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Instrument# 2016-117848 # 1  
Book: 7270  
Page: 4517

**ORDINANCE NO. 2016 - 05**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM THE CITY'S R-8, MULTIPLE FAMILY DWELLING DESIGNATIONS TO THE SOUTHRIDGE VILLAS TWO PD, PLANNED DEVELOPMENT ZONING DESIGNATION, ON PROPERTY LOCATED ON THE EAST SIDE OF SOUTH HILL AVENUE AT HURST COURT; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 4.09 +/- 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**, JTC Southridge Investment, LLC, owns 4.09 +/- acres of land located on the east side of South Hill Avenue at Hurst Court, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

**WHEREAS**, Colleen Miles, on behalf of the owner, (hereinafter referred to as "Applicant") has applied for a change of zoning from the present zoning classification of City's R-8, Multiple Family Dwelling, to the City's 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**, the Applicant has submitted an application for the approval of a development plan in order 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 medium density future 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 the City's R-8, Multiple Family Dwelling zoning designations to the Southridge Villas Two PD, Planned Development District, on the property located on the east side of South Hill Avenue at Hurst Court.

**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 the Southridge Villas Two 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 the Southridge Villas Two 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.

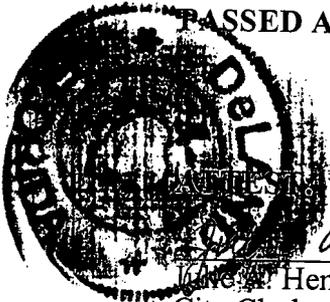
**Section 7.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

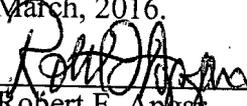
**Section 8.** The City Engineer, Planning Director, and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

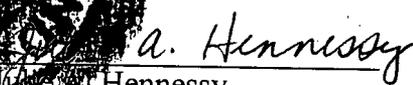
**Section 9.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

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

PASSED AND DULY ADOPTED this 21<sup>st</sup> day of March, 2016.



  
Robert F. Appel  
Mayor - Commissioner

  
Debra A. Hennessy  
City Clerk - Auditor

Passed on first reading: February 15, 2016  
Adopted on second reading: March 21, 2016

**APPROVED AS TO FORM AND LEGALITY:**

  
Darren J. Elkind  
City Attorney

**EXHIBIT "A"**

**DESCRIPTION:**

**A PORTION OF SOUTH RIDGE VILLAS TWO ACCORDING TO PLAT RECORDED IN PLAT BOOK 54, PAGE'S 183 AND 184, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LYING IN SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, CITY OF DeLAND, OF SAID VOLUSIA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

**COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE RUN S89°36'13"E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 15 A DISTANCE OF 659.15 FEET; THENCE RUN S01°06'24"W A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;  
THENCE RUN S01°06'24"W ALONG THE EASTERN BOUNDARY OF SAID SOUTH RIDGE VILLAS TWO A DISTANCE OF 284.66 FEET;  
THENCE RUN N88°55'27"W ALONG THE SOUTHERN BOUNDARY OF SAID SOUTH RIDGE VILLAS TWO A DISTANCE OF 634.60 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH HILL AVENUE, A 50' RIGHT OF WAY; THENCE RUN N01°17'01"E ALONG SAID EAST RIGHT OF WAY LINE AND THE WESTERN BOUNDARY OF SAID SOUTH RIDGE VILLAS TWO A DISTANCE OF 89.08 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EAST HAVING A RADIUS OF 25.00 FEET; THENCE DEPARTING THE EAST RIGHT OF SAID HILL AVENUE AND ENTERING ALONG THE SOUTH RIGHT OF WAY OF HURST COURT, A 50' RIGHT OF WAY AS SHOWN ON THE PLAT OF SAID SOUTH RIDGE VILLAS TWO RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE PASSING THROUGH A CENTRAL ANGLE OF 89°08'32" AND HAVING AN ARC LENGTH OF 38.90 FEET TO THE POINT OF TANGENCY; THENCE RUN S89°34'27"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HURST COURT A DISTANCE OF 409.72**

FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE PASSING THROUGH A CENTRAL ANGLE OF 259°50'09" AND HAVING AN ARC LENGTH OF 272.10 FEET TO THE POINT OF TANGENCY; THENCE RUN N89°34'27"W ALONG THE NORTH RIGHT OF WAY LINE OF SAID HURST COURT A DISTANCE OF 192.50 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF SAID SOUTH RIDGE VILLAS TWO; THENCE RUN N00°25'33"E ALONG THE EAST LINE OF SAID LOT 8 A DISTANCE OF 113.74 FEET TO THE NORTHEAST CORNER OF SAID LOT 8 AND TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF EUCLID AVENUE, A 50 FOOT RIGHT OF WAY; THENCE RUN S89°34'27"E ALONG THE SOUTH RIGHT OF WAY LINE OF SAID EUCLID AVENUE A DISTANCE OF 310.99 FEET TO THE POINT OF BEGINNING.

**DESCRIPTION:**

**TRACT "A" DRAINAGE AND RETENTION AREA, SOUTH RIDGE  
VILLAS TWO ACCORDING TO PLAT RECORDED IN PLAT BOOK  
54, PAGE'S 183 AND 184, PUBLIC RECORDS OF VOLUSIA COUNTY,  
FLORIDA, AND LYING IN SECTION 15, TOWNSHIP 17 SOUTH,  
RANGE 30 EAST, CITY OF DeLAND, OF SAID VOLUSIA COUNTY,  
FLORIDA**

**DESCRIPTION:**

**TRACT "B" OPEN AREA, SOUTH RIDGE VILLAS TWO ACCORDING  
TO PLAT RECORDED IN PLAT BOOK 54, PAGE'S 183 AND 184,  
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LYING  
IN SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, CITY OF  
DeLAND, OF SAID VOLUSIA COUNTY,  
FLORIDA**

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Z-25-87, Application of

5 JTC SOUTHRIDGE INVESTMENT LLC

6 ORDINANCE # 2016-05  
7

8  
9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM R-8 TO  
10 SOUTH RIDGE VILLAS TWO RESIDENTIAL PD (PLANNED DEVELOPMENT)

11  
12 The application of JTC Southridge Investment LLC hereinafter "Applicant", for  
13 rezoning was heard by and before the City Commission, DeLand Florida, on February 15,  
14 2016. Based upon the verified Application and other supporting documents, maps, charts,  
15 overlays, other evidence and instruments; the advice, report, and recommendations of the  
16 community development and other departments and agencies of the City of DeLand,  
17 Florida; and the testimony adduced and evidence received at the public hearing on this  
18 application by the Planning Board on January 20, 2016, and otherwise being fully advised,  
19 the City Commission does hereby find and determine as follows:  
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DELAND FLORIDA  
RECORDS DEPARTMENT

GENERAL FINDINGS

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A. That the application of JTC Southridge Investment LLC was duly and properly filed herein on November 16, 2015 as required by law.

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

C. That the Applicant is the owner of a 2.44+/- acre parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the legal description attached hereto as Exhibit "A".

D. That the Applicant has complied with the concept plan provision as required by Land Development Regulations Ordinance # 2013-11, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance # 2013-11, as amended.

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FINDINGS REGARDING REZONING

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A. That the Applicant has applied for a change of zoning from the present zoning classification of the parcel described in Exhibit "A" from R-8 to the South Ridge Villas Two Residential Planned Development (PD).

B. That the said rezoning to a Residential 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 15<sup>th</sup> DAY OF FEBRUARY, 2016, AS FOLLOWS:

A. That the application of JTC Southridge Investment LLC for the rezoning of the subject parcel is hereby granted.

B. That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is hereby amended from R-8 to Residential PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance # 2013-11, as amended.

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

DELAND TO THE  
PLANNING AND ZONING

1 show the rezoning of said parcel to South Ridge Villas Two Residential PD.

2

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

11

12 E. Unless otherwise provided for herein, the City of DeLand, Land Development  
13 Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner  
14 as the R-1C zoning classification, except for the provisions below:

15

16 F. Nothing in this Ordinance shall abridge the requirements of any City of  
17 DeLand Ordinance other than Ordinance 2013-11, as amended. Timing and review  
18 procedures contained in this Ordinance may be modified to comply with the City of DeLand  
19 Land Development Regulations, Ordinance No. 2013-11, as amended. Further, nothing in  
20 the Development Agreement is intended to abridge the requirements of Ordinance No.  
21 2013-11, as amended, and any other City Ordinances.

