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HALIFAX PLANTATION  
 PHASE I  
 LEGAL DESCRIPTION

BOOK PAGE  
 VOLUSIA COUNTY  
 FLORIDA

TOTAL PHASE I PROPERTY

Description of Parcel Lying North of Korona Road (Old Dixie Highway) and East of Old Kings Road.

A portion of Blocks 1, 2, 14, 15, 16 and 17, Halifax Subdivision, as recorded in Map Book 5, Page 92, Public Records of Volusia County, Florida, being more particularly described as follows:

From a reference point, being the intersection of the Volusia/Flagler County Line with the easterly right-of-way of Old Kings Road, a 100 ft. Right-of-Way, said County line also being the northerly line of Halifax Subdivision, aforesaid; run thence N 73° 22' 01" E and along said County line, 1332.96 ft. to the POINT OF BEGINNING; thence continue N 73° 22' 01" E and along said County line, 950.12 ft. to a point; thence S 13° 21' 23" E, a distance of 5652.76 ft. to the northerly line of Washington Avenue, a 40 ft. Right-of-Way as shown on the plat of Halifax Subdivision; thence S 73° 43' 27" W, and along the northerly line of Washington Avenue, 31.62 ft. to a point of intersection with the northerly line of Korona Road, a 100 ft. Right-of-Way, said point being on a curve concave southwesterly; thence westerly and along said right-of-way and curve to the left, having a radius of 784.74 ft., a central angle of 48° 08' 28", chord distance of 640.13 ft., bearing N 66° 34' 25" W, an arc distance of 659.35 ft. to the point of tangency thereof; thence S 89° 21' 21" W and along the northerly line of said Korona Road, 2172.25 ft. to an intersection with the easterly line of Old Kings Road, aforesaid; thence N 21° 07' 33" W and along the easterly line of Old Kings Road, 710.68 ft. to a point of curve concave easterly; thence northerly and along said easterly right-of-way and curve to the right, having a radius of 2813.12 ft., and a central angle of 17° 28' 22", an arc distance of 857.88 ft. to the point of tangency thereof; thence continue along the easterly right-of-way of Old Kings Road, N 3° 39' 11" W, a distance of 55.25 ft.; thence N 3° 47' 44" W and along said easterly right-of-way, 1275.91 ft. to a point of curve concave easterly; thence northerly and along said easterly right-of-way and curve to the right, having a radius of 2813.71 ft., and a central angle of 5° 02' 41", an arc distance of 247.74 ft. to the point of tangency thereof; thence continue along said easterly right-of-way, N 1° 14' 57" E, a distance of 550.32 ft. to a point of curve concave westerly; thence northerly and along said easterly right-of-way and curve to the left, having a radius of 1959.70 ft. and a central angle of 15° 41' 28", an arc distance of 536.69 ft. to the point of tangency thereof; thence continue along said easterly right-of-way of Old Kings Road, N 14° 26' 31" W, a distance of 220.22 ft.; thence departing said easterly right-of-way run N 73° 22' 01" E and parallel to said county line, a distance of 1341.56 ft.; thence N 16° 17' 59" W a distance of 265.00 ft. to the POINT OF BEGINNING, containing 288.46 acres, more or less.

EXHIBIT A

to

Declaration of Covenants and Restrictions

COMMITTED PROPERTY

HALIFAX PLANTATION, PHASE I  
SECTION A

A PORTION OF THE J. AND E. ORMOND GRANT (SECTION 37)  
TOWNSHIPS 12 AND 13 SOUTH, RANGE 31 EAST  
VOLUSIA COUNTY, FLORIDA,

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FLORIDA

Being a resubdivision of portions of Blocks 2, 14, 16, and  
17, Halifax Subdivision, as recorded in Map Book 5, Page  
92, Public Records of Volusia County, Florida

