESS.

Exhibit "A"

1 RPD RESIDENTIAL PLANNED DEVELOPMENT AGREEMENT  
2 IN THE CITY COMMISSION OF THE  
3 CITY OF DELAND, FLORIDA  
4 IN RE: (Case #), Application of  
5

6 INTOMM, INC., D/B/A FLORIDA RESIDENTIAL COMMUNITIES

7 ORDINANCE # 2005-12

8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM (VOLUSIA COUNTY)  
10 RURAL RESIDENTIAL TO RPD (SADDLEBROOK RESERVE RESIDENTIAL PLANNED  
11 DEVELOPMENT)

12 The Application of Intomm, Inc., d/b/a Florida Residential Communities, hereinafter  
13 "Applicant," for rezoning was heard by and before the City Commission, DeLand, Florida, on March  
14 7 and March 21, 2005. Based upon the verified Application and other supporting documents, maps,  
15 charts, overlays, other evidence and instruments; the advice, report, and recommendations of the  
16 Community Development, and other Departments and agencies of DeLand, Florida; and the  
17 testimony adduced and evidence received at the Public Hearing on this Application by the Planning  
18 Board on February 16, 2005, and otherwise being fully advised, the City Commission does hereby  
19 find and determine as follows:

20 GENERAL FINDINGS

21 A. That the application of Intomm, Inc., d/b/a Florida Residential Communities was duly  
22 and properly filed herein on December 16, 2004, as required by law.

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

1 C. That the Applicant is the contract purchaser of a 40 acre parcel of land which is  
2 situated in DeLand, Florida. This parcel of land is described more particularly in the survey and  
3 legal description, a true copy of which is attached hereto as Exhibit "A."

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

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

8 F. That the owner of the property, has authorized the Applicant Intomm, Inc., to agree  
9 to the provisions of the Development Agreement.

10 FINDINGS REGARDING REZONING

11 A. That the Applicant has applied for a change of zoning from the present zoning  
12 classification(s) of the parcel described in Exhibit "A" from (Volusia County) RR-Rural Residential  
13 to RPD (Saddlebrook Reserve Residential Planned Development).

14 B. That the current zoning of the parcel is inconsistent with the City of DeLand  
15 Comprehensive Plan Ordinance #1990-04, as amended, and with development for urban purposes  
16 as defined in § 171.043, FLA. STAT (2004). Rezoning to Saddlebrook Reserve RPD is consistent  
17 with both the City of DeLand Comprehensive Plan Ordinance #1990-04, as amended, and the intent  
18 and purpose of the City of DeLand Land Development Regulations Ordinance #2002-09, as  
19 amended, and does promote the public health, safety, morals, general welfare and orderly urban  
20 growth of the area affected by the rezoning request.

21 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF DELAND,  
22 FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY COMMISSION

1 CHAMBERS, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS 21<sup>st</sup> DAY OF March,  
2 A.D., 2005, AS FOLLOWS:

3 A. That the Application of Intomm, Inc., d/b/a Florida Residential Communities for the  
4 rezoning of the subject parcel is hereby granted.

5 B. That the zoning classification of the subject parcel described in Exhibit "A" attached  
6 hereto is hereby amended from (Volusia County) RR Rural Residential to Saddlebrook Reserve RPD  
7 as described in Article VII of the City of DeLand Land Development Regulations Ordinance #2002-  
8 09, as amended.

9 C. That the Official Zoning Map of the City of DeLand is hereby amended to show the  
10 rezoning of said parcel to Saddlebrook Reserve RPD.

11 D. That the "Development Agreement" is consistent with the provisions of the City of  
12 DeLand Land Development Regulations Ordinance #2002-09, as amended, and with respect to any  
13 conflict between Land Development Regulations Ordinance #2002-09, as amended, and the  
14 "Development Agreement," the provisions of the "Development Agreement" shall govern.  
15 Ordinance No. 2002-09, as amended, shall govern with respect to any matter not covered by the  
16 "Development Agreement." The City of DeLand will ensure overall compliance with this  
17 Ordinance.

18 E. Unless otherwise provided for herein, the City of DeLand Land Development  
19 Regulations Ordinance #2002-09, as amended, shall apply to Saddlebrook Reserve RPD in the same  
20 manner as the R-1 zoning classification.

21 F. Nothing in this Ordinance shall modify the requirements of any City of DeLand  
22 Ordinance other than Ordinance 2002-09, as amended and only to the extent permitted by PD zoning.

