

**ORDINANCE NO. 2024-O-02**

**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 MEDIUM INTENSITY TO CITY MEDIUM DENSITY RESIDENTIAL FOR .4 ± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 108 AZALEA ROAD (PARCEL IDENTIFICATION NUMBER 8413-05-00-1400), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Janette Lefkowitz, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located at 108 Azalea Road (Tax Parcel No. 8413-05-00-1400) within Volusia County, Florida as Medium Density Residential. Subject property contains approximately .4 ± 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, December 13, 2023, 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. 2024-0-02, 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 Medium 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 February 5<sup>th</sup>, 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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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**

BEGINNING AT THE SOUTHEAST CORNER OF LOT 141, WATER PARK SEC. NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 19, PAGE 279, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE SOUTH 69°09'40" WEST 100.00 FEET TO THE SOUTHWEST CORNER OF LOT 140, THENCE NORTH 20°50'20" WEST 175.00 FEET TO THE CENTERLINE OF AZALEA ROAD; THENCE, ALONG SAID CENTERLINE, NORTH 69°09'40" EAST 100.00 FEET; THENCE SOUTH 20°50'20" EAST 175.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 17,500 SQ. FT. OR .40 ACRES ±.

SAID LAND SITUATED, LYING AND BEING IN VOLUSIA COUNTY, FL.

## EXHIBIT "B"