22

23

24

DEVELOPMENT AGREEMENT

25

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

5                     1.     Planned Development Plan The Planned Development Plan shall  
6 consist of the Development Plan Map prepared by Efirid Sureveying Group and dated  
7 November 6, 2015 and this Development Agreement. The Planned Development Plan is  
8 hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The  
9 Planned Development Plan shall be filed and retained for public inspection in the Planning  
10 Department and it shall constitute a supplement to the Official Zoning Map of the City of  
11 DeLand.

12                     2.     Amendments. All amendments of the Planned Development Plan,  
13 other than those deemed by the Planning Department to be minor amendments as set out  
14 in Ordinance No. 2013-11, as amended, shall require the review and recommendation of  
15 the Planning Board and action by the City Commission in the same manner as a rezoning  
16 of the parcel.

17                     3.     Subdivision Approval. After the Planned Development Plan is  
18 recorded, and prior to any construction, including clearing and landfill, a preliminary and  
19 final plat of the area to be subdivided shall be submitted for review and approval in the  
20 manner required by Article 13 of the City of DeLand Land Development Regulations,  
21 Ordinance No. 2013-11, as amended.

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24           A.     Unified Ownership. The Applicant or its successors shall maintain unified  
25 ownership of the subject parcel until after issuance of the final plat.

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B. Phases of Development: A portion of the project has already been developed. The remainder of the development will be built as single-family lots. The infrastructure including stormwater and utilities has already been provided for. Each lot will be independently constructed.

C. Land Uses Within the PD. The development of the parcel shall be consistent with the uses prescribed for each area within the proposed South Ridge Villas Two PD. The location and size of said land use areas are shown on the Development Plan Map, Exhibit "B". The following land uses shall be allowed as permitted principal uses and structures along with their customary accessory uses and structures: Single-Family Residential Uses & Structures, including all accessory uses customary to these uses.

D. Development Standards: Development of the remaining lots will be as provided below:

- |    |                                |  |
|----|--------------------------------|--|
| 1. | Minimum lot area               | 4,000 s.f.   |
| 2. | Minimum lot width and/or depth | 40' x 100'   |
| 3. | Minimum yard size (building)   |  |
|    | a. Front yard:                 | 20 ft.   |
|    | b. Rear yard:                  | 20 ft.   |
|    | c. Side yard:                  | 5 ft.  |
| 4. | Minimum floor area:            | 900 sq. ft.  |
| 5. | Maximum impervious:            | 60%  |
| 6. | Maximum building height        | 35 ft.   |
| 7. | Landscape buffer requirements  | 1 canopy tree per 75 linear feet planted 5 to 15 feet from the right-of-way w/each |

APPROVED BY: [Signature]  
DATE: 08/11/2016

lot having at least one  
tree per 2,500 s.f.  
10' from adjacent home  
2 per unit

- 8. Minimum building separation
- 9. Off-street parking requirements

E. Environmental Considerations. All environmental regulations contained in the Land Development Regulations Ordinance No. 2013-11, as amended, or any other applicable regulations shall be complied with.

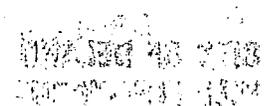
F. Sewage Disposal and Potable Water. Provision for sewage disposal and potable water needs of the PD will be provided in accordance with the Comprehensive Plan, Ordinance No.1990-04, as amended, the Land Development Regulations Ordinance No. 2013-11, as amended, and State of Florida Administrative Code 64E-6.

G. Stormwater Drainage. Provision for stormwater retention shall be in accordance with the Land Development Regulations Ordinance # 2013-11, as amended.

H. Access and Transportation System Improvements. All access and transportation system improvements shall be provided in accordance with the Land Development Regulations, Ordinance 2013-11, as amended. The parcel shall be developed in substantial accordance with the following access and transportation system improvements:

1. Access. Access is provided as shown on the attached Development Plan Map.

I. Internal Roadways. Internal roadways are provided for as shown on the



1 attached Development Plan Map and which have previously been approved and  
2 constructed.

