

**ORDINANCE NO. 2023 - 19**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE PARK LAKE ESTATES PD FOR THE PURPOSE OF REMOVING PROPERTY FROM THE PLANNED DEVELOPMENT AND AMENDING THE TREE PRESERVATION AREA REQUIREMENTS RELATED THERETO; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of DeLand (the “City”) adopted Ordinance 2019-38, which is recorded in Official Records Book 7933, Page 3590 *et. seq.* of the Public Records of Volusia County, Florida which ordinance approved the planned development zoning for Park Lake Estates Planned Development (the “Park Lake Estates PD”); and

**WHEREAS**, a portion of the property which comprises the Park Lake Estates PD, measuring 6.105 acres in area and more particularly described in the attached Exhibit A (the “School Board Property”), has been deeded by the developer thereof to the City so that the City can in turn transfer this property to the Volusia County School Board pursuant to an interlocal agreement between the City, the Volusia County School Board and the County of Volusia relating to the construction of the Beresford Avenue Extension from the Dr. Martin Luther King, Jr. Beltway to Summit Avenue; and

**WHEREAS**, it is necessary to administratively remove the School Board Property from the Park Lake Estates PD; and

**WHEREAS**, contemporaneously with the removal of the School Board Property from the Park Lake Estates PD, the City will administratively amend the future land use designation of the School Board Property in the City’s Comprehensive Plan and rezone the School Board Property; and

**WHEREAS**, a portion of the School Board Property comprises a portion of the required tree preservation area for the Park Lake Estates PD and it is therefore necessary to amend the tree preservation requirements of the Park Lake Estates PD to account for the removal of the School Board Property; and

**WHEREAS**, the City Commission also desires to allow for the potential of locating trail heads or other public infrastructure within the tree preservation area of the Park Lake Estates PD to afford public access to the Lake Moore public property; and

**WHEREAS**, the City Commission finds that these administrative changes to the Park Lake Estates PD is in the public interest and otherwise supports the health, safety, and welfare of the citizens of the City of DeLand and the traveling public.

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

**Section 1.** The Park Lake Estates PD is hereby amended by removing therefrom the School Board Property, more particularly described in the attached Exhibit A. The School Board Property shall no longer be subject to the provisions of the Park Lake Estates PD or otherwise be a part of the development related thereto.

**Section 2.** The tree preservation requirements of the Park Lake Estates PD, referenced in Section F and Exhibit B thereof, are hereby modified such that the required amount of tree preservation area is reduced by the amount of tree preservation area located within the School Board Property.

**Section 3.** The tree preservation requirements of the Park Lake Estates PD, referenced in Section F and Exhibit B thereof, are hereby modified to provide that if ownership of any other property which is located within the tree preservation area of the Park Lake Estates PD is transferred to and accepted by the City of DeLand to support public infrastructure projects, including but not limited to the activation of the Lake Moore public property, then the tree preservation area requirements shall be reduced based upon the acreage of the property so transferred.

