

ORDINANCE NO. 2024 - 25

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM SUMMIT PLACE PLANNED DEVELOPMENT TO FIRST AMENDED AND RESTATED SUMMIT PLACE PLANNED DEVELOPMENT ON PROPERTY LOCATED SOUTHWEST OF DAYTONA STATE COLLEGE, NORTHWEST CORNER OF INTERSTATE 4 AND NORTH SUMMIT AVENUE (COUNTY ROAD 4139) AND A PORTION OF NORTH EAST CORNER OF INTERSTATE 4 AND NORTH SUMMIT AVENUE (COUNTY ROAD 4139); APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY +/- 66.46 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., agent for the owner, of approximately +/- 66.46 acres of land located southwest of Daytona State College, northwest corner of Interstate 4 and North Summit Avenue (County Road 4139) and a portion of northeast corner of Interstate 4 and North Summit Avenue (County Road 4139), which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof;

WHEREAS, the Applicant has applied for a change of zoning designation from Summit Place Planned Development to First Amended and Restated Summit Place Planned Development; 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 current PD 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 Gateway/Activity Center 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 Summit Place Planned Development to First Amended and Restated Summit Place Planned Development of approximately +/- 66.46 acres of land, located southwest of Daytona State College, northwest corner of Interstate 4 and North Summit Avenue (County Road 4139) and a portion of northeast corner of Interstate 4 and North Summit Avenue (County Road 4139).

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 First Amended and Restated Summit Place 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 First Amended and Restated Summit Place 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. The City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

Section 8. Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

Section 9. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

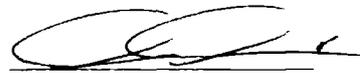
Section 10. The City Engineer, Planning Director, and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 11. 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 12. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 20th day of May, 2024.


ATTEST:
Julie A. Hennessy
Julie A. Hennessy
City Clerk - Auditor


Christopher M. Cloudman
Mayor - Commissioner

Passed on first reading: May 06, 2024
Adopted on second reading: May 20, 2024

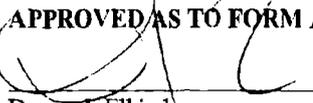
APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

EXHIBIT "A"**Legal Description**

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3 A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY,
4 FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

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6 COMMENCE AT SOUTHEAST CORNER OF THE NORTH 7 CHAINS OF THE SOUTHEAST 1/4 OF THE
7 NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, AND RUN SOUTH 00°22'01"
8 EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30
9 EAST, A DISTANCE OF 97.23 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE,
10 RUN NORTH 89° 34'48" EAST, A DISTANCE OF 115.05 FEET; THENCE RUN NORTH 39°30'34" EAST, A
11 DISTANCE OF 234.81 FEET; THENCE RUN NORTH 73°26'58" EAST, A DISTANCE OF 328.99 FEET; THENCE
12 RUN SOUTH 83°07'08" EAST, A DISTANCE OF 228.92 FEET; THENCE RUN NORTH 73°54'21" EAST, A
13 DISTANCE OF 159.10 FEET; THENCE RUN SOUTH 47°20'56" EAST, A DISTANCE OF 117.55 FEET; THENCE
14 RUN SOUTH 26°45'29" EAST, A DISTANCE OF 216.76 FEET; THENCE RUN NORTH 65°29'38" EAST, A
15 DISTANCE OF 327.31 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 4139
16 AS RECORDED ON RIGHT OF WAY MAP SECTIONS 79070-2505 AND 79110 OF THE PUBLIC RECORDS OF
17 VOLUSIA COUNTY, FLORIDA; THENCE RUN THE FOLLOWING 6 COURSES ALONG SAID WESTERLY RIGHT
18 OF WAY: SOUTH 19°57'26" EAST, A DISTANCE OF 1100.55 FEET; SOUTH 70°04'49" WEST, A DISTANCE OF
19 14.60 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 50.00 FEET; SOUTH 70°02'24" WEST; A DISTANCE OF
20 124.00 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 495.89 FEET TO A POINT OF CURVATURE OF A CURVE
21 CONCAVE TO THE WEST HAVING A RADIUS OF 522.96 FEET AND A CENTRAL ANGLE OF 35°32'20", THENCE
22 RUN SOUTHEAST ALONG THE ARC OF SAID CURVE A DISTANCE OF 324.38 FEET; THENCE DEPARTING SAID
23 RIGHT OF WAY LINE, RUN SOUTH 89°59'28" WEST ALONG THE NORTH LINE OF THE SOUTH 235.00 FEET
24 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 24, A DISTANCE OF
25 517.99 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID
26 SECTION 24; THENCE RUN NORTH 00°45'20" WEST ALONG SAID EAST LINE, A DISTANCE OF 791.90 FEET;
27 THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°53'53" WEST, A DISTANCE OF 1342.71 FEET TO A
28 POINT ON THE AFORESAID WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 24, TOWNSHIP 17
29 SOUTH, RANGE 30 EAST; THENCE RUN NORTH 00°22'01" WEST ALONG SAID WEST LINE, A DISTANCE OF
30 1119.50 FEET TO THE POINT OF BEGINNING.