From a reference point, being the corner of the Volusia/Flagler County Line at its intersection with the centerline of Old Kings Road, a 100 foot road right-of-way as established, said County Line being also the northerly line of Halifax Subdivision and the northerly line of said J. and E. Ormond Grant, said point of intersection being also the northwest corner of the J. and E. Ormond Grant, run thence North 73 degrees 22 minutes 01 second East along said County Line and northerly Grant and Subdivision line, a distance of 2333.12 feet to a point thereon; thence, departing said County Line and northerly Grant and Subdivision line, South 13 degrees 21 minutes 23 seconds East, a distance of 1750.08 feet to the Point of Beginning of the land to be described; thence continue South 13 degrees 21 minutes 23 seconds East, a distance of 3902.68 feet to a point on the northerly right-of-way line of Washington Avenue, a 40 foot right-of-way as shown on Plat of aforesaid Halifax Subdivision; thence South 73 degrees 43 minutes 27 seconds West, along said northerly right-of-way line, a distance of 31.62 feet to its intersection with the northerly right-of-way line of Korona Road/Old Dixie Highway, a 100 foot road right-of-way as presently established, being a point on a curve concave southwesterly; thence westerly along said northerly right-of-way line and curve to the left, having a radius of 784.74 feet, a central angle of 48 degrees 08 minutes 28 seconds, a chord length of 640.13 feet, a chord bearing of North 66 degrees 34 minutes 25 seconds West, an arc distance of 659.35 feet to the point of tangency thereof; thence continue along said northerly right-of-way line of Korona Road/Old Dixie Highway, South 89 degrees 21 minutes 21 seconds West, a distance of 2172.25 feet to its intersection with the easterly right-of-way line of Old Kings Road, aforesaid; thence North 21 degrees 07 minutes 33 seconds West, along said easterly right-of-way line, a distance of 306.01 feet to a point thereon and its intersection with the northerly line of a 170 foot Florida Power and Light Company Easement, of record in Official Records Book 1198, Page 686, Public Records of Volusia County, Florida; thence, departing said easterly right-of-way line of Old Kings Road and along the northerly line of said 170 foot easement, North 73 degrees 43 minutes 40 seconds East, a distance of 1271.23 feet to a point thereon and its intersection with the westerly right-of-way line of a road right-of-way platted herein as Acoma Drive, being a point on a curve concave easterly; thence northeasterly along said westerly right-of-way line and curve to the left, having a radius of 968.34 feet, a central angle of 27 degrees 00 minutes 20 seconds, a chord length of 452.20 feet, a chord bearing of North 16 degrees 41 minutes 15 seconds East, an arc distance of 456.41 feet to a point thereon; thence, departing said proposed westerly right-of-way line, the following courses and distances: North 59 degrees 48 minutes 35 seconds West, 126.42 feet; North 48 degrees 01 minutes 25 seconds West, 440.80 feet; North 00 degrees 21 minutes 15 seconds West, 300.09 feet; North 76 degrees 19 minutes 52 seconds East, 595.00 feet; North 78 degrees 32 minutes 17 seconds East, 174.63 feet to a point on aforesaid proposed westerly right-of-way line of Acoma Drive, being a point on a curve concave westerly; thence southeasterly along said proposed westerly right-of-way line and curve to the right, having a radius of 675.00 feet, a central angle of 11 degrees 38 minutes 11 seconds, a chord length of 136.85 feet, a chord bearing of South 05 degrees 38 minutes 38 seconds East, an arc distance of 137.09 feet to a point thereon; thence, departing said westerly right-of-way line of Acoma Drive, the following courses and distances: South 89 degrees 49 minutes 32 seconds East, 250.85 feet; North 76 degrees 38 minutes 37 seconds East, 418.66 feet; North 13 degrees 21 minutes 23 seconds West, 1738.61 feet to a point on the southerly line of a proposed 150 foot right-of-way for the Korona Canal, a deep, cross-country canal; thence along said proposed southerly right-of-way line, North 76 degrees 38 minutes 37 seconds East, a distance of 70.00 feet to a point thereon and the Point of Beginning, the above described parcel containing 77.17 acres, more or less, and being subject to the aforesaid 170 foot Florida Power and Light Company Easement extending northeasterly from Old Kings Road, and its centerline intersecting the easterly boundary of the subject property at a point thereon 1216.57 feet northerly of its aforesaid intersection with the northerly right-of-way line of Washington Avenue.

