

ORDINANCE NO. 2024-O-62

AN ORDINANCE OF THE CITY OF EDGEWATER ADOPTING A TEMPORARY MORATORIUM ON ANNEXATIONS, REZONINGS, COMPREHENSIVE PLAN AMENDMENTS, SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS FOR THE ENTIRE CITY OF EDGEWATER FOR A PERIOD ENDING NO LATER THAN JANUARY 5, 2026, UNLESS RECINDED OR EXTENDED BY A SUBSEQUENT ORDINANCE, PROVIDING PROCEDURES FOR VESTED RIGHTS REVIEW FOR THE SPECIFIC MATTERS ADDRESSED HEREIN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, and PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hurricane Milton made landfall in Florida on October 9, 2024; and

WHEREAS, Hurricane Milton resulted in 200 homes being flooded in the City of Edgewater located not in a Special Flood Hazard Area; and

WHEREAS, the City of Edgewater has not performed an entire comprehensive plan update since 2019; and

WHEREAS, the City of Edgewater has approximately 11,400 residential units entitled with an average of 400 homes being constructed per year; and

WHEREAS, the City of Edgewater with its current entitlements is expected to have roughly the same population as Port Orange based upon population per household statistics from the Bureau of Economic and Business Research; and

WHEREAS, Park Avenue and US1 Corridor have not experienced flooding, and the City seeks to allow for the exemption of commercial and industrial zoned property from the moratorium; and

WHEREAS, the City of Edgewater has not assigned all unincorporated properties within the Interlocal Service Boundary Agreement with a future land use designation; and

WHEREAS, the City of Edgewater needs to amend the Municipal Service Agreement with Volusia County based upon anticipated growth; and

WHEREAS, the City of Edgewater needs to update the Potable Water Supply Plan with Saint Johns River Water Management District; and

WHEREAS, the City of Edgewater seeks to guide future growth in a collaborative manner with the public through a new comprehensive plan and land development code; and

WHEREAS, the temporary moratorium was considered by the Planning and Zoning Board on November 11, 2024, and the Board recommended approval by a vote of seven to zero; and

WHEREAS, the City Council feels it is in the best interest of the public health, safety, and welfare of the citizens of the City of Edgewater to adopt the temporary moratorium as more particularly set forth hereinafter.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA:

SECTION 1: Recitals Adopted. Each of the above state recitals is hereby adopted and confirmed as being true, and the same are hereby made a specific part of the Ordinance.

SECTION 2: Moratorium Imposed. A temporary moratorium, until no later than January 5, 2026, is hereby imposed on the consideration of annexations, rezoning's, zoning PUD amendments, comprehensive plan amendments, site plans, preliminary plats, final plats and for

any complete development application that has been accepted for review prior to the effective date of this Ordinance. Commercial and Industrial zoned parcels within the Ridgewood Corridor and Park Avenue Corridor are excluded from the City Wide Moratorium. The Park Avenue Corridor boundaries are defined in Exhibit A. The US1 Corridor has been illustrated in Exhibit B and C.

Applications submitted prior to the effective date of this Ordinance shall be allowed to complete the development process as follows:

- If an applicant has received approval for an annexation, rezoning, and / or comprehensive plan amendment within the last six months prior to the effective date of this Ordinance, said applicant shall have the right to submit a site plan and / or a preliminary plat and subsequently a final plat.
- If an applicant has submitted for a preliminary plat prior to the effective date of this Ordinance, said applicant shall be allowed during the moratorium to submit for final plat.

While the temporary moratorium is in effect, the City shall not accept, process, or approve any new applications beyond the exceptions denoted above for annexations, rezoning's, comprehensive plan amendments, site plans, preliminary plats, or final plats. The following are examples that would not be accepted, processed, or approved during the moratorium:

- An applicant who received entitlements more than six months prior to the effective date of the moratorium who does not have an application submitted for a site plan, preliminary plat, and / or final plat prior and to the effective date of the Moratorium shall not be allowed to submit for site plan, preliminary plat, and / or final plat and complete the process as described above during the term during the temporary moratorium.

SECTION 3: Determination of Vested Rights or Denial of All Economic Use.

(A) Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development of a parcel where the property owner can demonstrate by substantial competent evidence each of the following:

1. A governmental act of development approval was obtained prior to the effective date of this Ordinance; and
2. Upon which the property owner has detrimentally relied, in good faith, by making substantial expenditures; and
3. That it would be highly inequitable to deny the property owner the right to complete the development.