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32 LESS AND EXCEPT ANY LAND CONTAINED IN THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS
33 BOOK 5551, PAGE 2688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

34
35 TOGETHER WITH

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37 A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY,
38 FLORIDA, MORE PARTICULARLY DESCRIBED AS:

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40 FOR A POINT OF REFERENCE, BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF WAY LINE OF
41 INTERSTATE HIGHWAY 4, AND THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 4139, AND RUN
42 NORTH 24°27'12" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 434.81 FEET;
43 THENCE RUN NORTH 19°05'23" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A
44 DISTANCE OF 99.02 FEET; THENCE RUN NORTH 20°00'50" WEST, CONTINUING ALONG SAID EASTERLY
45 RIGHT-OF-WAY LINE, A DISTANCE OF 371.26 FEET; THENCE RUN SOUTH 89°00'48" EAST, DEPARTING SAID
46 EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.24 FEET, TO THE AFOREMENTIONED WESTERLY
47 RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 4 AND A POINT ON A NON-TANGENT CURVE CONCAVE
48 TO THE SOUTHEAST, HAVING A RADIUS OF 5879.65 FEET AND A CHORD WHICH BEARS SOUTH 21°51'47"

- 1 WEST, FOR A DISTANCE OF 890.73 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A
- 2 CENTRAL ANGLE OF 08°41'18" FOR A LENGTH OF 891.59 FEET TO THE POINT OF BEGINNING.

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PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE

CITY OF DELAND, FLORIDA

IN RE: Z23-250, Application of

D.R. Horton, Inc.

ORDINANCE # 2024-25

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM SUMMIT PLACE PD

TO

THE FIRST AMENDED AND RESTATED SUMMIT PLACE PD (PLANNED

DEVELOPMENT)

The application of D.R. Horton, Inc., hereinafter, "Applicant," for rezoning was heard by and before the City Commission, DeLand Florida, on May 20, 2024. 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 13, 2024, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

"EXHIBIT B"

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FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification of the land described in Exhibit "A" from Summit Place PD to First Amended and Restated Summit Place PD (Planned Development).

B. That the said rezoning to First Amended and Restated Summit Place 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 #2013-11, 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 20th DAY OF May, A.D., 2024 AS FOLLOWS:

A. That the Application of D.R. Horton, Inc. for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit A is hereby amended from Summit Place PD to First Amended and Restated Summit Place PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance #2013-11, as amended.

1 C. That the Official Zoning Map of the City of DeLand is hereby amended to show
2 the rezoning of said parcel to First Amended and Restated Summit Place PD.

3

4 D. That the City of DeLand Land Development Regulations Ordinance #2013-11, as
5 amended, is consistent with the provisions of the "Development Agreement" as hereinafter set
6 forth in this Ordinance and with respect to any conflict between Land Development Regulations
7 Ordinance #2013-11, as amended, and the "Development Agreement", the provisions of the
8 "Development Agreement" shall govern. Ordinance #2013-11, as amended, shall govern with
9 respect to any matter not covered by the "Development Agreement." The City of DeLand, the
10 Applicant or Unified Owner(s) will ensure overall compliance with this Ordinance.

11

12 E. Unless otherwise provided for herein, the City of DeLand's Land Development
13 Regulations, Ordinance # 2013-11, as amended, shall apply to the First Amended and Restated
14 Summit Place PD in the same manner as the R-16 (with respect to any residential development)
15 and C-2 (with respect to any non-residential development) zoning classifications.

16

17 F. Nothing in this Ordinance shall abridge the requirements of any City of DeLand
18 Ordinance other than Ordinance #2013-11, as amended. Timing and review procedures contained
19 in this Order and Resolution may be modified to comply with the City of DeLand Land
20 Development Regulations, Ordinance #2013-11, as amended. Further, nothing in the
21 Development Agreement is intended to abridge the requirements of Ordinance #2013-11, as
22 amended, and any other City Ordinances.

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1 Planning Director after such departmental comment as he or she deems appropriate. The Planning
2 Director may not authorize administrative amendments which change approved land uses or
3 location thereof, the development standards set forth in Section E of this Development Agreement,
4 or any special condition or specific requirement of this Development Agreement. In the event the
5 City adopts a minor amendment process in its land development code, then the adopted code
6 provisions for such process shall control the process for minor amendments to this Planned
7 Development Plan.

8 3. Subdivision Approval. After the Planned Development Plan is recorded,
9 and prior to any construction, including clearing and landfill, a preliminary and/or a combined
10 preliminary and final plat of the area to be subdivided shall be submitted for review and approval
11 in the manner required by Article 13 of the City of DeLand Land Development Regulations,
12 Ordinance #2013-11, as amended.

13 4. Final Site Plan Approval. For development activity that requires site plan
14 review and approval in addition to subdivision, a Final Site Plan shall be prepared and submitted
15 for review and approval in the manner required by Article 12 of the City of DeLand, Land
16 Development Regulations Ordinance #2013-11, as amended, prior to any construction, including
17 clearing and grading.

18 5. Easements for Public and Private Facilities. Planning, design and
19 construction of all connections and extensions to potable water, sanitary sewer and electrical power
20 lines shall be the responsibility of the Developer and shall be reviewed and approved by the City
21 as part of the subdivision or site plan application process. Consistent with the applicable standards
22 from the City of DeLand, all subdivisions or site plans shall make accommodations for the
23 provision of easements to the applicable maintenance agency. Private systems, such as stormwater
24 management areas and facilities, shall be maintained by the property owner or a property owners

1 association. Stormwater management areas and facilities may be subject to easements required by
2 the City of DeLand and/or the St. Johns River Water Management District.