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PHASE I: LAND USE AND DEVELOPMENT CONTROLS  
HALIFAX PLANTATION

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ARTICLE I: TITLE, PURPOSE, JURISDICTION

SECTION 1.0 TITLE: These regulations shall be known as, and may be cited as, the "Phase I: Land Use and Development Controls" for the Halifax Plantation Community (or subsequent name) as described by the "Order and Resolution Granting a Request for A Second Amended 'Plan for Development'" adopted August 17, 1981 by Volusia County Council.

SECTION 2.0 PURPOSE: These regulations set forth the land use and development controls for all Development Pockets (Parcels) included in the Phase I portion of the project. Similar controls will be prepared and submitted for Phases II, III, and IV in the Volusia Tract when the Final Development Plans for these subsequent Phases are submitted as called for in the "Order and Resolution Granting A Request For A Second Amended 'Plan For Development'" for the Halifax Plantation.

The land use and development controls reflect the "Plan for Development" of the "Order and Resolution Granting A Request For A Second Amended 'Plan For Development'" for the Halifax Plantation and incorporate, as appropriate, the special restrictions and environmental safeguards. Residential density limitations, building heights, building lengths, and use restrictions were established by the "Order and Resolution Granting A Request For A Second Amended 'Plan For Development'" for the Halifax Plantation. Other dimensional restrictions respond to the unique features of the comprehensive, Preliminary Development Map dated April 15, 1981 and its further refinement in the "Phase I-Final Development Plan."

SECTION 3.0 JURISDICTION: These regulations shall apply only to the Halifax Plantation Community (or subsequent name) as described in detail by the "Order and Resolution Granting A Request For A Second Amended 'Plan For Development'" for the Halifax Plantation. The specific land use and development controls set forth below in Article II refer to particular Development Pockets as identified by the Final Development Plan for each Phase.

SECTION 4.0 ADMINISTRATION: Article IX, Section 900.00 of the Zoning Ordinance of Volusia County dated July 10, 1980 shall apply.

Prior to submitting an application for a building permit, the review and written approval of the Homeowner's Association shall be obtained and shall accompany the application submitted to the Enforcement Officer.

SECTION 5.0 DEFINITIONS: Article II, Section 201.00 of the Zoning Ordinance of Volusia County dated July 10, 1980 shall apply. However, the Phase I: Land Use And Development Controls shall govern if there are any discrepancies.

EXHIBIT C

to

Declaration of Covenants and Restrictions

The following land use and development controls apply specifically to the Parcel indicated. The controls respond to the planning and environmental restrictions and the "Plan for Development" established by the "Order and Resolution Granting A Second Amended 'Plan For Development'" for the Halifax Plantation. The controls carry out the intent and purpose of the Community Development Plan Concept and promote economical and efficient land use and useable open space areas, the preservation of natural resources and ecologically important areas from destruction, innovative site planning concepts, and orderly and economical development in Volusia County.

## SECTION 1.0

Single-Family Residential (Nominal Two Dwelling Units/Acre)  
Parcels 41, 42, 43, 44, 45, ~~46~~, and 48.

## SECTION 2.0

Park - Parcel 40.

## SECTION 3.0

Storm Water Management and Park - Parcel 46.

## SECTION 1.0

SINGLE-FAMILY RESIDENTIAL (NOMINAL TWO DWELLING UNITS/ACRE)1.0 PARCELS 41, 42, 43, 44, 45, 47, and 48 (SINGLE-FAMILY RESIDENTIAL)

The following land use controls apply to the above parcels as shown on the Phase I - Halifax Plantation Final Development Plan.

1.1 PERMITTED PRINCIPAL USES AND STRUCTURES

- 1.1.1 Single-family detached dwelling units with customary accessory uses including swimming pools, detached garages, bath and dressing facilities, recreational and play areas, yard maintenance storage, etc.
- 1.1.2 Non-commercial recreational facilities will be permitted as shown on the Approved Plat.
- 1.1.3 Utility service facilities are permitted. Utility service buildings and structures will be permitted as shown on the Approved Plat.
- 1.1.4 Church use will be permitted on lots as shown on the Approved Plat.

1.1.5 Excavation for lakes and stormwater retention ponds which have not otherwise been reviewed.

1.1.6 A dwelling unit with an approved final inspection may be used temporarily for the purpose of displaying the type of dwelling that a specific builder is constructing in Phase I.

