

**ORDINANCE NO. 2023 - 04**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM C-2, GENERAL COMMERCIAL TO SPRING GARDEN TOWNHOMES, PD, PLANNED DEVELOPMENT ON PROPERTY LOCATED ON THE WEST SIDE OF NORTH SPRING GARDEN AVENUE, SOUTH OF PLYMOUTH AVENUE, NORTH OF MINNESOTA AVENUE, APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 14.74 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. (hereinafter referred to as "Applicant"), on behalf of the owner, owns approximately 14.74 +/- acres of land located on the west side of North Spring Garden Avenue, south of Plymouth Avenue, north of Minnesota Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

**WHEREAS**, the Applicant has applied for a change of zoning designations from C-2, General Commercial to Spring Garden Townhomes PD, 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 property zoning designation 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 Highway Commercial 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 C-2, General Commercial to Spring Garden Townhomes PD, Planned Development District, on property located on the west side of North Spring Garden Avenue, south of Plymouth Avenue, north of Minnesota Avenue, consisting of approximately 14.74 +/- acres of property.

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

**Section 12.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

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

PASSED AND DULY ADOPTED this 6<sup>th</sup> day of March, 2023.



*Julie A. Hennessy*  
Julie A. Hennessy  
City Clerk - Auditor

*Christopher M. Cloudman*  
Christopher M. Cloudman  
Mayor - Commissioner

Passed on first reading: January 17, 2023  
Adopted on second reading: March 6, 2023

**APPROVED AS TO FORM AND LEGALITY:**

*Darren J. Elkind*  
Darren J. Elkind  
City Attorney

## EXHIBIT "A"

### LEGAL DESCRIPTION

The East 600.00 feet of the Northeast 1/4 of Section 7, Township 17 South, Range 30 East, Volusia County, Florida, except the North 1,354.07 feet thereof, except the South 690.00 feet thereof, except the East 40.0 feet thereof for right of way for State Road 15-A and except the North 210.00 feet of the South 1000.00 feet of the West 200.00 feet of the East 240.00 feet of the Northeast 1/4 of said Section 7.

Together with rights of ingress, egress and utilities over and across that portion of the North 185.00 feet of the South 975.00 feet of the West 200.00 feet of the East 240.00 feet of the Northeast 1/4 of Section 7, Township 17 South, Range 30 East, Volusia County, Florida, described as follows:

Beginning at the point of intersection of the North line of the South 975.00 feet of the Northeast 1/4 of said Section 7 with the Westerly right of way line of State Road 15-A, run thence South 01°31'08" East along said right of way line a distance of 24.50 feet; thence South 89°04'47" West a distance of 50.00 feet; thence South 01°31'08" East a distance of 160.50 feet; thence South 89°04'47" West a distance of 24.00 feet; thence North 01°31'08" West a distance of 160.60 feet to the point of curvature of a curve concave to the Southwest, having a central angle of 89°24'05" and a radius of 10.00 feet; thence run Northwesterly along the arc of said curve a distance of 15.60 feet to the point of tangency thereof; thence South 89°04'47" West a distance of 21.79 feet to the point of curvature of a curve concave to the Southeast, having a central angle of 90°35'55" and a radius of 30.00 feet; thence run Southwesterly along the arc of said curve a distance of 47.44 feet to the point of tangency thereof; thence South 01°31'08" East a distance of 140.18 feet; thence South 89°04'47" West a distance of 24.00 feet; thence North 01°31'08" West a distance of 152.15 feet to the point of curvature of a curve concave to the Southeast, having a central angle of 43°37'12" and a radius of 24.50 feet; thence run Northeasterly along the arc of said curve a distance of 18.65 feet to the point of compound curvature of a curve concave to the Southeast, having a central angle of 46°58'43" and a radius of 50.00 feet; thence run Northeasterly along the arc of said curve a distance of 41.00 feet to the point of tangency thereof; thence North 89°04'47" East a distance of 116.52 feet to the Point of Beginning

AND

PARCEL 2:

LEGAL DESCRIPTION: (Per O.R. Book 3795, Page 4383, Public Records of Volusia County, Florida)

The South 610.07 feet of the North 1354.07 feet of the East 600.00 feet of the Northeast 1/4 of Section 7, Township 17 South, Range 30 East, Volusia County, Florida; excepting therefrom the East 40.00 feet for right of way of State Road No. 15-A. Together with an easement for ingress, egress and utilities described in Official Records Book 4852, Page 4488, of the Public Records of Volusia County, Florida.

14.74 acres more or less.

