

**ORDINANCE NO. 2023-O-29**

**AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM VOLUSIA COUNTY ENVIRONMENTAL SYSTEMS CORRIDOR AND URBAN LOW INTENSITY TO CITY LOW DENSITY RESIDENTIAL WITH CONSERVATION OVERLAY FOR 1.13± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1310-1366 ELIZABETH STREET (PARCEL IDENTIFICATION NUMBER 7430-04-02-0320; 7430-04-02-0310; 7430-04-02-0300; 7430-04-02-0290 AND 7430-04-02-0280), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Melonnie Kelly, owner, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include property located property located at 1310-1366 Elizabeth Street (Tax Parcel No. 7430-04-02-0320; 7430-04-02-0310; 7430-04-02-0300; 7430-04-02-0290 and 7430-04-02-0280) within Volusia County, Florida as Low Density Transition. Subject property contains approximately 1.13± 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, October 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. 2023-O-29, 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 January 8, 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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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**

LOTS 28 THROUGH 32 INCLUSIVE, BLOCK 2A, SPANISH MISSION HEIGHTS, UNIT NUMBER 2, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 23 PAGE 119, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 34, BLOCK 2A, SPANISH MISSION HEIGHTS, UNIT NUMBER 2, ALSO BEING THE EASTERLY LINE OF THE AMBROSE HULL GRANT; THENCE RUN N23°30'00"W ALONG THE WESTERLY LINE OF SAID LOT 34 AND LOT 33, BLOCK 2A AND THE AMBROSE HULL GRANT A DISTANCE OF 100.00 FEET TO THE SOUTH LINE OF LOT 32, BLOCK 2A AND THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WESTERLY LINE OF SAID LOT 32 THROUGH LOT 28, BLOCK 2A AND THE AMBROSE HULL GRANT A DISTANCE OF 250.00 FEET TO THE NORTH LINE LOT 28, BLOCK 2A; THENCE ALONG SAID NORTH LINE OF LOT 28, BLOCK 2A, N66°30'59"E, A DISTANCE OF 199.77 FEET TO THE EAST LINE OF SAID LOT 28, BLOCK 2A; THENCE ALONG SAID EAST LINE OF LOT 28 AND LOTS 29 THROUGH 32, BLOCK 2A, S23°29'01"E, A DISTANCE OF 250.00 FEET TO THE SOUTH LINE OF SAID LOT 32, BLOCK 2A; THENCE ALONG THE SAID SOUTH LINE OF LOT 32, BLOCK 2A, S66°30'59"W, A DISTANCE OF 199.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 50,000 SQUARE FEET, OR 1.148 ACRES MORE OR LESS.

## EXHIBIT "B"



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