

**ORDINANCE NO. 2023-O-36**

**AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM COMMERCIAL AND HIGH DENSITY RESIDENTIAL WITH CONSERVATION OVERLAY TO MIXED-USE FOR 37.05± ACRES OF CERTAIN REAL PROPERTY LOCATED EAST OF SOUTH RIDGEWOOD AVENUE, NORTH OF JONES FISH CAMP ROAD, AND WEST OF THE INDIAN RIVER (PARCEL IDENTIFICATION NUMBERS 8538-10-00-0350, 8538-10-00-0320, 8538-10-00-0310, 8538-10-00-0282, 8538-10-00-0280, 8538-10-00-0270, 8538-10-00-0260, 8538-10-00-0150, 8538-10-00-0160, 8538-10-00-0130, 8538-10-00-0010, 8537-11-00-0061, 8537-11-00-0065, 8538-10-00-0252, 8538-18-00-0001, 8538-18-00-0002, 8538-18-00-0003, 8538-18-00-0010, 8538-18-00-0020, 8538-18-00-0030, 8538-18-00-0040, 8538-18-00-0050, 8538-18-00-0060, 8538-18-00-0070, 8538-18-00-0080, 8538-18-00-0090, 8538-18-00-0100), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Mark A. Watts, applicant, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property located east of South Ridgewood Avenue, north of Jones Fish Camp Road, and west of the Indian River (Tax Parcel No's. 8538-10-00-0350, 8538-10-00-0320, 8538-10-00-0310, 8538-10-00-0282, 8538-10-00-0280, 8538-10-00-0270, 8538-10-00-0260, 8538-10-00-0150, 8538-10-00-0160, 8538-10-00-0130, 8538-10-00-0010, 8537-11-00-0061, 8537-11-00-0065, 8538-10-00-0252, 8538-18-00-0001, 8538-18-00-0002, 8538-18-00-0003, 8538-18-00-0010, 8538-18-00-0020, 8538-18-00-0030, 8538-18-00-0040, 8538-18-00-0050, 8538-18-00-0060, 8538-18-00-0070, 8538-18-00-0080, 8538-18-00-0090, 8538-18-00-0100) within Volusia County, Florida as Mixed-Use with Conservation Overlay. Subject property contains approximately 37.05± 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, October 25, 2023, 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. 81-O-10, 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 November 6, 2023, 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Diezel DePew, Mayor

**ATTEST:**

\_\_\_\_\_  
Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the \_\_\_\_ day of \_\_\_\_\_, 2023

**REVIEWED AND APPROVED:** \_\_\_\_\_  
Aaron R. Wolfe, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL OF LOTS 13, 14, 15, 16, THE EAST 100 FEET OF LOT 25, ALL OF LOTS 26, 27, A PORTION OF LOT 28, THE VACATED PORTION OF NELLIE STREET, PER O.R. BOOK 5840, PAGE 43, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THE VACATED PORTION OF ALICE STREET, PER O.R. BOOK 5840, PAGE 43, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALL IN THE PLAT OF RIVERFRONT ESTATES UNIT NO. 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND A PORTION OF THE SOUTH 100 FEET OF LOT 6, THE PLAT OF RIVERFRONT ESTATES AS RECORDED IN MAP BOOK 19, PAGE 18, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 6, PLAT OF RIVERFRONT ESTATES, AS RECORDED IN MAP BOOK 19, PAGE 18, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N23°00'28"W ALONG THE WESTERLY LINE OF SAID LOT 6 ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (200' R/W), 100.21 FEET TO THE NORTHERLY LINE OF THE SOUTH 100 FEET OF SAID LOT 6; THENCE DEPART SAID WESTERLY LINE N68°36'30"E ALONG THE NORTHERLY LINE OF THE SOUTH 100 FEET OF SAID LOT 6, A DISTANCE OF 1550.98 FEET; THENCE DEPART SAID NORTHERLY LINE S17°59'27"E, 221.51 FEET; THENCE S18°30'32"E, 175.51 FEET; THENCE S15°36'53"E, 170.49' FEET; THENCE S17°57'04"E, 116.71 FEET; THENCE S29°04'41"E, 48.78 FEET TO THE SOUTHERLY LINE OF SAID LOT 28, PLAT OF RIVERFRONT ESTATES UNIT NO. 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA SAID LINE ALSO BEING THE NORTH RIGHT OF WAY LINE OF JONES FISH CAMP ROAD (PLATTED THOMAS STREET) (60' R/W); THENCE S69°37'39"W ALONG SAID SOUTHERLY LINE OF SAID LOT 28 AND THE SOUTHERLY LINE OF SAID VACATED PORTION OF ALICE STREET AND THE SOUTHERLY LINE OF SAID LOT 25, A DISTANCE OF 231.45 FEET TO THE WESTERLY LINE OF THE EAST 100 FEET OF SAID LOT 25; THENCE DEPART SAID SOUTHERLY LINE N22°56'31"W ALONG THE WESTERLY LINE OF THE EAST 100 FEET OF SAID LOT 25, A DISTANCE OF 226.37 FEET TO THE SOUTHERLY LINE OF SAID LOT 26; THENCE S68°36'34"W ALONG THE SOUTHERLY LINE OF SAID LOTS 26, 16, 13 AND THE SOUTHERLY LINE OF THE SAID VACATED PORTION OF NELLIE STREET, 959.76 FEET TO THE WESTERLY LINE OF SAID LOT 13; THENCE N22°59'09"W ALONG WESTERLY LINE OF SAID LOTS 13 AND 14, A DISTANCE OF 400.43 FEET TO THE SOUTHERLY LINE OF SAID LOT 6, PLAT OF RIVERFRONT ESTATES; THENCE S68°36'30"W ALONG SAID SOUTHERLY LINE OF LOT 6, A DISTANCE OF 300.11 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