1 "EXHIBIT B"

2 PLANNED DEVELOPMENT AGREEMENT

3 IN THE CITY COMMISSION OF THE

4 CITY OF DELAND, FLORIDA

5 IN RE: Case # Z-22-171, Application of

6 DDC MANAGEMENT, LLC

7 ORDINANCE # 2023-04

8  
9 ORDER AND RESOLUTION

10 GRANTING A REQUEST FOR CHANGE OF ZONING FROM C-2 TO

11 SPRING GARDEN TOWNHOMES PD

12  
13 The application of DDC Management, LLC, hereinafter, "Applicant", for rezoning  
14 was heard by and before the City Commission, DeLand Florida, on February 20, 2023,  
15 Based upon the verified Application and other supporting documents, maps, charts,  
16 overlays, other evidence and instruments; the advice, report, and recommendations of  
17 the Community Development, and other Departments and agencies of DeLand, Florida;  
18 and the testimony adduced and evidence received at the Public Hearing on this  
19 Application by the Planning Board on December 14, 2022, and otherwise being fully  
20 advised, the City Commission does hereby find and determine as follows:

GENERAL FINDINGS

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A. That the application of DDC Management, LLC was duly and properly filed herein on August 15, 2022 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 Contract Purchaser of a 14.74 +/- acre parcels of land which is the subject of this application and which land is situated in DeLand, Florida.

D. That the Applicant has complied with the Planned Development Plan provision as required by Land Development Regulations Ordinance No. 2013-11, as amended.

E. That the Applicant has complied with the "Due Public Notice" requirements of the City Commission, Land Development Regulations Ordinance No. 2013-11, as amended.

F. That the owner of the properties, Frank A. Ford, Trustee, agrees with the provisions of the Development Agreement.

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 parcels described in Exhibit "A" from C-2 to SPRING GARDEN TOWNHOMES PD (Planned Development).

B. That the said rezoning to a PD is consistent with both the City of DeLand Comprehensive Plan Ordinance No. 1990-04, as amended, and the intent and purpose of the City of DeLand Development Regulations Ordinance No. 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 20<sup>th</sup> DAY OF FEBRUARY, 2023, AS FOLLOWS:

A. That the Application of DDC Management, LLC, a Florida limited liability company, for the rezoning of the subject parcels is hereby granted.

B. That the zoning classification of the subject parcels described in Exhibit "A" attached hereto is hereby amended from C-2 to SPRING GARDEN TOWNHOMES PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance No. 2013-11, as amended.

1 C. That the Official Zoning Map of the City of DeLand, is hereby amended to  
2 show the rezoning of said parcels to SPRING GARDEN TOWNHOMES PD.

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

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13 E. Unless otherwise provided for herein the City of DeLand, Land  
14 Development Regulations Ordinance No. 2013-11, as amended, shall apply to the PD in  
15 the same manner as the C-2 zoning classification.

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17 F. Except as otherwise stated herein, nothing in the Development Agreement  
18 is intended to abridge the requirements of Ordinance No. 2013-11, as amended, and  
19 any other City Ordinances.

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1 DEVELOPMENT AGREEMENT AMENDMENT

2 A. Development Concept. The properties shall be developed as SPRING  
3 GARDEN TOWNHOMES PD, substantially in accordance with the Planned  
4 Development Plan. The Planned Development Plan shall govern the development of the  
5 property as a PD and shall regulate the future land use of these parcels.

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7 B. Planned Development Plan. The Planned Development Plan shall consist  
8 of the Development Plan Map prepared by AGMCI, and dated August 9, 2022 with a  
9 final revision date of November 01, 2022, and this Development Agreement. The  
10 Development Plan Map is hereby approved and incorporated in this Ordinance by  
11 reference as Exhibit "B". The Planned Development Plan shall be filed and retained for  
12 public inspection in the Planning Department, and it shall constitute a supplement to the  
13 Official Zoning Map of the City of DeLand.

14  
15 C. Amendments. All amendments of the Planned Development Plan shall  
16 require the review and recommendation of the Planning Board and action by the City  
17 Commission in the same manner as a rezoning of the parcel. The foregoing  
18 notwithstanding, minor amendments not altering the intent and purpose of the Planned  
19 Development Plan may be approved by the Planning Director after such departmental  
20 comment as he or she deems appropriate. The Planning Director may not authorize  
21 administrative amendments which change approved land uses or location thereof, the  
22 development standards set forth in Section E of this Development Agreement, or any  
23 special condition, or any specific requirement of this Development Agreement.

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1           D.     Subdivision Approval. After the Planned Development Plan is recorded,  
2 and prior to any construction, including clearing and landfill, a final plat of the area to be  
3 subdivided, whether one phase or multiple phases, shall be submitted for review and  
4 approval in the manner required by Article 13 of the City of DeLand Land Development  
5 Regulations, Ordinance No. 2013-11, as amended.