1 Timing and review procedures contained in this Order and Resolution may be modified to comply  
2 with the City of DeLand Land Development Regulations, Ordinance No. 2002-09, as amended.

3 DEVELOPMENT AGREEMENT

4 A. Development Concept. The property shall be developed as Saddlebrook Reserve  
5 RPD or such other name to be assigned by plat (to be known as Saddlebrook Reserve), substantially  
6 in accordance with the Planned Development Plan. The Planned Development Plan shall govern the  
7 development of the property as Saddlebrook Reserve RPD and shall regulate the future land use of  
8 this parcel.

9 1. Planned Development Plan. The Planned Development Plan shall consist of  
10 the Development Plan Map prepared by Bowyer-Singleton & Associates, and dated January 20,  
11 2005, and this Development Agreement. The Planned Development Plan is hereby approved and  
12 incorporated in this Ordinance by reference as Exhibit "B." The Planned Development Plan shall  
13 be filed and retained for public inspection in the Planning Department and it shall constitute a  
14 supplement to the Official Zoning Map of the City of DeLand.

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

19 3. Subdivision Approval. After the Planned Development Plan is recorded, and  
20 prior to any construction, including clearing and landfill, a preliminary plat and one or more final  
21 plats of the area to be subdivided shall be submitted for review and approval in the manner required  
22 by Article 13 of the City of DeLand Land Development Regulations, Ordinance No. 2002-09, as

1 amended.

2 B. Unified Ownership. The Applicant or its successors shall maintain unified ownership  
3 or control of the unplatted portions of the subject parcel until after issuance of the Final  
4 Development Order Plat(s), and Final Site Plan approval if applicable.

5 C. Phases of Development. This project is projected to be developed over a 10 year  
6 period from and after the date of recording this document. The appropriate roadway and utility  
7 infrastructure including, but not limited to, water, sewer, and stormwater facilities shall be  
8 constructed substantially in accordance with the master utility, roadway and drainage plans for the  
9 project approved as part of the preliminary platting process. In conformity with City requirements,  
10 two points of access for ingress and egress shall be constructed, at least one of which shall be at the  
11 existing right of way of Hill Avenue abutting the eastern boundary of the project. Any unpaved  
12 portion of Hill Avenue abutting the project, or any paved portion damaged by utility construction  
13 during the project, shall be constructed or reconstructed to full City standards (within the available  
14 right of way). The right of way of all paved roads within the development shall be dedicated to the  
15 City of DeLand and to the public. The easterly 40 feet of the property will be dedicated for right of  
16 way for the construction of Hill Avenue. Nothing in this paragraph prevents the applicant from  
17 seeking compensation or transportation impact fee credits from Volusia County for the provision of  
18 right of way or improvements for Hill Avenue.

19 D. Land Uses within the RPD. The location and approximate size of the land use areas  
20 are shown on the Development Plan Map attached as Exhibit B and made a part of this Development  
21 Plan. The development of the property shall be consistent with the limits described below for each  
22 land area within the proposed Saddlebrook Reserve RPD:



1 Required yards, setbacks, and maximum lot coverage for detached dwellings shall otherwise  
2 be as set forth on Table 1.

TABLE 1

## SINGLE-FAMILY STANDARD LOT CRITERIA MATRIX

LOT TYPE	APPROXIMATE LOT SIZE	MINIMUM LIVING AREA	RESIDENTIAL BUILDING SETBACKS				POOLS
			FRONT	SIDE	SIDE CORNER	REAR	REAR & SIDE
A	70'X110' MIN.	1700 SF	20' MIN.	5' MIN.	10' MIN.	20' MIN.	5' MIN.

\* INCLUDING SCREEN ENCLOSURE

Notes to Table 1:

1  
2 1. The required setback for any swimming pool shall also apply to any screened  
3 enclosure.

4 2. Maximum building height. The maximum height of any dwelling shall be 35 feet,  
5 as measured from the first floor level, but excluding any chimney, antenna or parapet.

6 3. Maximum building and lot coverage. The maximum building coverage for  
7 dwelling lots shall not exceed 45%. The maximum impervious area of each lot shall not exceed 70%.

