

ORDINANCE NO. 2019 - 33

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S A-3 TRANSITIONAL AGRICULTURE AND RR, RURAL RESIDENTIAL TO CITY OF DELAND'S, GRANDVIEW GARDENS PD, PLANNED DEVELOPMENT, ON PROPERTY LOCATED AT 210 NORTH RIDGEWOOD AVENUE; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 31.5 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, Michael J. Woods, Esq., (hereinafter referred to as "Applicant") on behalf of the owner, Warner Family Trust, of approximately 31.5 acres of land located at 210 North Ridgewood Avenue, which is more particularly described in the legal description attached hereto as Exhibit "A", and which by this reference is made a part hereof; and

WHEREAS, the Applicant has applied for a change of zoning from the present zoning classification of Volusia County's A-3 (Transitional Agriculture) and RR (Rural Residential) to Grandview Gardens, Planned Development; and

WHEREAS, said rezoning as a PD District is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

WHEREAS, the Applicant has submitted an application for the approval of a development plan in order to amend the property's zoning designation and 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 Urban Low Intensity future land use designation.

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

Section 1. The City Commission has held a public hearing to approve the change of zoning from Volusia County's A-3 (Transitional Agriculture) and RR (Rural Residential) to Grandview Gardens PD, Planned Development on property located at 210 North Ridgewood Avenue.

Section 2. Pursuant to the determination made at a public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as Grandview Gardens 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 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 approved Development Plan for Grandview Gardens PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Department), are attached hereto as Exhibit "B" and by this reference made a part hereof.

Section 5. The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

Section 6. At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

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

Section 8. The City Commission may rezone any portion of the Project which has not obtained a site plan or subdivision approval within five years from the date of adoption of this Ordinance.

Section 9. 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.

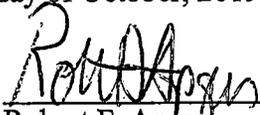
Section 10. The City Engineer and Planning Director are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

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.

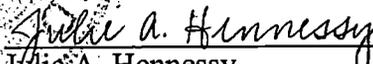
Section 13. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 7th day of October, 2019.



Robert F. Apgar
Mayor - Commissioner

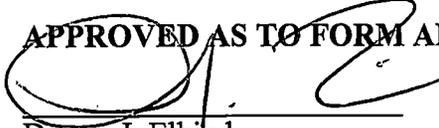
ATTEST:



Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: August 19, 2019
Adopted on second reading: October 07, 2019

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

PARCEL ID NO. 7912-00-00-0061 (Portion to be annexed)

JAMES K. WARNER & SCARLET M. WARNER, as Trustees of the
THE WARNER FAMILY TRUST

A PARCEL OF LAND LYING IN GOVERNMENT LOTS 3 & 4, SECTION 12, TOWNSHIP 17 SOUTH, RANGE 29 EAST, VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF COMMENCEMENT, BEGIN AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 4, RUN THENCE S 00°02'59" W, A DISTANCE OF 400.00 FEET, THENCE RUN N 89°56'42" W, A DISTANCE OF 1207.70 FEET, THENCE RUN N 00°55'19" E, A DISTANCE OF 34.05, THENCE RUN N 89°44'24" W, A DISTANCE OF 440.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 25 CHAINS, THENCE RUN N 00°55'19" E ALONG SAID WEST LINE, A DISTANCE OF 364.42 FEET TO A POINT ON THE NORTH LINE OF GOVERNMENT LOT 4, ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 3, THENCE RUN S 89°56'42" E ALONG SAID NORTH LINE, A DISTANCE OF 73.76 FEET, THENCE RUN N 00°37'52" E, A DISTANCE OF 309.00 FEET, THENCE RUN N 89°56'48" W, A DISTANCE OF 465.14 FEET TO A POINT ON THE WEST LINE OF SECTION 12-17-29, THENCE RUN ALONG SAID WEST LINE N 00°55'19" E, A DISTANCE OF 299.03 FEET, THENCE RUN S 89°57'05" E, A DISTANCE OF 390.00 FEET, THENCE RUN N 00°55'19" E, A DISTANCE OF 56.00 FEET TO THE NORTH LINE OF THE SOUTH ½ OF THE WEST ½ OF GOVERNMENT LOT 3, THENCE RUN S 89°57'05" E ALONG SAID NORTH LINE, A DISTANCE OF 622.26 FEET TO THE NORTHEAST CORNER OF THE SOUTH ½ OF THE WEST ½ OF GOVERNMENT LOT 3, THENCE RUN S 00°29'06" W ALONG THE EAST LINE OF THE WEST ½ OF THE SOUTH ½ OF SAID GOVERNMENT LOT 3, A DISTANCE OF 665.80 FEET TO A POINT ON SAID SOUTH LINE OF GOVERNMENT LOT 3, THENCE RUN S 89°56'42" E ALONG SAID SOUTH LINE, A DISTANCE OF 1017.32 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 26.43 +/- ACRES