6           E.     Site Plan Approval. After the Planned Development Plan is recorded, and  
7 prior to any construction, including clearing and fill, a preliminary and/or a final site plan,  
8 as applicable, shall be submitted for review and approval in the manner required by  
9 Article 13 of the City of DeLand Land Development Regulations, Ordinance No. 2013-  
10 11, as amended.

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12           F.     Unified Ownership. The applicant or his successors shall maintain unified  
13 ownership of the individual phases of the subject parcels until after issuance of the Final  
14 Subdivision Plat Development Order for a particular phase.

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16           G.     Phases of Development. The project may be developed in one or more  
17 than one phase, and the phases may occur in any order. Grading may occur per phase.  
18 No burning shall be permitted on site. No vertical construction or combustibles may be  
19 stored onsite until the utilities and roads have been inspected and approved by  
20 utilities/engineering and fire prevention.

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22           H.     Land Uses Within the PD. The development of the parcels shall be  
23 consistent with the uses prescribed for each area within the proposed Spring Garden  
24 Townhomes PD. The location and size of said land use areas are shown on the

1 Development Plan Map, attached hereto as Exhibit "B". The following land uses shall be  
2 allowed as permitted principal uses and structures along with their customary accessory  
3 uses and structures:

4 Permitted Uses within Residential Area:

5 Townhouses.

6 Mini and neighborhood parks.

7 Community uses including but not limited to clubhouse, cabana,  
8 dog park, community garden, and bicycle facilities.

9 Lanai/Florida room as an accessory structure.

10  
11 Permitted Uses within Commercial Area:

12 General/Professional Offices.

13 Financial Institutions.

14 Medical office.

15 Drugstores and pharmacies.

16 Hospitals.

17 Laboratories, hospitals and clinics.

18 Medical clinics.

19 Beauty salons, barbershops and day spas.

20 Day care facilities, adult or child.

21 Dry cleaning and laundry.

22 Pet shops and pet grooming with no overnight boarding of animals.

23 Tailor shops and shoe repair.

24 Hotels or motels and associated accessory uses including

- 1 restaurant and conference facilities.
- 2 Restaurants including fast food and/or drive through facilities.
- 3 Restaurants and establishments serving alcohol requiring a DBPR
- 4 2COP, 3PS or 4COP license with special class.
- 5 Bakery, pastry, gourmet, coffee and specialty beverage shops
- 6 (retail).
- 7 Convenience stores with gas pumps.
- 8 Convenience stores without gas pumps.
- 9 Furniture, appliances retail.
- 10 Grocery.
- 11 Retail sales.
- 12 Virtual kitchen.
- 13 Home improvement store.
- 14 Parks, mini and neighborhood.

15

16 I. Development Standards. All development for the property shall rely upon

17 the standards set forth below.

18 1. Residential Area:

- 19 a) Minimum Lot Area of 1,000 sq. ft.
- 20 b) Minimum Lot Width of 20 feet
- 21 c) Minimum Lot Depth of 50 feet
- 22 d) Minimum Individual Unit Size of 500 sq. ft.
- 23 e) Maximum Building Height of 35 ft.
- 24 f) Maximum Unit Count Per Building: 6 units

1 g) Minimum Setbacks:

- 2 a. Front yard: 20 ft.
- 3 b. Rear yard: 10 ft.
- 4 c. Side yard: 0 ft.
- 5 d. Between buildings (side to side): 15 ft.
- 6 e. Between buildings 40 ft.
- 7 (front to front or rear to rear):

8 h) Specialty Setbacks

- 9 i. Air Conditioning/Heating Units: 5 ft.
- 10 ii. Generators/Other Mech. Equip.: 5 ft.
- 11 iii. Eaves: 5 ft.

12 i) Maximum Impervious Surface Area: 70%

13 j) Maximum Townhouse Unit Count: 90 units

14 2. Commercial Area:

15 a) Minimum Lot Area of 1 acre.

16 b) Maximum Building Height of 45 ft.

17 c) Minimum Setbacks:

- 18 i. Internal Side 10 ft.
- 19 ii. Front 20 ft.
- 20 iii. Rear 10 ft.
- 21 iv. Street Side 20 ft.

22 d) Maximum Impervious Surface Area: 70%

23 3. Accessory Structures. Unless otherwise stated herein, all accessory

24 structures shall meet the development standards of Section 33-28 of the

1 Land Development Regulations Ordinance No. 2013-11, as amended.

2 4. Parking Standards.

3 1. Residential Area. There will be two (2) parking spaces provided per  
4 unit. An additional 0.5 guest parking spaces per unit will be provided within  
5 the residential area. Enforcement of parking and maintenance of the  
6 access road(s) shall be the responsibility of a centrally managed  
7 maintenance  
8 association.