(B) Any property owner claiming vested rights under this Section 3 must file an application with the Development Services Director for a determination within 30 days after the effective date of this Ordinance. The application shall contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentary evidence supporting the claim. The Development Services Director shall review the evidence submitted and make a determination as to whether the property owner has established vested rights for the parcel based upon competent substantial evidence. The property owner may appeal the Development Services Director's determination pursuant to the appeal procedure set forth in Article I, Sec.21-07.06(c), LDR.

SECTION 4: Exhaustion of Administrative Remedies. No property owner claiming that this Ordinance, as applied, constitutes or would constitute an abrogation of vested rights may pursue such a claim in court, unless he or she has first exhausted the applicable administrative remedies provided in Section 3 of this Ordinance.

SECTION 5: Conflicts. In the event that the provisions of this Ordinance are in conflict with any other ordinance, then the provisions of this Ordinance shall prevail.

SECTION 6: Severability. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 7: Effective Date. This Ordinance shall become effective immediately upon its adoption. The temporary moratorium enacted by this Ordinance shall terminate no later than January 5, 2026, unless rescinded or extended by subsequent ordinance.

PASSED AND DULY ADOPTED this ____ day of _____, 2025.

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

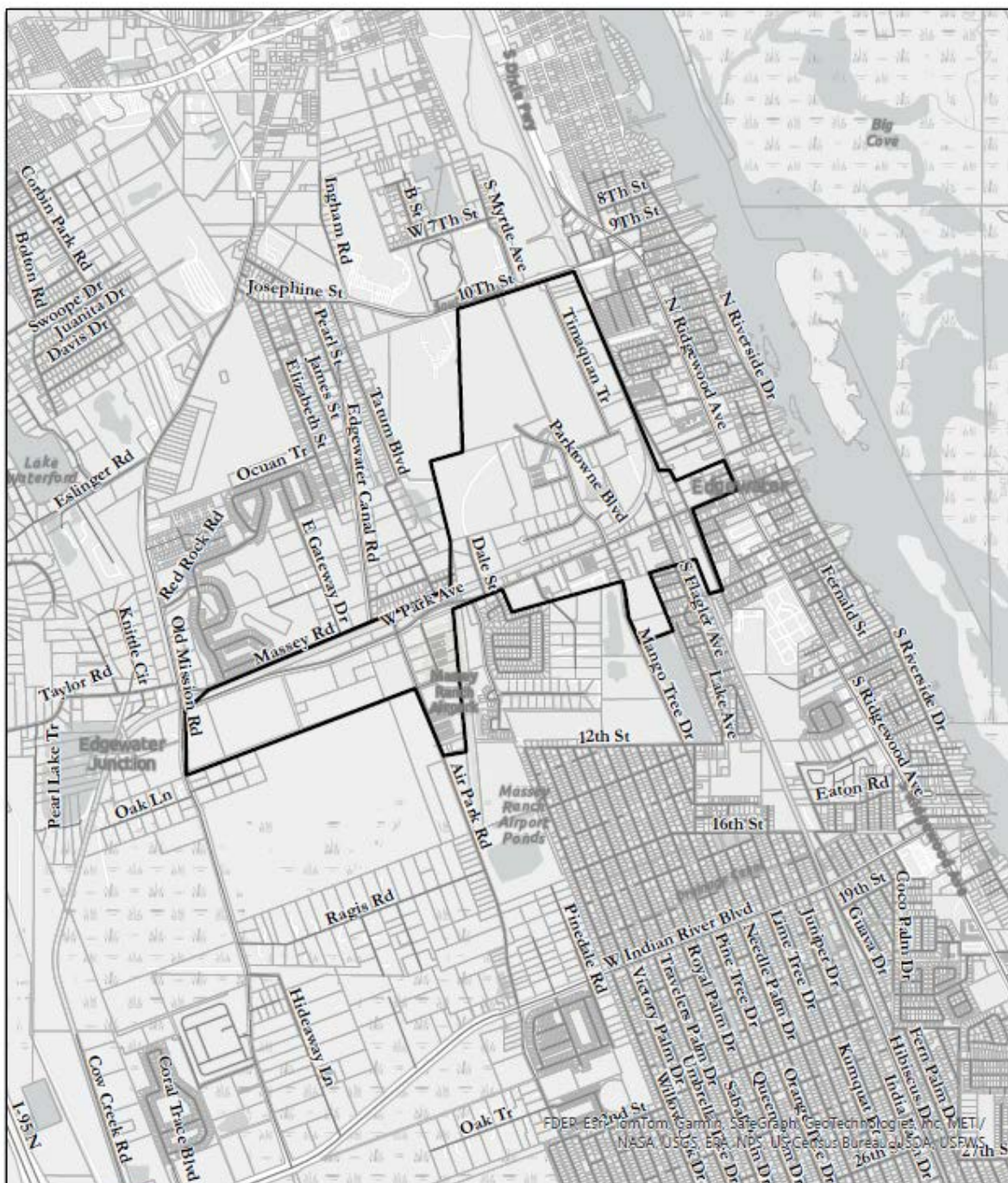
Passed on first reading on the ____ day of _____, 2024

APPROVED AS TO FORM AND CORRECTNESS:

AARON WOLFE
City Attorney

DATE: _____

EXHIBIT A



— Legend —

 Park Avenue Corridor

Park Avenue Corridor

NOTE: For Illustrative Purposes Only.
The City makes no claims concerning
the validity of the GIS data.

