

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Case # Z-19-10, Application of

5 EJ RICHARDS HOLDINGS, LLC

6 ORDINANCE # 2019-16

7  
8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM A-2 (County) TO

10 BRIDLE OAKS PD

11  
12 The application of EJ RICHARDS HOLDINGS, LLC, hereinafter, "Applicant", for  
13 rezoning was heard by and before the City Commission, DeLand Florida, on May 20, 2019.

14 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 DeLand, Florida; and  
17 the testimony adduced and evidence received at the Public Hearing on this Application by  
18 the Planning Board on February 20, 2019 and otherwise being fully advised, the City  
19 Commission does hereby find and determine as follows:



FINDINGS REGARDING REZONING

A. That the Applicant has applied for a change of zoning from the present zoning classification(s) of the parcel described in Exhibit "A" from County A-2 to PD.

B. That the said rezoning to a(n) 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 DAY OF \_\_\_\_\_, A.D., \_\_\_\_\_, AS FOLLOWS:

A. That the Application of EJ Richards Holdings, 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 County A-2 to Bridle Oaks 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 show the rezoning of said parcel to Bridle Oaks PD.

1 D. That the City of DeLand Land Development Regulations Ordinance # 2013-  
2 11, as amended, is consistent with the provisions of the "Development Agreement" as  
3 hereinafter set forth in this Ordinance and with respect to any conflict between Land  
4 Development Regulations Ordinance # 2013-11, as amended, and the "Development  
5 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance #  
6 2013-11, as amended, shall govern with respect to any matter not covered by the  
7 "Development Agreement." The City of DeLand, will ensure overall compliance with this  
8 Ordinance.

9 E. Unless otherwise provided for herein the City of DeLand, Land Development  
10 Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner  
11 as the R-R, Rural Residential zoning classification.

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

1 DEVELOPMENT AGREEMENT

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

7 1. Planned Development Plan The Planned Development Plan shall  
8 consist of the Development Plan Map prepared by Efirid Surveying Group, Inc. and dated  
9 October 29, 2018 and this development agreement. The Planned Development Plan is  
10 hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The  
11 Planned Development Plan shall be filed and retained for public inspection in the Planning  
12 Department and it shall constitute a supplement to the Official Zoning Map of the City of  
13 DeLand.

14 2. Amendments. All amendments of the Planned Development Plan,  
15 other than those deemed by the Planning Department to be minor amendments as set out  
16 in Ordinance # 2013-11, as amended, shall require the review and recommendation of the  
17 Planning Board and action by the City Commission in the same manner as a rezoning of  
18 the parcel.

19 3. Final Site Plan Approval. After the Planned Development Plan is  
20 recorded, and prior to issuance of any permits for construction, including clearing and  
21 landfill, a Final Site Plan shall be prepared and submitted for review and approval in the  
22 manner required by Article XII of the City of DeLand, Land Development Regulations  
23 Ordinance # 2013-11, as amended.

1 All new development requiring a Class II Site Plan review or higher will be in  
2 compliance with the standards set forth in the development agreement.

3 B. Unified Ownership. The Applicant or his successors shall maintain unified  
4 ownership of the subject parcel until after issuance of the Final Site Plan Development  
5 Order.

6 C. Land Uses Within the PD. The development of the parcel shall be consistent  
7 with the uses prescribed for each area within the proposed Bridle Oaks PD. The location  
8 and size of said land use areas are shown on the Development Plan Map, Exhibit "B". The  
9 following land uses shall be allowed as permitted principal uses and structures along with  
10 their customary accessory uses and structures: The subject parcel shall be used only for  
11 the following uses and their customary accessory uses or structures:

12 1. Permitted Uses:

13 All R-R permitted uses and all R-R Conditional or Special Exception  
14 uses (subject to approval)

15  
16 Low intensity agriculture – such as breeding, raising and/or keeping of  
17 agricultural animals and sale of their products; apiaries; cultivation and  
18 sale of fruits, vegetables, herbs, flowers and ornamentals, and the  
19 like; providing of educational services such as riding lessons and  
20 training clinics; and/or any combination thereof. Also to include  
21 accessory structures considered typical and ancillary such approved  
22 uses. Any agricultural use where accepted practice may produce  
23 excessive noise, smell, dust, chemical application, or other potential  
24 nuisance is prohibited.

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26 Nursery - including related retail sales, to encompass no more than  
27 25% of total property area.

