

ORDINANCE NO. 2024-O-50

AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM COMMERCIAL, MEDIUM DENSITY RESIDENTIAL, AND VOLUSIA COUNTY RURAL TO MIXED USE WITH CONSERVATION OVERLAY FOR 22.969± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF PARK AVENUE AND EAST OF CAROL ANN DRIVE, (PARCEL IDENTIFICATION NUMBERS 7432-08-00-0110, 7432-08-00-0120, 7452-01-00-0377, 7452-01-00-0385, 7452-01-00-0377, 7452-01-00-037G, 7452-01-00-037H, and 7432-08-00-0130), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jeffrey Brock, applicant on behalf of Oak Grove on Park, LLC, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property generally located south of Park Avenue and east of Carol Ann Drive (Tax Parcel No.'s 7432-08-00-0110, 7432-08-00-0120, 7452-01-00-0377, 7452-01-00-0385, 7452-01-00-0377, 7452-01-00-037G, 7452-01-00-037H, and 7432-08-00-0130) within Volusia County, Florida as Mixed Use with Conservation Overlay. Subject properties contain approximately 22.969± 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, September 11, 2024;

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-50, 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 Mixed-Use 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 October 7, 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:

A PORTION OF LOT 37, ASSESSORS SUBDIVISION OF THE G. ALVAREZ GRANT, SECTION 52, TOWNSHIP 17 SOUTH, RANGE 34 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 3, PAGE 137, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING SOUTHERLY OF PARK AVENUE, AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT, AND ALL OF LOTS 11, 12, AND 13, AS SHOWN ON THE PLAT OF PARK AVENUE ESTATES, RECORDED IN MAP BOOK 34, PAGE 69 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF SAID CAROL ANN DRIVE AND THE SOUTHERLY RIGHT OF WAY OF SAID PARK AVENUE; THENCE N 67°02'16" E, ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 365.74 FEET TO THE POINT OF BEGINNING; THENCE N67°02'16"E, A DISTANCE OF 174.96 FEET; THENCE S22°12'47"E, A DISTANCE OF 650.54 FEET; THENCE N73°57'52"E, A DISTANCE OF 578.99 FEET; THENCE S00°19'55"E, A DISTANCE OF 938.51 FEET; THENCE N89°48'38"W, A DISTANCE OF 516.07 FEET; THENCE N00°22'08"W, A DISTANCE OF 65.18 FEET; TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 300.00 FEET; THENCE TURN TO THE LEFT THROUGH A CENTRAL ANGLE OF 46°23'05", HAVING AN ARC LENGTH OF 242.87 FEET; THENCE N46°45'14"W, A DISTANCE OF 537.71 FEET; THENCE N73°57'52"E, A DISTANCE OF 75.46 FEET; THENCE N23°08'24"W, A DISTANCE OF 136.56 FEET; THENCE N67°22'53"E, A DISTANCE OF 214.21 FEET; THENCE N22°57'10"W, A DISTANCE OF 469.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL HAVING AN AREA OF 16.821 ACRES, MORE OR LESS.

A PORTION OF LOT 37, ASSESSORS SUBDIVISION OF THE G. ALVAREZ GRANT, SECTION 52, TOWNSHIP 17 SOUTH, RANGE 34 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 3, PAGE 137, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING SOUTHERLY OF PARK AVENUE, AN 80 FOOT RIGHT OF WAY AS NOW LAID OUT, AND LYING WESTERLY MANGO TREE DRIVE, A 60 FOOT RIGHT OF WAY, VOLUSIA COUNTY, FLORIDA.

