

ORDINANCE NO. 2024 O-21

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 TO CITY MEDIUM DENSITY RESIDENTIAL FOR 4.05± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT INDIA PALM DRIVE AND 35TH STREET (PARCEL IDENTIFICATION NUMBER 841100000011 and 840201082590), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Mark Karet, applicant, on behalf of Leon Alcantara, owner, has applied for an amendment to the Comprehensive Plan and Future Land Use Map to include property located generally at India Palm Drive and 35th Street (Tax Parcel No. 8411-0000-00-11 and 8402-0108-25-90) within Volusia County, Florida as Medium Density Residential. Subject property contains approximately 4.05± 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, 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-21, 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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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

LEGAL DESCRIPTION: LOTS 8259, 8260, 8261, 8262, AND 8263, BLOCK 241, FLORIDA SHORES UNIT NO. 9, ACCORDING TO THE MAP OR PLAT THEREOF, AS OTS 8259, 8260, 8261, 8262, AND 8263, BLOCK 241, FLORIDA SHORES UNIT NO. 9, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 134, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND A PORTION OF GOVERNMENT LOT 1, SECTION 11, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA LYING WEST OF FLORIDA EAST COAST RAILWAY RIGHT OF WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE, SOUTH 68°33'30" WEST ALONG THE NORTH LINE OF THE JANE MURRAY GRANT, SECTION 48, TOWNSHIP 18 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 955.40 FEET TO THE INTERSECTION OF SAID LINE AND THE EASTERLY RIGHT OF WAY OF THE FLORIDA EAST COAST RAILWAY; THENCE, SOUTH 68°33'30" WEST ALONG SAID NORTH LINE A DISTANCE OF 100.03 FEET TO THE INTERSECTION OF SAID LINE AND THE WESTERLY RIGHT OF WAY OF SAID FLORIDA EAST COAST RAILWAY AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE, SOUTH 68°33'30" WEST ALONG SAID NORTH LINE, A DISTANCE OF 239.77 FEET TO THE INTERSECTION OF SAID LINE AND THE SOUTH LINE OF GOVERNMENT LOT 1; THENCE, SOUTH 88°57'20" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 115.88 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE, NORTH 00°33'40" WEST ALONG THE WEST LINE OF GOVERNMENT LOT 1, A DISTANCE OF 550.65 FEET TO THE SOUTHERLY CORNER OF SAID LOT 8259; THENCE, NORTH 21°12'05" WEST, A DISTANCE OF 284.63 FEET TO THE NORTHWEST CORNER OF SAID LOT 8263; THENCE, NORTH 68°46'07" EAST ALONG THE NORTH LINE OF LOT 8263, A DISTANCE OF 107.23 FEET TO THE NORTHEAST CORNER THEREOF, SAID CORNER LYING ON THE WEST LINE OF GOVERNMENT LOT 1; THENCE, NORTH 00°33'40" WEST ALONG SAID WEST LINE, A DISTANCE OF 65.15 FEET TO THE INTERSECTION OF SAID LINE AND THE WESTERLY RIGHT OF WAY OF FLORIDA EAST COAST RAILWAY; THENCE, SOUTH 22°44'40" EAST ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 900.21 FEET TO THE POINT OF BEGINNING AND CLOSE. SAID PARCEL CONTAINING 176,452 SQ.FT. OR 4.05 ACRES, MORE OR LESS.

EXHIBIT "B"

