

**ORDINANCE NO. 2024-O-45**

**AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL FOR 0.72± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT PALM BREEZE DRIVE (PARCEL IDENTIFICATION NUMBERS 8402-00-00-0262, 8402-00-00-0261, AND 8402-00-00-0254), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Charles Martin, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property generally located at Palm Breeze Drive (Tax Parcel No.'s 8402-00-00-0262, 8402-00-00-0261, and 8402-00-00-0254) within Volusia County, Florida as Low Density Residential. Subject properties contain approximately 0.72± 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, August 14, 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-45, 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.

**PART B. PUBLIC HEARINGS.**

It is hereby found that a public hearing held by the City Council to consider adoption of this ordinance on September 9, 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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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.

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Diezel DePew, Mayor

**ATTEST:**

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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**

PARCEL A: That portion of Government Lots 6 and 7, Section 2, Township 18 South, Range 34 East, Volusia County, Florida, being more particularly described as follows: Commence at the intersection of the South line of said Government Lot 6, and the Easterly right of way line of U.S. Highway No. 1; run thence South 89°56'40" East along said South line of Government Lot 6, a distance of 96.16 feet for the Point of Beginning; thence continue South 89°56'40" East along said South line, a distance of 2.84 feet; run thence North 77°09'50" East, a distance of 92.87 feet; run thence South 12°50'10" East, a distance of 105.8 feet; run thence South 79°07' West, a distance of 95.7 feet; run thence North 12°50'10" West, a distance of 103.17 feet to the Point of Beginning. The above described property being also known as Lot 25, PALM BREEZE, an unrecorded subdivision.

PARCEL B: That portion of Government Lot 7, Section 2, Township 18 South, Range 34 East, Volusia County, Florida, being more particularly described as follows: Begin at the intersection of the South line of Government Lot 6, said Section 2, Township 18 South, Range 34 East, and the Easterly right of way line of U.S. Highway No. 1; run thence South 89°56'40" East along the South line of said Government Lot 6, a distance of 96.16 feet; run thence South 12°50'10" East, a distance of 103.17 feet; run thence South 79°07' West, a distance of 63.66 feet to the said Easterly right of way line of U.S. Highway No. 1, run thence North 26°41'40" West along said Easterly right of way line of U.S. Highway No. 1, a distance of 126.18 feet to the Point of Beginning. The above described property being also known as Lot 26, PALM BREEZE, an unrecorded subdivision.

PARCEL C: Commence at the intersection of the South line of U.S. Lot 6, Section 2, Township 18 South, Range 34 East, and the Easterly right of way line of U.S. Highway No. 1; thence South 89°56'40" East, 99.09 feet along said South line, thence North 77°09'50" East, 92.87 feet for the Point of Beginning; thence North 77°09'50" East, 92.65 feet; thence South 12°50'10" East, 108.96 feet; thence South 79°07' West, 92.7 feet; thence North 12°50'10" West, 105.8 feet to the Point of Beginning.

## EXHIBIT “B”



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