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29 2. Rural event centers:

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31 a. The site has direct access to East Taylor Road, which is a  
32 public roadway.

33 b. A minimum of twenty (20') foot wide landscaped buffer shall be

1 provided between the facility or any area used for an event,  
2 including but not limited to parking areas, and adjacent  
3 properties except as shown on the Development Plan Map that  
4 exists on the date of this Agreement. Landscaping shall be in  
5 accordance with Section 33-92.02(b)-Buffer Standard "C".

6 c. All permanent and temporary structures such as tents, stages,  
7 and dance floors erected after the date of this PD shall be  
8 located a minimum of forty (40') feet from the property line. All  
9 existing improvements may remain in their current locations  
10 and may be rebuilt in the current locations if damaged or  
11 destroyed.

12 d. All permanent structures that will be used by the public for  
13 events shall be constructed and maintained in accordance with  
14 the Florida Building Code and Florida Fire Prevention Code.

15 e. No events shall be held between the hours of 11:00 p.m. and  
16 8:00 a.m.

17 f. No outdoor loudspeaker or call system shall be audible from  
18 adjoining property.

19 g. All artificial lights shall be directed away from adjoining  
20 properties. Illumination from any light source onto adjacent  
21 properties or into the public right-of-way shall not exceed 0.5  
22 foot-candles.

1           3.     Processing, packaging, storage and sale of agriculture products  
2           which are not raised on the premises, will encompass nor more than 25% of total  
3           property area.

4     D.     Development Standards.

5           1.     Unless specifically listed herein, the development standards  
6           applicable to the R-R zoning classification shall apply.

7           a. Minimum lot area:                     4 acres

8           b. Minimum lot width:                     150 feet

9           c. Minimum yard size (building):

10                 Front yard:                     40 feet

11                 Rear yard:                     40 feet

12                 Side yard:                     15 feet

13           d. Maximum lot coverage:                     35 %

14           e. Maximum building height:                     45 feet

15           f. Minimum floor area-Principal:                     750 sq. ft.  
16                 structure

17           g. Landscape Buffer - Buffer Standard "C" from Table 33-92.02(b) of  
18                 the LDR:

19                 Front yard:                     20 feet

20                 Rear yard:                     20 feet

21                 Side yard:                     15 feet

22           h. Parking:

23                 The property must have adequate space available for on-site  
24                 parking. Parking off-site is prohibited. Vehicle use areas are  
25

1 prohibited within all landscape buffers. The number of parking  
2 spaces provided shall be in accordance with Section 33-91 of  
3 the Land Development Regulations, including accessible  
4 parking spaces. Parking designated for and utilized by daily  
5 activities (non-event) must be paved to City standards.

6 i. Signs: The property is permitted to have a maximum of two (2)  
7 ground signs along Taylor Road not exceeding eight (8') feet in  
8 height. The primary ground sign will be associated with the  
9 principle use of the property and will not exceed twenty-four  
10 (24) square feet. A secondary ground sign associated with the  
11 accessory nursery use is also permitted and may not exceed  
12 eighteen (18) square feet in area. Directional signage within  
13 the property that directs the flow of traffic or identifies specific  
14 venues is permitted and is not subject to the limitations  
15 provided herein so long as the signs are not visible from an  
16 adjacent public roadway.

17 j. All existing improvements may be constructed in their existing  
18 locations if destroyed or damaged after the date of this  
19 Agreement.

20 E. Sewage Disposal, Potable Water and Reclaimed Water. Provision for  
21 sewage disposal, potable and reclaimed water needs of the PD will be provided in  
22 accordance with the Comprehensive Plan, Ordinance No.1990-04, as amended, the Land  
23 Development Regulations Ordinance # 2013-11, as amended, and State of Florida  
24 Administrative Code 64E-6. In the event reclaimed water is not available in the vicinity at

1 the time the Property is developed, dry reclaimed water lines shall be installed so that they  
2 can be connected once the City's reclaimed distribution lines are extended.

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

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

10 1. Access. One access driveway connecting to East Taylor Road will be  
11 permitted, subject to approval by Volusia County. In addition, an emergency access  
12 easement connecting to either East Taylor Road or the adjacent roadway in the Victoria  
13 Oaks subdivision shall be provided.

14 2. Transportation System Improvements. Shall be required as  
15 demonstrated by a Traffic Impact Analysis, if required, or as a condition to any use permit  
16 issued by the County of Volusia.

