

ORDINANCE 94-57

01/19/1995 10:16
Instrument # 95007488
BOOK: 3978
Page: 715

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA CHANGING THE ZONING FROM C-1, LIMITED NEIGHBORHOOD COMMERCIAL DISTRICT, C-2, GENERAL COMMERCIAL DISTRICT, AND P-1, PROFESSIONAL RESIDENTIAL DISTRICT, TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED AT THE NORTH SIDE OF S.R. 15A, BETWEEN SOUTH ADELLE AND CLARA AVENUES; APPROVING A DEVELOPMENT PLAN FOR THE BILL HARKINS PLANNED DEVELOPMENT, A COMMERCIAL AND RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 20.6 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, C. William Harkins (hereinafter referred to as "the Applicant") owns a 20.6 acre parcel of land located at the north side of S.R. 15A, between South Adelle and Clara Avenues, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning from the present zoning classifications of C-1, Limited Neighborhood Commercial District, C-2, General Commercial District, and P-1, Professional Residential District, 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, the Applicant has submitted an application for approval of a development plan for the Bill Harkins Planned Development 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 Planned Development 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 Highway Commercial land use designation, which: encourages intensified development in outlying or newly developed areas for a variety of residential and commercial 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 C-1, Limited Neighborhood Commercial District, C-2, General Commercial District, and P-1, Professional Residential District, 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 the 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 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 5. The approved Development Plan for the Bill Harkins Planned Development, including the Development Plan Report, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and shall be amended to include the conditions as set forth in the document entitled "Conditions for the Approval of the Bill Harkins Planned Development," which is attached hereto as Exhibit "B" and incorporated herein by reference.

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

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Plan shall supercede 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. In the event that at least one phase of the project has not obtained a certificate of occupancy on or before December 31, 1998, the City Commission may then rezone any phase of the Project.

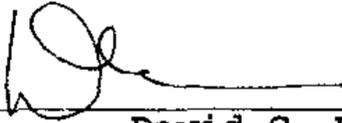
Section 9. The City Engineer, Planning Director and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

Section 10. 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 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 19th day of December, 1994.



David C. Rigsby
Mayor-Commissioner

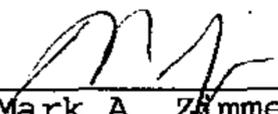
ATTEST:



Viola H. Ballentine
City Clerk - Auditor

Passed on first reading: December 5, 1994
Adopted on second reading: December 19, 1994

APPROVED AS TO FORM AND LEGALITY:



Mark A. Zimmerman
City Attorney



Best Available Copy

LEGAL DESCRIPTION

PARCEL 1: (PER O.R. BOOK 1664, PAGE 636; VOLUSIA COUNTY, FLORIDA.)

THE NORTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, LESS THE NORTH 532.58 FEET THEREOF.

AND

PARCEL 2: (PER O.R. BOOK 1537, PAGE 620; VOLUSIA COUNTY, FLORIDA.)

A PARCEL OF LAND LYING IN THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 20 AND RUN S $89^{\circ} 39' 50''$ E ALONG THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ A DISTANCE OF 787.98 FEET; THENCE RUN S $00^{\circ} 08' 18''$ E A DISTANCE OF 100.05 FEET; THENCE RUN N $88^{\circ} 43' 23''$ W A DISTANCE OF 54.00 FEET; THENCE RUN S $00^{\circ} 08' 18''$ E A DISTANCE OF 241.65 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 15-A; THENCE RUN N $88^{\circ} 42' 53''$ W ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 145.09 FEET TO THE POINT OF CURVATURE OF A CURVE THAT IS CONCAVE NORTHEASTERLY AND HAS A RADIUS OF 1860.09 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THROUGH A CENTRAL ANGLE OF $18^{\circ} 25' 56''$ A DISTANCE OF 598.35 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 20; THENCE RUN N $00^{\circ} 29' 11''$ W ALONG THE SAID WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ A DISTANCE OF 533.29 FEET TO THE POINT OF BEGINNING.