8 F. Environmental Considerations. It is recognized that the development site has  
9 outstanding natural beauty and that mutual cooperation to preserve the natural amenities of the area  
10 is essential. Accordingly, the Applicant or its successors or assigns shall comply with the City's  
11 ordinances providing for tree protection, and specifically (without limiting any other provision of  
12 said ordinances) shall:

13 1. Obtain a tree removal permit from the City's Building Department for each lot or  
14 group of lots to be cleared for construction. The Applicant may be permitted to clear the right of way  
15 for roads, utilities and easements after the preliminary plat has been approved. In order to maintain  
16 the integrity of drainage, the Applicant may clear and grade portions of contiguous lots in accordance  
17 with the approved engineering plans, leaving an uncleared area of ten feet abutting front lot utility  
18 easements. Final clearing and any required tree replacement shall occur as part of the construction  
19 on each lot.

20 2. Ensure that each lot contains a minimum of one tree for every 2,500 square feet  
21 of lot area. All required trees, including required replacement trees, shall be a minimum of 3 inches  
22 DBH.

1 No clearing of trees or any other development activities shall be permitted in the tracts  
2 designated as tree protection areas except for the removal of trees damaged by fire, windstorm,  
3 lightning or other acts of God, which pose imminent danger to life or property.

4 No deviation is permitted from the perimeter buffer shown in the Planned Development Plan,  
5 without full amendment of this Agreement. The Applicant shall otherwise demonstrate through a  
6 preliminary plat that the minimum acreage of tree protection area (including the perimeter buffer)  
7 continues to be equal to or greater than 15% of the developable area. Furthermore, the applicant  
8 shall survey and preserve specimen trees in accordance with the standards in force under City tree  
9 ordinance #2004-39.

10 G. Sewage Disposal and Potable Water.

11 1. Sewer service will be provided to all lots by connection with the City of DeLand  
12 central sewage system, via a force main or gravity connection. The specific engineering plan for  
13 such connection shall be provided at preliminary plat. The Applicant shall enter into a Utility  
14 Service Agreement with the City in accordance with Chapter 30 of the Code of Ordinances to reserve  
15 sufficient capacity for the development.

16 2. Water service will be provided to each lot by connection with the City of DeLand  
17 central water system. The specific engineering plan for such connections shall be provided at  
18 preliminary plat. The Applicant shall enter into a Utility Service Agreement with the City in  
19 accordance with Chapter 30 of the Code of Ordinances to reserve sufficient capacity for the  
20 development.

21 3. The Applicant shall provide distribution lines for reclaimed water to each lot,  
22 through specific engineering plans to be provided at preliminary plat.

1           H.     Stormwater Drainage. Provision for stormwater retention shall be in accordance with  
2 the Land Development Regulations Ordinance #2002-09, as amended. The development shall meet  
3 or exceed the requirements of the stormwater management and conservation provisions of the Code  
4 of Ordinances. Areas identified as retention areas on the Planned Development Plan may be shifted  
5 or altered for stormwater management purposes without the necessity of amendment of this  
6 Development Agreement or its Exhibits.

7           I.     Access and Transportation System Improvements (Access, Transportation System  
8 Improvements, Internal Roadways and Sidewalks). All access and transportation system  
9 improvements shall be provided in accordance with the Land Development Regulations, Ord. 02-09,  
10 as amended. The parcel shall be developed in substantial accordance with the following access and  
11 transportation system improvements:

12                 1. All roadways shall be constructed in compliance with the subdivision provisions  
13 of the Code of Ordinances, and the State's minimum Standards for Public Streets and Roads and will  
14 be dedicated to the City of DeLand, except for any County arterials or major collectors which may  
15 be dedicated to Volusia County.

16                 2. Access to lots will be limited to the internal road system. No lot shall have direct  
17 driveway access to Hill Avenue. This condition will be enforced through establishment of a non-  
18 vehicular easement in favor of the City, on the perimeter boundary of the development, excepting  
19 only the points of access generally shown in the Planned Development Plan and approved in  
20 subsequent plats.

21                 3. Applicant shall make a good faith effort to work with the developer of South Ridge  
22 Point to provide a connecting access to the north in lieu of a second Hill Avenue access. Applicant

1 shall provide the City with copies of all communications.

2 4. According to the Applicant's traffic engineer, the development will not cause the  
3 level of service on any roadway sections or intersections affected by the development to decrease  
4 below that prescribed in the City or County Comprehensive Plan.

5 5. Applicant shall construct sidewalks at least five feet in width along both sides of  
6 all streets in the development, and along the contiguous portion (one side) of Hill  
7 Avenue if required by the County. The Applicant shall have the option of posting a bond to  
8 guarantee completion of the sidewalks at the time of final plat submission.

