

ORDINANCE NO. 2024 O-48

AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM VOLUSIA COUNTY R-6W AND WATER TO MIXED USE WITH CONSERVATION OVERLAY FOR 0.683± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF JONES FISH CAMP ROAD (PARCEL IDENTIFICATION NUMBERS 8538-01-00-0220 AND 8538-01-00-0221), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mark Watts, applicant on behalf of Indian River Shoreline, LLC, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property generally located north of Jones Fish Camp Road (Tax Parcel No.'s 8538-01-00-0220 and 8538-01-00-0221) within Volusia County, Florida as Mixed Use with Conservation Overlay. Subject properties contain approximately 0.683 ± acres.

WHEREAS, the Planning and Zoning Board, sitting as the City's Local Planning Agency, held a Public Hearing pursuant to 163.3174, Fla. Stat., on Wednesday, September 11, 2024, and recommended that the City Council approve the proposed Plan Amendment;

WHEREAS, the City Council feels it is in the best interests of the citizens of the City of Edgewater to amend its Comprehensive Plan as more particularly set forth hereinafter.

NOW, THEREFORE, be it enacted by the City Council of the City of Edgewater, Florida:

PART A. AMENDMENT.

Ordinance No. 2024-O-48, as amended and supplemented, adopting the Comprehensive Plan of the City of Edgewater, Florida, regulating and restricting the use of lands located within

the City of Edgewater, Florida, shall be amended to include property described in **Exhibits “A” and “B”** on the Future Land Use Map as Mixed Use with Conservation Overlay.

PART B. PUBLIC HEARINGS.

It is hereby found that a public hearing held by the City Council to consider adoption of this ordinance on October 7, 2024, at 6:00 p.m. in the City Council Chambers at City Hall, 104 N. Riverside Drive, Florida, after notice published at least 10 days prior to hearing is deemed to comply with 163.3184, Fla. Stat.

PART C. CONFLICTING PROVISIONS.

All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

PART D. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, with property, or circumstance.

PART E. EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has

become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency. The amendment shall also not be effective until certification is received from the Volusia Growth Management Commission.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2024

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

THE FOLLOWING REAL DESCRIBED REAL PROPERTY ALL LYING AND BEING IN THE COUNTY OF VOLUSIA AND THE STATE OF FLORIDA.

THE NORTH 319 FEET OF THE SOUTH 330 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E.McHARDY GRANT, SECTION 50 AND 51, TOWNSHIP 18 SOUTH, RANGE 34 EAST, AND SECTION 37 AND 38, TOWNSHIP 18 SOUTH, RANGE 35 EAST, RECORDED IN MAP BOOK 3, PAGE 153, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA LYING EAST OF AND CONTIGUOUS WITH THAT CERTAIN ANNEXED PROPERTY DESCRIBED OFFICIAL RECORDS BOOK 5610, PAGE 1591, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 35, RIVER FRONT ESTATES UNIT 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE RIVER COLONY PLAT, AS RECORDED IN MAP BOOK 55, PAGE 39, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE ALONG THE WEST LINE OF SAID LOT 35 AND THE WEST LINE OF SAID RIVER COLONY N22°58'23"W, 320.04 FEET TO THE NORTH LINE OF SAID RIVER COLONY AND THE NORTH LINE OF SAID ANNEXED PROPERTY; THENCE ALONG SAID NORTH LINE N69°10'20"E, 633.63 FEET TO THE NORTHEAST CORNER OF SAID ANNEXATION PARCEL AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE N69°10'20"E, 33.35 FEET; THENCE S22°19'33"E, 314.19 FEET TO THE NORTH LINE OF THE SOUTH 11 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E. McHARDY GRANT, AS RECORDED IN MAP BOOK 3, PAGE 152, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE S69°37'39"W, 128.68 FEET TO THE EAST LINE OF AFORESAID ANNEXATION PARCEL; THENCE ALONG SAID EAST LINE THE FOLLOWING SEVEN COURSES N20°29'57"W, 12.28 FEET; THENCE N16°19'47"W, 50.88 FEET; THENCE N56°55'01"W, 35.84 FEET; THENCE N02°29'32"E, 88.75 FEET; THENCE N34°56'59"E, 52.93 FEET; THENCE N04°28'05"E, 62.38 FEET; THENCE N11°57'37"E, 50.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 29497.003 SQ. FT, OR 0.677 ACRES MORE OR LESS.

TOGETHER WITH

THE FOLLOWING DESCRIBED REAL PROPERTY ALL LYING AND BEING IN THE COUNTY OF VOLUSIA AND THE STATE OF FLORIDA.

THE SOUTH 11 FEET OF THE SOUTH 330 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E.McHARDY GRANT, SECTION 50 AND 51, TOWNSHIP 18 SOUTH, RANGE 34 EAST, AND SECTION 37 AND 38, TOWNSHIP 18 SOUTH, RANGE 35 EAST, RECORDED IN MAP BOOK 3, PAGE 152, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA LYING EAST OF AND CONTIGUOUS WITH THAT CERTAIN ANNEXED PROPERTY DESCRIBED OFFICIAL RECORDS BOOK 5610, PAGE 1591, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 35, RIVER FRONT ESTATES UNIT 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF THE RIVER COLONY PLAT, AS RECORDED IN MAP BOOK 55, PAGE 39, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE ALONG THE WEST LINE OF SAID LOT 35 AND THE WEST LINE OF SAID RIVER COLONY N22°58'23"W, 320.04 FEET TO THE NORTH LINE OF SAID RIVER COLONY AND THE NORTH LINE OF SAID ANNEXED PROPERTY; THENCE ALONG SAID NORTH LINE AND THE EASTERLY EXTENSION THEREOF N69°10'20"E, 666.98 FEET; THENCE S22°19'33"E, 314.19 FEET TO THE NORTH LINE OF THE SOUTH 11 FEET OF LOT 22, ASSESSOR'S SUBDIVISION OF THE C.E. McHARDY GRANT, AS RECORDED IN MAP BOOK 3, PAGE 152, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S22°19'33"E, 11.01 FEET TO THE SOUTH LINE OF SAID LOT 22; THENCE S69°37'39"W, 129.16 FEET TO THE EAST LINE OF AFORESAID ANNEXED PROPERTY DESCRIBED OFFICIAL RECORDS BOOK 5610, PAGE 1591, SAID PUBLIC RECORDS; THENCE ALONG SAID EAST LINE N20°22'21"W, 11.00 FEET; THENCE N69°37'39"E, 128.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 280 SQ. FT, OR 0.006 ACRES MORE OR LESS.

EXHIBIT "B"



~~Strike through~~ passages are deleted.
Underlined passages are added.