BUT EXCEPTING FROM THE ABOVE DESCRIBED PARCEL THE WESTERLY 25 FEET THEREOF WHICH LIES WITHIN THE RIGHT-OF-WAY OF ADELLE AVENUE, VOLUSIA COUNTY, FLORIDA. PARCEL CONTAINS 11.19 ACRES, MORE OR LESS.

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Diane M. Matousek
Volusia County, Clerk of Court

EXHIBIT B

LIST OF CONDITIONS FOR THE APPROVAL
OF THE HARKINS PLANNED DEVELOPMENT

1. The Master Plan be revised to show a minimum 30' wide buffer along SR 15A, rather than the 15' wide buffer.
2. Revise the Master Plan by adding the following wording, "In order to protect the greatest number of existing trees and to take advantage of the natural topography of the site, except as may be required for stormwater management, there shall be no extensive excavation of the site for the construction of buildings, parking and internal streets".
3. Revise the Engineering Concept Plan to show the 8" water main extending into the multifamily portion of the site.
4. Revise either the Master Plan or the Engineering Concept Plan regarding the minimum width of the tree protection area (either 10' or 20') between the commercial and residential areas of the property.
5. Revise the last sentence of the first paragraph on Page 7c (Water System) to read, "That portion of the on-site potable water system upstream of the water meter(s) shall be maintained by the City, if they are located in maintenance easements acceptable to the City".
6. On Page 7c., revise the wording of the first sentence to clearly indicate that all potable water improvements applicable to the subject property shall be at the applicants and/or developer's expense.
7. On Page 7f., revise the wording of the first paragraph to clearly indicate that all wastewater improvements applicable to the subject property shall be at the applicants and/or developer's expense.
8. At the time of development, the applicant shall dedicate to Volusia County 10' of ROW along the east side of Adelle and 5' of ROW along the west side of Clara.
9. Revise the name of the development(s) to one other than Southridge.
10. The adopting ordinance shall contain a reverter clause that states that, unless the applicant or subsequent owner(s) shall secure a certificate of occupancy for at least one phase of the proposed development by December 31, 1998, the City Commission may rezone all or any portion of this development.

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ORDINANCE 96-34

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 94-57 WHICH APPROVED THE DEVELOPMENT PLAN FOR THE HARKINS (SANTA CRUZ) PD, BY AMENDING THE PLANNED DEVELOPMENT DOCUMENT WHICH WAS INCORPORATED BY REFERENCE IN ORDINANCE NO. 94-57 (AND ON FILE WITH THE CITY PLANNING DEPARTMENT) SO AS TO INCREASE THE TOTAL SQUARE FOOTAGE FOR COMMERCIAL DEVELOPMENT ON LOTS 1 THROUGH 4, TO DECREASE THE MINIMUM SIDE YARD SETBACK FOR LOTS 2/3 AND 3/4, AND TO CORRECT A SCRIVENER'S ERROR REGARDING PARKING SPACE REQUIREMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, C. William Harkins (the applicant) has suggested amendments to the Harkins (Santa Cruz) Development Plan (hereinafter the "Plan") so as to increase the total square footage for commercial development of Lots 1 through 4, to decrease the minimum side yard setback requirement for Lots 2/3 and 3/4, and to correct a scrivener's error regarding parking space requirements; and

WHEREAS, since the adoption of the original Development Plan, the City has approved a site plan for a furniture store on Lot 1, has approved a preliminary plat for the subdivision of the Harkins (Santa Cruz) PD, and has discovered a scrivener's error, all of which necessitate the proposed amendments to the Development Plan; and

WHEREAS, the proposed amendments will not have a detrimental effect on surrounding properties, and it is in the best interests of the City to grant the requested amendments to the Harkins (Santa Cruz) Planned Development;

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

Section 1. City of DeLand Ordinance No. 94-57, approving the Development Plan for the Harkins (Santa Cruz) PD, is hereby amended by amending the Planned Development Document which was incorporated by reference in Ordinance No. 94-57 and which is on file with the City Planning Department, specifically, "Harkins Planned Development Report," Page 3, Sentence 2, by substituting for Sentence 2 the following:

Provided that the development on individual lots complies with all relevant development standards, the total square footage for all buildings on the

four (4) commercial lots may be a maximum of 38,700 square feet of floor area. The individual buildings may be one (1) or two (2) stories in height.

