

ORDINANCE NO. 2016 - 20

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE HUNTINGTON DOWNS PLANNED DEVELOPMENT, ON PROPERTY LOCATED AT 701 ORANGE CAMP ROAD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 113.52 +/- 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, an application for rezoning has been filed by the Applicant, Christopher Wrenn, on behalf of D. R. Horton, Inc., for an amendment to the PD zoning for 113.52 +/- acres of land located at 701 Orange Camp Road, which property is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, the Huntington Downs PD was approved on November 5, 2007, by City of DeLand Ordinance 2007-43; and

WHEREAS, the Applicant desires to amend the Huntington Downs PD in order to reconfigure the previously approved street patterns and to protect existing topography and trees; and

WHEREAS, the Applicant, with the written authorization of the property owner, has applied for a change of zoning in order to amend the Huntington Downs PD zoning designation; and

WHEREAS, said rezoning 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 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 Low Density Residential 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 to amend the Huntington Downs PD, on the property located at 701 Orange Camp Road:

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 the Huntington Downs 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 which were previously submitted for the Huntington Downs PD as well as the documentation submitted along with the current application, all of which has been filed and will be

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 and Development Agreement for the Huntington Downs PD, Planned Development District, shall be amended as per the attached Exhibit "B" which 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.

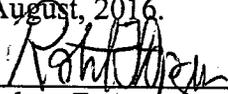
Section 7. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 8. The City 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 9. 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.

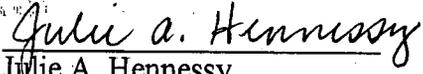
Section 10. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 15th day of August, 2016.



Robert F. Apgar
Mayor - Commissioner

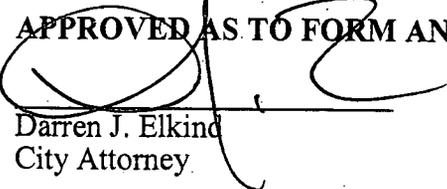
ATTEST:



Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: July 5, 2016
Adopted on second reading: August 15, 2016

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

EXHIBIT "A"

Legal Description

A PORTION OF THE NORTHWEST ¼ OF SECTION 34, TOWNSHIP 17 SOUTH, RANGE 30 EAST, LYING IN VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE RUN N89°34'57"E ALONG THE NORTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 34 A DISTANCE OF 332.02 FEET; THENCE DEPARTING SAID NORTH LINE OF THE NORTHWEST ¼ RUN S01°47'09"E A DISTANCE OF 24.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF ORANGE CAMP ROAD, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE RUN ALONG SAID SOUTH RIGHT OF WAY LINE N89°34'57"E A DISTANCE OF 331.89 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN S01°41'21"E A DISTANCE OF 635.69 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF POWELL AVENUE, SAID POINT ALSO BEING ON THE NORTH LINE OF MIDWAY PARK PLAT 1 AS SHOWN ON THE PLAT OF RECORD IN MAP BOOK 22, PAGES 132-133 (A TRUE COPY OF MAP IN MAP BOOK 7, PAGE 91) OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN ALONG THE SAID NORTH LINE OF MIDWAY PARK PLAT 1 N89°43'01"E A DISTANCE OF 80.82 FEET; THENCE DEPARTING SAID NORTH LINE RUN ACROSS THE RIGHT OF WAY OF POWELL AVENUE AND CONTINUE ALONG THE EAST LOT LINES OF LOTS 5, 35-48, BLOCK 19 S01°40'07"E A DISTANCE OF 511.91 FEET TO THE NORTHEAST CORNER OF LOT 30, BLOCK 19 OF THE AFOREMENTIONED PLAT; THENCE RUN ALONG THE SOUTH LINE OF LOT 35, BLOCK 19 AND CONTINUE ALONG THE PROJECTED LOT LINE OF SAID LOT 35 S89°48'50"W A DISTANCE OF 146.11 FEET; THENCE RUN S01°42'29"E A DISTANCE OF 151.69 FEET; THENCE RUN N89°30'26"E A DISTANCE OF 729.99 FEET; THENCE RUN ACROSS THE RIGHT OF WAY OF FLORIDA AVENUE AND CONTINUE ALONG THE EASTERN LOT LINES OF LOTS 30, 35-48, 5, BLOCK 21 N01°29'57"W A DISTANCE OF 639.88 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK 21 OF THE AFOREMENTIONED PLAT, SAID NORTHEAST CORNER ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF POWELL AVENUE; THENCE RUN ALONG SAID SOUTH RIGHT OF WAY LINE N89°43'01"E A DISTANCE OF 242.34 FEET TO THE NORTHEAST CORNER OF LOT 3 BLOCK 22 OF THE AFOREMENTIONED PLAT; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN ALONG THE EAST LINE OF SAID LOT 3 S01°25'54"E A DISTANCE OF 132.31 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE RUN ALONG THE SOUTH LINE OF LOTS 4, 5, 6, AND 7 OF SAID BLOCK 22 N89°44'20"E A DISTANCE OF 101.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN ALONG THE EAST LINE OF