9 2. Commercial Area. The parking standards shall adhere to the Land  
10 Development Regulations Ordinance No. 2013-11.

11 5. Buffer Standards. The following buffer requirements shall apply to the  
12 Property:

13 Residential Area

14 A 25 ft. buffer will run along the north, south, east, and west sides  
15 of residential portion of the Property and will meet Buffer Standard  
16 "C" of Section 33-92.02(b)(2) of the City of DeLand Land  
17 Development Regulations.

18  
19 Commercial Area

20 A 25 ft. buffer will run along the north, south, east, and west sides  
21 of the commercial portion of the Property and will meet Buffer  
22 Standard "C" of Section 33-92.02(b)(2) of the City of DeLand Land  
23 Development Regulations.

24 6. Signage: Signage shall be provided per the Land Development

1 Regulations. Monument signs identifying the development shall be placed  
2 at the primary entrance along North Spring Garden Avenue.

3 7. Open Space. Open Space and/or Common Area shall meet the  
4 requirements of the Land Development Regulations.

5 8. Model Homes and Temporary Sales Offices. Construction of a model  
6 home and/or temporary sales office for a particular phase may commence after final plat  
7 approval, and all the infrastructure improvements for said phase have been approved  
8 and accepted by the City of DeLand. The City Engineer shall make the final  
9 determination on the acceptance and approval.

10 9. Compliance. In the event that future development cannot comply with the  
11 standards set forth herein, then said entitlements shall be processed through an  
12 amendment to this Development Agreement.

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14 J. Environmental Considerations. The development shall comply with the  
15 requirements for preservation of environmental resources as set forth in the Land  
16 Development Regulations Ordinance No. 2013-11, as amended. The development has  
17 been laid out in a manner to best accommodate the existing topography and drainage  
18 conditions identified on the property. However, the actual location and layout of the  
19 developed areas within the development shall be determined during subdivision and site  
20 plan review. In addition, all landscaping, including buffers, shall predominantly utilize  
21 Florida-Friendly Landscaping, as defined by the University of Florida/Institute of Food  
22 and Agricultural Sciences ("UF/IFAS") Center for Landscape Conservation and Ecology,  
23 native, or low-water plant material. The development shall include landscape designs  
24 such that plants will serve environmentally friendly functions including, but not limited to,

1 cooling, privacy screening, shade, aesthetics, wildlife habitat, runoff pollution  
2 prevention, and directing traffic flow onto and within the community, such as low impact  
3 development standards. All mulching will be conducted in accordance with the most  
4 current version of the Florida Green Industries Best Management Practices (BMPs)  
5 handbook guidelines. Mowing in common areas shall be done in accordance with the  
6 most current version of the Florida Green Industries BMPs handbook and by certified  
7 landscaping contractors. Mowing adjacent to swales shall be performed such that no  
8 clippings are deposited into any swales or water bodies. All clippings that may have  
9 been deposited on impervious surfaces will be swept back into the vegetated area. All  
10 pesticide applications in common areas shall be done by a certified professional in  
11 accordance with the most current version of the Florida Green Industries BMPs  
12 handbook.

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

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20 L. Stormwater Drainage. Provision for stormwater retention shall be in  
21 accordance with the Land Development Regulations Ordinance No. 2013-11, as  
22 amended. All stormwater retention systems will be designed to meet all required  
23 governmental regulations.

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1 M. Access and Transportation System Improvements. All access and  
2 transportation system improvements shall be provided in accordance with the Land  
3 Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be  
4 developed in substantial accordance with the following access and transportation  
5 system improvements:

6 1. Access. Access to the site will be from North Spring Garden  
7 Avenue. The Development Plan Map indicates the anticipated connection locations;  
8 however, the final locations may vary due to final engineering design and permitting  
9 considerations. No movement of the streets are allowed until approved by the fire  
10 prevention division of the City to ensure access. The development must always meet  
11 height/weight/slope and turning radius of apparatus.

12 2. Transportation System Improvements. Transportation system  
13 improvements will be provided as required by permitting agencies and as needed  
14 according to the Traffic Impact Analysis (TIA) for the project.

15  
16 N. Internal Roadways. Road rights-of-way will be developed as detailed on  
17 the Development Plan Map. All internal roads will be private and may be gated. If  
18 access to the internal roadways is gated, appropriate emergency access equipment as  
19 required by the Fire Marshall will be included in the specifications provided during  
20 preliminary plat or site plan review. The secondary roadway shall be stabilized for  
21 emergency access and shall be maintained by the maintenance association.

22  
23 O. Maintenance Association. The applicant shall provide for a centrally  
24 managed maintenance entity to serve residents of the development and perform the



1 ongoing duties set forth herein.