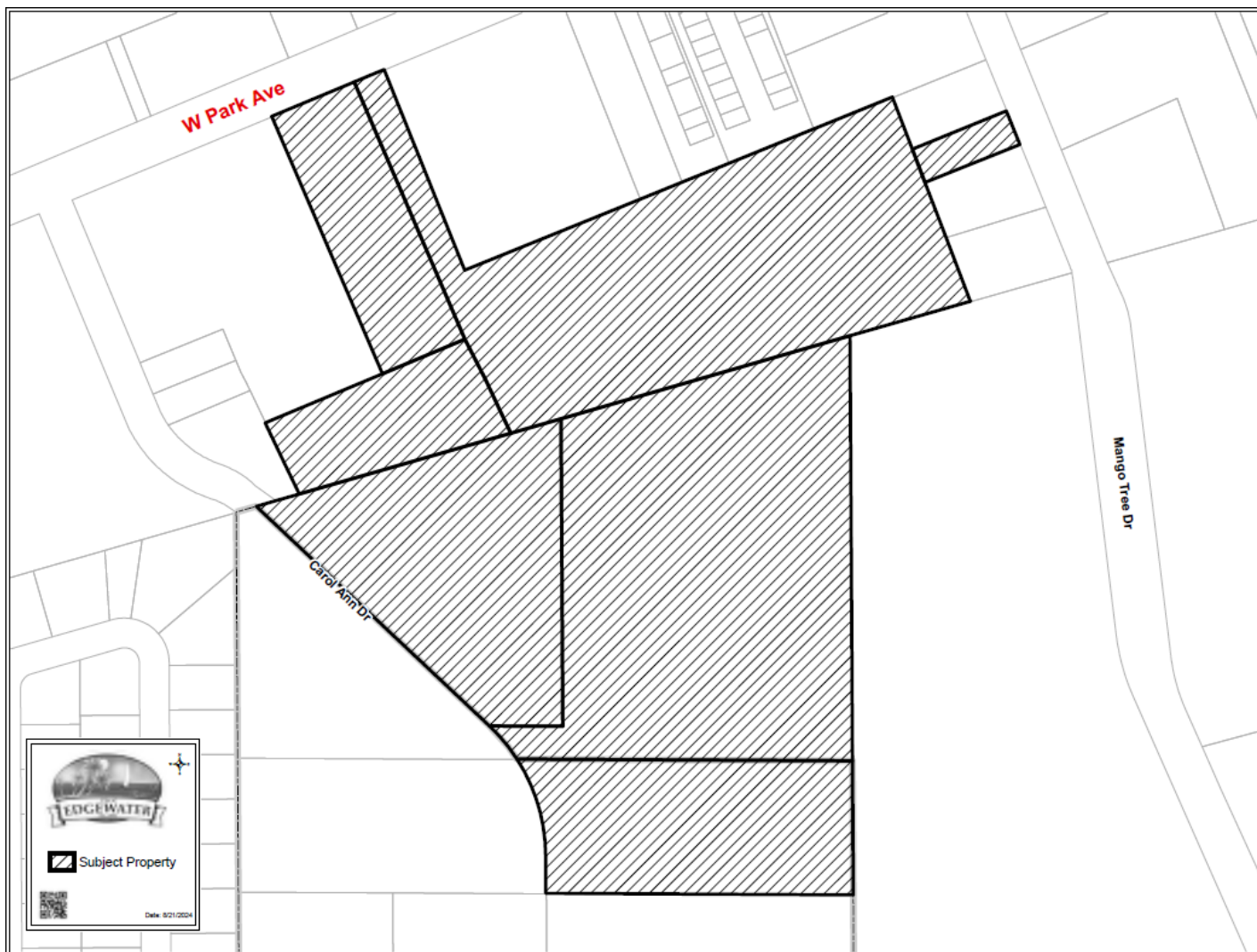
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF SAID CAROL ANN DRIVE AND THE SOUTHERLY RIGHT OF WAY OF SAID PARK AVENUE BEING AN 80.00 FOOT RIGHT OF WAY ACCORDING TO A VOLUSIA COUNTY RIGHT OF WAY MAP, COUNTY PROJECT NUMBER 1377; THENCE N 67°02'16" E, ALONG SAID SOUTHERLY RIGHT OF WAY, A DISTANCE OF 540.69 FEET TO A POINT; THENCE DEPARTING SAID RIGHT OF WAY S 22°12'47"E, A DISTANCE OF 371.38 FEET TO THE POINT OF BEGINNING; THENCE N67°50'52"E, A DISTANCE OF 805.71 FEET TO A POINT ON THE WESTERLY LINE OF THE LANDS DESCRIBED ON OFFICIAL RECORDS BOOK 6920 PAGE 4317; THENCE S22°00'15"E, ALONG SAID LINE A DISTANCE OF 89.07 FEET TO THE SOUTHWEST CORNER OF SAID BOOK AND PAGE OCCUPIED BY A 1 AND 1/2" PIPE WITH NO IDENTIFICATION; THENCE N67°40'00"E, ALONG THE SOUTHERLY LINE OF SAID BOOK AND PAGE A DISTANCE OF 166.53 FEET TO A 1" PIPE WITH CAP, AND THE WESTERLY RIGHT OF WAY OF MANGO TREE DRIVE; THENCE ALONG SAID MANGO TREE DRIVE S22°03'08"E, A DISTANCE OF 50.00 FEET; THENCE S67°40'00"W, A DISTANCE OF 166.57 FEET TO THE SOUTHERLY EXTENSION OF

THE ABOVE REFERENCED WESTERLY LINE OF OFFICIAL RECORDS BOOK 6920 PAGE 4317; THENCE ALONG SAID LINE S22°00'15"E, A DISTANCE OF 226.30 FEET TO THE SOUTHERLY LINE OF THE G. ALVEREZ GRANT; THENCE ALONG SAID GRANT LINE S73°57'52" W, A DISTANCE OF 809.08 FEET; THENCE N22°12'47"W, A DISTANCE OF 279.16 FEET AND THE POINT OF BEGINNING.

HAVING AN AREA OF 6.148 ACRES

EXHIBIT "B"



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