SAID LOT 7 N01°23'53"W A DISTANCE OF 132.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 7, SAID POINT ALSO BEING ON THE AFOREMENTIONED SOUTH RIGHT OF WAY OF POWELL AVENUE; THENCE RUN ALONG SAID SOUTH RIGHT OF WAY LINE N89°43'01"E A DISTANCE OF 878.77 FEET TO THE NORTHEAST CORNER OF LOT 7, BLOCK 25 OF THE AFOREMENTIONED PLAT; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN ALONG THE EAST LINE OF SAID LOT 7 S01°08'46"E A DISTANCE OF 132.68 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN ALONG THE NORTH LINE OF LOT 11, BLOCK 25 AND CONTINUE ALONG ITS PROJECTED PATH ACROSS THE RIGHT OF WAY OF STETSON STREET N89°44'20"E A DISTANCE OF 96.20 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 34, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE RUN ALONG SAID EAST LINE S01°06'32"E A DISTANCE OF 1834.90 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF SAID SECTION 34; THENCE RUN ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ N89°53'33"W A DISTANCE OF 2620.81 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST ¼; THENCE RUN ALONG THE WEST LINE OF SAID NORTHWEST ¼ OF SECTION 34 N01°52'58"W A DISTANCE OF 505.00 FEET; THENCE DEPARTING SAID WEST LINE RUN ACROSS THE RIGHT OF WAY OF LAKE STREET AND CONTINUE ALONG THE NORTH LINE OF LOT 51, BLOCK 1 N89°59'52"E A DISTANCE OF 130.40 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 1 OF THE AFOREMENTIONED MIDWAY PARK PLAT 1; THENCE RUN ALONG THE EAST LINE OF SAID LOT 4 AND CONTINUE ALONG ITS PROJECTED PATH N01°50'49"W A DISTANCE OF 151.48 FEET; THENCE RUN S89°58'15"W A DISTANCE OF 130.49 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF THE NORTHWEST ¼ OF SECTION 34; THENCE RUN ALONG SAID WEST LINE N01°52'58"W A DISTANCE OF 1318.89 FEET TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED PLAT; THENCE DEPARTING SAID WEST LINE RUN ALONG THE NORTH LINE OF SAID PLAT N89°43'01"E A DISTANCE OF 330.85 FEET; THENCE DEPARTING SAID NORTH LINE RUN N01°47'09"W A DISTANCE OF 634.93 FEET TO THE POINT OF BEGINNING.

HUNTINGTON DOWNS PLANNED DEVELOPMENT AGREEMENT

IN THE CITY COMMISSION OF THE
CITY OF DELAND, FLORIDA

EXHIBIT B

IN RE: Huntington Downs PD, Application of
DELAND INVESTMENTS, LLC
ORDINANCE # 2016-20

ORDER AND RESOLUTION

GRANTING A REQUEST FOR CHANGE OF ZONING FROM HUNTINGTON DOWNS
PLANNED DEVELOPMENT AND *VOLUSIA COUNTY A-2* TO
HUNTINGTON DOWNS PLANNED DEVELOPMENT

The application of *DeLand Investments, LLC*, hereinafter, "Applicant", for rezoning was heard by and before the City Commission, DeLand Florida, on August 15, 2016. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on Feb. 17, 2016, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

GENERAL FINDINGS

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A. That the application of DeLand Investments, LLC was duly and properly filed herein on December 21, 2015 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 113.97 +/- acre parcel of land which is situated in DeLand, Florida. This parcel of land is described more particularly in the survey and legal description, a true copy of which is attached hereto as Exhibit "A".

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

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

F. That the owner of the property, DeLand Investments, LLC, 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 underlying PD and Volusia County A-2 to PD (Planned Development).

B. That the said rezoning to a PD is consistent with both the City of DeLand Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the City of DeLand Land Development Regulations Ordinance # 2002-09, 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 (public hearing date) DAY OF August 15, A.D., 2016, AS FOLLOWS:

A. That the Application of DeLand Investments, LLC 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 underlying PD and Volusia County A-2 to PD as described in Article VII of the City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended.

DELAND, FLORIDA
CITY COMMISSION
AUG 15 2016

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C. That the Official Zoning Map of the City of DeLand, is hereby amended to show the rezoning of said parcel to *Huntington Downs* PD.

