

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY A-2, RURAL AGRICULTURE TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED +/-1,360 FEET SOUTHEAST OF THE INTERSECTION OF BLUE LAKE AVENUE AND JACKSON RANCH ROAD; APPROVING A DEVELOPMENT PLAN FOR A 85 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 30 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Mark Bines for CECCF, LLC, owner (hereinafter referred to as "Applicant"), owns a 30 acre parcel of land located +/-1,360 feet southeast of the intersection of Blue Lake Avenue and Jackson Ranch Road, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, Applicant has applied for a change of zoning from the present zoning classification of Volusia County A-2, Rural Agriculture to PD, Planned Development District; 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, Applicant has submitted an application for approval of a development plan for the Blue Lake Estates PD 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 commercial and office 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 City Commission has held a public hearing to approve the change of zoning from Volusia County A-2, Rural Agriculture to PD, Planned Development District.

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 Blue Lake Estates 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 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 4. The approved Development Plan for the Blue Lake Estates PD, 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 certificate of occupancy within five years from the date of adoption of this Ordinance.

Section 9. Prior to the issuance of a building permit for any nonresidential development, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities and stormwater.

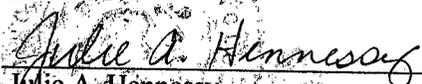
Section 10. The City Engineer, Planning Director and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

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.

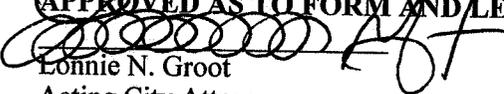
Section 13. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 19th day of December, 2005.

ATTEST:

Julie A. Hennessy
City Clerk - Auditor


Robert F. Apgar
Mayor - Commissioner

Passed on first reading: July 6, 2005
Adopted on second reading: December 19, 2005

APPROVED AS TO FORM AND LEGALITY:

Lonnie N. Groot
Acting City Attorney

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Exhibit "A"

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LEGAL DESCRIPTION:

That portion of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 17 South, Range 30 East, Volusia County, Florida, described as follows:

Beginning at the southeast corner of the Northwest $\frac{1}{4}$ of said Section 26, run thence westerly along the south line thereof to the southwest corner of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 26; thence northerly along the west line thereof to the northwest corner of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 26; thence easterly along the north line thereof to the northeast corner of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 26; thence southerly along the east line thereof to the Point of Beginning.

AN-05-05 -Blue Lake South of Jackson Ranch Rd -30 acres

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: (Case #), Application of

5 CECCF, LLC

6 ORDINANCE # _____

7
8 ORDER AND RESOLUTION

9 GRANTING A REQUEST FOR CHANGE OF ZONING FROM VOLUSIA COUNTY A2

10 TO

11 BLUE LAKE ESTATES PD (PLANNED DEVELOPMENT) (see below)

12
13 The application of CECCF, LLC, hereinafter, "Applicant", for rezoning was heard by
14 and before the City Commission, DeLand Florida, on November 7 and December 19, 2005.

15 Based upon the verified Application and other supporting documents, maps, charts,
16 overlays, other evidence and instruments; the advice, report, and recommendations of the
17 Community Development, and other Departments and agencies of DeLand, Florida; and
18 the testimony adduced and evidence received at the Public Hearing on this Application by
19 the Planning Board on October 19, 2005, and otherwise being fully advised, the City
20 Commission does hereby find and determine as follows:

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GENERAL FINDINGS

1
2
3 A. That the application of CECCF, LLC was duly and properly filed herein on
4 August 11, 2005 as required by law.

5
6 B. That all fees and costs which are by law, regulation, or Ordinance required to
7 be borne and paid by the Applicant have been paid.

8
9 C. That the Applicant is the contract purchaser of a 30 acre parcel of land which
10 is situated in DeLand, Florida. This parcel of land is described more particularly in the
11 survey and legal description, a true copy of which is attached hereto as Exhibit "A".