The rest of that section shall remain unchanged.

Section 2. City of DeLand Ordinance No. 94-57, approving the Development Plan for the Harkins (Santa Cruz) PD, is hereby amended by amending the Planned Development Document which was incorporated by reference in Ordinance No. 94-57 and which is on file with the City Planning Department, specifically "Harkins Planned Development Report," Site Data and Development Standards Section, Page 11:

- (a) by revising the reference to "27,000 square feet maximum" to be "Maximum total square footage of commercial lots 1 - 4 = 38,700."
- (b) by revising the existing standard for parking to read "Parking Requirement: For general retail and general office, one (1) parking space for each 250 gross square feet of floor area. The parking requirements for all other land uses shall be determined by the City's adopted Land Development Regulations."
- (c) by revising the existing standard for minimum setback requirements to read "Commercial Minimum Building Setbacks: front = 50 ft.; rear = 25 ft.; interior side yards (Lots 2/3 and 3/4) = 7.5 ft.; and, street side yards = 25 ft."

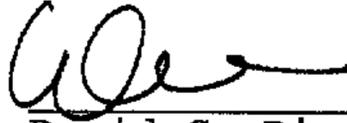
The remaining provisions of the Site Data and Development Standards Section shall remain as set forth in Ordinance No. 94-57.

Section 3. 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 4. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

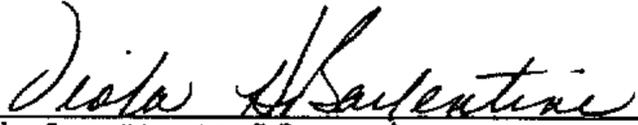
Section 5. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 1st day of July, 1996.



David C. Rigsby
Mayor - Commissioner

ATTEST:



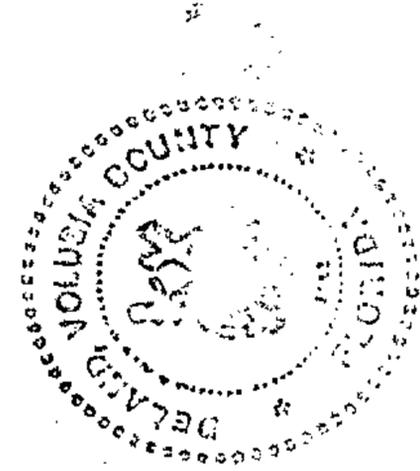
Viola H. Ballentine
City Clerk - Auditor

Passed on first reading: June 17, 1996
Adopted on second reading: July 1, 1996

APPROVED AS TO FORM AND LEGALITY:



Mark A. Zimmerman
City Attorney



SOUTHRIDGE PLANNED DEVELOPMENT REPORT

The purpose and intent of the Applicant is to develop a high quality Planned Development in the City of Deland by providing mixed land uses (commercial and residential) in a balance sufficient to promote and provide social and economic support for the local neighborhood.

Southridge will adhere to the following general goals and policies: (More specific guidelines may be established at final site plan approval.)

A. Protect existing residential neighborhoods by providing proper land use and natural buffers between incompatible uses within and external to the Southridge P.U.D. :

See the Development Standards, the Master Plan and the Land Use Descriptions for specific setback and buffer information.

B. Provide affordable housing:

191 units of multi-family residential is proposed in the northern 15.92 acres of the project (12 units/acre). This will provide a residential buffer from the projects more intense commercial/office uses to the south along S.R. 15-A and the single family area to the north.

The multi-family area will be buffered from the adjacent land uses and neighborhoods with natural buffers and tree protection areas proposed along all the projects boundaries. (See master plan)

The proposed multi-family area will primarily be developed as apartments, condominiums, townhomes, cluster homes, duplex homes, quadruplex homes

or foster care facilities. Other possible uses within the multi-family area are included in the City's R-12 zoning district.