3

4 B. Unified Ownership. The Applicant or his successors shall maintain unified
5 ownership of the subject property until after issuance of a Final Plat or Final Site Plan Development
6 Order for any portion of the property proposed for development.

7

8 C. Phases of Development. Development of the Property may be accomplished in
9 multiple phases consistent with the conceptual phasing plan attached as Exhibit C. As part of the
10 subdivision process for a particular phase of development, the Applicant shall ensure that all future
11 phases for the Property will be serviced with public utilities and right-of-way access necessary to
12 stand alone for development. The Applicant shall provide all necessary easements for development
13 and infrastructure servicing a particular phase proposed for subdivision, including identifying any
14 shared facilities such as stormwater systems and internal driveways, if proposed. Notwithstanding
15 the forgoing, phasing boundaries identified on the conceptual phasing plan attached as Exhibit C
16 may be reconfigured during the subdivision process, and individual phases may be developed and
17 constructed simultaneously and/or in any order, however, subdivision approval shall be required
18 for each phase and the restrictions of this Agreement shall apply to each phase of development.

19

20 D. Uses Allowed Within the PD. The following uses shall be allowed as permitted
21 principal uses and structures along with their customary accessory uses and structures:

22 **Residential Area:**

- 23 ○ Family day care home.
24 ○ Mini and neighborhood parks.
25 ○ Multiple-family dwellings.

- 1 ○ Private clubs and lodges.
- 2 ○ Other uses approved by the city commission after review and recommendation by
- 3 the planning board, which are unquestionably similar to those uses permitted
- 4 herein.
- 5 ○ Community residential homes, single-family.
- 6 ○ Community residential homes, multifamily.
- 7 ○ Community and regional parks.
- 8 ○ Community gardens.
- 9 ○ Governmental and public building and land uses.
- 10 ○ Nursing (convalescent) homes, adult congregate-living facilities.
- 11 ○ Private parks.
- 12

13 **Commercial Area:**

- 14 ○ General/Professional Offices.
- 15 ○ Financial Institutions.
- 16 ○ Medical office.
- 17 ○ Drugstores and pharmacies.
- 18 ○ Laboratories, hospitals and clinics.
- 19 ○ Medical clinics.
- 20 ○ Nursing homes and adult congregate living facilities.
- 21 ○ Mailbox and shipping shops.
- 22 ○ Office equipment sales and service.
- 23 ○ Copying, printing and lithography.
- 24 ○ Beauty salons, barbershops and day spas.
- 25 ○ Day care facilities, adult or child.
- 26 ○ Dry cleaning and laundry, retail.
- 27 ○ Tailor shops and shoe repair.
- 28 ○ Banquet facilities.
- 29 ○ Bed and breakfast inn.
- 30 ○ Catering services.
- 31 ○ Craft Food and Beverage Producer.
- 32 ○ Hotels or motels and associated accessory uses including restaurant and
- 33 conference facilities.
- 34 ○ Restaurants including fast food and/or drive through facilities.
- 35 ○ Virtual kitchen.
- 36 ○ Bakery, pastry, gourmet, coffee and specialty beverage shops (retail).
- 37 ○ Convenience stores without gas pumps.
- 38 ○ Retail sales.
- 39 ○ Museums.
- 40 ○ Music, dance, gymnasium, art school or studio, excluding discotheques.
- 41 ○ Parks, mini and neighborhood.
- 42 ○ Research and development facilities.
- 43 ○ Corporate headquarters.
- 44 ○ Veterinary clinics allowing inside overnight boarding for clinical care.
- 45 ○ Veterinary clinics and pet grooming shops with overnight and/or outdoor

- 1 boarding facilities and runs.
- 2 ○ Uses requiring a DBPR 3PS liquor license (package sales) or 4COP liquor license
- 3 (bars, lounges, etc.).
- 4 ○ Restaurants and establishments serving alcohol requiring a DBPR 2COP, 3PS or
- 5 4COP license with special class.
- 6 ○ Convenience stores with gas pumps (but truck stops and travel centers, etc. are
- 7 not permitted).
- 8 ○ Multiple-family dwellings compliant with R-16 standards.
- 9 ○ Residential dwelling units above the first floor or one residential unit on the first-
- 10 floor accessory to an office or commercial use.
- 11 ○ Parks, community and regional.
- 12 ○ Manufacturing – Craftsman shop.
- 13 ○ Manufacturing – Limited.
- 14

15 E. Development Standards. Unless otherwise provided herein, all definitions,

16 development standards or dimensional criteria shall be as set forth in the City of DeLand Land

17 Development Regulations, Ordinance #2013-11, as amended. Where this Development

18 Agreement is silent on any particular development standard, the provisions of the R-16 (with

19 respect to any residential development) and C-2 (with respect to any non-residential development)

20 zoning classifications shall control. In addition, unless otherwise stated herein, the development

21 shall meet the applicable City of DeLand Land Development Regulations and the Lake

