

**ORDINANCE NO. 2001 - 25**

**AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, APPROVING A DEVELOPMENT PLAN FOR THE OAKS ADDITION RESIDENTIAL DEVELOPMENT, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 5.0 ACRES OF PROPERTY, LOCATED ON THE SOUTH SIDE OF THE OAKS MOBILE HOME PARK, APPROXIMATELY 1000 FEET EAST OF BLUE LAKE AVENUE; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** Kent Titcomb (hereinafter referred to as "Applicant"), owns a 5.0 acre parcel of land located on the south side of the Oaks Mobile Home Park, approximately 1000 feet east of Blue Lake 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,** said zoning 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,** Applicant has submitted an application for approval of a development plan for the Oaks addition. Residential Development to encompass all of 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 Low Density Residential land use designation which: encourages intensified development in outlying or newly developed areas for a variety of residential needs; encourages clustering of new development to promote shared facilities and access and to discourage linear development along collector and arterial level roadways; permits energy and cost effective delivery of services; and, requires properly designed ingress and egress to avoid undue traffic hazards or congestion;

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

**Section 1.** The zoning of the Property as PD, Planned Development District, was 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 Report, Narrative, 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 2.** The approved Development Plan for the Oaks addition Residential Development, including the Development Plan Report, Narrative, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and shall be amended to include the conditions as set forth in the document "PD Agreement - the Oaks 5.0 Acre Expansion" which is attached hereto as Exhibit "B" and by this reference made a part hereof.

**Section 3.** 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 4.** 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 5.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

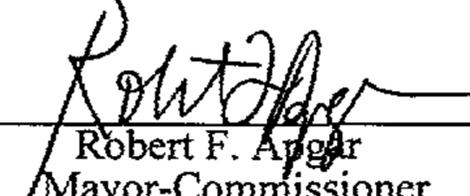
**Section 6.** The City Commission may rezone any portion of the Project which has not obtained preliminary plat approval within two years from the date of adoption of this Ordinance.

**Section 7.** 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.

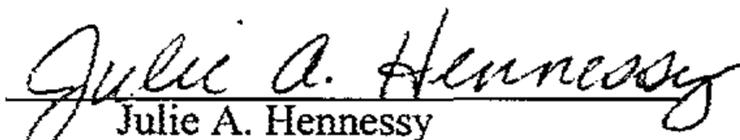
**Section 8.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 9.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 19<sup>th</sup> day of November, 2001.

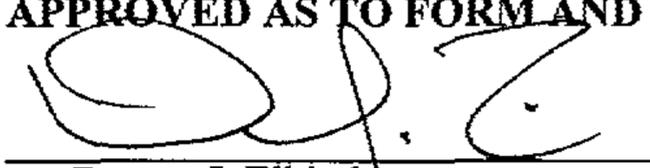
  
\_\_\_\_\_  
Robert F. Anger  
Mayor-Commissioner

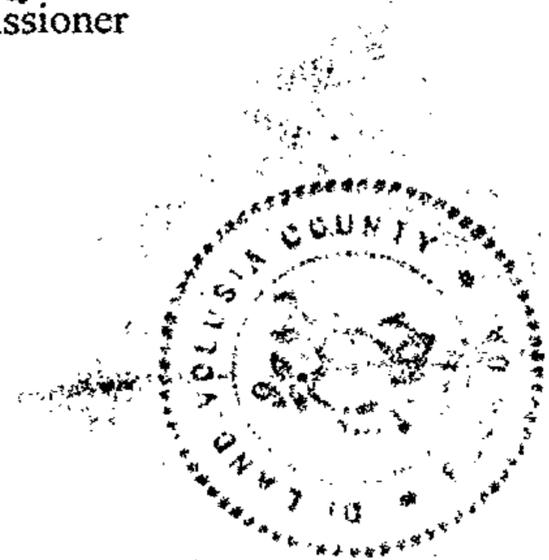
**ATTEST:**

  
\_\_\_\_\_  
Julie A. Hennessy  
City Clerk - Auditor

Passed on first reading: November 5, 2001  
Adopted on second reading: November 19, 2001

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Darren J. Elkind  
City Attorney



Sewer Provider: City of DeLand Utilities.

Solid Waste: Owner intends to us curbside pickup.