It is anticipated that this Planned Development land use will have a DeLand Comprehensive Plan designation of Highway Commercial. Also see Southridge Site Data Development Standards for site coverage, parking, buffer information.

The site plan for this area will make use of existing topography to assure maximum exposure to these open spaces and natural vistas. The low densities proposed in Southridge multi-family area provides for varying building setbacks and separations for assisting in visual variety, tree preservation, and flexibility in efficient orientation of buildings. The multifamily area will be served by primary access to S.R. 15 - A to the south (via access easement) and secondary access to the east to S. Clara Ave. (See the Southridge Traffic Study for further traffic/access information.)

If the site is developed as single family (as allowed in the R-12 district) the minimum lot size will be 5,000 square feet with a minimum building line of 50 feet. Additional single family development standards are given in the SOUTHRIDGE SITE DATA & DEVELOPMENT STANDARDS section of this report. Also, the multi-family C* buffer will not be provided. However, a fence will be installed along all exterior single family or cluster homes property lines.

- C. Provide commercial and office uses to meet the needs of the local area and S.R. 15-A highway traffic:

The commercial site proposed is located convenient to the low density residential areas to the north and with convenient access to highways S.R. 15-A and U.S. 17-92. The 4.14 acre site will be developed with a maximum of twenty-seven Thousand (27,000) sq. ft., two-story building(s). Landscape buffers along commercial property lines and internal landscaping shall comply with the required buffer standards as shown on the master plan. Primary access to the commercial area is from SR 15-A with secondary access from S. Adelle Ave. (See Southridge Traffic Study for further traffic/access information) The commercial area will have a comprehensive plan designation of Highway Commercial and uses proposed within this area are indicated on the following list:

ADDITIONAL PROPOSED COMMUNITY USES

Art, antique, gift, china, glassware, jewelry, luggage shop.
Apothecary shop, drugstore and pharmacy.
Automobile sales & service
Beauty salons, barbershops.
Book and stationery stores, news stands.
Printing and lithography establishments.
Business colleges or commercial schools.
Day care facilities, kindergartens.
Florist shops.
General Warehouse & storage facilities (no storage of hazardous wastes)
Health and Fitness Clubs.
Restaurants, where patrons are served within the structure at tables.
Restaurants serving beer and/or wine (not liquor) for consumption on-premises.
The use shall be consistent with the Department of Regulations 2cop license.
Catering service and cafeterias.
Convenience store with gas pumps.
Bakery, retail, wholesale, pastry and gourmet shops.
Interior decorators.
Upholstéring and re-upholstéring.
Investment, insurance, finance, real estate, construction company offices and banks (inc. drive thru).
Title companies and business services.
Music, art, or dancing school or studios but not a dance hall.
Photographic, music supplies, studios and shops.
Men's, women's and children's wearing apparel and accessories.
Trophy and awards, sales and assembly.
Tailor shops and shoe repair.

Telephone answering service and telemarketing.
Travel agencies.
Temporary Personnel Agencies.
Abstractors, accountants, and bookkeeping service.
Medical and dental offices or clinics with testing laboratories.
Advertising signs relating only to the uses conducted within the building or on the land.
Radio, television, VCR, appliance sales and service.
CD, VCR and tape rental and sales.
Pet grooming shops, provided that there will be no outside runs, kennels, or no overnight boarding of animals.
Veterinary clinics.
Adult congregate living facilities.
Office equipment, sales and services.
Paint, glass, home improvement and hardware sales.
Public utilities, excluding microwave, radio, telephone and television towers.
Dry cleaning and laundry retail service and self service establishments.
Furniture stores.
General professional offices, architect, engineer, surveyor, lawyer, and other professional services.
Grocery, vegetable, fruit, fish, meat, milk, dairy, and poultry products retail sales.
Bicycle, sporting good, hobby shops, sports memorabilia and locksmiths.
Pest control and exterminating service.
Public and government offices.
Swimming pool sales and service.

Other uses approved by the City Commission after review and recommendation by the Planning Board which are substantially similar to those uses permitted herein.

Uses not permitted in this area include heavy commercial uses such as hotels, motels, flea market, cocktail lounges and bars.