22 Winnemissett Gateway Corridor standards.

23 The following shall apply to all development within the First Amended and Restated

24 Summit Place PD:

25

26 **Residential Structures:**

- | | | | |
|----|----|----------------------------|--|
| 27 | 1. | Minimum lot area: | 1,886 SF (interior townhome (TH) unit) |
| 28 | | | 3,000 SF (exterior townhome (TH) unit) |
| 29 | 2. | Minimum lot width: | 20.0 FT (interior TH unit) |
| 30 | 3. | Minimum building setbacks: | |
| 31 | | a. Front yard: | 25 FT |
| 32 | | b. Rear yard: | 10 FT |

- 1 c. Side yard:
- 2 i. Interior side yard: 0 FT
- 3 ii. Exterior side yard: 7.5 FT
- 4 4. Minimum floor area: 900 SF
- 5 5. Maximum building coverage for individual townhome lots: 85%*
- 6 6. Maximum building height: 35 FT
- 7 7. Maximum building length 165 FT
- 8 8. Maximum number of units: 300
- 9 9. Off-Street Parking: Parking shall adhere to the City of DeLand Land Development
- 10 Regulations Ordinance #2013-11, as amended, except, guest parking shall be at a
- 11 rate of 0.33 parking spaces per unit. Enforcement of parking and maintenance of
- 12 the access road shall be the responsibility of the property owners' association.

13 *Any build to rent or residential project that requires a site plan shall not exceed 70% impervious

14 surface.

15 **Commercial Structures:**

- 16
- 17 1. Minimum lot area: 9,000 s.f.
- 18 2. Minimum lot width: 75 feet
- 19 3. Minimum building setbacks:
- 20 a. Front yard: 20 ft.
- 21 b. Rear yard
- 22 - abutting residential zoning: 25 ft.
- 23 - not abutting residential zoning: 10 ft.
- 24 c. Side yard
- 25 - abutting residential zoning: 25 ft.

1 with the most current version of the Florida Green Industries BMPs
2 handbook and by certified landscaping contractors. Mowing adjacent to
3 swales shall be performed such that no clippings are deposited into any
4 swales or water bodies. All clippings that may have been deposited on
5 impervious surfaces will be swept back into the vegetated area. All pesticide
6 applications in common areas shall be done by a certified professional in
7 accordance with the most current version of the Florida Green Industries
8 BMPs handbook.

9 A buffer standard "C" as per the City of DeLand Land Development
10 Regulations shall apply to the perimeter of the First Amended and Restated
11 Summit Place PD at a width of 40-foot average with a minimum of 25 feet
12 on W. McKenzie Road, except along the interstate where there shall be a
13 15-foot buffer at a buffer standard of "B". No decorative wall or screen shall
14 be required along stormwater facilities, where such stormwater facilities
15 abut the emerging corridor within the gateway overlay district.

16 2. Community Design Standards. The community design standards within the
17 City of DeLand Land Development Regulations, Ordinance No. 2013-11,
18 as amended shall apply to the First Amended and Restated Summit Place
19 PD.

20 3. Signage: Signage for the First Amended and Restated Summit Place PD
21 shall be provided per the City of DeLand Land Development Regulations,
22 Ordinance No. 2013-11, as amended, except as provided herein. The entry
23 signage for the development shall be located at the northern and southern
24 entrances for the residential portion of the development. The signage for

1 both the residential area and the commercial area shall primarily consist of
2 one or more, or a mix, of the following materials and colors: wood, stucco,
3 metal, stone and white, grey, black, brown, or beige.

4 4. Impervious surface: Impervious surface for the **entire** First Amended and
5 Restated Summit Place PD shall not exceed 70%. With each site plan or plat
6 submittal, applicant shall provide a calculation of the impervious surface
7 amount and note the same on the applicable plans. The impervious surface
8 calculation shall not include Lake Tatum. Common green space and a
9 pedestrian walking trail, as depicted on the Development Plan Map, shall
10 be provided throughout the subdivision. The following are permitted, but
11 not required uses for the green space and amenity areas: clubhouse, pool,
12 cabana, pedestrian trail system.

13

14 F. Environmental Considerations.

15 1. The development shall comply with the requirements for preservation of
16 environmental resources as set forth in the Land Development Regulations Ordinance # 2013-11,
17 as amended. The actual location and layout of the developed areas within the First Amended and
18 Restated Summit Place PD property shall be determined during subdivision or site plan review.
19 All required environmental and ecological studies shall be completed for the entirety of the First
20 Amended and Restated Summit Place PD property as described in Exhibit "A", even if
21 development is proposed for only a portion of the property, prior to subdivision review or site plan
22 approval, if no subdivision review is required.

23 2. Tree Protection Areas preserving a minimum of 15% of the overall site,
24 excluding any required right-of-way dedication areas, shall be maintained as shown on Exhibit

1 "B".

2 3. All Tree Protection Areas shall be maintained by the property owners'
3 association.

4 4. The protection of Tatum Lake as a valuable asset shall be accomplished
5 through wetland protection, wetland buffers, and stormwater runoff filtration. Development shall
6 integrate wetlands and other environmentally sensitive lands into the open space network. This
7 network should be linked to similar systems on the same property or adjacent properties.