3

4 J. Building or Property Owners Association. A Property Owners Association will  
5 be formed. The charter and by-laws of said association and any other agreements,  
6 covenants, easements or restrictions shall be furnished to the City of DeLand at the time of  
7 creation. The Applicant shall be responsible for recording said information in the Public  
8 Records of Volusia County, Florida. Also, the Applicant shall bear and pay all costs for  
9 recording all of the aforementioned documents.

10 With respect to the enforcement of said agreements, covenants, easements or  
11 restrictions entered into between the Applicant and the owners or occupiers of property  
12 within the South Ridge Villas Two Residential PD, the City of DeLand shall only enforce the  
13 provisions of the "Development Agreement" and City of DeLand Land Development  
14 Regulations Ordinance # 2013-11, as amended, whichever is applicable, and not the  
15 private agreements entered into between the aforementioned parties.

16

17 K. Reverter Provision: The City Commission may rezone any portion of the  
18 project which has not secured a final plat on or before 5 years from the effective date of this  
19 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  
21 the time period indicated in this paragraph.

22

23 L. Binding Effect of Plans; Recording; and Effective Date. The Planned  
24 Development Plan, including any and all amendments, shall bind and inure to the benefit of  
25 the Applicant and its successor in title or interest. The South Ridge Villas Two Residential

1 PD zoning, provisions of the "Development Agreement," and all approved plans shall run  
2 with the land and shall be administered in a manner consistent with Article 12 of the City of  
3 DeLand Land Development Regulations Ordinance # 2013-11, as amended.

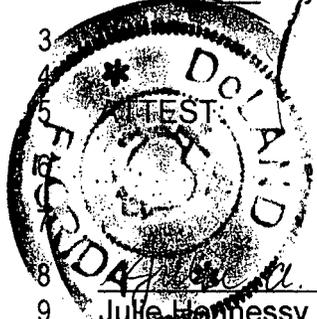
4  
5 This Ordinance and all subsequent amendments shall be filed with the Clerk of the  
6 Court and recorded within forty-five (45) days following execution of the document by the  
7 City Commission, in the Official Records of Volusia County, Florida. One copy of the  
8 document, bearing the book 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  
10 file. The date of recording of this document shall constitute the effective date of the South  
11 Ridge Villas Two Residential PD or its subsequent amendments. The Applicant shall pay  
12 all filing costs for recording documents.

13 \*\*\* Signatures on following pages \*\*\*  
14

SEARCHED TO THE  
INDEXED TO THE

1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this

2 21<sup>st</sup> day of March 2016



City Commission of DeLand Florida

*Robert Apgar*

Robert Apgar  
Mayor

*Julie Hennessy*  
Julie Hennessy  
City Clerk 3.21.16

13 STATE OF FLORIDA  
14 CITY OF DELAND

16 The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of  
17 June, by Robert F. Apgar, as Mayor of the City of DeLand, on  
18 behalf of the City of DeLand, and who is personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Julia Hewitt

Commission No.: 946646

My Commission Expires: 12/29/2019



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WITNESSES:

JTC SOUTHRIDGE INVESTMENTS LLC

[Signature]

By: [Signature]  
Christopher B. Butera, Member

Dennis Lavi

The foregoing instrument was acknowledged before me this 20th day of June, 2016, by Christopher B. Butera, as a Member of JTC SOUTHRIDGE DEVELOPMENT LLC, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Colleen Miles

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

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



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EXHIBIT "A"

DESCRIPTION:

A PORTION OF SOUTH RIDGE VILLAS TWO ACCORDING TO PLAT RECORDED IN PLAT BOOK 54, PAGE'S 183 AND 184, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND LYING IN SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, CITY OF DeLAND, OF SAID VOLUSIA COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE RUN S89°36'13"E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 15 A DISTANCE OF 659.15 FEET; THENCE RUN S01°06'24"W A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;  
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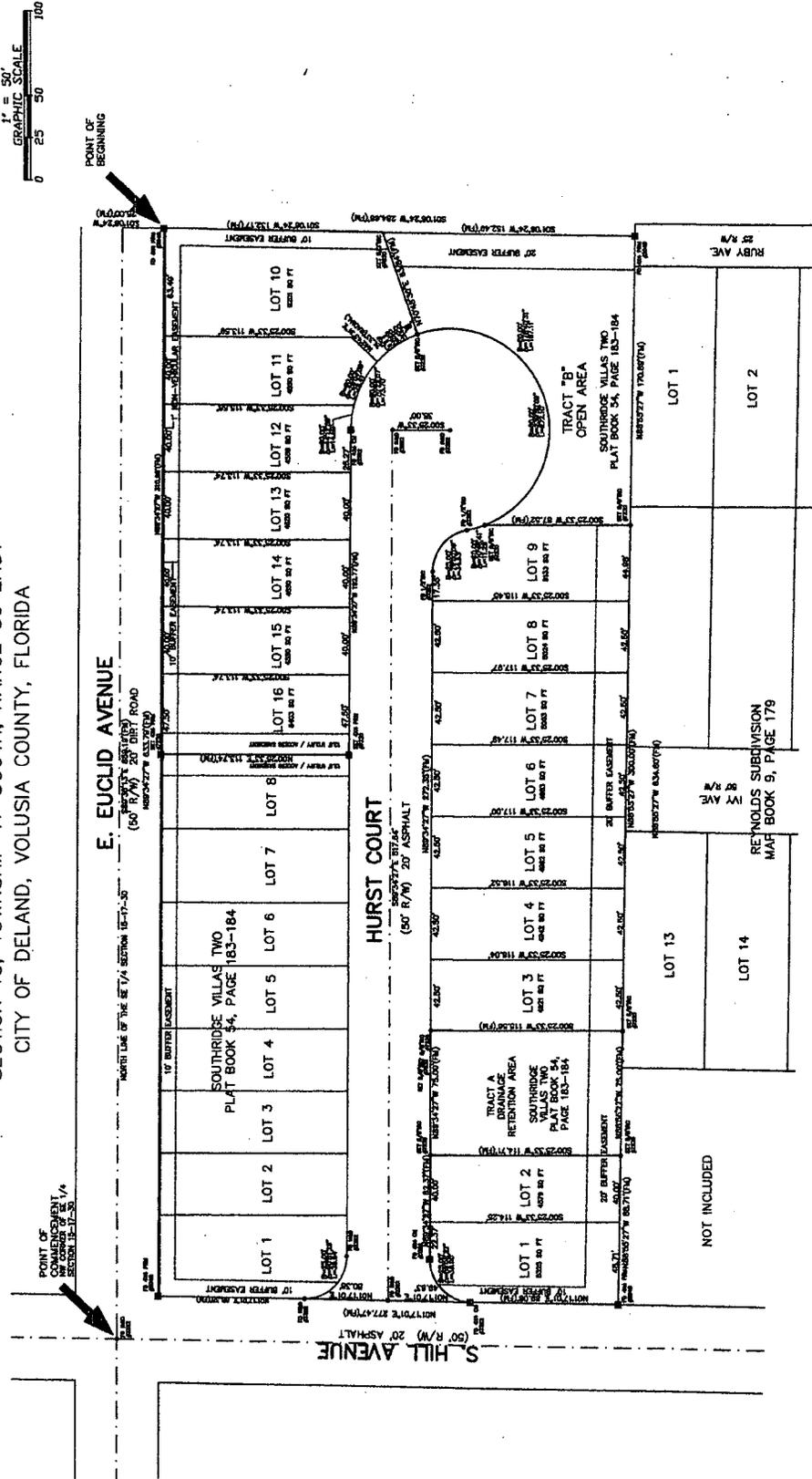
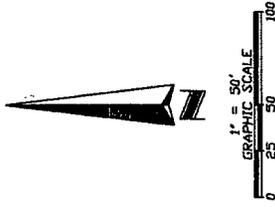
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# EXHIBIT 'B'

# EXHIBIT

## SOUTH RIDGE VILLAS TWO REPLAT

SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST  
 CITY OF DELAND, VOLUSIA COUNTY, FLORIDA



RECORDED TO FILE  
 2016 OCT 20 10:00 AM