LOT 2-A, MINCHEW'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 11, PAGE 102, PER THE RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 4, SECTION 12, TOWNSHIP 17 SOUTH, RANGE 29 EAST, VOLUSIA COUNTY, FLORIDA, RUN THENCE N 89°56'42" W ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 4, A DISTANCE OF 660.00 FEET, THENCE RUN N 00°03'00" E A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WISCONSIN AVENUE, ALSO BEING THE SOUTHEAST CORNER OF LOT 2-A AND THE POINT OF BEGINNING, THENCE RUN N 89°56'42" W ALONG THE SOUTH LINE OF LOT 2-A, ALSO BEING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 346.20 FEET TO THE SOUTHWEST CORNER OF LOT 2-A, THENCE RUN N 00°19'19" E ALONG THE WEST LINE OF LOT 2-A A DISTANCE OF 640.80 FEET, TO THE NORTHWEST CORNER OF LOT 2-A, THENCE RUN N 89°57'01" E ALONG THE NORTH LINE OF LOT 2-A, A DISTANCE OF 343.16 FEET TO THE NORTHEAST CORNER OF SAID LOT 2-A, THENCE RUN S 00°03'00" W ALONG THE EAST LINE OF LOT 2-A, A DISTANCE OF 666.42 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 5.07 +/- ACRES.

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Z-19-47, Application of

5 JAMES K. WARNER & SCARLET M. WARNER, as Trustees of

6 THE WARNER FAMILY TRUST dated February 26, 2016

7 ORDINANCE # 2019-33

8
9 ORDER AND RESOLUTION

10 GRANTING A REQUEST FOR CHANGE OF ZONING FROM COUNTY A-3 & RR

11 TO

12 GRANDVIEW GARDENS PD

13
14 The application of JAMES K. WARNER & SCARLET M. WARNER, as Trustees of
15 THE WARNER FAMILY TRUST dated February 26, 2016, hereinafter, "Applicant", for
16 rezoning was heard by and before the City Commission, DeLand Florida, on October 07,
17 2019. Based upon the verified Application and other supporting documents, maps, charts,
18 overlays, other evidence and instruments; the advice, report, and recommendations of the
19 Community Development, and other Departments and agencies of DeLand, Florida; and
20 the testimony adduced and evidence received at the Public Hearing on this Application by
21 the Planning Board on June 19, 2019 and July 17, 2019, and otherwise being fully advised,
22 the City Commission does hereby find and determine as follows:
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GENERAL FINDINGS

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A. That the application of JAMES K. WARNER & SCARLET M. WARNER, as Trustees of THE WARNER FAMILY TRUST dated February 26, 2016, was duly and properly filed herein on April 15, 2019 as required by law.

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

C. That the applicant is the owner of a 31.6 +/- acre parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in Exhibit "A" attached hereto.