**Section 4. Conflicts.** All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

**Section 5. Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 2<sup>nd</sup> day of October, 2023.

 ATTEST  
*Julie A. Hennessy*  
Julie A. Hennessy  
City Clerk - Auditor

  
Christopher M. Cloudman  
Mayor – Commissioner

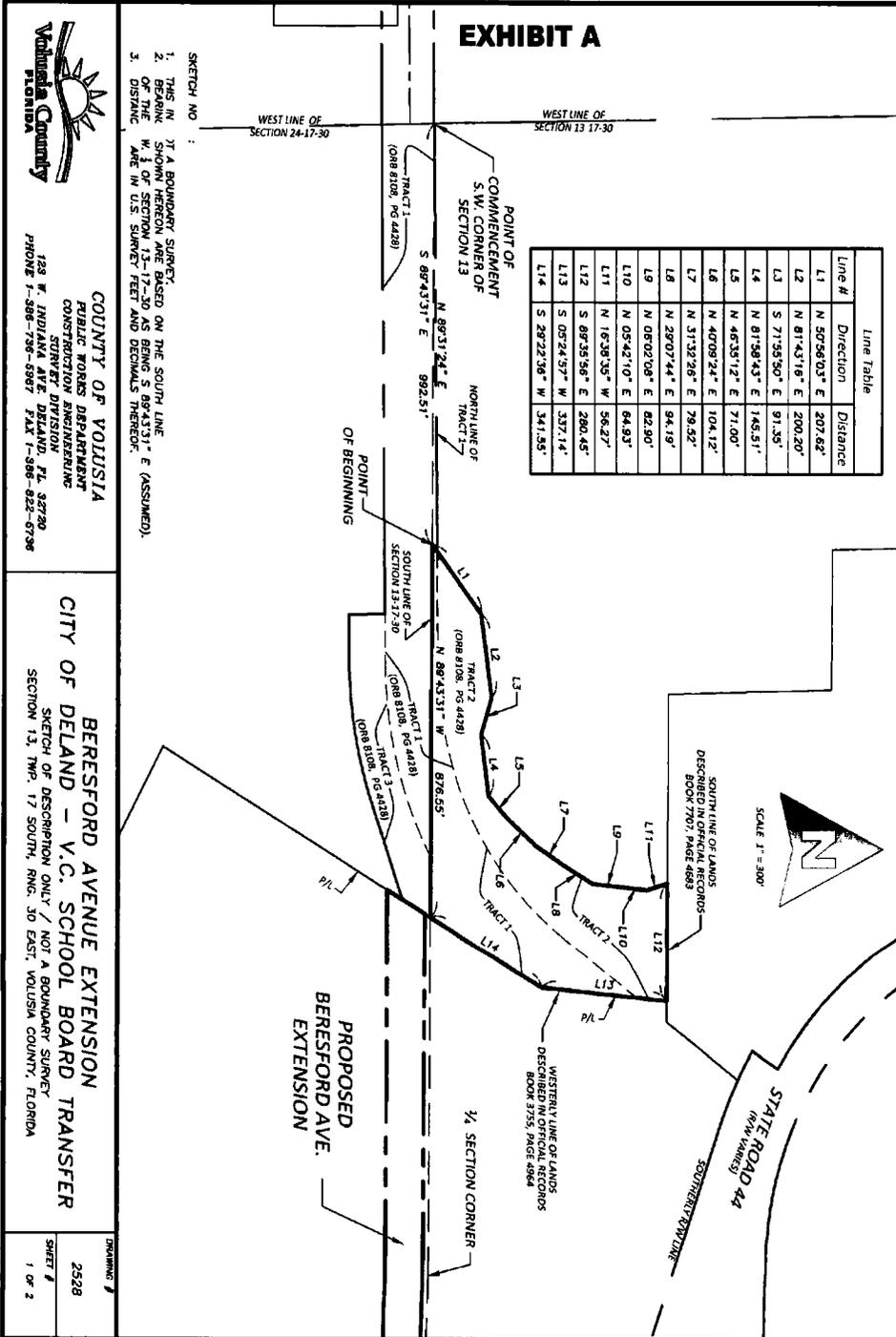
Passed on first reading: August 21, 2023  
Adopted on second reading: October 02, 2023

**APPROVED AS TO FORM AND LEGALITY:**

  
Darren J. Elkind, City Attorney

**EXHIBIT A**

Line #	Direction	Distance
L1	N 50°56'03" E	207.82'
L2	N 81°43'16" E	200.20'
L3	S 71°55'50" E	91.35'
L4	N 81°58'43" E	145.51'
L5	N 46°35'12" E	71.00'
L6	N 40°08'24" E	104.12'
L7	N 31°32'26" E	79.52'
L8	N 29°07'44" E	94.19'
L9	N 05°02'08" E	82.90'
L10	N 05°42'10" E	64.83'
L11	N 16°38'35" W	56.27'
L12	S 89°35'56" E	280.45'
L13	S 05°24'57" W	337.14'
L14	S 28°22'36" W	341.95'



SKETCH NO. :  
 1. THIS IS A BOUNDARY SURVEY.  
 2. BEARING SHOWN HEREON ARE BASED ON THE SOUTH LINE  
 W. 1/4 OF SECTION 13-17-30 AS BEING S 89°43'31" E (ASSUMED).  
 3. DISTANCE ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.



**COUNTY OF VOLUISIA**  
 PUBLIC WORKS DEPARTMENT  
 CONSTRUCTION ENGINEERING  
 SURVEY DIVISION  
 182 W. HUNTER AVE. DELAND, FL 32726  
 PHONE 1-386-758-5587 FAX 1-386-925-9798

**BERESFORD AVENUE EXTENSION**  
**CITY OF DELAND - V.C. SCHOOL BOARD TRANSFER**  
 SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
 SECTION 13, TWP. 17 SOUTH, RING. 30 EAST, VOLUISIA COUNTY, FLORIDA

DRAWING #  
 2828  
 SHEET #  
 1 OF 2

### EXHIBIT A

**Legal Description:**

A portion of Tract 1 and all of Tract 2 being described as part of those lands described in Official Records Book 8108, Page 4428 of the Public Records of Volusia County, Florida, said lands also being a portion of Section 13, Township 17 South, Range 30 East, Volusia County, Florida and being more particularly described as follows:

Commence at the Southwest corner of aforesaid Section 13; thence run S 89°43'31" E, along the South line of said Section 13, a distance of 992.51 feet to the POINT OF BEGINNING; thence, departing said South line, run N 50°56'03" E, a distance of 207.62 feet; thence N 81°43'16" E, a distance of 200.20 feet; thence S 71°55'50" E, a distance of 91.35 feet; thence N 81°58'43" E, a distance of 145.51 feet; thence N 46°35'12" E, a distance of 71.00 feet; thence N 40°09'24" E, a distance of 104.12 feet; thence N 31°32'26" E, a distance of 79.52 feet; thence N 29°07'44" E, a distance of 94.19 feet; thence N 06°02'08" E, a distance of 82.90 feet; thence N 05°42'10" E, a distance of 64.93 feet; thence N 16°38'35" W, a distance of 56.27 feet to a point of intersection with the South line of those lands described in Official Records Book 7707, Page 4683 of the aforementioned Public Records; thence run S 89°53'56" E, along said South line, a distance of 280.45 feet to the point of intersection with the Westerly line of those lands described in Official Records Book 3755, Page 4964 of said Public records; thence run S 05°24'57" W (S 05°14'52" W, deed), along said Westerly line, a distance of 337.14; thence S 29°22'36" W (S 29°12'12" W, deed), a distance of 341.55 feet to its intersection with the South line of aforesaid Section 13; thence run N 89°43'31" W, along said South line, a distance of 876.55 feet to the Point of Beginning.

The above-described parcel contains 6.105 acres more or less.

REVISED: 10/11/22 (MEM)

#### BERESFORD AVENUE EXTENSION CITY OF DELAND – V.C. SCHOOL BOARD TRANSFER

SKETCH OF DESCRIPTION ONLY / NOT A BOUNDARY SURVEY  
SECTION 13, TWP. 17 SOUTH, RING. 30 EAST, VOLUSIA COUNTY, FLORIDA



**COUNTY OF VOLUSIA**  
PUBLIC WORKS DEPARTMENT  
CONSTRUCTION ENGINEERING  
SURVEY DIVISION  
123 W. INDIANA AVE. DELAND, FL 32720  
PHONE 1-386-736-6967 FAX 1-386-822-8738

CADD	MEM	DATE	10/22	PLOT DATE:	10/11/22	DRAWING #	
SURVEY DATE	N/A	N/A		SCALE:	N/A		2528
CHECKED	EAB	10/22					
PROJECT #	T.B.D.			FIELD BOOK	N/A	SHEET #	2 OF 2

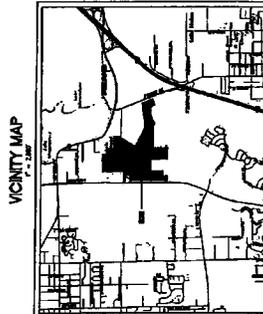
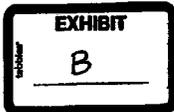
**PLANNED DEVELOPMENT PLAN  
FOR  
PARK LAKE ESTATES, PARCEL B**

PARCELS: 7018300000011, 7023000000015, 7024000000025  
SECTIONS 18, 23 AND 24, TOWNSHIP 17 SOUTH, RANGE 30 EAST  
DR MARTIN L KING JR PKWY  
CITY OF DELAND, FLORIDA

STATE OF FLORIDA  
COUNTY OF VOLUPE  
CITY OF DELAND  
I, \_\_\_\_\_, Mayor of the City of Deland, Florida, do hereby certify that the above described parcels are within the boundaries of the City of Deland, Florida, and that the same are subject to the provisions of the Comprehensive Zoning Ordinance of the City of Deland, Florida, and that the same are being offered for development under the provisions of the Comprehensive Zoning Ordinance of the City of Deland, Florida.

FOR  
**CAP 5 DEVELOPMENT, LLC**  
1228 BROOKHAVEN DRIVE  
ORLANDO, FL 32803  
PHONE: (407) 924-2846

**MADDEN**  
CIVIL ENGINEERS  
4311 E. UNIVERSITY AVENUE, SUITE 260  
MAITLAND, FLORIDA 32751  
PHONE: (407) 828-8330  
FAX: (407) 828-8336



**PROPOSED ZONING**

PROPOSED ZONING	RESIDENTIAL SINGLE-FAMILY
EXISTING ZONING	RESIDENTIAL SINGLE-FAMILY
PROPOSED LOT AREA	10,000 SQ FT
EXISTING LOT AREA	10,000 SQ FT
PROPOSED LOT COVERAGE	10%
EXISTING LOT COVERAGE	10%
PROPOSED SETBACKS	FRONT: 10 FT, SIDE: 5 FT, REAR: 10 FT
EXISTING SETBACKS	FRONT: 10 FT, SIDE: 5 FT, REAR: 10 FT

**INDEX OF SHEETS**

SHEET	SHEET TITLE
1	GENERAL NOTES
2	PROPOSED ZONING
3	EXISTING ZONING
4	PROPOSED LOT AREA
5	EXISTING LOT AREA
6	PROPOSED LOT COVERAGE
7	EXISTING LOT COVERAGE
8	PROPOSED SETBACKS
9	EXISTING SETBACKS