Soils - S.C.S. #5, Astatula Fine Sand, 8-17% Slopes  
S.C.S. #15, Cocoa Sand, 0-5% Slopes

Owner: Amicorp Properties  
Kent Titcomb (Agent)  
400 Nut Tree Drive  
DeLand, FL 32724  
(386) 738-4272

Engineer: Frank A. Cleaton, P.E.  
103 W. Wisconsin Ave. #104  
DeLand, FL 32720  
(904) 738-7475

Developer: Amicorp Properties  
400 Nut Tree Drive  
DeLand, FL 32724  
(386) 738-4272

*the Oaks -  
Expansion  
South*

BOOK: 4803  
PAGE: 4927

**DELAND**

105 W. WISCONSIN AVENUE - SUITE 108 - DELAND, FLORIDA 32701  
PHONE (904) 740-1454 FAX 738-7781 EMAIL: MCASH@TOTCON

# LEGAL DESCRIPTION

THAT PORTION OF THE NORTH 1/2 OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 14, TOWNSHIP-17-SOUTH, RANGE-30-EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF BEGINNING, SAID POINT BEING THE NORTH EAST CORNER OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF AFORESAID SECTION 14, RUN THENCE SOUTH 01° 08'34" EAST, ALONG THE EAST LINE OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SAID SECTION 14, A DISTANCE OF 651.68 FEET TO THE SOUTH EAST CORNER OF THE NORTH 1/2 OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SAID SECTION 14; THENCE SOUTH 88°30'38" WEST, ALONG THE NORTH 1/2 OF THE NORTH WEST 1/4 OF THE SOUTH WEST 1/4 OF AFORESAID SECTION 14, A DISTANCE OF 369.56 FEET; THENCE NORTH 04°59'42" EAST, A DISTANCE OF 654.67 FEET, TO THE NORTH LINE OF THE SOUTH WEST 1/4 OF AFORESAID SECTION 14; THENCE NORTH 88°17'00" EAST, ALONG THE NORTH LINE OF THE SOUTH WEST 1/4 OF AFORESAID SECTION 14, A DISTANCE OF 299.57 FEET, TO THE POINT BEGINNING.

*[Signature]*  
8/13/01

**RECEIVED**

AUG 13 2001

COMM. ENGINEERING

7-01-06-02

JOB #	2001-33
SCALE	1"=30'
DATE	8/6/01
DRAWN	DCW
SHEET	ONE
OF	ONE

Exhibit A

BOOK: 4803  
PAGE: 492B

PD AGREEMENT

**RECEIVED**

THE OAKS 5 ACRE EXPANSION

OCT 30 2001

10/30/1

COMMUNITY DEVELOPMENT

This property is restricted to 4 units per acre or less retirement manufactured home leased lot residential purposes. These homes will be built under Federal construction and inspection standards. Siting and accessory structure completions shall be constructed to local building official standards and inspections. Any homes constructed completely on site would by by local construction standards and inspections.

Set Backs:

Standard front yard set back 20'

On curved lots and under certain conditions a 10' set back from the edge of pavement is allowed.

Side yard set backs 7' 6"

Rear yard set backs 10'

Rear yard set back abutting perimeter 12.5'

Perimeter buffers of 12.5' adjoining R-1AA and R-R shall have a 6' block wall covered with stucco. Said buffers shall have visual screening landscaping either existing or installed between the perimeter property line and the wall. The wall may vary from 1' to 10' from the perimeter property line.

Homes shall be a minimum of 900 square feet heated and cooled space and a minium of 26 feet wide and 36 feet long. The homes shall include a minimum of 1 car carport, 6' x 10' utility room and a 10' x 15' screened in porch. Vertical metal or vertical wood siding is prohibited. All homes shall have a minimum of 3' 6" in 12' roof pitch. Metal roofs on the manufactured home are prohibited. All homes shall have "Triple Stack" unitizing eave trim on the entire perimeter of the home.

Homes shall have a block perimiter skirting with clean fill banked against for wind security and for aesthetic as well as access purposes. Only concrete, steel or polyvinyl materials are allowed within 12" of any unprotected wood sctructure. All natural soil material shall be a minimum of 12" from any unprotected wood sturcture.

All homes shall have a termite bond applied before final inspection.

Any home on soils that do not accomodate natural percolation, shall have a drainage system installed to prevent humidity damage.

Exhibit B

All homes shall have automatic timer irrigation systems with rain guage off switches. All four sides of the home shall have irrigation.

The homes shall have St. Augustine or a similar strain of grass. A minimum of 50 gallons of plant material is required for landscaping. Mulch or bark chips are required in the disturbed planting areas.