12
13 D. That the Applicant has complied with the concept plan provision as required
14 by Land Development Regulations Ordinance # 2002-09, as amended.

15
16 E. That the Applicant has complied with the "Due Public Notice" requirements of
17 the City Commission, Land Development Regulations Ordinance # 2002-09, as amended.

18
19 F. That the owners of the property agree with the provisions of the Development
20 Agreement, and they have executed and filed with the City of DeLand an authorization for
21 the Applicant to make the rezoning request herein.

FINDINGS REGARDING REZONING

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1
2
3 A. That the Applicant has applied for a change of zoning from the present
4 zoning classification(s) of the parcel described in Exhibit "A" from Volusia County A2 (rural
5 agriculture) to BLUE LAKE ESTATES PD (Planned Development).

6
7 B. That the said rezoning to BLUE LAKE ESTATES PD is consistent with both
8 the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and the intent
9 and purpose of the City of DeLand Land Development Regulations Ordinance # 2002-09,
10 as amended, and does promote the public health, safety, morals, general welfare and
11 orderly growth of the area affected by the rezoning request.

12
13 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF
14 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY
15 COMMISSION CHAMBERS, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS
16 (public hearing date) DAY OF _____, A.D., _____, AS FOLLOWS:

17
18 A. That the Application of CECCF, LLC for the rezoning of the subject parcel is
19 hereby granted.

20
21 B. That the zoning classification of the subject parcel described in Exhibit "A"
22 attached hereto is hereby amended from Volusia County A2 (rural agriculture) to BLUE
23 LAKE ESTATES PD as described in Article VII of the City of DeLand, Land Development
24 Regulations Ordinance # 2002-09, as amended.

1
2 C. That the Official Zoning Map of the City of DeLand is hereby amended to
3 show the rezoning of said parcel to BLUE LAKE ESTATES PD.
4

5 D. That the City of DeLand Land Development Regulations Ordinance # 2002-
6 09, as amended, is consistent with the provisions of the "Development Agreement" as
7 hereinafter set forth in this Ordinance and with respect to any conflict between Land
8 Development Regulations Ordinance # 2002-09, as amended, and the "Development
9 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
10 02-09, as amended, shall govern with respect to any matter not covered by the
11 "Development Agreement." The City of DeLand will ensure overall compliance with this
12 Ordinance.
13

14 E. Unless otherwise provided for herein the City of DeLand, Land Development
15 Regulations Ordinance # 2002-09, as amended, shall apply to the Blue Lake Estates PD
16 in the same manner as the R1 zoning classification.
17

18 F. Nothing in this Ordinance shall abridge the requirements of any City of
19 DeLand Ordinance other than Ordinance 2002-09, as amended. Timing and review
20 procedures contained in this Order and Resolution may be modified to comply with the City
21 of DeLand Land Development Regulations, Ordinance No. 2002-09, as amended. Further,
22 nothing in the Development Agreement is intended to abridge the requirements of
23 Ordinance No. 2002-09, as amended, and any other City Ordinances.
24

DEVELOPMENT AGREEMENT

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1
2
3 A. Development Concept The property shall be developed as Blue Lake
4 Estates PD, or such other name to be assigned by plat, substantially in accordance with
5 the Planned Development Plan. The Planned Development Plan shall govern the
6 development of the property as Blue Lake Estates PD and shall regulate the future land
7 use of this parcel.

8 1. Planned Development Plan The Planned Development Plan shall
9 consist of the ~~Development Plan Map prepared by Bowyer Singleton & Associates and~~
10 dated October 7, 2005 and this Development Agreement. The Planned Development Plan
11 is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The
12 Planned Development Plan shall be filed and retained for public inspection in the Planning
13 Department and it shall constitute a supplement to the Official Zoning Map of the City of
14 DeLand.

15 2. Amendments. All amendments of the Planned Development Plan,
16 other than those deemed by the Planning Department to be minor amendments as set out
17 in Ordinance No. 2002-09, as amended, shall require the review and recommendation of
18 the Planning Board and action by the City Commission in the same manner as a rezoning
19 of the parcel.