D. That the Applicant has complied with the concept 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 property, JAMES K. WARNER & SCARLET M. WARNER, as Trustees of THE WARNER FAMILY TRUST dated February 26, 2016 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 classifications of the parcel described in Exhibit "A" from County A-3 & RR to Grandview Gardens 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 Land 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 7th DAY OF October, A.D., 2019, AS FOLLOWS:

A. That the Application of JAMES K. WARNER & SCARLET M. WARNER, as Trustees of THE WARNER FAMILY TRUST dated February 26, 2016 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-3 & RR to GRANDVIEW GARDENS 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 parcel to GRANDVIEW GARDENS PD.

3
4 D. That the City of DeLand Land Development Regulations Ordinance No. 2013-
5 11, as amended, is consistent with the provisions of the "Development Agreement" as
6 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 No.
9 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.

12
13 E. Unless otherwise provided for herein, the City of DeLand, Land Development
14 Regulations Ordinance No. 2013-11, as amended, shall apply to the PD in the same
15 manner as R-1B, Single-Family Dwelling District zoning classification.

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

1 B. Unified Ownership. The Applicant or his successors shall maintain unified
2 ownership of the subject parcel until after issuance of the Final Plat.

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4 C. Phases of Development. The Development Plan Map, Exhibit "B", depicts
5 three (3) phases of development. The project may be developed in one or more than one
6 phase, and mass-grading of the portion of the site included within each particular phase
7 may occur as part of development of said phase. Mass-graded areas will be stabilized with
8 vegetative cover. The connection to Westview Drive, shown as part of Phase 1 on Exhibit
9 "B", shall be constructed in the first phase regardless of the order of phasing. It is the intent
10 of the foregoing provision that prior to the issuance of the first certificate of occupancy in
11 the development, that there be two paved points of ingress and egress to the subdivision.

12 1. Open Space and/or Common Area requirements shall meet the Land
13 Development Regulations Ordinance No. 2013-11. A 5,050 square foot
14 pocket park shall be granted to the HOA and shall be constructed prior to or
15 concurrent with Phase I. A 20,644 square foot pocket park and a 30,114
16 square foot dog walk park area shall be granted to the HOA and shall be
17 constructed prior to or concurrent with Phase III. A walking trail, as depicted
18 on the Conceptual Plan, shall be provided along the central stormwater pond
19 as part of Phase I. The following are permitted, but not required uses for the
20 20,644 square foot pocket park: community garden, picnic area, playground,
21 community fire pit, pavilion, BBQ area, sports courts: basketball, volleyball,
22 pickleball, shuffleboard and similar activities.

23
24 D. Land Uses Within the PD. The development of the parcel shall be consistent
25 with the uses within the proposed PD. The location and size of said land use areas are

1 shown on the Development Plan Map, Exhibit "B". The following land uses shall be allowed
2 as permitted principal uses and structures along with their customary accessory uses and
3 structures: Single-Family Residential

4
5 E. Development Standards. Unless specifically listed herein, the development
6 standards applicable to R-1B zoning classification shall apply.

7 Site:

8 1. Landscape buffer requirements: As shown on Exhibit "B", Buffer
9 Standard C will apply along Grand Avenue with a landscape buffer of a
10 minimum of 30 feet in width and Buffer Standard B will apply along
11 Ridgewood Avenue with a landscape buffer of a minimum of 75 feet in width
12 (see Buffer Standard listed in 33.92.02(b)(4) of the City of DeLand Land
13 Development Regulations). If right-of-way dedications are required by
14 Volusia County, the landscape buffers will be measured from the new right-
15 of-way line. Exhibit "B" also provides buffers which are adjacent to existing
16 residential development. Buffer widths shall vary between 25-50 feet, as
17 depicted on Exhibit "B". Said buffers shall utilize the planting standards for
18 Buffer Standard A, as provided by the Land Development Regulations. For
19 all buffers, existing vegetation within the buffers will be preserved to the
20 extent possible; however, changing the grade within the proposed landscape
21 buffer will be permitted, provided that the graded area will be replanted using
22 native or low-water landscape material and may use a combination of saved
23 and planted material to meet this standard.