1.2 MAXIMUM DENSITY

1.2.1 The approximate land area and number of dwelling units (DU's) for the parcel (development pocket) are as follows:

<u>Parcel No.</u>	<u>Permitted No. of DU's</u>	<u>Approx. Acreage</u>
41	25	20.5
42	71	50.0
43	69	49.5
44	36	28.0
45	16	11.0
47	61	44.5
48	22	16.0

1.2.2 Minimum living area shall be 1,000 square feet.

1.3 DIMENSIONAL REQUIREMENTS

1.3.1 Lot Size and Shape

All lot sizes and shapes shall be in substantial accordance with those shown on the Phase I - Final Development Plan as approved by County Council. In no case shall the minimum lot size be less than 20,000 square feet. Modifications or changes in lot size and shape will be permitted if such revisions are necessary to meet county, state, or federal permitting or environmental requirements. Such revisions shall be processed as part of the further review processes mandated by the approved Order and Resolution.

1.3.2 Building Setbacks

The principal building and accessory building at the building line shall be so located and constructed as to comply with the following minimum requirements:

Minimum Yard Size:

- Front yard - 30 ft.
- Rear yard - 20% of the depth of the lot, but not less than 20 ft.
- Side yard - Interior Lot - 20 ft. combined, minimum of 8 ft. on any one side
- Abutting any street - 30 ft.

## 1.3.3 Maximum Lot Coverage:

The total lot area covered with principal and accessory buildings shall not exceed 35%.

## 1.3.4 Maximum Building Height

The maximum building height measured from finished grade at the building line to the eave shall be as follows:

- a. The maximum building height of principal single-family uses is 35 feet.
- b. The maximum building height of accessory single-family uses is 35 feet.
- c. The maximum building height of churches is 65 feet.

Spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other similar accessory structures customarily required to extend above the roof level, may extend for an additional 20 ft. above the maximum building height prescribed for the classification in which they are located. Antennas subject to federal, state and other local ordinances are permitted up to 70 ft. in height above ground level.

## 1.3.5 Minimum Finished Floor Elevation

The finished floor elevations of all principal structures shall be no less than one (1.0) foot above the centerline elevation of adjacent road(s), or street(s), or the average elevation of parking area serving those uses, but may be placed at an elevation which is greater than one (1.0) foot above the centerline in the developer's discretion in order to blend in with the natural topography and character of the site.

1.4 VEHICULAR SERVICE USE REQUIREMENTS

## 1.4.1 Parking Spaces Per Principal Use

- |                                   |   |
|-----------------------------------|---|
| a. Single-Family Dwelling         | 2 spaces per dwelling                                 |
| b. Churches, Houses of<br>Worship | 1 space per 4 seats of principal<br>place of assembly |

## 1.4.2 Dimensional Requirements for Off-Street Parking

- a. Each vehicular parking space except for single family residential uses shall have minimum dimensions in accordance with Section 810.04 of the Volusia County Zoning Ordinance.
- b. Vehicular drives serving churches or houses of worship shall have a minimum twelve (12) feet width for a one-way system and twenty (20) feet width for a two-way system.
- c. All drives shall be paved from the edge of roadway pavement to the adjoining right-of-way/lot line boundary. The surface parking areas or

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garages of single-family dwellings must be dust free. Materials such as crushed stone or wood chips are ~~discouraged~~ <sup>discouraged</sup> for single-family dwellings. Drives and parking areas for ~~drives, garages, houses of worship, and~~ <sup>drives, garages, houses of worship, and</sup> non-commercial recreation facilities must be hard surfaced.

- d. Every dwelling unit or other use shall have access to a public street either directly or via a private road, pedestrianway, court, or other area dedicated to public or private use, or a common element guaranteeing access, ingress and egress. Permitted uses are not required to front on a dedicated public road.

1.5 EROSION/SEDIMENTATION CONTROL

All construction activities involving excavation, grading, or filling on individual lots shall be constructed in such a manner so as to mitigate erosion and resulting sedimentation. Construction practices and procedures will be in accordance with accepted engineering practices including those developed by the Department of Environmental Regulation, and the Soil Conservation Service. Practices and procedures will be applicable to the topography and soil types found on the individual lot.