20 3. Subdivision Approval. After the Planned Development Plan is
21 recorded, and prior to any construction, including clearing and landfill, a preliminary plat
22 and one or more final plats of the area to be subdivided shall be submitted for review and
23 approval in the manner required by Article 13 of the City of DeLand Land Development
24 Regulations, Ordinance No. 2002-09, as amended.

1
2 B. Unified Ownership. The Applicant or his successors shall maintain unified
3 ownership or control of the unplatted portions of the subject parcel until after issuance of
4 the Final Development Order Plat(s).

5
6 C. Phases of Development. The Blue Lake Estates PD may be developed in
7 phases.

8
9 D. Land Uses Within the Blue Lake Estates PD. The development of the parcel
10 shall be consistent with the uses prescribed for each area within the proposed BLUE LAKE
11 ESTATES PD. The location and size of said land use areas are shown on the
12 Development Plan Map, Exhibit "B". The following land uses shall be allowed as permitted
13 principal uses and structures along with their customary accessory uses and structures:
14 Detached single-family dwellings.

15
16 E. Development Standards.

- | | | |
|----|------------------------------------|-----------------------------|
| 17 | 1. Maximum number of lots | 85 |
| 18 | 2. Minimum lot area | 5,000 square feet |
| 19 | 3. Minimum lot width and/or depth | 50' X 100' |
| 20 | 4. Minimum setbacks | |
| 21 | a. Front yard: | 20 ft. |
| 22 | b. Rear yard: | 20 ft. |
| 23 | c. Side yard: | 7.5 ft. |
| 24 | d. Corner lot: | 10 ft. |
| 25 | 5. Minimum area: | 1,400 sq. ft. (living area) |
| 26 | 6. Maximum impervious lot coverage | 65% |
| 27 | 7. Maximum building height | 35 ft. |

- 1 8. Buffers See exhibit "B"
- 2 9. Minimum building separation 15 ft.
- 3 10. Open Space and/or Common Area requirements shall meet the Land
- 4 Development Regulations Ordinance # 2002-09: 15 % of total site.
- 5 11. Pool Setbacks: 5' side yard, 5' rear yard
- 6 (including screen enclosure)
- 7 12. Minimum lot width on street curves to be 50' at front building line.
- 8 13. All rear construction setbacks lines at the perimeter of the project
- 9 shall be measured from the project perimeter line and inclusive of any
- 10 perimeter buffer.

11
12 F. Environmental Considerations. It is recognized that the development site has
13 outstanding natural beauty and that mutual cooperation to preserve the natural amenities
14 of the area is important. Accordingly, the Applicant or his successors or assigns shall
15 comply with the City's ordinances providing for tree & wetland protection, and specifically
16 (without limiting any other provision of said ordinances) shall:

- 17 • Obtain a tree removal permit from the City's Building Department for each lot
- 18 or group of lots to be cleared for construction. Consistent with City
- 19 regulations, the Applicant may be permitted to clear the right of way for
- 20 roads, utilities and easements after the preliminary plat has been approved.
- 21 In order to maintain the integrity of drainage, the Applicant may clear and
- 22 grade portions of contiguous lots in accordance with the approved
- 23 engineering plans, leaving an uncleared area of ten feet abutting front lot
- 24 utility easements. Final clearing and any required tree replacement shall
- 25 occur as part of the construction on each lot.
- 26 • Ensure that each lot contains a minimum of one tree for every 2,500 square
- 27 feet of lot area. All required trees, including replacement trees, shall be a

1 minimum of 3" DBH. No clearing of trees or any other development activities
2 shall be permitted in the tracts designated as tree protection areas except for
3 the removal of trees damaged by fire, windstorm, lightning, or other acts of
4 God, which pose imminent danger to life or property. Live oak trees 6" DBH
5 and greater will be surveyed and every effort has been made to minimize the
6 loss of live oaks greater than 6" DBH.