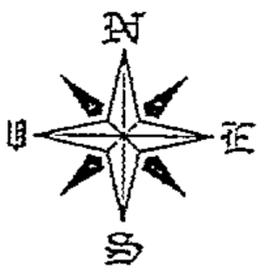
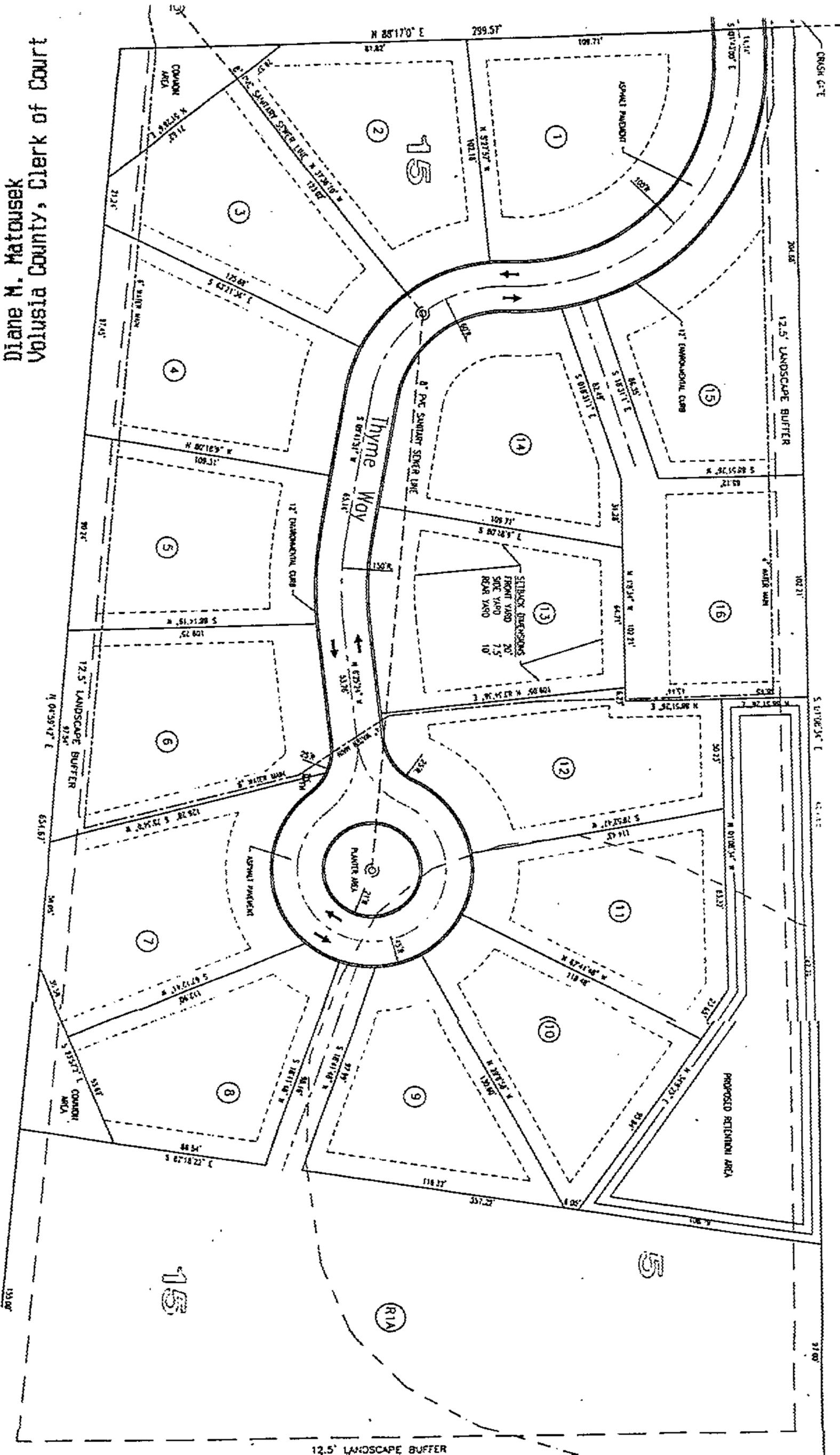
Xeroscaping is encouraged and natural tree hammocks shall be preserved as much as possible. Lots without trees due to the natural availability of trees shall have a minimum two 15 gallon trees with a planted growth height of 6'.

It is the developers intent to retain and protect any trees not within the building envelope extending to 5 feet beyond the building foot print. All efforts will be made to flip floor plans, rearrange carports, screen rooms and utility rooms to maximize tree preservation. Due to the common ownership of this entire site, lot lines are not recorded and deeded. Therefore there is a maximum of flexibility to move streets, lot lines, homes and accessory structures in order to accomodate "field adjusting" site development as well as home construction.

All utilities will be underground.

Fire hydrants will be installed according to state and county specifications.

Emergency access will be provided by Blue Lake Avenue and Euclid Avenue or Jackson Avenue and Euclid Avenue.



- SOIL BORING
- R-PUD ZONING CLASSIFICATION
- SOILS TYPE
- ⊙ SANITARY SEWER
- WATER MAIN