9 J. Parks and Recreation. The development may provide community and recreational  
10 amenities such as enhanced sidewalks/bikepaths, or passive play areas, which may be collocated with  
11 utility easements or rights of way. Nothing in this Agreement prevents the developer or  
12 Homeowners' Association from placing active recreational facilities or areas within the  
13 development, (so long as sufficient tree preservation is maintained).

14 1. Homeowners Association. A Homeowner's Association shall be created by the  
15 Applicant to own, manage and maintain the common areas. The owner of each lot shall be a member  
16 of the Association and shall be liable for, with a lien securing payment of, annual and special  
17 assessments collected by the Association for the improvement, maintenance, enhancement,  
18 enlargement and operation of common areas and for payment of taxes, governmental assessments,  
19 insurance, costs of material, equipment, labor, professional services, management and supervision  
20 necessary to carry out the authorized functions of the Association, and for payment of principal,  
21 interest and other charges connected with loans made to or assumed by the Association.

22 The charter and bylaws of said Homeowner's Association and any amendments thereto or

1 related agreements, covenants, easements or restrictions which relate to the terms and conditions of  
2 this Development Agreement shall be furnished to the City of review and approval at least thirty (30)  
3 days before proposed execution and filing in the Official Records of Volusia County, Florida. The  
4 Applicant shall bear and pay the costs of recording all of the aforesaid documents. The City shall  
5 not be responsible for enforcing the Declaration of Protective Covenants, Conditions and  
6 Restrictions for Saddlebrook Reserve PD or the Articles of Incorporation or By-Laws of the  
7 Association.

8 The Homeowner's Association shall be responsible for the maintenance of all common areas  
9 and the enforcement of covenants against all private lands, to insure that weeds, trees, shrubbery and  
10 construction, maintenance and utility materials and equipment do not obscure the face of any traffic  
11 control device, as viewed from the traveled way.

12 K. Signage, Entrance Features, and Walls. The Applicant may construct entrance  
13 signage for the Saddlebrook Reserve PD community at one or both sides of the entrance to Hill  
14 Avenue, which may be incorporated in a landscaped fence or masonry wall not to exceed six feet in  
15 height along all or part of the perimeter of the development. The Applicant may also erect a  
16 temporary sales sign at the entrance. The copy area of any entrance or temporary sales sign shall  
17 otherwise be subject to the City's sign regulations. Any such signage and landscaping, and any mail  
18 kiosks required or permitted by the Postal Service, shall be located outside of the required public  
19 right of way and shall be within a common area or easement to be maintained by the Homeowners  
20 Association. In addition, the Applicant may provide a divided landscaped median at any entrance  
21 to the PD and may, subject to the design and safety regulations of the City, provide therein a gazebo,  
22 kiosk or other similar feature as part of or in addition to the entrance signage.

1           L.     Architectural Review Board. The Applicant shall create an Architectural Review  
2 Board. Prior to construction of any dwelling unit, all plans and specifications must have had prior  
3 approval of this Board. All regulations pertaining to the Architectural Review Board shall be at the  
4 sole discretion of the Applicant; provided, however, that the regulations shall be completely  
5 consistent with the requirements of this Ordinance. The City shall not be responsible for enforcing  
6 the regulations of the Architectural Review Board. However, if future revisions to City codes allow  
7 variances within approved PD's, individual lot owners may apply to the city for variances which may  
8 be approved subject to written confirmation of approval by the Architectural Review Board.

9           M.     Temporary Offices and Models. The Applicant may place a temporary construction  
10 and/or sales office trailer at an approved location, and erect model homes and connect such office  
11 and model homes to City utilities prior to the final completion of subdivision improvements for the  
12 first phase, so long as: (1) paved access has been completed to any such model home area; and (2)  
13 occupancy of any such model is limited to construction management and sales activity only, and no  
14 permanent certificate of occupancy approving the use of the home as a residence shall be issued by  
15 the City until the final plat is approved and the relevant subdivision improvements have been  
16 completed.

17           N.     Reverter Provision. The City Commission may rezone any portion of the project  
18 which has not secured a Final Development Order on or before 10 years from the effective date of  
19 this Ordinance as may be necessary or appropriate to protect adjoining properties or the public  
20 health, safety and welfare, unless the City Commission, for good cause shown, shall extend the time  
21 period indicated in this paragraph.