17 H. Internal Roadways. A private, stabilized gravel driveway shall provide internal  
18 access. Paved areas will be provided for driveway aprons, handicapped spaces and  
19 driveways. Daily- use (non-event) vehicle use areas (e.g. for nursery use) are to be paved  
20 to City standards.

21 I. Reverter Provision: The City Commission may rezone any portion of the  
22 project which has not secured a final development order on or before five (5) years from the  
23 effective date of this ordinance as may be necessary or appropriate to protect adjoining  
24 properties or the public health, safety and welfare, unless the City Commission, for good

1 cause shown, shall extend the time period indicated in this paragraph.

2 J. Binding Effect of Plans; Recording; and Effective Date. The Planned  
3 Development Plan, including any and all amendments shall bind and inure to the benefit of  
4 the Applicant and his successor in title or interest. The Bridle Oaks PD zoning, provisions  
5 of the "Development Agreement," and all approved plans shall run with the land and shall  
6 be administered in a manner consistent with Article XII of the City of DeLand Land  
7 Development Regulations Ordinance # 2013-11, as amended.

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

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DONE and ORDERED by the City Commission, City of DeLand, Florida, this  
\_\_\_\_ day of \_\_\_\_\_ (mo/yr).

ATTEST: City Commission of DeLand Florida

\_\_\_\_\_  
Michael Pleus  
City Manager

\_\_\_\_\_  
Robert Apgar  
Mayor

STATE OF FLORIDA  
CITY OF DELAND

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_ (mo/yr), by Michael Pleus and Robert Apgar, as City  
Manager and Mayor, City of DeLand, respectively, on behalf of the City of  
DeLand, and who are personally known to me.

NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name:  
\_\_\_\_\_  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

1 WITNESSES:

2  
3  
4 [Signature]

5 [Signature]  
6 Edward Richards  
7 President  
8 EJ Richards Holdings, LLC

9  
10  
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13  
14 The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of  
15 November, 2019 by Edward Richards, who is personally  
16 known to me or who has produced FL DL as  
17 identification.



22 NOTARY PUBLIC, STATE OF FLORIDA  
23 Type or Print Name: LYNNE G. FIGENSCHER  
24 Lynne G. Figenschner  
25 Commission No.: GG 330766  
26 My Commission Expires: 5/5/23

27  
*Revised November 21, 2019 u/p/zone/pd\_doc*

EXHIBIT "A"  
LEGAL DESCRIPTION

DESCRIPTION: (PER ORB 7062 PG. 124)

The West one-half of the Northwest one-quarter of the Northeast one-quarter of the Northeast one-quarter, Section 27, Township 17 South, Range 30 East, Volusia County, Florida.

AND LESS AND EXCEPT:

Beginning at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27, Township 17 South, Range 30 East, Volusia County, Florida; thence North 89°10'13" East along the North line of the Northeast 1/4 of said Section, a distance of 331.49 feet to the East line of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section; thence South 01°29'50" East along said line a distance of 11.75 feet; thence South 81°04'16" West a distance of 259.26 feet to a point of curvature of a curve, concave Northerly and having a radius of 3581.24 feet, a chord bearing of South 81°40'13" West, a chord distance of 74.91 feet; thence Westerly along the arc of said curve through a central angle of 01°11'54" for an arc distance of 74.91 feet to the West line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section, thence North 01°30'31" West along said line a distance of 58.06 feet to the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section and the Point of Beginning.

ALSO DESCRIBED AS FOLLOWS:

DESCRIPTION: (CREATED BY SURVEYOR)

A portion of the West one-half of the Northwest one-quarter of the Northeast one-quarter of the Northeast one-quarter, Section 27, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27, Township 17 South, Range 30 East, Volusia County, Florida; thence North 89°10'13" East along the North line of the Northeast 1/4 of said Section, a distance of 331.49 feet to the East line of the West 1/2 of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section; thence South 01°29'50" East along said line a distance of 11.75 feet to the Point of Beginning; thence South 01°36'45" East, along said East line, a distance of 650.69 feet; thence South 89°39'41" West, a distance of 332.31 feet; to a point on the West line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section, thence North 01°32'11" West, along said West line, a distance of 601.56 feet to a point of curvature of a curve, concave Northerly and having a radius of 3581.24 feet, a chord bearing of North 81°40'13" East, a chord distance of 74.91 feet; thence Easterly along the arc of said curve through a central angle of 01°11'54" for an arc distance of 74.91 feet to a point of tangency; thence North 81°04'16" East a distance of 259.26 feet to the Point of Beginning.