24 2. Signage: Signage for the subdivision shall be provided per the Land
25 Development Regulations. Monument signs identifying the subdivision shall

1 be placed at the entrance along Grand Avenue and Ridgewood Avenue.

2 3. Single-Family Residences:

	40' Lots	50' Lots	60' Lots
1. Minimum lot area:	4,800 sq. ft	5,750 sq. ft.	7,200 sq. ft.
2. Minimum lot width:	40 ft.	50 ft.	60 ft.
3. Minimum building setbacks:			
a. Front yard to garage:	25 ft.*	25 ft.	25 ft.
b. Front yard to structure:	15 ft.	15 ft.	15 ft.
c. Rear yard:	15 ft.	15 ft.	15 ft.
d. Rear yard screen enclosure	3 ft.	3 ft.	3 ft.
e. Side yard screen enclosure	5 ft.	5 ft.	5 ft.
f. Side yard:	5 ft.	5 ft.	5 ft.
g. Side street:	10 ft.	10 ft.	10 ft.
h. Side setback for pools and accessory structures	Per Land Development Regulations	Per Land Development Regulations	Per Land Development Regulations
i. Rear setback for pools and accessory structures	Per Land Development Regulations	Per Land Development Regulations	Per Land Development Regulations
4. Minimum floor area:	850 sq. ft.	850 sq. ft.	850 sq. ft.
5. Maximum lot coverage:	70%	70%	70%
6. Maximum building height:	35 ft.	35 ft.	35 ft.
* see 6.B. below regarding special provisions for 40 foot wide lots with 4+ bedrooms and driveway depth to accommodate same.			

3 4. Maximum number of lots: 102

4 5. No more than fourteen (14) lots may be less than fifty (50) feet in
5 width as measured at the building setback line. Sixty-one (61) lots will
6 be a minimum of fifty (50) feet in width as measured at the building
7 setback line. Twenty-seven (27) lots will be a minimum of sixty (60)
8

1 feet in width as measured at the building setback line.

2 6. A. Off-Street Parking (3 bedrooms or less): Each parcel shall be
3 designed to accommodate no less than two (2) parking spaces via
4 use of on-parcel driveway and two (2) spaces in an internal garage.
5 All driveway parking spaces shall be a minimum of eight (8) feet wide
6 by twenty (20) feet long (per each vehicle).

7 B. Off-Street Parking (4+ bedrooms) Units with more than three
8 (3) bedrooms shall require a fifth parking space, either within a garage
9 or an extended driveway. All driveway parking spaces shall be a
10 minimum of eight (8) feet wide by twenty (20) feet long (per each
11 vehicle).

12 i. Special Provision for 40-foot wide lots north of Ridgewood
13 Avenue entrance. To accommodate the required parking for 4+
14 bedrooms on a 40-foot wide lot, Lots 1-7, located to the north of the
15 Ridgewood Avenue entrance, have an extra 20 feet of lot depth. This
16 twenty feet is intended to accommodate a deeper driveway,
17 accommodating a depth of two vehicles. The minimum setback from
18 front yard to garage for Lots 1-16 shall be 40 feet.

19 ii. Special Provision for 40-foot wide lots south of Ridgewood
20 Avenue entrance. Lots 66 to 72, located to the south of the
21 Ridgewood Avenue entrance, are 40 feet wide and are to retain the
22 standard minimum setback from front yard to garage of 25 feet to
23 accommodate the depth of a single vehicle. Lots 66-72 shall be
24 limited to home designs with no more than three (3) bedrooms.

25 7. Street Side Parking: As illustrated on Exhibit "B", on-street parking
26 shall be provided in various locations within the Property. No less than
27 forty (40) on-street parking spaces, with dimensions of 9 ft. x 19 ft.,
28 shall be provided within the property. Said parking shall only be
29 provided in locations where the right-of-way measures at least fifty
30 (50) feet in width. Additional on-street parking may be provided so
31 long as the dimension standards referred to within this paragraph are
32 met. All street-side parking maintenance shall be the responsibility of
33 the Developer, and ultimately assigned to the HOA.