8 5. Property adjacent to the First Amended and Restated Summit Place PD has
9 been acquired by the City for conservation land. The applicant or its successors or assigns shall
10 dedicate or otherwise provide any access or secondary access to such conservation area as may be
11 required or deemed appropriate by the City during subdivision and / or site plan review. However,
12 any such dedication or provision of land by the applicant or its successors or assigns shall be
13 limited to such area or that is necessary to provide connectivity to such conservation area and the
14 applicant agrees that any such dedication or provision of land is not an exaction by the City and is
15 proportionate to the impact being created by the rezoning to the First Amended and Restated
16 Summit Place PD.

17 6. The development of this Property shall be clustered such that it avoids and
18 minimizes impacts to wetlands and other environmentally sensitive areas.

19 7. All master lighting on the Property shall utilize DarkSky compliant light fixtures,
20 to the degree feasible. This type of lighting is specifically designed to reduce light pollution by
21 restricting the amount of upward-directed light, avoiding glare, avoiding over-lighting, utilizing
22 dimming and other appropriate lighting controls, and minimizing short-wavelength (bluish) light
23 in the nighttime environment.

24 8. Low Impact Design Elements: The following Low Impact Development

1 elements shall be provided:

2 a. Stormwater Plantings. All stormwater ponds shall utilize supplemental
3 plantings to enhance the functionality and/or aesthetics of the stormwater system.
4 Littoral plantings shall be utilized if viability is likely – i.e. if a stormwater pond is
5 designed to remain wet. If a pond is designed to remain dry and littoral plantings
6 are unlikely to survive, the supplemental plantings shall be Florida Friendly plants.

7 b. Swales. If through review by the project engineer and the City engineer, it
8 is determined and agreed to that it is practicable to incorporate swales into the
9 development, then bioswales will be provided which utilize Florida friendly plants
10 that require no fertilizers or irrigation and rocks to help control erosion.

11 c. Maintenance Requirements. The property owners association for the
12 project shall be responsible for the maintenance of Low Impact Design Elements,
13 and in no event shall they be the responsibility of the City of DeLand.

14
15 G. Sewage Disposal and Potable Water. Provision for sewage disposal and potable
16 water needs of the First Amended and Restated Summit Place PD will be provided in accordance
17 with the Comprehensive Plan, Ordinance #1990-04, as amended, the Land Development
18 Regulations Ordinance #2009-09, as amended, and State of Florida Administrative Code 64E-6.

19
20 H. Stormwater Drainage. Other than as specifically provided for herein, provision for
21 stormwater retention shall be in accordance with the Land Development Regulations Ordinance
22 #2013-11, as amended and any applicable governmental regulations, and shall otherwise comply
23 with the Low Impact Design elements otherwise set forth herein.

24

1 I. Access and Transportation System Improvements. All access and transportation
2 system improvements shall be provided in accordance with the Land Development Regulations,
3 Ordinance #2013-11, as amended. The property shall be developed in substantial accordance with
4 the following access and transportation system improvements:

5 1. Access. Specific points of ingress and egress to the site are generally
6 described on Exhibit B.

7 2. Transportation System Improvements. Transportation system
8 improvements will be provided as required by permitting agencies. The Traffic Impact Analysis
9 will include projected trips from the Lake Winnemissett Gateway Corridor land not included
10 within this development agreement.

11

12 J. Building or Property Owners Association. The Applicant shall create one or more
13 building or property owner's association(s) for both the residential and non-residential portions of
14 the development. The charter and by-laws of said association(s) and any other agreements,
15 covenants, easements or restrictions shall be furnished to the City of DeLand at the time of
16 creation. The Applicant shall be responsible for recording said information in the Public Records
17 of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for recording all of
18 the aforementioned documents.

19 With respect to the enforcement of said agreements, covenants, easements or restrictions
20 entered into between the applicant and the owners or occupiers of property within the First
21 Amended and Restated Summit Place PD, the City of DeLand shall only enforce the provisions of
22 the "Development Agreement" and City of DeLand Land Development Regulations Ordinance
23 #2013-11, as amended, whichever is applicable, and not the private agreements entered into
24 between the aforementioned parties.

1 K. Reverter Provision: The development rights granted herein shall vest as to any
2 portion of the property that has received a development order upon issuance of such development
3 order. As to any portion of the property that has not received a final development order (final plat
4 or site plan) within ten (10) years of approval of this Development Agreement the Planned
5 Development Plan shall expire and will be of no further force or effect and no development shall
6 occur on such portions of the property until rezoned. The City Commission may rezone the any
7 portion of the property as to which the Planned Development Plan has expired as may be necessary
8 or appropriate to protect adjoining properties or the public health, safety and welfare.

9

10 L. Binding Effect of Plans: Recording; and Effective Date. The Planned Development
11 Plan, including any and all amendments shall bind and inure to the benefit of the Applicant and
12 his successor in title or interest. The First Amended and Restated Summit Place PD zoning,
13 provisions of the "Development Agreement," and all approved plans shall run with the land and
14 shall be administered in a manner consistent with Article 12 of the City of DeLand Land
15 Development Regulations Ordinance #2013-11, as amended.

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

23

24

1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this 20th day
2 of May, 2024.