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

E. Unless otherwise provided for herein the City of DeLand, Land Development Regulations Ordinance # 2002-09, as amended, shall apply to the PD in the same manner as the R-1 zoning classification.

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

APR 20 2016
CITY OF DELAND

DEVELOPMENT AGREEMENT

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A. Development Concept. The property shall be developed as a PD substantially in accordance with the Planned Development Plan. The Planned Development Plan shall govern the development of the property as a PD and shall regulate the future land use of this parcel.

1. Planned Development Plan. The Planned Development Plan shall consist of the Development Plan Map prepared by Kelly, Collins, & Gentry, Inc. and dated Aug. 9, 2016, and this development agreement. The Planned Development Plan is hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The Planned Development Plan shall be filed and retained for public inspection in the Planning Department and it shall constitute a supplement to the Official Zoning Map of the City of DeLand.

2. Amendments. All amendments of the Planned Development Plan, other than those deemed by the Planning Department to be minor amendments as set out in Ordinance No. 2002-09, as amended, shall require the review and recommendation of the Planning Board and action by the City Commission in the same manner as a rezoning of the parcel. For the purposes of this PD, minor amendments shall include the following changes to the Planned Development Plan, such as a) shifting of lot lines, b) removal of lots, c) changes in alignment of storm water pond slopes, d) removal of storm water ponds, and e) relocation of emergency access to Waller Road (approved by the City of DeLand Fire Department and Engineering).

3. Subdivision Approval. After the Planned Development Plan is recorded, and prior to any construction, including clearing and landfill, an application for

[Faint, illegible text]

1 preliminary and final plat of the area to be subdivided shall be submitted for review and
2 approval in the manner required by Article 13 of the City of DeLand Land Development
3 Regulations, Ordinance No. 2002-09, as amended.

4 4. Platting of Tree Protection Areas. All tree protection areas identified on
5 the Planned Development Plan shall be shown on the preliminary and final plat. In the
6 event that the property is platted in phases, the tree protection areas for the entire property
7 shall be platted in the initial final plat.

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9 B. Unified Ownership. The Applicant or his successors shall maintain unified
10 ownership of the subject parcel until after issuance of the Final Development Order Plat(s).

11
12 C. Phases of Development. The project may be phased as *identified on the*
13 *Planned Development Plan Map, Exhibit "B"*.

14
15 D. Land Uses Within the PD. The development of the parcel shall be consistent
16 with the uses prescribed for each area within the proposed Huntington Downs PD,
17 including single-family, parks, recreational, and other common uses associated with single-
18 family zoning districts. The location and size of said land use areas are shown on the
19 Planned Development Plan , Exhibit "B". The following land uses shall be allowed as
20 permitted principal uses and structures along with their customary accessory uses and
21 structures:

- 22 1. Residential Single-Family
- 23 2. Parks
- 24 3. Recreational facilities

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4. Common use designations associated with single-family

E. Development Standards

Single Family Development

- | | | |
|----|--|---------------|
| 1. | Minimum lot area | 10,890 sf |
| 2. | Minimum lot width | 75' |
| 3. | Minimum lot depth | 115' |
| 4. | Minimum yard size (building) | |
| a. | Front yard: | 20 ft. |
| b. | Rear yard: | 20 ft. |
| c. | Side yard: | 7.5 ft. |
| d. | Street side yard on corner lots: | 10 ft. |
| e. | Ancillary structures (excluding fences) | 5 ft. |
| 5. | Minimum floor area (under heat / air): | 1,200 sq. ft. |
| 6. | Maximum impervious area lot coverage | 50% |
| | ("impervious area" shall mean all impervious area) | |
| 7. | Maximum building height | 35 ft. |

Note: Landscape buffer requirements meeting the Planned Development Agreement and the requirements of Land Development Regulations Ordinance # 2002-09. If standard is not shown on the Planned Development Agreement, then the City's Land Development Regulations shall be met by any new development.

8. Signage requirements meeting the Land Development Regulations Ordinance # 2002-09.

9. Open Space and/or Common Area requirements meeting the Land Development Regulations Ordinance # 2002-09.

Note: If standard is not shown in the Planned Development Agreement, then the City's Land Development Regulations shall be met by any new development.