1 F. Environmental Considerations. The development shall comply with the
2 requirements for preservation of environmental resources as set forth in the Land
3 Development Regulations Ordinance No. 2013-11, as amended. Tree Protection Areas
4 preserving a minimum of 15% of the overall site, excluding any required right-of-way
5 dedication areas, shall be required and maintained as shown on Exhibit "B".

6
7 G. Sewage Disposal, Potable Water and Reclaimed Water. Provision for
8 sewage disposal, potable and reclaimed water needs of the PD will be provided in
9 accordance with the Comprehensive Plan, Ordinance No. 1990-04, as amended, the Land
10 Development Regulations Ordinance No. 2013-11, as amended, and State of Florida
11 Administrative Code 64E-6. In the event reclaimed water is not available in the vicinity at
12 the time the Property is developed, dry reclaimed water lines shall be installed so that they
13 can be connected once the City's reclaimed distribution lines are extended. In addition, the
14 Applicant and Owners shall execute a Westside Interceptor Forcemain Concurrency and
15 Fair Share Agreement.

16
17 H. Stormwater Drainage. Provision for stormwater retention shall be in
18 accordance with the Land Development Regulations Ordinance No. 2013-11, as amended.

19
20 I. Access and Transportation System Improvements. All access and
21 transportation system improvements shall be provided in accordance with the Land
22 Development Regulations, Ordinance No. 2013-11, as amended. The parcel shall be
23 developed in substantial accordance with the following access and transportation system
24 improvements:

- 25 1. Access. Access to the site will be from Westview Drive, N. Ridgewood
Page 10 of 14

1 Avenue and Grand Avenue. The Development Plan indicates the anticipated connection
2 locations; however, the final locations may vary due to final engineering design and
3 permitting considerations.

4 2. Transportation System Improvements. Transportation system
5 improvements will be provided as required by permitting agencies.

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7 J. Internal Roadways. Road rights-of-way will be a minimum of fifty (50) feet
8 wide. All internal roads will be dedicated to the city.

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10 K. Building or Property Owners Association. The application shall create a
11 property owners' association. The charter and by-laws of said association and any other
12 agreements, covenants, easements or restrictions shall be furnished to the City of DeLand
13 at the time of creation. The applicant shall be responsible for recording said information in
14 the Public Records of Volusia County, Florida. Also, the applicant shall bear and pay all
15 costs for recording all of the aforementioned documents.

16 The City shall encourage a mixture of design facades within the development, and
17 the Developer shall avoid a repeating sequence of designs and shall not utilize the same
18 design on lots within 3 single-family lots of each other on the same side of the street. The
19 property owner's association shall ensure that an individual lot owner seeking building
20 permits shall demonstrate compliance with this Section as part of the construction permit
21 submittal for the lot.

22 With respect to the enforcement of said agreements, covenants, easements or
23 restrictions entered into between the applicant and the owners or occupiers of property
24 within the GRANDVIEW GARDENS PD, the City of DeLand shall only enforce the
25 provisions of the "Development Agreement" and City of DeLand Land Development

1 Regulations Ordinance No. 2013-11, as amended, whichever is applicable, and not the
2 private agreements entered into between the aforementioned parties.

3
4 L. Reverter Provision: The City Commission may rezone any portion of the
5 project which has not secured a final development order on or before five (5) years from the
6 effective date of this ordinance as may be necessary or appropriate to protect adjoining
7 properties or the public health, safety and welfare, unless the City Commission, for good
8 cause shown, shall extend the time period indicated in this paragraph.