- D. Protect environmentally sensitive lands, flora and fauna by adhering to the development requirements for Article 6 Resource Protection Standards - Deland Land Development Regulations 1993:

Though a detailed environmental study is not required for Deland PD submittal, the following report is provided in that site plan approval is being requested for Phase I of the Southridge PD.

ANNING

Santa Cruz,
Heritage Sub

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ORDINANCE 94-57
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COMMUNITY DEVELOPMENT

AN ORDINANCE OF THE CITY OF DE LAND, FLORIDA CHANGING THE ZONING FROM C-1, LIMITED NEIGHBORHOOD COMMERCIAL DISTRICT, C-2, GENERAL COMMERCIAL DISTRICT, AND P-1, PROFESSIONAL RESIDENTIAL DISTRICT, TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED AT THE NORTH SIDE OF S.R. 15A, BETWEEN SOUTH ADELLE AND CLARA AVENUES; APPROVING A DEVELOPMENT PLAN FOR THE BILL HARKINS PLANNED DEVELOPMENT, A COMMERCIAL AND RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 20.6 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.

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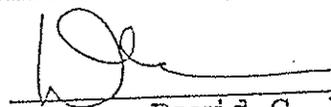
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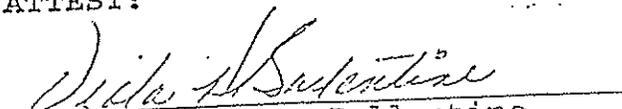
Section 12. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 19th day of December, 1994.



David C. Rigsby
Mayor-Commissioner

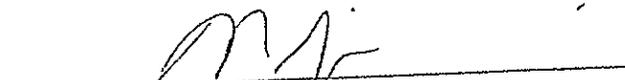
ATTEST:



Viola H. Ballentine
City Clerk - Auditor

Passed on first reading: December 5, 1994
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APPROVED AS TO FORM AND LEGALITY:



Mark A. Zimmerman
City Attorney

LEGAL DESCRIPTION

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AND

PARCEL 2: (PER O.R. BOOK 1537, PAGE 690; VOLUSIA COUNTY, FLORIDA.)

A PARCEL OF LAND LYING IN THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 20 AND RUN S $89^{\circ} 35' 50''$ E ALONG THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ A DISTANCE OF 787.98 FEET; THENCE RUN S $00^{\circ} 08' 18''$ E A DISTANCE OF 400.05 FEET; THENCE RUN N $88^{\circ} 43' 23''$ W A DISTANCE OF 54.00 FEET; THENCE RUN S $00^{\circ} 08' 18''$ E A DISTANCE OF 241.65 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 15-A; THENCE RUN N $88^{\circ} 42' 55''$ W ALONG THE SAID RIGHT-OF-WAY LINE A DISTANCE OF 145.09 FEET TO THE POINT OF CURVATURE OF A CURVE THAT IS CONCAVE NORTHEASTERLY AND HAS A RADIUS OF 1860.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND THROUGH A CENTRAL ANGLE OF $18^{\circ} 25' 56''$ A DISTANCE OF 528.50 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 20; THENCE RUN N $00^{\circ} 25' 11''$ W ALONG THE SAID WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ A DISTANCE OF 535.20 FEET TO THE POINT OF BEGINNING. BUT EXCEPTING FROM THE ABOVE DESCRIBED PARCEL THE WESTERLY 25 FEET THEREOF WHICH LIES WITHIN THE RIGHT-OF-WAY OF ADELLE AVENUE, VOLUSIA COUNTY, FLORIDA. PARCEL CONTAINS 11.19 ACRES, MORE OR LESS.