- 7 • Environmental specialist will delineate wetlands.
- 8 • A Listed Species Report will be submitted with preliminary plat application.
- 9 • Meet or exceed the minimum requirements of the Land Development
10 Regulations Ordinance # 2002-09, as amended.

11
12 G. Sewage Disposal, Potable Water and Reuse. Provision for sewage disposal
13 and potable water needs of the Blue Lake Estates PD will be provided in accordance with
14 the Comprehensive Plan, Ordinance No.1990-04, as amended, the Land Development
15 Regulations Ordinance No. 2009-09, as amended, and State of Florida Administrative
16 Code 64E-6. The specific engineering plan for connections of water and sewer service to
17 City facilities shall be provided at preliminary plat. The Applicant shall enter into a Utility
18 Service Agreement with the City in accordance with Chapter 30 of the Code of Ordinances
19 to reserve sufficient capacity for the development. The Applicant shall provide distribution
20 lines for reclaimed water to each lot, through specific engineering/construction plans to be
21 provided at preliminary plat.

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1 H. Storm Water Drainage. Provision for storm water retention shall be in
2 accordance with the Land Development Regulations Ordinance # 2002-09, as amended.
3 The development shall meet or exceed the requirements for the storm water management
4 and conservation provision of the Code of Ordinances. Areas identified as retention areas
5 on the Planned Development Plan may be shifted or altered for storm water management
6 purposes without the necessity of amendment of this Development Agreement and its
7 exhibits. Storm Water calculations will be based upon impervious coverage. The
8 impervious coverage is calculated for the gross site in which cluster development or other
9 site design alternatives may result in individual lots within the development exceeding the
10 impervious coverage, while other lots may be devoted entirely to open space.

11
12 I. Access and Transportation System Improvements. All access and
13 transportation system improvements shall be provided in accordance with the Land
14 Development Regulations, Ordinance # 2002-09, as amended. The parcel shall be
15 developed in substantial accordance with the following access and transportation system
16 improvements:

17 1. Access. Access to the site shall be through the city road to be named
18 Gladesdown Court on the Southeastern side. One additional stub street will be provided
19 for on the eastern side of the property to provide for future interconnection.

20 2. Transportation System Improvements. All of the transportation
21 systems contemplated by this Blue Lake Estates PD will be contained within the internal
22 road network, as more particularly set forth in section J below.

1 J. Building or Property Owners Association. A Homeowner's Association
2 shall be created by the Applicant to own, manage and maintain the common areas. The
3 owner of each lot shall be a member of the Association and shall be liable for, with a lien
4 securing payment of, annual and special assessments collected by the Association for the
5 improvement, maintenance, enhancement, enlargement and operation of common areas
6 and for payment of taxes, governmental assessments, insurance, costs of material,
7 equipment, labor, professional services, management and supervision necessary to carry
8 out the authorized functions of the Association, and for payment of principal, interest and
9 other charges connected with loans made to or assumed by the Association.

10 The charter and bylaws of said Homeowner's Association and any amendments thereto or
11 related agreements, covenants, easements or restrictions which relate to the terms and
12 conditions of this Development Agreement shall be furnished to the City. The Applicant
13 shall bear and pay the costs of recording all of the aforesaid documents in the Official
14 Records of Volusia County, Florida. The City shall not be responsible for enforcing the
15 Declaration of Protective Covenants, Conditions and Restrictions for Blue Lake Estates PD
16 or the Articles of Incorporation or By-Laws of the Association. The Homeowner's
17 Association shall be responsible for the maintenance of all common areas and the
18 enforcement of covenants against all private lands, to insure that weeds, trees, shrubbery
19 and construction, maintenance and utility materials and equipment do not obscure the face
20 of any traffic control device, as viewed from the traveled way.