SCALE: 1" = 1/2 mile



EXHIBIT B

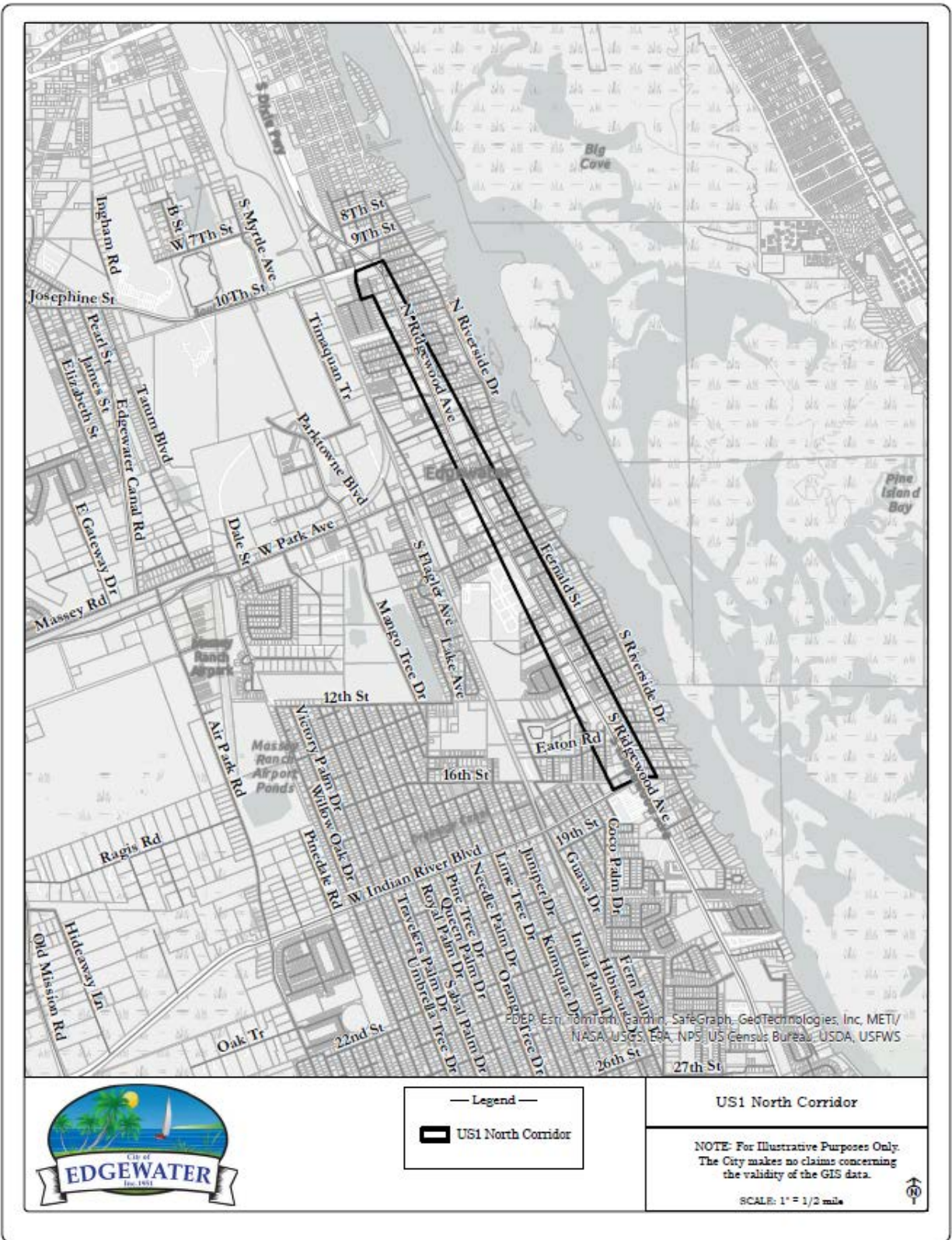



EXHIBIT C



FDEP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/
NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



— Legend —

 US1 South Corridor

US1 South Corridor

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