

ORDINANCE NO. 2025 - 02

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF DELAND, BY CHANGING THE LAND USE DESIGNATION OF CERTAIN PROPERTY LOCATED ON THE NORTHWEST CORNER OF SOUTH BLUE LAKE AVENUE AND EAST BERESFORD AVENUE FROM VOLUSIA COUNTY'S URBAN LOW INTENSITY FUTURE LAND USE DESIGNATION TO CITY OF DELAND'S LOW-DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, F.S. §163.3161, et seq., creates the Community Planning Act (hereinafter the "Act"); and

WHEREAS, the Act allows each local government to approve comprehensive plan amendments related to small scale development activities at any time during the year under certain conditions; and

WHEREAS, the Act permits small area amendments to be approved without regard to statutory limits on the frequency of comprehensive plan amendments as long as:

1. The proposed amendment involves the change to the land use designation of a parcel of property that is 50 acres or less; and
2. The cumulative effect of the above amendment does not exceed 120 acres annually; and

WHEREAS, the City Commission adopted a comprehensive plan for the future growth and development of the City pursuant to Ordinance No. 90-4, as amended, (hereinafter the "Comprehensive Plan"); and

WHEREAS, the City Commission has received a request to amend the Comprehensive Plan by changing the land use designation of approximately +/- 15.50 acres of land located on the northwest corner of South Blue Lake Avenue and East Beresford Avenue; from Volusia County's Urban Low Intensity future land use designation to City of DeLand's Low-Density Residential future land use designation; and

WHEREAS, the Planning Board held a public hearing, after due public notice, for the purpose of recommending the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the City Commission held a public hearing after due public notice, in accordance with F.S. §163.3184(11); and

WHEREAS, this land use amendment has been transmitted to and reviewed by the Volusia Growth Management Commission.

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

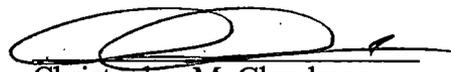
Section 1. The City Commission hereby amends the Future Land Use Map for the incorporated area by changing the land use designation of that certain parcel of land located on the northwest corner of South Blue Lake Avenue and East Beresford Avenue; consisting of

approximately +/- 15.50 acres of land from Volusia County's Urban Low Intensity Future Land Use designation to City of DeLand's Low-Density Residential Future Land Use designation, as more particularly described in the Exhibit "A" attached hereto and by this reference made a part hereof.

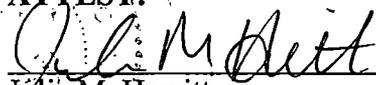
Section 2. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 3. The effective date of this Ordinance shall be the later date of the following events: (1) the date of issuance of a certificate of consistency or conditional certificate of consistency with regard to the land use designation of the subject property by the Volusia Growth Management Commission; (2) thirty-one (31) days after its adoption by the City Commission; or (3) if properly challenged by an affected person, after the state land planning agency or the Administration Commission, respectively, issues a final order determining this adopted small scale development amendment to be in compliance. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective.

PASSED AND DULY ADOPTED this 3rd day of March, 2025.


Christopher M. Cloudman
Mayor - Commissioner

ATTEST:


Julia M. Hewitt
Interim City Clerk - Auditor

Passed on first reading: January 22, 2025
Adopted on second reading: March 3, 2025

APPROVED AS TO FORM AND LEGALITY:

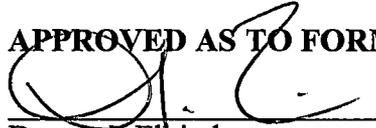

Darren J. Elkind
City Attorney

EXHIBIT "A"

DESCRIPTION: METES AND BOUNDS DESCRIPTION FOR PARENT PARCEL

(CREATED BY SURVEYOR)

THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 30 EAST, SUBJECT TO THE RIGHT OF WAY OF PUBLIC ROADS AND OF EASEMENTS TO HOUSTON TEXAS GAS AND OIL CORPORATION, RECORDED IN OFFICIAL RECORDS BOOK 421, PAGE 668 AND TO FLORIDA POWER CORPORATION, RECORDED IN OFFICIAL RECORDS BOOK 899, PAGE 470, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT A 5/8" IRON BAR AND CAP #3019 MARKING THE NORTHEAST CORNER OF THOSE LANDS RECORDED IN OFFICIAL RECORDS BOOK 7109, PAGE 363, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN S01°03'59"E, ALONG THE WEST RIGHT OF WAY LINE OF SOUTH BLUE LAKE AVENUE, (A 200.00 FOOT RIGHT OF WAY) A DISTANCE OF 495.84 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST BERESFORD AVENUE FOR VOLKUSIA COUNTY RIGHT OF WAY AQUISITION PROJECT NUMBER 5779; THENCE RUN S88°50'48"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 57.24 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1590.00 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE AND ALONG SAID CURVE PASSING TRHROUGH A CENTRAL ANGLE OF 15°37'47", AND HASVING AN ARC LENGTH OF 433.74 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S81°01'54"W, 432.39 FEET, TO A POINT OF REVERSE CURVE; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1520.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 02°57'45" AND HAVING AN ARC LENGTH OF 78.59 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND

DISTANCE OF S74°51'53"W, 78.59 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE RUN S01°14'18"E, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 7.21 FEET TO THE INTERSECTION WITH THE NORTH LINE OF A 30.00 FOOT EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 421, PAGE 668, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN S88°57'54"W, ALONG THE NORTH LINE OF SAID EASEMENT, A DISTANCE OF 38.39 FEET; THENCE RUN S01°09'46"E, A DISTANCE OF 25.68 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID EAST BERESFORD AVENUE; THENCE RUN S89°08'15"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 598.30 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE SOUTH MASSACHUSETTE AVENUE; THENCE RUN N00°56'02"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 602.08 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE RUN N88°46'23"E, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 1196.93 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 15.50 ACRES.