F. Environmental Considerations. It is recognized that the development site has outstanding natural beauty and that mutual cooperation to preserve the natural

1 amenities of the area is important. Accordingly, the Applicant or his successors or
2 assigns shall comply with the intent of the City's ordinances providing for tree
3 protection, and specifically shall:
4

- 5 1. Obtain a tree removal permit for the City's Building Department for each lot,
6 group of lots, or tracts to be cleared for construction. Consistent with City
7 regulations, the Applicant shall be permitted to clear the right of way for
8 roads, utilities and easements after the preliminary plat has been approved.
9 In order to maintain the integrity of drainage, the Applicant may clear and
10 grade portions of contiguous lots in accordance with the approved
11 engineering plans. Trees may be cleared for development in accordance
12 with the Master Site Clearing Plan attached as Exhibit "C" in conjunction with
13 the plat process.
- 14 2. No clearing of trees or any other development activities shall be permitted in
15 the tracts designated as tree protection areas except for the removal of trees
16 damaged by fire, windstorm, lightning, or other acts of God, which pose
17 imminent danger to life or property. Live oak trees 6" DBH and greater have
18 been surveyed and every effort has been made to minimize the loss of live
19 oaks greater than 6" DBH.
- 20 3. The Land Development Regulations Ordinance # 2002-09, as amended,
21 requires that 15% of the site be preserved as tree preservation area. Other
22 than those trees that are permitted to be cleared in accordance with the
23 Master Site Clearing Plan as provided in subsection F.1 above, any trees
24 removed, including historic and specimen trees, shall be replaced or
25 mitigated in accordance with Sec. 33-57 of the Land Development
26 Regulations. Passive recreational activities such as walking trails are
27 permitted in the tree preservation area. All trails shall be hand cleared and
28 benches shall be permitted. Wetlands shall be identified by small signs. The
29 plan retains approximately 98.64% of the existing wetland areas.
30 Approximately 1.36% may be impacted by development of roads, retention
31 ponds and other features. The actual wetland delineation limits will be
32 determined by the St. Johns River Water Management District. All existing

10/10/16 10:00 AM
10/10/16 10:00 AM

1 wetlands will have a minimum 15', and 25' average, upland buffer pursuant
2 to City of Deland ordinances.

- 3 4. Trees shall be preserved on residential lots and shall not be removed prior to
4 the issuance of a building permit, except as provided for in this section.
- 5 5. All residential lots may be cleared for the first ten (10) feet of depth and the
6 entire width of the lot fronting a street for the purposes of utility easements
7 and other such easements as may be necessary to develop the property.
- 8 6. All interior roadways, stormwater ponds, and easements depicted on the
9 conceptual site plan may be cleared upon issuance of the appropriate
10 permit(s).
- 11 7. Fill obtained from excavation of easements, stormwater ponds, and interior
12 roadways may be stored on-site.
- 13 8. The location and site plan for the fill storage areas shall be provided to staff
14 and approved by City Commission at preliminary plat approval.
- 15 9. Meet or exceed the minimum requirements of the Land Development
16 Regulations Ordinance # 2002-09, as amended, if not addressed in the
17 development agreement.

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19 G. Sewage Disposal and Potable Water. Provision for sewage disposal and
20 potable water needs of the PD will be provided in accordance with the Comprehensive
21 Plan, Ordinance No.1990-04, as amended, the Land Development Regulations Ordinance
22 No. 2002-09, as amended, and State of Florida Administrative Code 64E-6.

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24 H. Stormwater Drainage. Provision for stormwater retention shall be in
25 accordance with the Land Development Regulations Ordinance # 2002-09, as amended.

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27 I. Access and Transportation System Improvements. All access and
28 transportation system improvements shall be provided in accordance with the Land
29 Development Regulations, Ord. 2002-09, as amended. The parcel shall be developed in

1 substantial accordance with the following access and transportation system improvements:

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1. Access. The Volusia County Road and Bridge Department reports that there is a 48' prescriptive right of way along the alignment of Orange Camp Road derived from 12' per travel lane and 12' per shoulder along the property frontage. A driveway to the proposed subdivision shall be constructed along the Orange Camp Road property frontage to provide adequate ingress/egress to the site. A second connection providing vehicular access shall be constructed at the western project boundary with connection to Holly Oak Boulevard.

2. Transportation System Improvements. A left turn lane into the project from westbound Orange Camp Road shall be provided. Additionally, a right turn lane from eastbound Orange Camp Road shall be provided.

3. Tract "A", totaling 0.305 +/- acres shall be dedicated to Volusia County.

J. Internal Roadways. All internal roadways shall meet minimum City standards.

K. Building or Property Owners Association. A property owners association shall be formed as a Florida not-for-profit corporation responsible for maintenance of all common areas as depicted on the plat.