2 With respect to the enforcement of said agreements, covenants, easements or  
3 restrictions entered into between the Applicant and the owners or occupiers of property  
4 within the Spring Garden Townhomes PD, the City of DeLand shall only enforce the  
5 provisions of the "Development Agreement" and City of DeLand Land Development  
6 Regulations Ordinance No. 2013-11, as amended, whichever is applicable, and not the  
7 private agreements entered into between the aforementioned parties.

8

9 P. Reverter Provision: The terms of this Development Agreement shall be  
10 vested upon issuance of a final development order for the first phase of the  
11 development, which shall occur within five (5) years from the effective date of this  
12 ordinance. If not vested, the City Commission may rezone the property as may be  
13 necessary or appropriate to protect adjoining properties or the public health, safety and  
14 welfare, unless the City Commission, for good cause shown, shall extend the time  
15 period indicated in this paragraph.

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17 Q. Binding Effect of Plans; Recording; and Effective Date. The Planned  
18 Development Plan, including any and all amendments shall bind and inure to the benefit  
19 of the Applicant and his successor in title or interest. The Spring Garden Townhomes  
20 PD zoning, provisions of the "Development Agreement," and all approved plans shall  
21 run with the land and shall be administered in a manner consistent with Article 12 of the  
22 City of DeLand Land Development Regulations Ordinance No. 2013-11, as amended.

23

24 This Ordinance and all subsequent amendments shall be filed with the Clerk of

1 the Court and recorded within forty-five (45) days following execution of the document  
2 by the City Commission, in the Official Records of Volusia County, Florida. One copy of  
3 the document, bearing the book and page number of the Official Record in which the  
4 document was recorded, shall be submitted to the Planning Department for placement  
5 in the public file. The date of recording of this document shall constitute the effective  
6 date of the Spring Garden Townhomes PD or its subsequent amendments. The  
7 applicant shall pay all filing costs for recording documents.

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9

\*\*\* Signatures on following pages \*\*\*

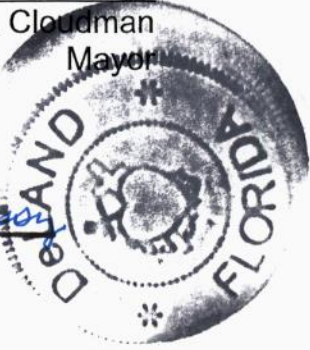
1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this  
2 5<sup>th</sup> day of May, 2023.

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4  
5 ATTEST:

City Commission of DeLand Florida

6 Michael P. Pleus  
7  
8 Michael P. Pleus  
9 City Manager

Christopher M. Cloudman  
Christopher M. Cloudman  
Mayor



11  
12 STATE OF FLORIDA  
13 CITY OF DELAND

10  
11 ATTEST:  
12 Julie A. Hennessy  
13 Julie A. Hennessy, MMC  
14 City Clerk - Auditor

15  
16 The foregoing instrument was acknowledged before me by means of  physical  
17 presence or  online notarization this 5<sup>th</sup> day of May, 2023, by  
18 Michael P. Pleus and Christopher M. Cloudman, as City Manager and Mayor of  
19 the City of DeLand, respectively, on behalf of the City of DeLand, and who are  
20 personally known to me.



21 NOTARY PUBLIC, STATE OF FLORIDA  
22 Type or Print Name:  
23 Julia M. Hewitt  
24 Commission No.: 12/29/23 GG908791  
25 My Commission Expires: 12/29/23  
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1 WITNESSES:

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APPLICANT:  
**DDC MANAGEMENT, LLC**  
a Florida limited liability company

Jamie Melson

By: [Signature]  
Jon Bills, Manager

Jamie Melson  
Printed Name

Tanya Baldwin

Tanya Baldwin  
Printed Name

STATE OF Ohio  
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 31 day of March, 2023, by Jon Bills as Manager of DDC MANAGEMENT, LLC, who is personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC, STATE OF FLORIDA <sup>OHIO (m)</sup>  
Type or Print Name: Jamie Melson  
[Signature]  
Commission No.: N/A  
My Commission Expires: 09-13-2025



1 WITNESSES:

OWNER:

2  
3  
4 Vickie L Barnes

[Signature]

Frank A. Ford, Trustee

Name: \_\_\_\_\_

7 Vickie L. Barnes  
8 Printed Name

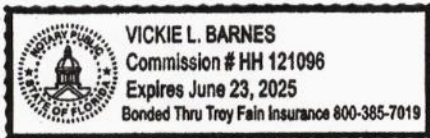
10 [Signature]