3 ATTEST:

City Commission of DeLand Florida

4
5 Michael Pleus
6 Michael Pleus Michael Pleus
7 City Manager Acting City Manager
8

Christopher M. Cloudman
Christopher M. Cloudman,
Mayor

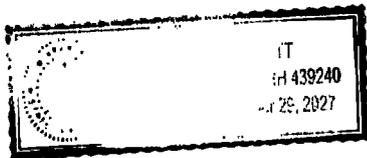
ATTEST:

Julie A. Hennessey
Julie A. Hennessey, BMC
City Clerk - Auditor

9 STATE OF FLORIDA

10 CITY OF DELAND

11
12 The foregoing instrument was acknowledged before me by means of physical
13 presence or online notarization this 20th day of May, 2024, by
14 Michael Pleus and Christopher M. Cloudman, as City Manager and Mayor, City of
15 DeLand, respectively, on behalf of the City of DeLand, and who are personally
16 known to me.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Julie A. Hennessey

Commission #: _____

My Commission Expires: _____

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WITNESSES:

D.R. Horton, Inc.

[Signature]
Print Name Sandra Perez

By: [Signature]
Matthew Stolz, Manager ASST. sec.

[Signature]
Print Name GANESH SHAN.

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 22 day of MAY, 2024, by MATTHEW STOLZ, as Manager of D.R. Horton, Inc., who is personally known to me or who has produced _____ as identification.



NOTARY PUBLIC, STATE OF Florida
Type or Print Name: CHRISTINE M. HURST
[Signature]
Commission #: HH 147229
My Commission Expires: 6/29/25

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WITNESSES:

DEPROP, LLC


Print Name Lisa Tenisi

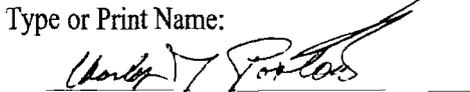
By: 
Member and, Manager


Print Name Anna Hamblin

STATE OF OHIO
COUNTY OF HAMILTON

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 25th day of May, 2024, by Abdel Samawi as Manager of DEPROP, LLC, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC, STATE OF OHIO

Type or Print Name:


Commission Expires: _____

My Commission Expires: has no expiration date



CHARLES J. POSTOW
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.85 O.R.C.

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EXHIBIT "A"

Legal Description

A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT SOUTHEAST CORNER OF THE NORTH 7 CHAINS OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, AND RUN SOUTH 00°22'01" EAST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, A DISTANCE OF 97.23 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89° 34'48" EAST, A DISTANCE OF 115.05 FEET; THENCE RUN NORTH 39°30'34" EAST, A DISTANCE OF 234.81 FEET; THENCE RUN NORTH 73°26'58" EAST, A DISTANCE OF 328.99 FEET; THENCE RUN SOUTH 83°07'08" EAST, A DISTANCE OF 228.92 FEET; THENCE RUN NORTH 73°54'21" EAST, A DISTANCE OF 159.10 FEET; THENCE RUN SOUTH 47°20'56" EAST, A DISTANCE OF 117.55 FEET; THENCE RUN SOUTH 26°45'29" EAST, A DISTANCE OF 216.76 FEET; THENCE RUN NORTH 65°29'38" EAST, A DISTANCE OF 327.31 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD 4139 AS RECORDED ON RIGHT OF WAY MAP SECTIONS 79070-2505 AND 79110 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN THE FOLLOWING 6 COURSES ALONG SAID WESTERLY RIGHT OF WAY: SOUTH 19°57'26" EAST, A DISTANCE OF 1100.55 FEET; SOUTH 70°04'49" WEST, A DISTANCE OF 14.60 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 50.00 FEET; SOUTH 70°02'24" WEST, A DISTANCE OF 124.00 FEET; SOUTH 19°57'36" EAST, A DISTANCE OF 495.89 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 522.96 FEET AND A CENTRAL ANGLE OF 35°32'20", THENCE RUN SOUTHEAST ALONG THE ARC OF SAID CURVE A DISTANCE OF 324.38 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, RUN SOUTH 89°59'28" WEST ALONG THE NORTH LINE OF THE SOUTH 235.00 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 24, A DISTANCE OF 517.99 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 24; THENCE RUN NORTH 00°45'20" WEST ALONG SAID EAST LINE, A DISTANCE OF 791.90 FEET; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°53'53" WEST, A DISTANCE OF 1342.71 FEET TO A POINT ON THE AFORESAID WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE RUN NORTH 00°22'01" WEST ALONG SAID WEST LINE, A DISTANCE OF 1119.50 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY LAND CONTAINED IN THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5551, PAGE 2688, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