21
22 K. Signage, Entrance Features, and Walls. The Applicant may construct
23 entrance signage for the Blue Lake Estates PD community at one or both sides of the
24 entrance, which may be incorporated in a landscaped fence or masonry wall not to exceed

1 six feet in height. The Applicant may also erect a temporary sales sign at the entrance.
2 The copy area of any entrance or temporary sales sign shall otherwise be subject to the
3 City's sign regulations. Any such signage and landscaping, and any mail kiosks required or
4 permitted by the Postal Service, shall be located outside of the required public right of way
5 and shall be within a common area or easement to be maintained by the Homeowners
6 Association. In addition, the Applicant may provide a divided landscaped median at any
7 entrance to the Blue Lake Estates PD and may, subject to the design and safety
8 regulations of the City, provide therein a gazebo, kiosk or other similar feature as part of or
9 in addition to the entrance signage.

10
11 L. Temporary Offices and Models.

The Applicant may place a
12 temporary construction and/or sales office trailer at an approved location, and erect model
13 homes and connect such office and model homes to City utilities prior to the final
14 completion of subdivision improvements for the first phase, so long as: (1) paved access
15 has been completed to any such model home area; and (2) occupancy of any such model

16 is limited to construction management and sales activity only, and no permanent certificate
17 of occupancy approving the use of the home as a residence shall be issued by the City
18 until the final plat is approved and the relevant subdivision improvements have been
19 completed.

20
21 M. Reverter Provision:

The City Commission may rezone any portion of the
22 project which has not secured a (final development order) on or before 10 years from the
23 effective date of this ordinance as may be necessary or appropriate to protect adjoining
24 properties or the public health, safety and welfare, unless the City Commission, for good

1 cause shown, shall extend the time period indicated in this paragraph.

2
3 N. Binding Effect of Plans; Recording; and Effective Date. The Planned
4 Development Plan, including any and all amendments shall bind and inure to the benefit of
5 the Applicant and his successor in title or interest. The BLUE LAKE ESTATES PD zoning,
6 provisions of the "Development Agreement," and all approved plans shall run with the land
7 and shall be administered in a manner consistent with Article 12 of the City of DeLand
8 Land Development Regulations Ordinance # 2002-09, as amended.

9 This Ordinance and all subsequent amendments shall be filed with the Clerk of the
10 Court and recorded within forty-five (45) days following execution of the document by the
11 City Commission, in the Official Records of Volusia County, Florida. One copy of the
12 document, bearing the book and page number of the Official Record in which the
13 document was recorded, shall be submitted to the Planning Department for placement in
14 the public file. The date of recording of this document shall constitute the effective date of
15 the BLUE LAKE ESTATES PD or its subsequent amendments. The Applicant shall pay all
16 filing costs for recording documents.

1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this
2 ___ day of 3-15-06 (mo/yr).

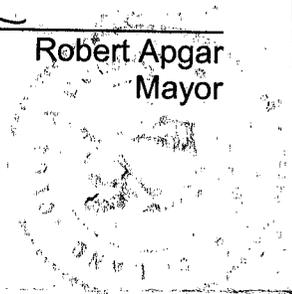
3
4
5 ATTEST:

City Commission of DeLand Florida

6 Mike Abels
7
8 Mike Abels
9 City Manager

Robert Apgar
Robert Apgar
Mayor

ATTEST:
Julie A. Hennessy
CITY CLERK



11 STATE OF FLORIDA
12 CITY OF DELAND

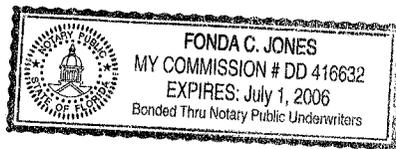
13
14 The foregoing instrument was acknowledged before me this 15th day of
15 MARCH, 2006 (mo/yr), by Mike Abels and Robert Apgar, as City Manager
16 and Mayor, City of DeLand, respectively, on behalf of the City of DeLand,
17 and who are personally known to me.

18
19 NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name: Fonda C. Jones
FONDA C. JONES

21
22 Commission No.: _____

23 My Commission Expires: _____



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1
2 WITNESSES:

CECCF, LLC.