LOTS 1, 2 AND 3, PLAT OF RIVERFRONT ESTATES UNIT NO. 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1:

LOT 3, LESS THE EASTERLY 100 FEET THEREOF, RIVERFRONT ESTATES UNIT NO. 2, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 2:

THE EASTERLY 100 FEET OF LOT 3, RIVERFRONT ESTATES UNIT NO. 2, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 19. PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

PARCEL 3:

A PORTION OF LOT 2, RIVERFRONT ESTATES UNIT NO. 2, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 31, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF US HIGHWAY NO. 1, ALSO KNOWN AS SOUTH RIDGEWOOD AVENUE (HAVING A RIGHT OF WAY WIDTH OF 175 FEET AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 79014112) 275, WITH A LAST REVISION DATE OF JANUARY 7, 1997), THENCE NORTH 22°59'10" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 82.01 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, NORTH 68°02'26" EAST, A DISTANCE OF 300.28 FEET TO THE EAST LINE OF SAID LOT 2; THENCE SOUTH 22°58'58" EAST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 85.89 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 68°46'45" WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 300.37 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT THE FLORIDA DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT PER CIRCUIT COURT MINUTE BOOK 50, PAGE 238 AND CIRCUIT COURT MINUTE BOOK 74, PAGE 216.

TOGETHER WITH

A PORTION OF LOT 28, ALL OF LOTS 31, 32, A PORTION OF LOTS 35 AND 36, THE PLAT OF RIVERFRONT ESTATES UNIT NO. 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND A PORTION OF THE SOUTH 100 FEET OF LOT 6, THE PLAT OF RIVERFRONT ESTATES AS RECORDED IN MAP BOOK 19, PAGE 18, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 6, PLAT OF RIVERFRONT ESTATES, AS RECORDED IN MAP BOOK 19, PAGE 18, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N23°00'28"W ALONG THE WESTERLY LINE OF SAID LOT 6 ALSO BEING THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (200' R/W) A DISTANCE OF 100.21 FEET; THENCE DEPART SAID WESTERLY LINE N68°36'30"E ALONG THE NORTHERLY LINE OF THE SOUTH 100 FEET OF SAID LOT 6, A DISTANCE OF 1550.98 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID NORTHERLY LINE N68°36'30"E, A DISTANCE OF 950.00 FEET TO THE MEAN HIGH WATER LINE OF THE INDIAN RIVER, THENCE ALONG THE SAID MEAN HIGH WATER LINE S28°11'26"E, 3.24 FEET; THENCE S40°06'51"E, 70.22 FEET; THENCE S45°37'41"E, 66.70 FEET; THENCE S48°30'34"E, 50.57 FEET; THENCE S62°36'48"E, 28.25; THENCE S46°54'54"E, 51.67 FEET; THENCE S27°34'56"E, 47.56 FEET; THENCE S35°08'42"E, 42.90 FEET; THENCE S15°49'21"E, 15.38 FEET; THENCE S31°23'17"E, 42.61 FEET; THENCE 23°23'41"E, 39.91 FEET TO THE NORTHERLY LINE OF RIVER COLONY AS RECORDED IN MAP BOOK 55, PAGE 39, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE DEPART SAID MEAN HIGH WATER LINE S69°10'20"W ALONG SAID NORTHERLY LINE A DISTANCE OF 553.12 FEET TO THE WESTERLY LINE OF SAID RIVER COLONY; THENCE ALONG SAID WESTERLY LINE S22°58'23"E, A DISTANCE OF 320.04 FEET TO THE SOUTHERLY LINE OF LOT 32, PLAT OF RIVERFRONT ESTATES UNIT NO. 2, AS RECORDED IN MAP BOOK 19, PAGE 31, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF JONES FISH CAMP ROAD (PLATTED THOMAS STREET) (60' R/W); THENCE ALONG THE SOUTHERLY LINE OF SAID LOTS 32, 31 AND 28 AND THE SAID NORTHERLY RIGHT OF WAY LINE S69°37'39"W, 528.61 FEET; THENCE DEPART SAID NORTHERLY RIGHT OF WAY LINE N29°04'41"W, 48.78 FEET; THENCE N17°57'04"W, 116.71 FEET; THENCE N15°36'53"W, 170.49 FEET; THENCE N18°30'32"W, 175.51 FEET; THENCE N17°59'27"W, 221.51 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 AND TRACTS A, B, AND C, RIVER COLONY, AS RECORDED IN MAP BOOK 55, PAGE 55, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER WITH

TRACT D, RIVER COLONY, AS RECORDED IN MAP BOOK 55, PAGE 55, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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## EXHIBIT "B"