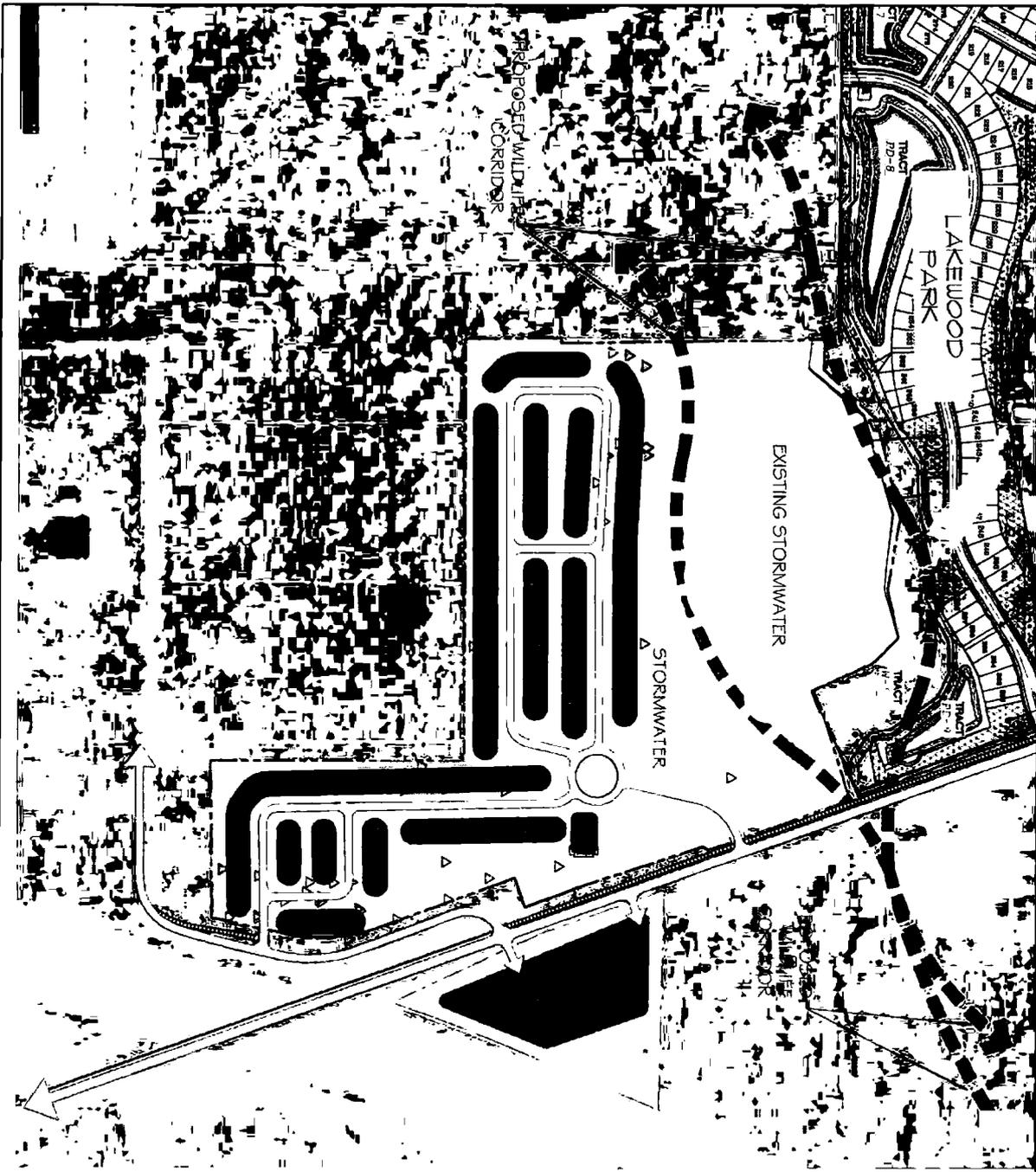
A PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

FOR A POINT OF REFERENCE, BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF WAY LINE OF INTERSTATE HIGHWAY 4, AND THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 4139, AND RUN NORTH 24°27'12" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 434.81 FEET; THENCE RUN NORTH 19°05'23" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 99.02 FEET; THENCE RUN NORTH 20°00'50" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 371.26 FEET; THENCE RUN SOUTH 89°00'48" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.24 FEET, TO THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 4 AND A POINT ON A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5879.65 FEET AND A CHORD WHICH BEARS SOUTH 21°51'47"

1 WEST, FOR A DISTANCE OF 890.73 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE THROUGH A
2 CENTRAL ANGLE OF 08°41'18" FOR A LENGTH OF 891.59 FEET TO THE POINT OF BEGINNING.
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EXHIBIT "B"
PD Plan



CONCEPT GRAPHICS SCHEDULE

- △ CONCEPT STORMWATER
- ◊ EXISTING WILDLIFE CORRIDOR
- ◄ WILDLIFE CORRIDOR
- ◻ WILDLIFE CORRIDOR

BOUNDARY SCHEDULE

BOUNDARY	COLOR
STORMWATER AREA	Blue
WILDLIFE CORRIDOR	Green
CONCEPT WILDLIFE CORRIDOR	Light Green
OPEN SPACE	Light Blue
SHOWN	Black