EXHIBIT B

LIST OF CONDITIONS FOR THE APPROVAL
OF THE HARKINS PLANNED DEVELOPMENT

RECEIVED
JAN 21 1998
2-00-01-01
COMMUNITY DEVELOPMENT

1. The Master Plan be revised to show a minimum 30' wide buffer along SR 15A, rather than the 15' wide buffer.
2. Revise the Master Plan by adding the following wording, "In order to protect the greatest number of existing trees and to take advantage of the natural topography of the site, except as may be required for stormwater management; there shall be no extensive excavation of the site for the construction of buildings, parking and internal streets".
3. Revise the Engineering Concept Plan to show the 8" water main extending into the multifamily portion of the site.
4. Revise either the Master Plan or the Engineering Concept Plan regarding the minimum width of the tree protection area (either 10' or 20') between the commercial and residential areas of the property.
5. Revise the last sentence of the first paragraph on Page 7c (Water System) to read, "That portion of the on-site potable water system upstream of the water meter(s) shall be maintained by the City, if they are located in maintenance easements acceptable to the City".
6. On Page 7c., revise the wording of the first sentence to clearly indicate that all potable water improvements applicable to the subject property shall be at the applicants and/or developer's expense.
7. On Page 7f., revise the wording of the first paragraph to clearly indicate that all wastewater improvements applicable to the subject property shall be at the applicants and/or developer's expense.
8. At the time of development, the applicant shall dedicate to Volusia County 10' of ROW along the east side of Adelle and 5' of ROW along the west side of Clara.
9. Revise the name of the development(s) to one other than Southridge.
10. The adopting ordinance shall contain a reverter clause that states that, unless the applicant or subsequent owner(s) shall secure a certificate of occupancy for at least one phase of the proposed development by December 31, 1998, the City Commission may rezone all or any portion of this development.

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SOUTHRIDGE SITE DATA AND DEVELOPMENT STANDARDS

Total Site: 20.06 acres

Commercial (4.14 acres)

27,000 s.f. maximum

Maximum building setbacks: front 50 ft.
 rear 25 ft.
 side 20 ft.
 street side 25 ft.

Maximum impervious: 70%

Minimum parking setback; 15 ft.

Minimum lot size: 20,000 sq. ft.

Minimum building line: 100 ft.

Maximum building height 35 ft.

Parking requirement: 3 spaces for the first 300 S.F. and 2 spaces for each add'l 250 S.F. of net floor area.

Parking space size: 9 ft. x 19 ft.

Signage: per DeLand Development Regulations (Article 7)

Multi-family (15.92 acres)

191 units maximum (12 units/acre)

Maximum building coverage 25%

Maximum impervious: 50%

Minimum building setbacks: front 25 ft.
 rear 50 ft.

side 25 ft.
 street side 25 ft.

All buildings shall be set back at least ten (10) ft. from all interior private roads and parking.

Minimum building spacing requirements are as follows:

Twenty-five (25) ft. between sides of buildings, twenty-five (25) ft. between sides and rears of adjacent buildings, twenty-five (25) ft., between fronts and sides of buildings, fifty (50) ft. between any combination of fronts or rears of adjacent buildings.

Minimum parking setback	20 ft. (from all property lines)
Minimum lot size:	N/A
Maximum building height;	35 ft.
Parking requirements:	To meet DeLand Land Development Regulation requirements.
Parking space size:	9 ft. x 19 ft.
Minimum unit size:	425 sq. ft. efficiency 575 sq. ft. 1 BR 725 sq. ft. 2 BR 150 sq. ft. (for each add'l BR)
Signage:	Per DeLand Development Regulations (Article 7)

If the Multi-family residential area is developed as townhomes or "cluster" homes lot size determinations will be made prior to site plan submittal. They will be a minimum of 2500 s.f. and will meet the multi-family building coverage and impervious requirements. The total densities will not exceed 8.0 units/acre.

If the Multi-family residential area is developed as standard single family lots the following site requirements will apply:

Maximum number of lots	80 (units/acre)
Minimum lot size	5,000 s.f.

Minimum bldg. line	50 ft.
Maximum bldg. height	35 ft.
Minimum bldg. sq. ft.	750 s.f.
Minimum setbacks	front 20 ft. rear 20 ft. side 5 ft.
Maximum bldg. coverage	40%
Maximum lot impervious	60%
Minimum parking	2 spaces per unit

Public

(.20 acres)

10 ft. add'l R/W along S. Adelle Ave.