SECTION 2.0

PARK

2.0 PARCEL 40 (PARK)

The following land use controls apply to the above parcel as shown on the Phase I - Halifax Plantation Final Development Plan.

2.1 PERMITTED PRINCIPAL USES AND STRUCTURES

- 2.1.1 Parks and recreational facilities including swim clubs, tennis club, community facilities, etc.
- 2.1.2 Excavation for lakes and stormwater retention ponds which have not otherwise been approved.
- 2.1.3 Limited retail sales and services from a commercial facility designed to serve as a neighborhood commercial center. (Site limited to area shown on Sheets 5 & 6, Exhibits B & C).
- 2.1.4 A model homes and/or sales center. (Site limited to area shown on Sheets 5 & 6, Exhibits B & C).
- 2.1.5 Utility service facilities are permitted. Utility service buildings and structures will be permitted as shown on the Approved Plat.
- 2.1.6 Police, fire and other safety and security functions. (Site limited to area shown on Sheets 5 & 6, Exhibits B & C).

2.2 DIMENSIONAL REQUIREMENTSBOOK PAGE  
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FLORIDA

## 2.2.1 Lot Size and Shape

All lot sizes and shapes shall be in substantial accordance with those shown on the Phase I - Final Development Plan as approved by County Council. In no case shall the minimum lot size be less than 20,000 square feet. Modifications or changes in lot size and shape will be permitted if such revisions are necessary to meet county, state, or federal permitting or environmental requirements. Such revisions shall be processed as part of the further review processes mandated by the approved Order and Resolution.

## 2.2.2 Building Setbacks

The principal building and accessory building at the building line shall be so located and constructed as to comply with the following minimum requirements:

## Minimum Yard Size:

Front yard - 30 ft.

Rear yard - 20% of the depth of the lot, but not less than 20 ft.

Side yard - Interior Lot - 20 ft. combined, minimum of 8 ft. on any one side.

Abutting any street - 30 ft.

## 2.2.3 Maximum Lot Coverage:

The total lot area covered with principal and accessory buildings shall not exceed 35%.

## 2.2.4 Maximum Building Height

The maximum building height measured from finished grade at the building line to the eave shall be as follows:

- a. The maximum building height of principal use is 35 feet.
- b. The maximum building height of accessory use is 35 feet.

Spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other similar accessory structures customarily required to extend above the roof level, may extend for an additional 20 ft. above the maximum building height prescribed for the classification in which they are located. Antennas subject to federal, state and other local ordinances are permitted up to 70 ft. in height above ground level.

## 2.2.5 Minimum Finished Floor Elevation

The finished floor elevations of all principal structures shall be no less than one (1.0) foot above the centerline elevation of adjacent road(s), or street(s), or the average elevation of parking area serving those uses, but may be placed at an elevation which is greater than one (1.0) foot above the centerline in the developer's discretion in order to blend in with the natural topography and character of the site.



2.3 VEHICULAR SERVICE USE REQUIREMENTS2.3.1 Parking Spaces Per Principal Use

- |  |  |
|--|--|
| a. Clubs   | 1 space for each 3 seats or 1 space for each 250 sq. ft. of floor area whichever is greater                                    |
| b. Model homes and/or sales center                     | 1 space per each employee plus 1 space for each 250 sq. ft. in the center  |
| c. Limited retail sales and services including offices | 1 space for each 150 sq. ft. of net floor area for retail sales and 1 space for each 200 sq. ft. of net floor area for offices |

2.3.2 Dimensional Requirements for Off-Street Parking

- a. Each vehicular parking space except for single family residential uses shall have minimum dimensions in accordance with Section 810.04 of the Volusia County Zoning Ordinance.
- b. All drives shall be paved from the edge of roadway pavement to the adjoining right-of-way/lot line boundary. The surface parking areas must be dust free. Materials such as crushed stone or wood chips are encouraged.
- c. Every use shall have access to a public street either directly or via a private road, pedestrianway, court, or other area dedicated to public or private use, or a common element guaranteeing access, ingress and egress. Permitted uses are not required to front on a dedicated public road.