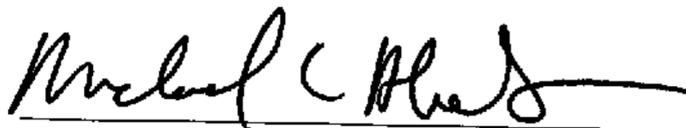
22           O.     Binding Effect of Plans; Recording; and Effective Date. The Planned Development

1 Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and its  
2 successor in title or interest. The Saddlebrook Reserve RPD zoning, provisions of the  
3 "Development Agreement" and all approved plans shall run with the land and shall be administered  
4 in a manner consistent with Article 12 of the City of DeLand Land Development Regulations  
5 Ordinance #2002-09, as amended. This Ordinance and all subsequent amendments shall be filed  
6 with the Clerk of the Court and recorded within forty-five (45) days following execution of the  
7 document by the City Commission, in the Official Records of Volusia County, Florida. One copy  
8 of the document, bearing the book and page number of the Official Record in which the document  
9 was recorded, shall be submitted to the Planning Department for placement in the public files. The  
10 date of recording of this document shall constitute the effective date of the Saddlebrook Reserve  
11 RPD or its subsequent amendments. The Applicant shall pay all filing costs for recording  
12 documents.

13 DONE and ORDERED by the City Commission, City of DeLand, Florida, this 16<sup>th</sup> day  
14 of September, 2005.

15 ATTEST:

City Commission of DeLand, Florida

16  
17   
18 Michael L. Abels  
19 City Manager

20   
21 Robert F. Apgar  
22 Mayor

23 STATE OF FLORIDA  
24 COUNTY OF VOLUSIA

25  
26 The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of SEPTEMBER  
27 2005, by MICHAEL L. ABELS AND ROBERT F. APGAR, as City Manager and Mayor, City of

DeLand, respectively, on behalf of the City of DeLand, who are personally known to me or have produced \_\_\_\_\_ as identification.

NOTARY PUBLIC: Suellen Pope

State of Florida At Large  
(Seal)



Suellen Pope  
MY COMMISSION # DD275341 EXPIRES  
January 20, 2008  
BONDED THRU TROY FAIR INSURANCE, INC.

My Commission Expires:  
Title/Rank: \_\_\_\_\_

APPLICANT:

INTOMM, INC., a Delaware Corporation  
D/B/A Florida Residential Communities

WITNESSES:

Kim Jackson

Print Name:

By: Mark Bines  
Mark Bines, President

W. N. Leo

Print Name:

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 4th day of August, 2005, by Mark Bines, on behalf of the corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

Sign: Kaylyn Komejan  
Print: \_\_\_\_\_

State of Florida At Large  
(Seal)