3
4 Tara Mirgle

5 By: Mark Bines
6 Mark Bines, Managing Member

7
8 TARA MIRGLE

9
10 Bryan Fisher
11
12

13 _____
14 Owner of Property (if other than Applicant)

15
16
17
18 The foregoing instrument was acknowledged before me this 30 day of
19 January, 2006 (mo/yr), by Mark Bines, who is personally known
20 to me or who has produced _____ as
21 identification.



Tara Mirgle
NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:
TARA MIRGLE
Commission No.: DD0337821
My Commission Expires: 7/14/08

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Diane M. Matousek
Volusia County, Clerk of Court

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Diane M. Matousek
Volusia County, Clerk of Court

Exhibit "B" - DEVELOPMENT PLAN MAP

SITE DATA:

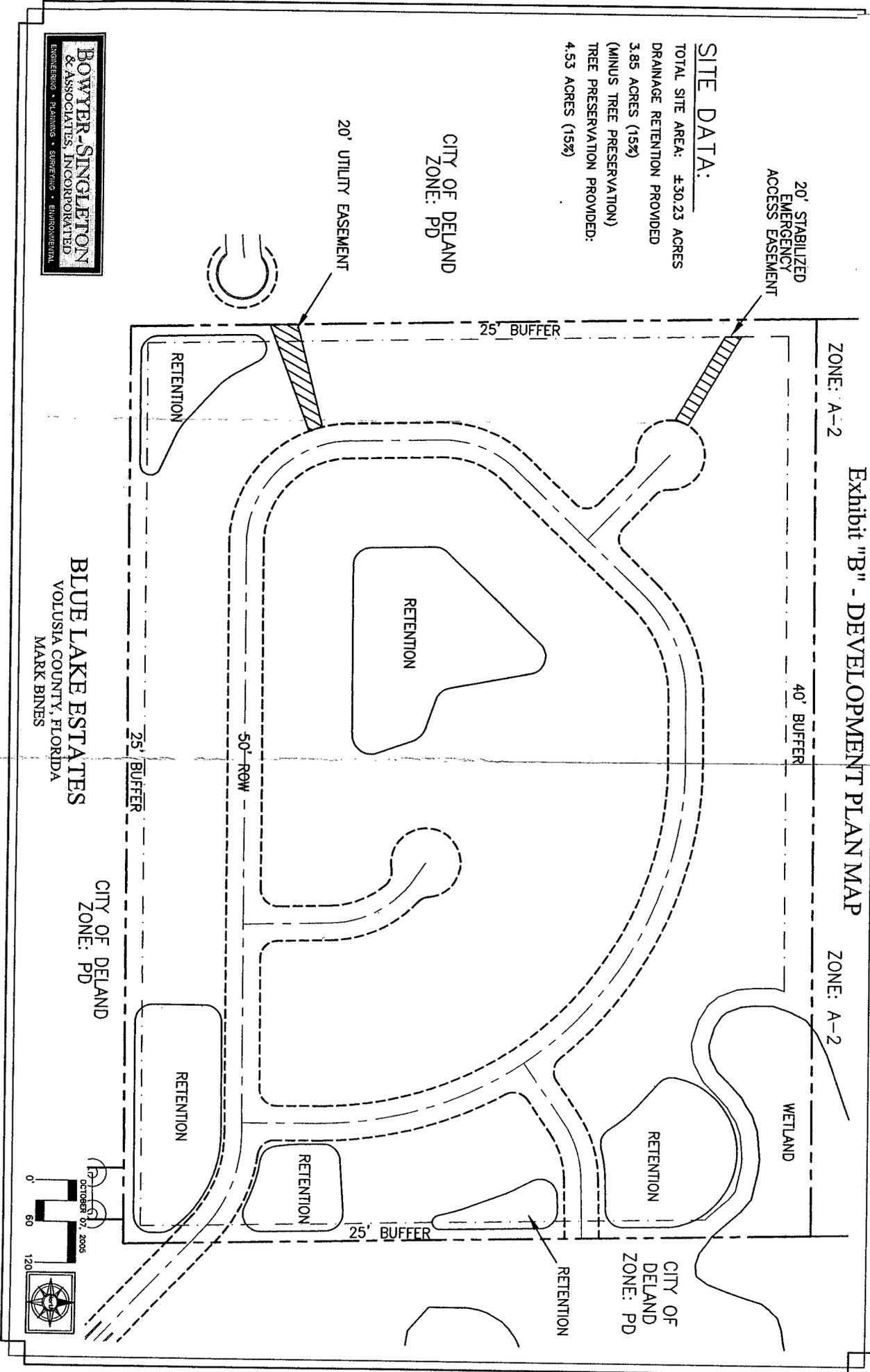
TOTAL SITE AREA: ±30.23 ACRES
DRAINAGE RETENTION PROVIDED
3.85 ACRES (15%)
(MINUS TREE PRESERVATION)
TREE PRESERVATION PROVIDED:
4.53 ACRES (15%)

