

ORDINANCE NO. 2024-O-28

AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM CITY OF EDGEWATER COMMERCIAL TO CITY OF EDGEWATER URBAN CONNECTIVITY FOR 13.56± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF US 1 AND NORTH OF ROBERTS ROAD (PARCEL IDENTIFICATION NUMBER 8412-01-00-0060, 8412-01-00-0070, 8412-01-00-0071), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robert Merrell III, applicant on behalf of TRB Edgewater, LLC, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property generally located East of US1 and north of Roberts Road (Tax Parcel No. 8412-01-00-0060, 8412-01-00-0070, 8412-01-00-0071) within Volusia County, Florida as Urban Connectivity. Subject property contains approximately 13.56± 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-28, 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 Urban Connectivity.

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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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

OVERALL:

The North 200 feet lying East of that certain Highway known and designated as U.S. Highway No. 1 of Lot 6, SQUARETOPVILLE, in Section 12, Township 18 South, Range 34 East, as per map in Map Book 1, page 160, of the public Records of Volusia County, Florida.

AND

A parcel of land in Lots 5 and 6, Squaretopville Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page(s) 160, Public Records of Volusia County, Florida, described as follows:

As a point of reference commence at a P.R.M. marking the N.E. corner of said Squaretopville Subdivision; thence along the East line of said subdivision run South 00 degrees 20' 24" West 200.00 feet for the Point of Beginning; thence continue South 00 degrees 20' 24" West along the East line, 462.97 feet; thence South 89 degrees 00' 00" West 799.30 feet to an intersection with the Easterly right-of-way line of U.S. No. 1 Highway; thence North 15° 09'42" West along said right-of-way line 477.35 feet; thence North 89 degrees 00' 00" East, 926.92 feet to the Point of Beginning.

TAX PARCEL 841201000060:

The North 200 feet lying East of U.S. #1 of Lot 6, SQUARETOPVILLE, according to the map or plat thereof as recorded in Plat Book 1, Page(s) 160, Public Records of Volusia County, Florida.
(Official Records Book 5767, Page 2698, Public Records of Volusia County, Florida)

TAX PARCEL 841201000071:

The South 51.4 feet of the North 451.4 feet as measured on the Easterly Right of Way line of U.S. #1, of Lot 6, Map of Squaretopville, according to the plat thereof as recorded in Map Book 1, Page 160, of the Public Records of Volusia County, Florida.
(Official Records Book 5927, Page 4668, Public Records of Volusia County, Florida)

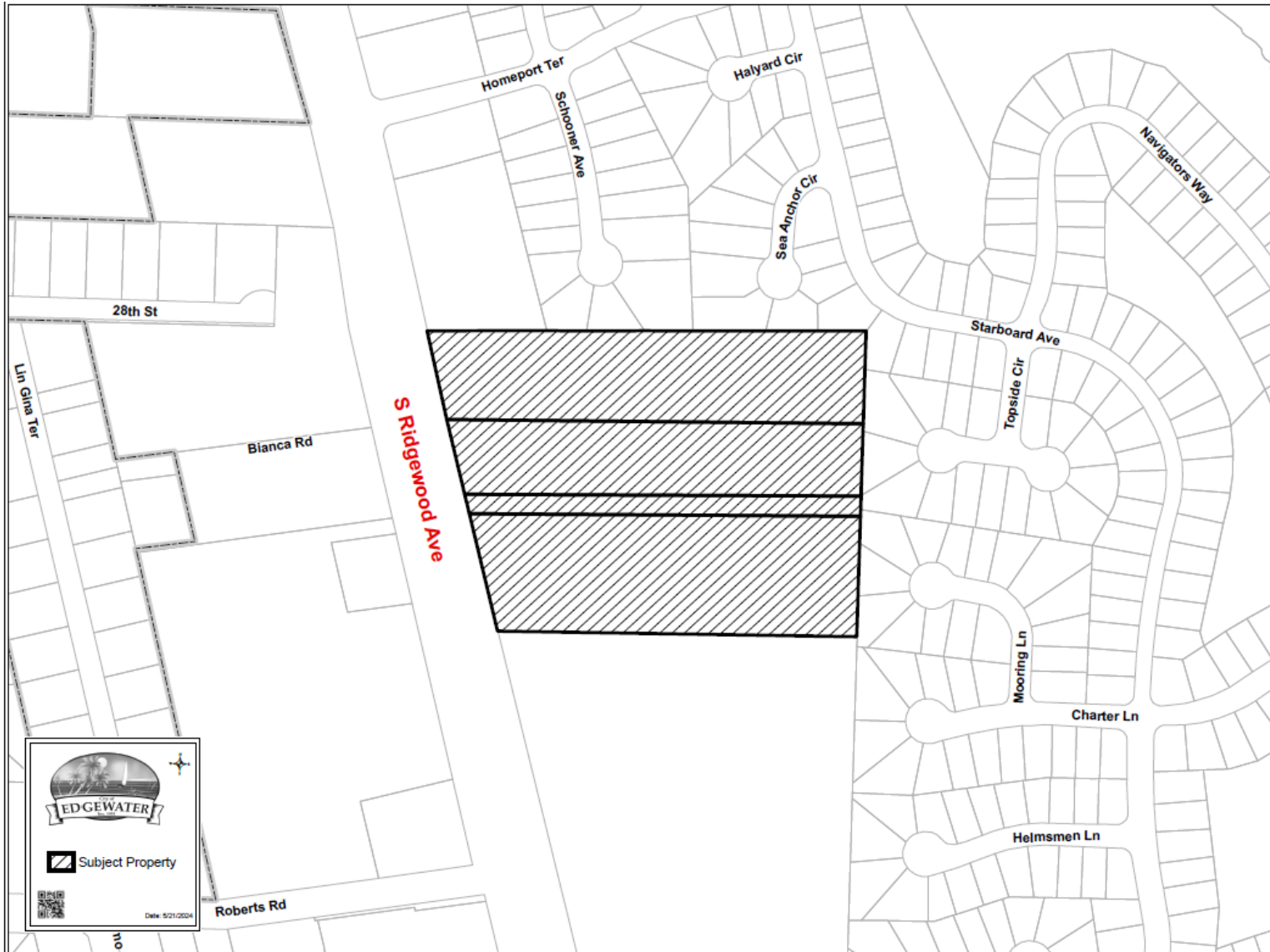
TAX PARCEL 841201000070:

PARCEL 1 - A parcel of land in Lots 5 and 6, SQUARETOPVILLE SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 1, Page 160, Public Records of Volusia County, Florida, described as follows: As a point of reference, commence at a P.R.M. marking the N.E. corner of said Squaretopville Subdivision; thence along the East line of said subdivision run South 00°20'24" West 200.00 feet for the Point of Beginning; thence continue South 00°20'24" West along the East line 462.97 feet; thence South 89°00'00" West 799.30 feet to an intersection with the Easterly right-of-way line of U.S. No. 1 Highway; thence North 15°09'42" West along said right-of-way line 477.35 feet; thence North 89°00'00" East, 926.92 feet to the Point of Beginning.
(Official Records Book 5766, Page 686, Public Records of Volusia County, Florida)

LESS AND EXCEPT:

The South 51.4 feet of the North 451.4 feet as measured on the Easterly Right of Way line of U.S. #1, of Lot 6, Map of Squaretopville, according to the plat thereof as recorded in Map Book 1, Page 160, of the Public Records of Volusia County, Florida.
(Official Records Book 5927, Page 4668, Public Records of Volusia County, Florida)

EXHIBIT "B"



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