My Commission Expires:  
Title/Rank: \_\_\_\_\_  
Commission Number: \_\_\_\_\_



Instrument# 2005-257477 # 20  
Book: 5654  
Page: 3540

**LEGAL DESCRIPTION:**

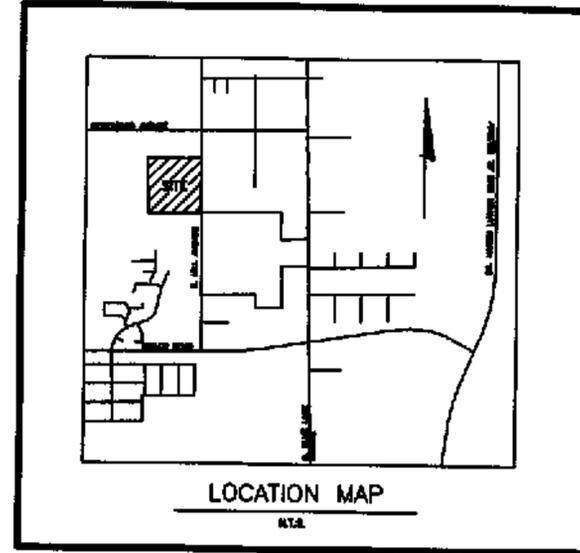
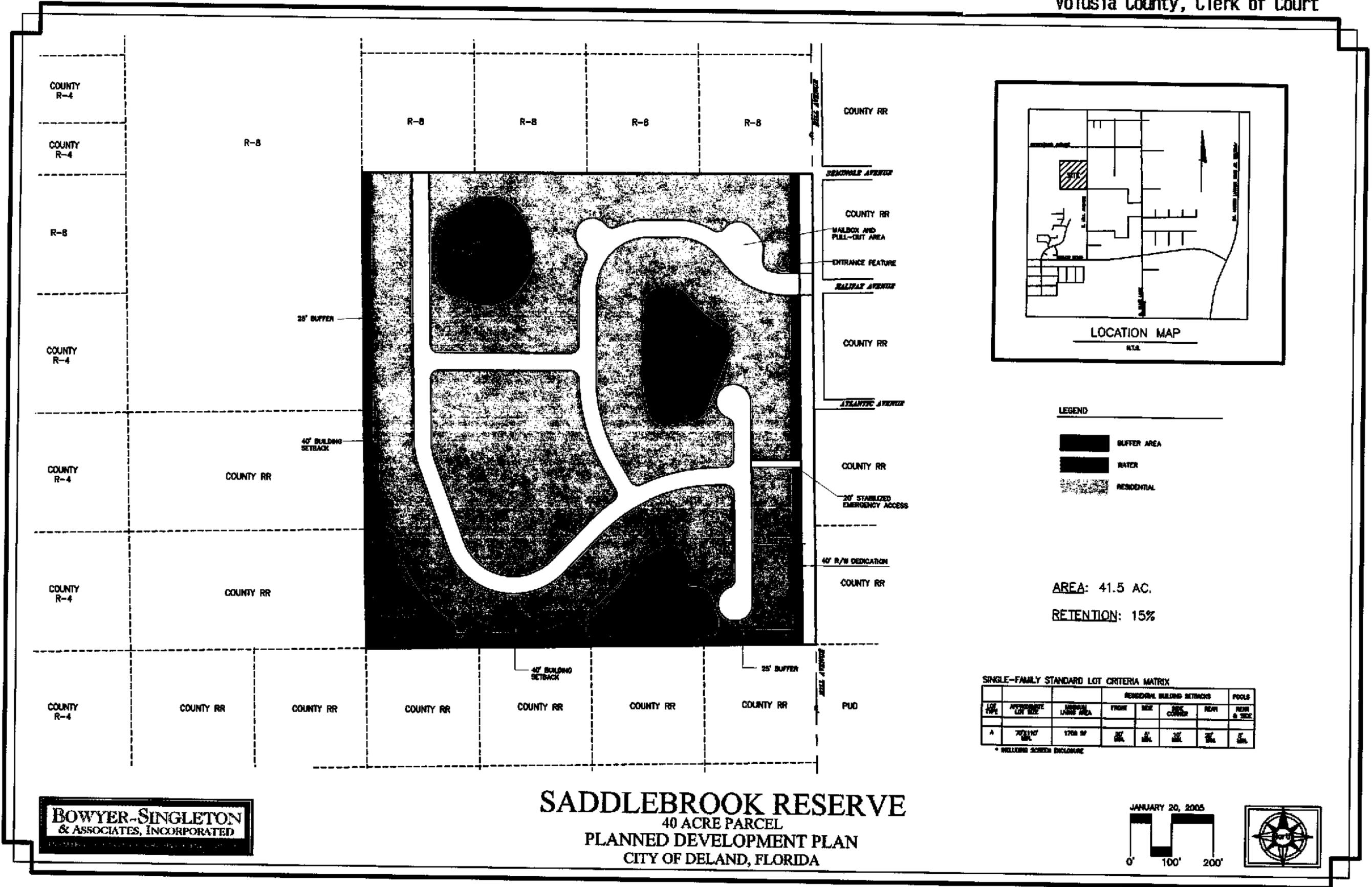
THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22,  
TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOULSIA COUNTY, FLORIDA:

AND

THE NORTH 1/2 OF SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22,  
TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOULSIA COUNTY, FLORIDA:

CONTAINING 41.497 ACRES, MORE OR LESS.

Exhibit "A"



LEGEND

-  BUFFER AREA
-  WATER
-  RESIDENTIAL

AREA: 41.5 AC.  
 RETENTION: 15%

SINGLE-FAMILY STANDARD LOT CRITERIA MATRIX

LOT TYPE	APPROXIMATE LOT SIZE	MINIMUM LOT AREA	RESIDENTIAL BUILDING SETBACKS				POOLS
			FRONT	SIDE	REAR	REAR & SIDE	
A	70,000 SQ FT	1700 SQ FT	25'	10'	25'	25'	25'

\* INCLUDING SCREEN ENCLOSURE

**BOWYER-SINGLETON**  
 & ASSOCIATES, INCORPORATED

**SADDLEBROOK RESERVE**  
 40 ACRE PARCEL  
 PLANNED DEVELOPMENT PLAN  
 CITY OF DELAND, FLORIDA