L. Reclaimed Water. The subdivision shall have a reclaimed water system. The reclaimed water main shall be constructed underground within the subdivision road rights

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

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

14

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

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OFFICIAL RECORDS
VOLUSIA COUNTY, FLORIDA

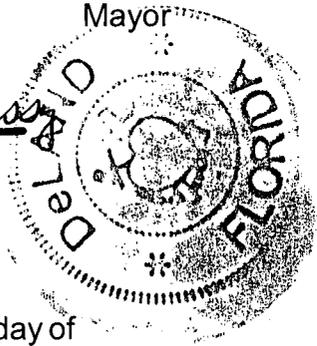
1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this 15th
2 day of August 2016 (mo/yr).

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5 ATTEST: City Commission of DeLand Florida

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8 Michael Pleus
9 Michael Pleus
10 City Manager

Robert Apgar
Robert Apgar
Mayor

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13 STATE OF FLORIDA
14 CITY OF DELAND

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16 ATTEST:
17 Julie A. Hennessy
18 Julie A. Hennessy, MMC
19 City Clerk - Auditor
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21 The foregoing instrument was acknowledged before me this 6th day of
22 September 2016 (mo/yr), by Michael Pleus and Robert Apgar, as City
23 Manager and Mayor, City of DeLand, respectively, on behalf of the City of
24 DeLand, and who are personally known to me.



25 NOTARY PUBLIC, STATE OF FLORIDA
26 Type or Print Name:
Julia Hewitt
Commission No.: FF946646
My Commission Expires: 12-29-19

NOTARY PUBLIC
STATE OF FLORIDA

WITNESSES:

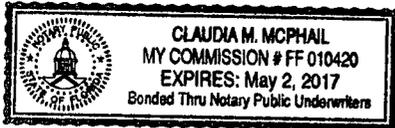
Emily Gentry

J. M. L. President, Skinner Lands DeLand
Applicant's Name, Title & Corporation

Emily Gentry

J. M. L.
Owner of Property (if other than applicant)

The foregoing instrument was acknowledged before me this 30th day of August, 2016 (mo/yr), by (James Bryant W. Skinner N A M E), who is personally known to me or who has produced _____ as identification.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Claudia M. McPhail

Commission No.: _____

My Commission Expires: _____

Revised July 5, 2016 u/p/zone/pd_doc

EXHIBIT "A"

Legal Description

A PORTION OF THE NORTHWEST ¼ OF SECTION 34, TOWNSHIP 17 SOUTH, RANGE 30 EAST, LYING IN VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE RUN N89°34'57"E ALONG THE NORTH LINE OF THE NORTHWEST ¼ OF SAID SECTION 34 A DISTANCE OF 332.02 FEET; THENCE DEPARTING SAID NORTH LINE OF THE NORTHWEST ¼ RUN S01°47'09"E A DISTANCE OF 24.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF ORANGE CAMP ROAD, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