CITY OF DELAND
ZONE: PD

BOWYER-SINGLETON
& ASSOCIATES, INCORPORATED
ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL

BLUE LAKE ESTATES
VOLUSIA COUNTY, FLORIDA
MARK BINES

CITY OF DELAND
ZONE: PD



**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, December 19, 2005 at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 121 West Rich Avenue, City Hall Annex. All interested parties are invited to attend and be heard on the matter.

Any person who appeals 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. 2005 - 73

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY A-2, RURAL AGRICULTURE TO PD, PLANNED DEVELOPMENT DISTRICT, ON DESCRIBED PROPERTY LOCATED +/-1,360 FEET SOUTHEAST OF THE INTERSECTION OF BLUE LAKE AVENUE AND JACKSON RANCH ROAD; APPROVING A DEVELOPMENT PLAN FOR A 85 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 30 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Please publish the above legal advertisement one time on the following date: Friday, December 9, 2005 and send proof of publication to:

City Clerk
City of DeLand
120 South Florida Avenue
DeLand, FL 32720

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia:

Before the undersigned authority personally appeared

Patricia A. Charity

Who, on oath says that she is

Classified Call Center Manager

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

Notice of Public Hearing December 19,
2005
in the matter of Ordinance No. 2005-73
in the Court
was published in said newspaper in the issues

December 9, 2005

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.

Sworn to and subscribed before me

this 9th day of December

A.D. 2005

Anita Marie Saunders



ANITA MARIE SAUNDERS
Notary Public, State of Florida
My comm. expires Aug. 30, 2007
Comm. No. DD 222131

LEGAL ADVERTISEMENT

**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 Mon-
day, December 19, 2005, at the regu-
lar meeting of the DeLand City
Commission. The meeting will
take place at 7:00 p.m. in the City
Commission Chambers, 121 West
Rich Avenue, City Hall Annex. All
interested parties are invited to at-
tend and be heard on the matter.
Any person who appeals any deci-
sion made by the City Commission
with respect to any matter consid-
ered at this meeting will need a re-
cord of the proceeding and, thus,
may need to ensure that a verba-
tim 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 2005-73
AN ORDINANCE OF THE CITY
OF DELAND, FLORIDA, CHANG-
ING THE ZONING FROM VOLU-
SIA COUNTY A-2 RURAL
AGRICULTURE TO PD
PLANNED DEVELOPMENT DIS-
TRICT, ON DESCRIBED PROP-
ERTY LOCATED ± 1,360 FEET
SOUTHEAST OF THE INTERSEC-
TION OF BLUE LAKE AVENUE
AND JACKSON RANCH ROAD;
APPROVING A DEVELOPMENT
PLAN FOR AN 85 LOT SINGLE
FAMILY RESIDENTIAL SUBDI-
VISION, A RESIDENTIAL
PLANNED DEVELOPMENT
CONSISTING OF APPROX-
IMATELY 30 ACRES OF PROP-
ERTY, DIRECTING A CHANGE
IN THE COMPREHENSIVE ZON-
ING MAP, CONDITIONING FI-
NAL DEVELOPMENT APPROV-
AL ON A DETERMINATION OF
CONCURRENCY, PROVIDING
FOR SEVERABILITY AND AN
EFFECTIVE DATE.**
Legal L58073, December 9, 2005 1t.