9
10 M. Binding Effect of Plans; Recording; and Effective Date. The Planned
11 Development Plan, including any and all amendments shall bind and inure to the benefit of
12 the Applicant and his successor in title or interest. The GRANDVIEW GARDENS PD
13 zoning, provisions of the "Development Agreement," and all approved plans shall run with
14 the land and shall be administered in a manner consistent with Article XII of the City of
15 DeLand Land Development Regulations Ordinance No. 2013-11, as amended.

16 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
17 Court and recorded within forty-five (45) days following execution of the document by the
18 City Commission, in the Official Records of Volusia County, Florida. One copy of the
19 document, bearing the book and page number of the Official Record in which the document
20 was recorded, shall be submitted to the Planning Department for placement in the public
21 file. The date of recording of this document shall constitute the effective date of the
22 GRANDVIEW GARDENS PD or its subsequent amendments. The applicant shall pay all
23 filing costs for recording documents.

1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this 11th
2 day of February, 2020.

3
4 ATTEST:

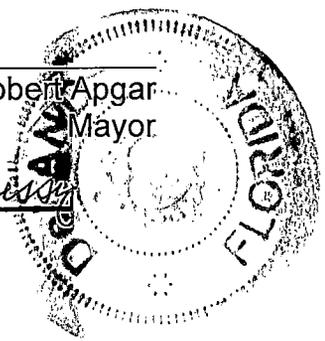
City Commission of DeLand Florida

5
6 Michael Pleus
7 Michael Pleus
8 City Manager
9

Robert Apgar
Robert Apgar
Mayor

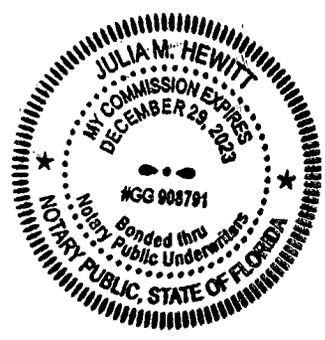
ATTEST:

Julie A. Hennessy
Julie A. Hennessy, MMC
City Clerk - Auditor



10 STATE OF FLORIDA
11 CITY OF DELAND

12
13 The foregoing instrument was acknowledged before me this 11th day of
14 February, 2020, by Michael Pleus and Robert Apgar, as City
15 Manager and Mayor, City of DeLand, respectively, on behalf of the City of
16 DeLand, and who are personally known to me.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:
Julia M. Hewitt

Commission No.: _____

My Commission Expires: _____

1 WITNESSES:
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4 Emily plomes
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7 Emily plomes
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[Signature]
James K. Warner, Trustee

[Signature]
Scarlet M. Warner, Trustee

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15 The foregoing instrument was acknowledged before me this 4th day of
16 February 2020, by JAMES K. WARNER AND SCARLET
17 M. WARNER, both in their capacity as Trustees of The Warner Family Trust
18 dated February 26, 2016, who is personally known to me or who has
19 produced _____ as identification.
20
21