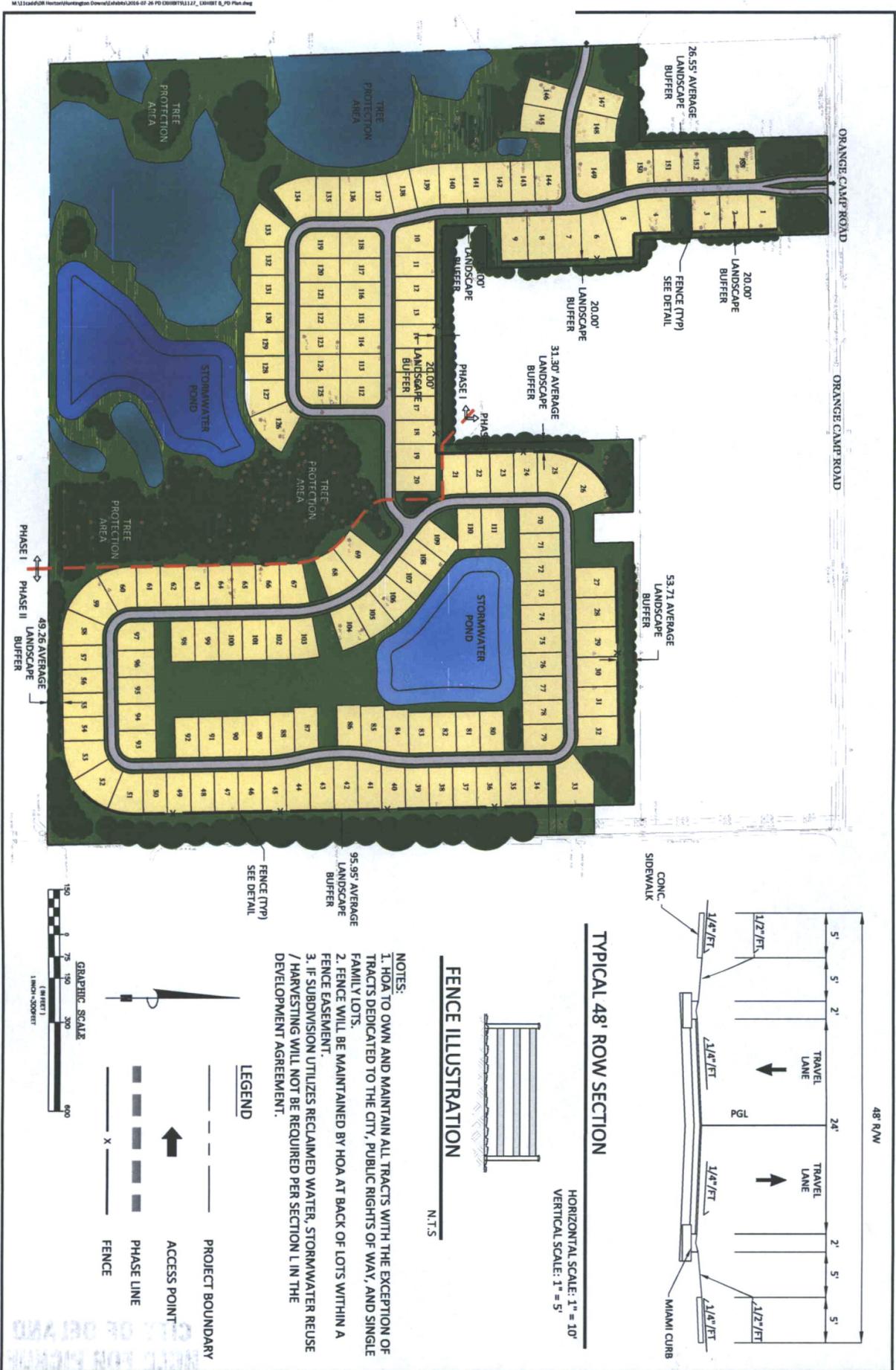
THENCE RUN ALONG SAID SOUTH RIGHT OF WAY LINE N89°34'57"E A DISTANCE OF 331.89 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN S01°41'21"E A DISTANCE OF 635.69 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF POWELL AVENUE, SAID POINT ALSO BEING ON THE NORTH LINE OF MIDWAY PARK PLAT 1 AS SHOWN ON THE PLAT OF RECORD IN MAP BOOK 22, PAGES 132-133 (A TRUE COPY OF MAP IN MAP BOOK 7, PAGE 91) OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN ALONG THE SAID NORTH LINE OF MIDWAY PARK PLAT 1 N89°43'01"E A DISTANCE OF 80.82 FEET; THENCE DEPARTING SAID NORTH LINE RUN ACROSS THE RIGHT OF WAY OF POWELL AVENUE AND CONTINUE ALONG THE EAST LOT LINES OF LOTS 5, 35-48, BLOCK 19 S01°40'07"E A DISTANCE OF 511.91 FEET TO THE NORTHEAST CORNER OF LOT 30, BLOCK 19 OF THE AFOREMENTIONED PLAT; THENCE RUN ALONG THE SOUTH LINE OF LOT 35, BLOCK 19 AND CONTINUE ALONG THE PROJECTED LOT LINE OF SAID LOT 35 S89°48'50"W A DISTANCE OF 146.11 FEET; THENCE RUN S01°42'29"E A DISTANCE OF 151.69 FEET; THENCE RUN N89°50'26"E A DISTANCE OF 729.99 FEET; THENCE RUN ACROSS THE RIGHT OF WAY OF FLORIDA AVENUE AND CONTINUE ALONG THE EASTERN LOT LINES OF LOTS 30, 35-48, 5, BLOCK 21 N01°29'57"W A DISTANCE OF 639.88 FEET TO THE NORTHEAST CORNER OF LOT 5, BLOCK 21 OF THE AFOREMENTIONED PLAT, SAID NORTHEAST CORNER ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF POWELL AVENUE; THENCE RUN ALONG SAID SOUTH RIGHT OF WAY LINE N89°43'01"E A DISTANCE OF 242.34 FEET TO THE NORTHEAST CORNER OF LOT 3 BLOCK 22 OF THE AFOREMENTIONED PLAT; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN ALONG THE EAST LINE OF SAID LOT 3 S01°25'54"E A DISTANCE OF 132.31 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE RUN ALONG THE SOUTH LINE OF LOTS 4, 5, 6, AND 7 OF SAID BLOCK 22 N89°44'20"E A DISTANCE OF 101.09 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN ALONG THE EAST LINE OF