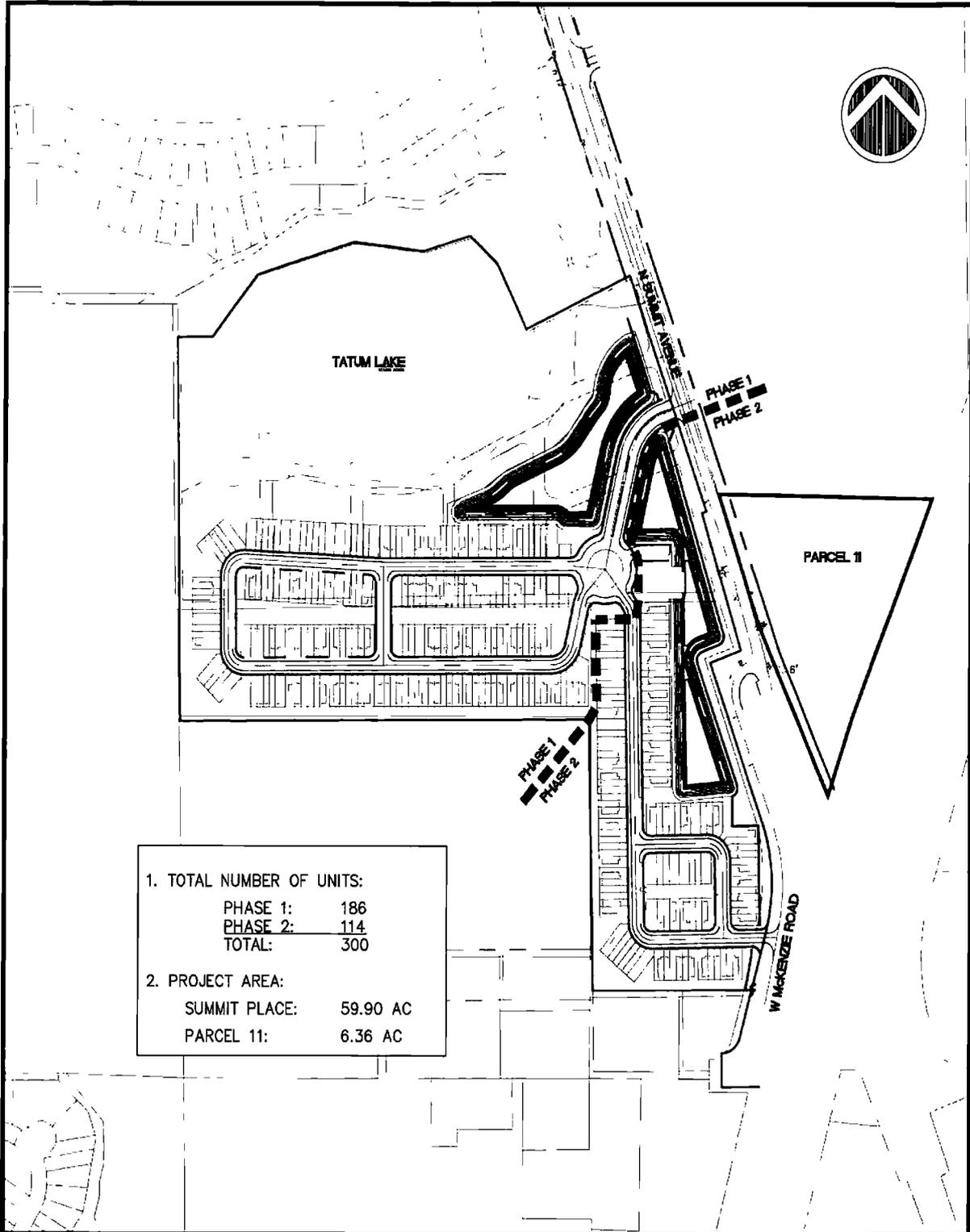
CONCEPTUAL PLAN NOTES:

1. CONCEPT GRAPHICS SCHEDULE
2. THIS CONCEPTUAL PLAN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CITY OF DELAND AND THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DELAND AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND TOLL ROADS.
3. THIS CONCEPTUAL PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE AND WITHOUT LIABILITY TO THE DEVELOPER.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DELAND AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND TOLL ROADS.
5. THE CONCEPTUAL PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE AND WITHOUT LIABILITY TO THE DEVELOPER.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DELAND AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND TOLL ROADS.
7. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DELAND AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND TOLL ROADS.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DELAND AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND TOLL ROADS.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DELAND AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND TOLL ROADS.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DELAND AND THE FLORIDA DEPARTMENT OF TRANSPORTATION AND TOLL ROADS.

<p>DELAND GATEWAY / DEPROP TIA CONCEPTUAL PLAN</p> <p>QTY OF DELAND: _____ VOLUNTEER COUNTY, FLORIDA</p>	<p>DATE: _____</p> <p>BY: _____</p> <p>FOR REVIEW ONLY NOT FOR CONSTRUCTION</p>	<p>ZEV COHEN & ASSOCIATES, INC.</p> <p>CIVIL ENGINEERING LANDSCAPE ARCHITECTURE ENVIRONMENTAL PLANNING TRANSPORTATION</p> <p>WWW.ZEVCOHEN.COM</p>
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EXHIBIT "C"
Phasing Plan



1. TOTAL NUMBER OF UNITS:	
PHASE 1:	186
PHASE 2:	114
TOTAL:	300
2. PROJECT AREA:	
SUMMIT PLACE:	59.90 AC
PARCEL 11:	6.36 AC

 <p>MADDEN MOORHEAD & STOKES, LLC CIVIL ENGINEERS</p> <p>431 E. HORATIO AVE., STE. 260, MAITLAND, FL. 32751 * (407) 629-8330</p>	JOB NO. 21086	<p>SUMMIT PLACE</p> <p>PHASING MAP</p>
	SEC. 24, TWP. 17S, RANGE 30E	
	DRAWN BY: BSB	
	APPROVED BY: BSB	
	DATE: 11/10/2023	
	Scale: 1" = 400'	