

ORDINANCE NO. 2024 O-25

AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM CONSERVATION TO COMMERCIAL WITH CONSERVATION OVERLAY FOR 13.468± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF S.R. 442 AND OLD MISSION ROAD (PARCEL IDENTIFICATION NUMBER 8438-03-00-0060), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Conrad Kahn, applicant on behalf of Frank & Stein, LLC, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property generally located south of S.R.442 and Old Mission Road (Tax Parcel No. 8438-03-00-0060), within Volusia County, Florida as Commercial. Subject property contains approximately 13.468± 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, June 12, 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-25, 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 Commercial.

PART B. PUBLIC HEARINGS.

It is hereby found that a public hearing held by the City Council to consider adoption of this ordinance on July 1, 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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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

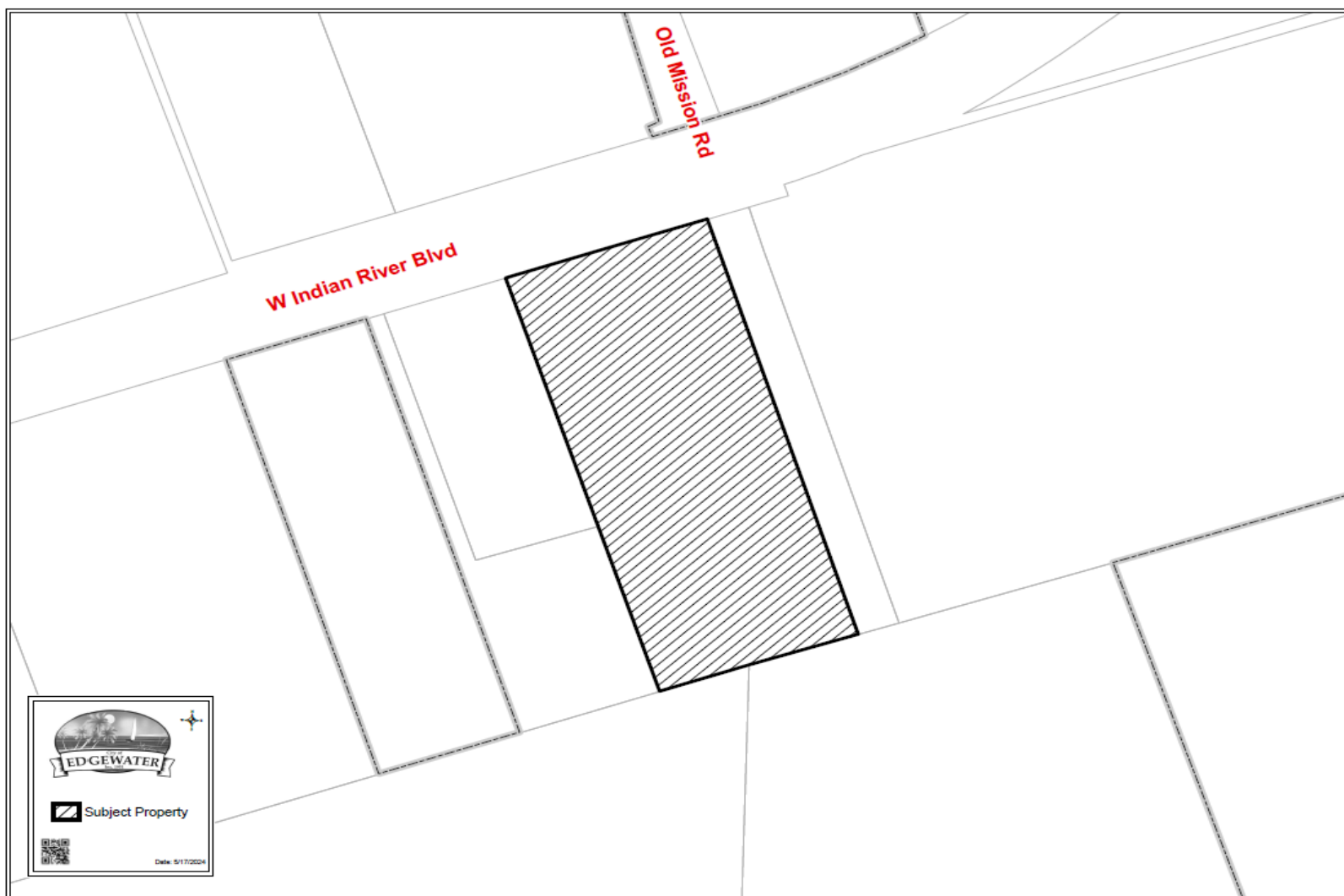
EXHIBIT "A"
LEGAL DESCRIPTION

LOT 6 AND A PORTION OF LOT 7, MODEL LAND COMPANY SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 187 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING SOUTHERLY OF STATE ROAD NO. 442, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N21° 18' 12" W, ALONG THE WESTERLY LINE OF SAID LOT 6, A DISTANCE OF 1166.83 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 442; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE N68°21'30"E, A DISTANCE OF 500.00 FEET TO THE EASTERLY LINE OF WESTERLY 150 FEET OF LOT 7; THENCE S21°17'55"E ALONG SAID EASTERLY LINE, A DISTANCE OF 1180.16 FEET TO THE SOUTH LINE OF SAMUEL BETTS GRANT; THENCE ALONG THE SAID SOUTH LINE S69°53'10"W, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 586680 SQ. FT OR 13.468 ACRES MORE OR LESS.

EXHIBIT "B"



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