SAID LOT 7 N01°23'53"W A DISTANCE OF 132.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 7, SAID POINT ALSO BEING ON THE AFOREMENTIONED SOUTH RIGHT OF WAY OF POWELL AVENUE; THENCE RUN ALONG SAID SOUTH RIGHT OF WAY LINE N89°43'01"E A DISTANCE OF 878.77 FEET TO THE NORTHEAST CORNER OF LOT 7, BLOCK 25 OF THE AFOREMENTIONED PLAT; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE RUN ALONG THE EAST LINE OF SAID LOT 7 S01°08'46"E A DISTANCE OF 132.68 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN ALONG THE NORTH LINE OF LOT 11, BLOCK 25 AND CONTINUE ALONG ITS PROJECTED PATH ACROSS THE RIGHT OF WAY OF STETSON STREET N89°44'20"E A DISTANCE OF 96.20 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 34, TOWNSHIP 17 SOUTH, RANGE 30 EAST; THENCE RUN ALONG SAID EAST LINE S01°06'32"E A DISTANCE OF 1834.90 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST ¼ OF SAID SECTION 34; THENCE RUN ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ N89°53'33"W A DISTANCE OF 2620.81 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST ¼; THENCE RUN ALONG THE WEST LINE OF SAID NORTHWEST ¼ OF SECTION 34 N01°52'58"W A DISTANCE OF 505.00 FEET; THENCE DEPARTING SAID WEST LINE RUN ACROSS THE RIGHT OF WAY OF LAKE STREET AND CONTINUE ALONG THE NORTH LINE OF LOT 51, BLOCK 1 N89°59'52"E A DISTANCE OF 130.40 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 1 OF THE AFOREMENTIONED MIDWAY PARK PLAT 1; THENCE RUN ALONG THE EAST LINE OF SAID LOT 4 AND CONTINUE ALONG ITS PROJECTED PATH N01°50'49"W A DISTANCE OF 151.48 FEET; THENCE RUN S89°58'15"W A DISTANCE OF 130.49 FEET TO A POINT ON THE AFOREMENTIONED WEST LINE OF THE NORTHWEST ¼ OF SECTION 34; THENCE RUN ALONG SAID WEST LINE N01°52'58"W A DISTANCE OF 1318.89 FEET TO A POINT ON THE NORTH LINE OF THE AFOREMENTIONED PLAT; THENCE DEPARTING SAID WEST LINE RUN ALONG THE NORTH LINE OF SAID PLAT N89°43'01"E A DISTANCE OF 330.85 FEET; THENCE DEPARTING SAID NORTH LINE RUN N01°47'09"W A DISTANCE OF 634.93 FEET TO THE POINT OF BEGINNING.

CITY OF DELAND
HOLD FOR PICKUP

EXHIBIT B

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<p>DATE: 11/11/16</p> <p>REVISION:</p>	<p>PROJECT: HUNTINGTON DOWNS</p>	<p>PREPARED FOR: DR HORTON</p>	<p>KCG KELLY, COLLINS & GENTRY, INC.</p> <p>1700 WEST CHANDLER AVENUE, SUITE 400 CHANDLER, ARIZONA 85224 (480) 990-7000 FAX (480) 990-1446</p>
	<p>PLANNED DEVELOPMENT PLAN</p>	<p>EX-8</p>	

EXHIBIT C

M:\11068\DR Horton\Huntington Downs\Exhibit\2016-07-26 PD EXHIBIT C\117_C Clearing Plan.dwg 11/17/16

Instrument# 2016-226821 # 21
 Book : 7335
 Page : 406
 Diane M. Matousek
 Volusia County, Clerk of Court