ORDINANCE NO. 2009 - 24

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 2005-73 APPROVING THE PLANNED DEVELOPMENT AGREEMENT FOR BLUE LAKE ESTATES; BY MODIFYING THE PLANNED DEVELOPMENT AGREEMENT, BY INCREASING THE NUMBER OF UNITS, BY DECREASING SIDE YARD SETBACK; BY DECREASING THE MINIMUM SQUARE FOOTAGE OF DWELLINGS; AND BY CHANGING THE NAME TO SAWYER'S LANDING; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, On December 19, 2005, the City Commission adopted Ordinance No. 2005-73, approving the Planned Development for the development known as "Blue Lake Estates;" and

WHEREAS, the applicant for the Blue Lake Estates development is requesting that the Planned Development Agreement be modified by increasing the number of units, by decreasing side yard setback, by decreasing the minimum square footage of dwellings and by changing the name of the development to "Sawyer's Landing;" and

WHEREAS, the proposed amendments will not have a detrimental effect on the surrounding properties, and it is in the best interests of the City to grant the requested amendments to Blue Lake Estates Planned Development.

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

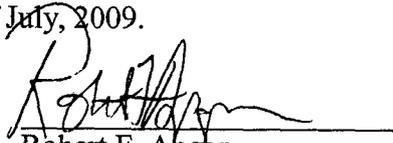
Section 1. City of DeLand Ordinance No. 2005-73, approving the Planned Development Agreement for the development know as "Blue Lake Estates," is hereby amended by modifying the Planned Development Agreement for Blue Lake Estates by increasing the number of units, by decreasing side yard setback; by decreasing the minimum square footage of dwellings and by changing the name of the development to "Sawyer's Landing."

Section 2. At the time of development, the developer 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, as amended, shall supersede comparable standards contained in the Code of Ordinances.

Section 3. 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 4. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 6th day of July, 2009.

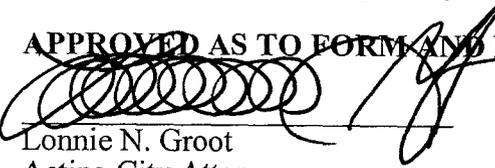

Robert F. Appar
Mayor - Commissioner

ATTEST:


Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: June 15, 2009
Adopted on second reading: July 6, 2009

APPROVED AS TO FORM AND LEGALITY:


Lonnie N. Groot
Acting City Attorney

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia:**

Before the undersigned authority personally appeared

Stacy W. Montoya

who, on oath says that she is
Classified Advertising Manager
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 CITY OF DELAND

In the matter of K815466
in the Court
was published in said newspaper in the issues
JUNE 19, 2009

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.

Stacy W. Montoya

Sworn to and subscribed before me

this 19TH day of JUNE
A.D. 2009

Rachael L. Golub



RACHAEL L. GOLUB
Notary Public, State of Florida
My Comm. Expires Oct. 7, 2012
Commission No. DD 829134

NOTICE OF PUBLIC HEARING
CITY OF DELAND, FLORIDA
NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following Ordinance on Monday, July 6, 2009, 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 appeals any decision made by the City Commission with respect to any matter considered at this meeting will file 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. 2009-24
AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, AMENDING ORDINANCE NO. 2005-73 APPROVING THE PLANNED DEVELOPMENT AGREEMENT FOR BLUE LAKE ESTATES BY MODIFYING THE PLANNED DEVELOPMENT AGREEMENT BY INCREASING THE NUMBER OF UNITS BY DECREASING SIDE YARD SETBACK BY DECREASING THE MINIMUM SQUARE FOOTAGE OF DWELLINGS AND BY CHANGING THE NAME TO SAWYER'S LANDING AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.