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name: LYNNE FIGENSCHER

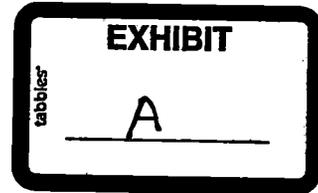
Lynne G. Figenschel

Commission No.: GG 330766

My Commission Expires: May 5, 2023

LEGAL DESCRIPTION

PARCEL ID NO. 7912-00-00-0061



JAMES K. WARNER TR & SCARLET M. WARNER TR

A PARCEL OF LAND LYING IN GOVERNMENT LOTS 3 & 4, SECTION 12, TOWNSHIP 17 SOUTH, RANGE 29 EAST, VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF COMMENCEMENT, BEGIN AT THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 4, RUN THENCE S 00°02'59" W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 4 A DISTANCE OF 400.00 FEET, THENCE RUN N 89°56'42" W, A DISTANCE OF 1207.70 FEET, THENCE RUN N 00°55'19" E, A DISTANCE OF 34.05, THENCE RUN N 89°44'24" W, A DISTANCE OF 440.00 FEET, THENCE RUN N 00°55'18" E A DISTANCE OF 364.42 FEET TO A POINT ON THE NORTH LINE OF GOVERNMENT LOT 4, ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 3, THENCE RUN S 89°56'42" E ALONG SAID NORTH LINE AND SOUTH LINE A DISTANCE OF 73.76 FEET, THENCE RUN N 00°37'52" E A DISTANCE OF 309.00 FEET, THENCE RUN N 89°56'48" W A DISTANCE OF 465.14 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 12, THENCE RUN N 00°55'22" E ALONG SAID WEST LINE A DISTANCE OF 299.03 FEET, THENCE RUN N 89°57'05" E A DISTANCE OF 390.00 FEET, THENCE RUN N 00°55'22" E A DISTANCE OF 56.00 FEET TO THE NORTH LINE OF THE SOUTH ½ OF SAID GOVERNMENT LOT 3, THENCE RUN N 89°57'05" E ALONG SAID NORTH LINE A DISTANCE OF 974.52 FEET TO THE NORTHEAST CORNER OF LOT 2-A, MINCHEW'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 11, PAGE 102, PER RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE RUN S 00°03'00" W ALONG THE EAST LINE OF SAID LOT 2-A A DISTANCE OF 641.42 FEET TO THE SOUTHEAST CORNER OF LOT 2-A, THENCE RUN N 89°56'42" W ALONG THE SOUTH LINE OF SAID LOT 2-A, A DISTANCE OF 357.13 FEET TO A POINT ON THE EAST LINE OF THE WEST ½ OF GOVERNMENT LOT 3, THENCE RUN S 00°29'06" W ALONG SAID EAST LINE A DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF THE WEST ½ OF SAID GOVERNMENT LOT 3, THENCE RUN S 89°56'42" E ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 1017.32 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 31.65 +/- ACRES.

THE NEWS-JOURNAL

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Irene Zucker

who, on oath says that she is

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a
.....

NOTICE OF PUBLIC HEARING

L 2341037

in the Court,
was published in said newspaper in the issues.....

SEPTEMBER 27, 2019

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

Irene Zucker

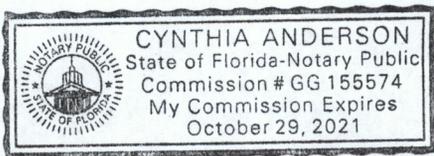
Sworn to and subscribed before me

This 27TH of **SEPTEMBER**

A.D. 2019

Cynthia Anderson

49D



DF-0002341037-01

**NOTICE OF
PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND,
FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a
Public Hearing on the following Ordinance on Monday,
October 07, 2019 at a regular meeting of the DeLand City
Commission. The meeting will take place at 7:00 P.M.
in the City Commission Chambers, 120 South Florida
Avenue, City Hall. All interested parties are invited to
attend and be heard on the matter.

Any person who wishes to appeal any decision made
by the City Commission with respect to any matter
considered at this meeting will need a record of the
proceeding and, thus, may need to ensure that a verbatim
record of the proceeding is made, including the testimony
and evidence upon which an appeal may be based.

The original of the ordinance is on file in the office of
the City Clerk and may be inspected Monday through
Friday from 8:00 A.M. to 5:00 P.M.

ORDINANCE NO. 2019 - 33

**AN ORDINANCE OF THE CITY
COMMISSION OF DELAND, FLORIDA,
CHANGING THE ZONING FROM
VOLUSIA COUNTY'S A-3 TRANSITIONAL
AGRICULTURE AND RR, RURAL
RESIDENTIAL TO CITY OF DELAND'S,
GRANDVIEW GARDENS PD, PLANNED
DEVELOPMENT, ON PROPERTY LOCATED
AT 210 NORTH RIDGEWOOD AVENUE;
APPROVING A PLANNED DEVELOPMENT
PLAN CONSISTING OF APPROXIMATELY
31.5 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.**