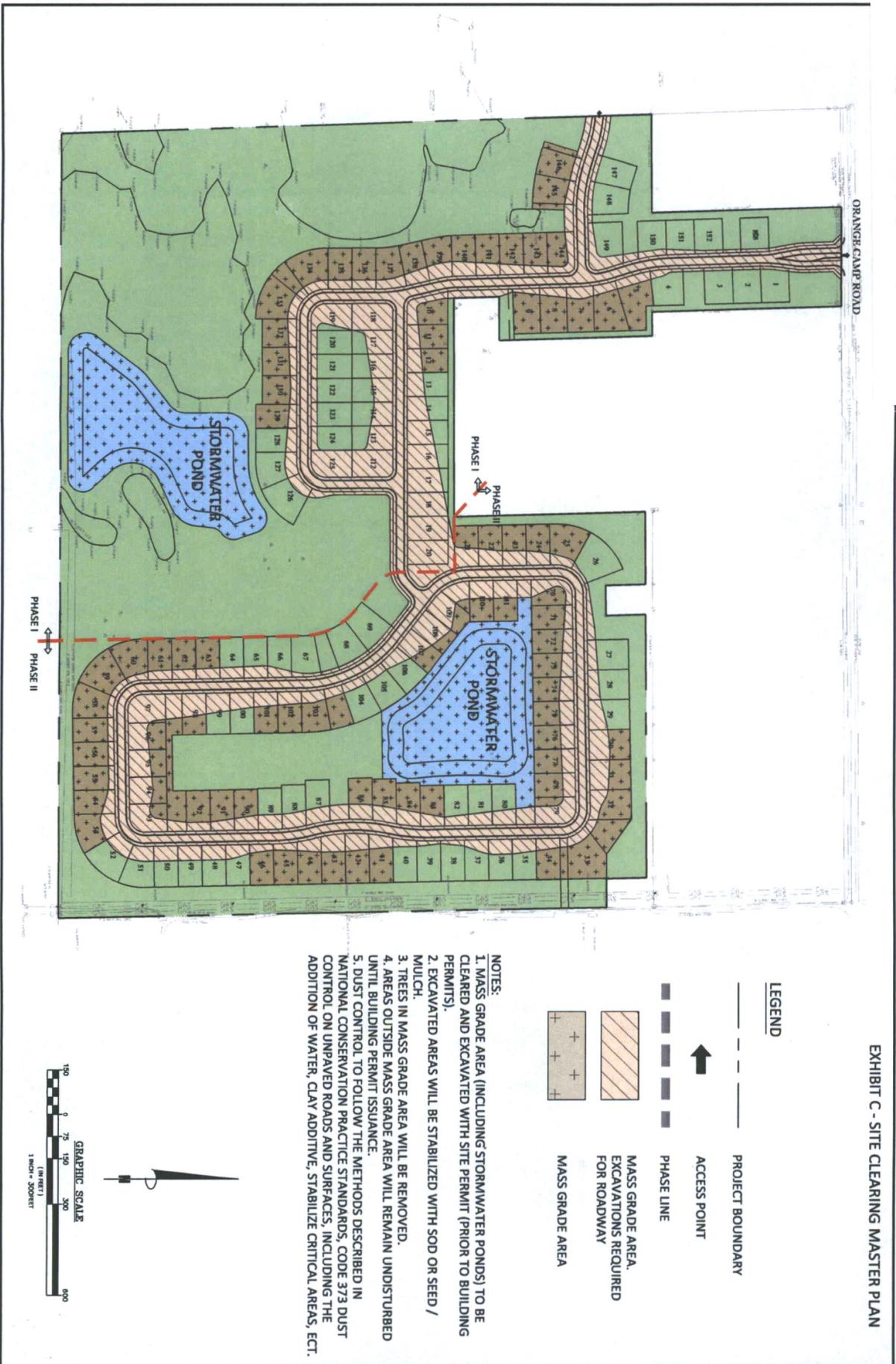


EXHIBIT C - SITE CLEARING MASTER PLAN

LEGEND

- PROJECT BOUNDARY
- ACCESS POINT
- PHASE LINE
- MASS GRADE AREA, EXCAVATIONS REQUIRED FOR ROADWAY
- MASS GRADE AREA

NOTES:

1. MASS GRADE AREA (INCLUDING STORMWATER PONDS) TO BE CLEARED AND EXCAVATED WITH SITE PERMIT (PRIOR TO BUILDING PERMITS).
2. EXCAVATED AREAS WILL BE STABILIZED WITH SOD OR SEED / MULCH.
3. TREES IN MASS GRADE AREA WILL BE REMOVED.
4. AREAS OUTSIDE MASS GRADE AREA WILL REMAIN UNDISTURBED UNTIL BUILDING PERMIT ISSUANCE.
5. DUST CONTROL TO FOLLOW THE METHODS DESCRIBED IN NATIONAL CONSERVATION PRACTICE STANDARDS, CODE 373 DUST CONTROL ON UNPAVED ROADS AND SURFACES, INCLUDING THE ADDITION OF WATER, CLAY ADDITIVE, STABILIZE CRITICAL AREAS, ECT.

GRAPHIC SCALE



<p>PROJECT: HUNTINGTON DOWNS</p>	<p>PREPARED FOR: DR HORTON</p>	<p>KCG KELLY, COLLINS & GENTRY, INC. <small>1700 WINTER GARDEN AVENUE, SUITE 400 ORLANDO, FLORIDA 32834 (407) 880-7000 FAX (407) 880-1400</small></p>	<p>SITE CLEARING MASTER PLAN</p> <p>DATE: _____</p> <p>REVISION: _____</p>
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