2.4 EROSION/SEDIMENTATION CONTROL

- \* All construction activities involving excavation, grading, or filling on individual lots shall be constructed in such a manner so as to mitigate erosion and resulting sedimentation. Construction practices and procedures will be in accordance with accepted engineering practicing including those developed by the Department of Environmental Regulation, and the Soil Conservation Service. Practices and procedures will be applicable to the topography and soil types found on the individual lot.

## SECTION 3.0

STORM WATER MANAGEMENT AND PARK3.0 PARCEL 463.1 PERMITTED PRINCIPLE USES AND STRUCTURES

- 3.1.1 Parks and recreational facilities, including swim clubs, tennis clubs, etc.
- 3.1.2 Excavation for lakes and stormwater retention ponds which have not otherwise been approved.
- 3.1.3 Excavation for shell or soil extraction.
- 3.1.4 Utility service facilities are permitted. Utility service buildings and structures will be permitted as shown on the Approved Plat.
- 3.1.5 House and animal stables feed, grazing and foliage lots, and equipment storage; and storage of campers, boats other recreation vehicles.

### 3.2 DIMENSIONAL REQUIREMENTS

#### 3.2.1 Lot Size and Shape

All lot sizes and shapes shall be in substantial accordance with those shown on the Phase I - Final Development Plan as approved by County Council. In no case shall the minimum lot size be less than 20,000 square feet. Modifications or changes in lot size and shape will be permitted if such revisions are necessary to meet county, state, or federal permitting or environmental requirements. Such revisions shall be processed as part of the further review processes mandated by the approved Order and Resolution.

#### 3.2.2 Building Setbacks

The principal building and accessory building at the building line shall be so located and constructed as to comply with the following minimum requirements:

##### Minimum Yard Size:

Front yard - 30 ft.

Rear yard - 20% of the depth of the lot, but not less than 20 ft.

Side yard - Interior Lot - 20 ft. combined, minimum of 8 ft. on any one side.

Abutting any street - 30 ft.

#### 3.2.3 Maximum Lot Coverage:

The total lot area covered with principal and accessory buildings shall not exceed 35%.

#### 3.2.4 Maximum Building Height

The maximum building height measured from finished grade at the building line to the eave shall be as follows:

- a. The maximum building height of the principal uses is 35 feet.
- b. The maximum building height of the accessory uses is 35 feet.

Spires, belfries, cupolas, antennas, ~~water towers~~ ventilators, chimneys, or other similar accessory structures ~~customarily~~ required to extend above the roof level, may extend for an additional 20 ft. above the maximum building height prescribed for the classification in which they are located. Antennas subject to federal, state and other local ordinances are permitted up to 70 ft. in height above ground level.

### 3.2.5 Minimum Finished Floor Elevation

The finished floor elevations of all principal structures shall be no less than one (1.0) foot above the centerline elevation of adjacent road(s), or street(s), or the average elevation of parking area serving those uses, but may be placed at an elevation which is greater than one (1.0) foot above the centerline in the developer's discretion in order to blend in with the natural topography and character of the site.

## 3.3 VEHICULAR SERVICE USE REQUIREMENTS

### 3.3.1 Parking Spaces Per Principal Use

- |          |   |
|----------|---|
| a. Clubs | 1 space for each 3 seats or 1 space for each 250 sq. ft. of floor area whichever is greater |
|----------|---|

### 3.3.2 Dimensional Requirements for Off-Street Parking

- a. Each vehicular parking space except for single family residential uses shall have minimum dimensions in accordance with Section 810.04 of the Volusia County Zoning Ordinance.
- b. All drives shall be paved from the edge of roadway pavement to the adjoining right-of-way/lot line boundary. The surface parking areas must be dust free. Materials such as crushed stone or wood chips are encouraged.
- c. Every use shall have access to a public street either directly or via a private road, pedestrianway, court, or other area dedicated to public or private use, or a common element guaranteeing access, ingress and egress. Permitted uses are not required to front on a dedicated public road.

## 3.4 EROSION/SEDIMENTATION CONTROL

All construction activities involving excavation, grading, or filling on individual lots shall be constructed in such a manner so as to mitigate erosion and resulting sedimentation. Construction practices and procedures will be in accordance with accepted engineering practices including those developed by the Department of Environmental Regulation, and the Soil Conservation Service. Practices and procedures will be applicable to the topography and soil types found on the individual lot.