

ORDINANCE NO. 2024 O-15

AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM VOLUSIA COUNTY URBAN LOW INTENSITY AND LOW IMPACT URBAN TO CITY AGRICULTURE WITH CONSERVATION OVERLAY FOR 21± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1575 MASSEY ROAD (PARCEL IDENTIFICATION NUMBER 7344-08-00-0122), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hunter Davis, applicant on behalf of Stanley Wallace, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property located at 1575 Massey Road (Tax Parcel No. 7344-08-00-0122) within Volusia County, Florida as Agriculture. Subject property contains approximately 21± 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, May 8, 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-15, 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 Low Density Residential 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 June 3, 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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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

DESCRIPTION: Overall Parent Parcel (Per ORB 6552, pg 4139)

The easterly 600 feet of Lot 12, except the northerly 363 feet thereof, and the easterly 600 feet of that portion of Lot 13 lying northerly of Massey Road, which is an existing 50-foot County Road running through said lot 13 Subdivision of the South Third of the AMBROSE HULL GRANT, recorded in Map Book 5, Page 54 and Map Book 4, Page 199 of the Public Records of Volusia County, Florida.

AND Property in Section 31, Township 17 South, Range 34 East, described as follows: Commence at the Southwest Comer of Lot 34, Block 2 A, Spanish Mission Heights Unit No. 2, as recorded in Map Book 23, Page 119 of the Pubic Records of Volusia County, Florida; Thence S 21° E. along the East line of the Hull Grant 3854 feet for the Point of Beginning; Thence continue S. 21° E, 368.8 feet, Thence N. 75° 40' E. 175 feet to the West line of existing drainage canal; Thence along said west bank N 7° 35' 10° W. 400 feet; Thence S. of 69° W. 266.6 feet to the Point of Beginning. (Official Records Book 1693, Page 370, Public Records of Volusia County, Florida. AND Property in Section 31, Township 17, South, Range 34 East, described as follows: Commence at the Southwest Corner of Lot 34, Block 2A, Spanish Mission Heights Unit #2, as recorded in Map Book 23, Page 119, Public Records of Volusia County, Florida; Thence S 21° E along the East line of the Hull Grant 4237.20 feet to the Point of Beginning; Thence S 21° E along the East line of the Hull Grant 710 feet to the West bank of existing drainage canal; Thence N 7° 35' 10" W along said West bank 710 feet; Thence S 69°W to the Point of Beginning. (Official Records Book 1420, Page 472, Public Records of Volusia County, Florida

LESS AND EXCEPT:

A portion of Lot 13 of the South one-third of the AMBROSE HULL GRANT, per Map Book 5, Page 54 (which portion is the same as Map Book 4, Page 199) of the Public Records of Volusia County, Florida; also a portion of Section 31, Township 17 South, Range 34 East, being described as follows:

BEGIN at a point on the East line of the AMBROSE HULL GRANT, said point being S. 21° E., 585.98 feet from the Northeast Corner of said Lot 13; Thence run N. 67° 54' 40" E., 110 feet to the West line of existing drainage canal; Thence S. 07° 12' 13" E. along said West Line of existing drainage canal, 398.30 feet to the North right-of-way of Massey Road a 50 foot right-of-way as now laid out; Thence S 67°54'40" W along said north right-of-way 315 feet; Thence N. 21° W., 385 feet; Thence N. 67° 54' 40" E., 300.00 feet to the Point of Beginning. Containing 3.20 acres more or less. (Official Records Book 2843, Page 1496, Public Records of Volusia County, Florida)

EXHIBIT "B"



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