13 Elizabeth F. Williams  
14 Printed Name

18 STATE OF FLORIDA  
19 COUNTY OF Volusia

21 The foregoing instrument was acknowledged before me by means of  physical  
22 presence or  online notarization this 30<sup>th</sup> day of March, 2023, by  
23 FRANK A. FORD, trustee of ~~Frank A. Ford TR~~, who is  personally  
24 known to me or \_\_\_\_\_ who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC, STATE OF FLORIDA



Type or Print Name:

Vickie L Barnes

Commission No.: HH121096

My Commission Expires: 06-23-2025

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

1  
2  
3  
4 The East 600.00 feet of the Northeast 1/4 of Section 7, Township 17 South, Range 30 East,  
5 Volusia County, Florida, except the North 1,354.07 feet thereof, except the South 690.00 feet  
6 thereof, except the East 40.0 feet thereof for right of way for State Road 15-A and except the  
7 North 210.00 feet of the South 1000.00 feet of the West 200.00 feet of the East 240.00 feet of  
8 the Northeast 1/4 of said Section 7.

9  
10 Together with rights of ingress, egress and utilities over and across that portion of the North  
11 185.00 feet of the South 975.00 feet of the West 200.00 feet of the East 240.00 feet of the  
12 Northeast 1/4 of Section 7, Township 17 South, Range 30 East, Volusia County, Florida,  
13 described as follows:

14  
15 Beginning at the point of intersection of the North line of the South 975.00 feet of the Northeast  
16 1/4 of said Section 7 with the Westerly right of way line of State Road 15-A, run thence South  
17 01°31'08" East along said right of way line a distance of 24.50 feet; thence South 89°04'47"  
18 West a distance of 50.00 feet; thence South 01°31'08" East a distance of 160.50 feet; thence  
19 South 89°04'47" West a distance of 24.00 feet; thence North 01°31'08" West a distance of  
20 160.60 feet to the point of curvature of a curve concave to the Southwest, having a central angle  
21 of 89°24'05" and a radius of 10.00 feet; thence run Northwesterly along the arc of said curve a  
22 distance of 15.60 feet to the point of tangency thereof; thence South 89°04'47" West a distance  
23 of 21.79 feet to the point of curvature of a curve concave to the Southeast, having a central  
24 angle of 90°35'55" and a radius of 30.00 feet; thence run Southwesterly along the arc of said  
25 curve a distance of 47.44 feet to the point of tangency thereof; thence South 01°31'08" East a  
26 distance of 140.18 feet; thence South 89°04'47" West a distance of 24.00 feet; thence North  
27 01°31'08" West a distance of 152.15 feet to the point of curvature of a curve concave to the  
28 Southeast, having a central angle of 43°37'12" and a radius of 24.50 feet; thence run  
29 Northeasterly along the arc of said curve a distance of 18.65 feet to the point of compound  
30 curvature of a curve concave to the Southeast, having a central angle of 46°58'43" and a radius  
31 of 50.00 feet; thence run Northeasterly along the arc of said curve a distance of 41.00 feet to the  
32 point of tangency thereof; thence North 89°04'47" East a distance of 116.52 feet to the Point of  
33 Beginning

34  
35 AND

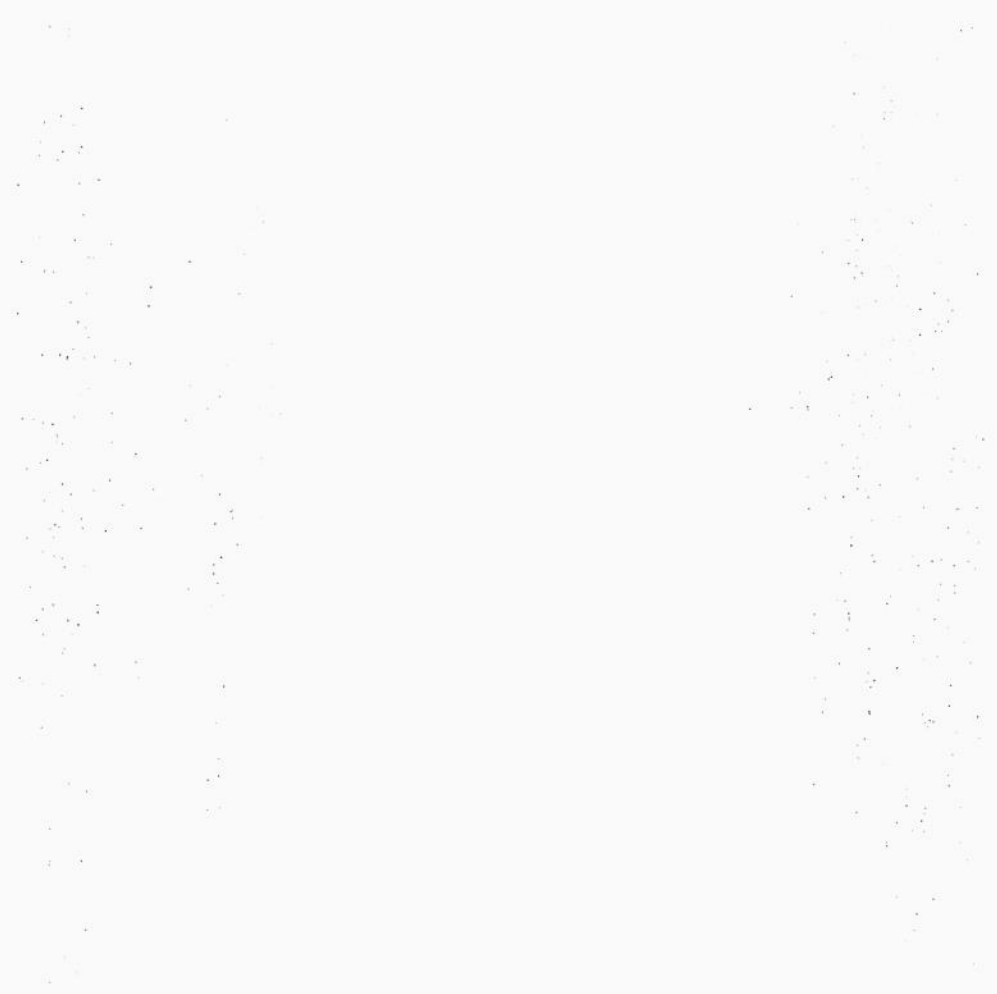
36  
37 PARCEL 2:

