

ORDINANCE NO. 2024 O-26

AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM CONSERVATION TO B-3 (HIGHWAY COMMERCIAL) FOR 38.653± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF INTERSTATE 95, SOUTH OF S.R. 442 (PARCEL IDENTIFICATION NUMBER 8438-01-00-0380), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Conrad Kahn, applicant on behalf of Frank & Stein, LLC, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property generally located property located east of Interstate 95, south of S.R. 442 within Volusia County, Florida as Agriculture. Subject property contains approximately 38.653± 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-26, 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 B-3 Highway Commercial.

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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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

A PORTION OF LOTS 46, 47, 48, 56, 57, 65, 66, 73, 80 AND 87. ALL LYING SOUTHERLY OF STATE ROAD NO. 442, ASSESSOR'S SUBDIVISION, OF THE SAMUEL BETTS GRANT. ACCORDING TO PLAT THEREOF, RECORDED IN MAP BOOK 3, PAGE 153, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 48; THENCE S69°28'37"W, ALONG THE SOUTHERLY LINE OF LOTS 48, 57, 66 AND 73, A DISTANCE OF 2510.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S69°28'37"W ALONG THE SOUTHERLY LINE OF LOTS 73, 80 AND 87, A DISTANCE OF 1388.09 FEET TO THE SAID SOUTHERLY LINE OF STATE ROAD NO. 442 AND THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A CENTRAL ANGLE OF 06°54'40", A RADIUS OF 2936.79 FEET, A CHORD BEARING OF N53°19'04"E AND A CHORD DISTANCE OF 354.02 FEET, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 354.23 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES, N40°08'16"W, A DISTANCE OF 8.00 FEET; THENCE N49°51'44"E, A DISTANCE OF 3178.28 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A CENTRAL ANGLE OF 06°51'10", A RADIUS OF 2765.71 FEET, A CHORD BEARING OF N53°17'19"E AND A CHORD DISTANCE OF 330.60 FEET, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 330.79 FEET; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE S33°24'33"E, A DISTANCE OF 366.00 FEET; THENCE S13°54'09"W, A DISTANCE OF 432.00 FEET; THENCE S65°45'19"W, A DISTANCE OF 467.00 FEET, THENCE S26°20'33"E, A DISTANCE OF 519.00 FEET; THENCE S66°20'55"W, A DISTANCE OF 1188.50 FEET; THENCE S12°10'04"W, A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1683713 SQ. FT OR 38.653 ACRES MORE OR LESS

EXHIBIT "B"



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