38  
39 LEGAL DESCRIPTION: (Per O.R. Book 3795, Page 4383, Public Records of Volusia County,  
40 Florida)

41  
42 The South 610.07 feet of the North 1354.07 feet of the East 600.00 feet of the Northeast 1/4 of  
43 Section 7, Township 17 South, Range 30 East, Volusia County, Florida; excepting therefrom the  
44 East 40.00 feet for right of way of State Road No. 15-A. Together with an easement for ingress,  
45 egress and utilities described in Official Records Book 4852, Page 4488, of the Public Records  
46 of Volusia County, Florida.

1  
2  
3  
4

**EXHIBIT "B"**  
**DEVELOPMENT PLAN MAP**



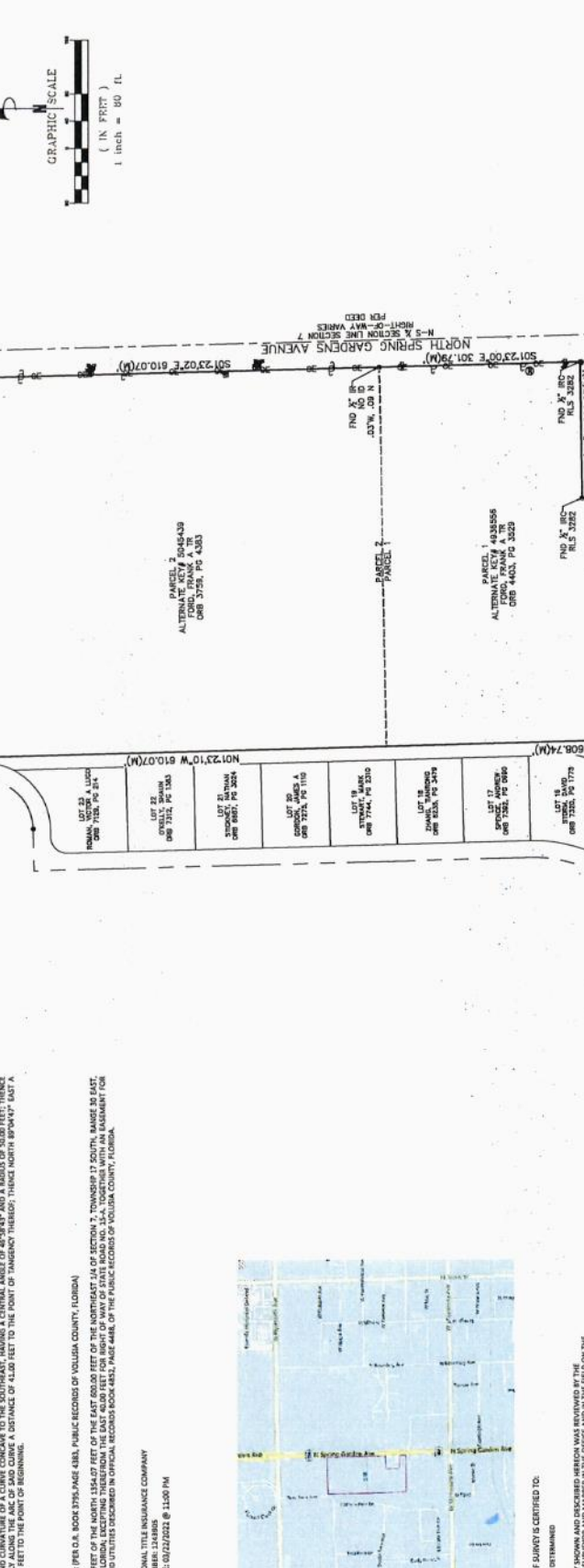




PREPARED FOR:  
DGC MANAGEMENT  
1323 BROOKHAVEN DRIVE  
ORLANDO, FLORIDA

AMAKATON EQUIPMENT  
08/11/22

PROFESSIONAL LAND SURVEYORS  
MIZO & ASSOCIATES, LLC  
1607 CAMDEN STREET  
ORLANDO, FL 32804  
(321) 200-0066  
LICENSE BUSINESS NUMBER 8997

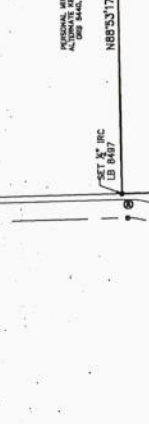


LEGAL DESCRIPTION (PER TITLE COMMITMENT):  
PARCEL 1:  
THE EAST 65.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THE NORTH 125.42 FEET OF THE EAST 65.00 FEET OF THE SOUTH 100.00 FEET OF THE WEST 280.00 FEET OF THE EAST 280.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 7, TOGETHER WITH BRIGHTS OF INTEREST, GRASS AND UTILITIES OVER AND ACROSS THAT PORTION OF THE NORTH 85.00 FEET OF THE SOUTH 150.00 FEET OF THE WEST 200.00 FEET OF THE EAST 280.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF THE SOUTH 150.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 7 WITH THE WESTERLY LINE OF THE EAST 65.00 FEET OF THE SOUTH 100.00 FEET OF THE WEST 280.00 FEET OF THE EAST 280.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 7; THENCE NORTH 85°13'18\"

PARCEL 2:  
LEGAL DESCRIPTION: (PER D.A. BOOK 3754, PAGE 4383, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA)  
THE SOUTH 65.00 FEET OF THE NORTH 154.07 FEET OF THE EAST 65.00 FEET OF THE NORTH 154.07 FEET OF THE EAST 65.00 FEET OF THE SOUTH 100.00 FEET OF THE WEST 280.00 FEET OF THE EAST 280.00 FEET OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, EXCEPT THEREON THE EAST 65.00 FEET FOR RIGHT OF WAY OF STATE ROAD NO. 15-A, TOGETHER WITH AN EASEMENT FOR INTEREST, GRASS AND UTILITIES DESCRIBED IN OFFICIAL RECORDS BOOK 4551, PAGE 4448, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
COMMITMENT DATE: 03/22/2023 @ 11:00 PM

ITEM 6 AS SHOWN



- THE MAP OF SURVEY IS CERTIFIED TO:  
TO BE DETERMINED
- THE SURVEY SHOWN AND DESCRIBED HEREON WAS REVIEWED BY THE CERTIFYING SURVEYOR AND MAPPER IN THE OFFICE AND IN THE FIELD ON THE FOLLOWING DATES: 07/2022.
- THE LANDS SHOWN HEREON ARE WITHIN ZONE X ACCORDING TO "TRIM" MAP NUMBER 1123720265H, EFFECTIVE 02/19/2014.
- BEARINGS SHOWN HEREON ARE RELATIVE TO THE STATE PLANE COORDINATE SYSTEM 83 (NAD 83) DATUM OF 1983 (MDS 83) ADJUSTMENT FOR THE EAST ZONE OF FLORIDA.
- THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 61A-1.
- UNDERGROUND UTILITIES WERE NOT LOCATED BY THIS SURVEYOR.
- THERE WAS NO EVIDENCE OF RECENT EARTHWORK, BUILDING CONSTRUCTION, OR OTHER OBSTRUCTIONS TO FIELD MEASUREMENTS AT THE TIME OF THE SURVEY.
- THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- THIS PROPERTY HAS DIRECT ACCESS TO NORTH SPRING GARDEN AVENUE, WHICH IS A PUBLIC RIGHT-OF-WAY.

CERTIFICATION:  
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2023 MINIMUM STANDARD PRACTICES FOR ALTA AND NPS, AND INCLUDES ITEMS OF ESTABLISHED AND ADOPTED BY ALTA AND NPS, AND INCLUDES ITEMS TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11.2.3, 4, 6, 8, 11, 13, AND 15.  
**Edward J. Mizo**  
Professional Surveyor and Mapper No. 3374  
STATE OF FLORIDA  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

