

ORDINANCE NO. 2006-O-01

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM COUNTY R-6W (URBAN TWO FAMILY RESIDENTIAL); R-4W (URBAN SINGLE FAMILY RESIDENTIAL) AND I-3W (WATERFRONT INDUSTRIAL) TO CITY RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) FOR PROPERTY LOCATED EAST OF U.S. HIGHWAY NO. 1 AND NORTH OF JONES FISH CAMP ROAD, EDGEWATER, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE THE PLANNED UNIT DEVELOPMENT (PUD) ZONING AGREEMENT FOR THE RIVER OAKS SUBDIVISION; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF EDGEWATER; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE, RECORDING AND ADOPTION.

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. Scott Tobin, agent/applicant on behalf of AH Edgewater, LLC, owners of property located East of U. S. Highway No. 1 and North of Jones Fish Camp Road, Edgewater, Florida. Subject property contains approximately 30.01 acres more or less.

2. The owner/applicant has submitted an application for a change in zoning classification from County R-6W (Urban Two Family Residential), R-4W (Urban Single Family Residential) and I-3W (Waterfront Industrial) to City RPUD (Residential Planned Unit Development) for the property described herein.

3. On December 14, 2005, the Local Planning Agency (Planning and Zoning Board) considered the application for change in zoning classification and by a vote of 5 - 1, the Board recommended that City Council consider approval of the request.

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4. On January 23, 2006, the City Council considered on first reading/public hearing the proposed change in the zoning classification after publication of such hearing in the Observer on January 12, 2006.

5. On February 13, 2006, the City Council held a public hearing on the application after publishing notice of such hearing in the Observer on February 2, 2006, and notifying by mail all property owners who own real property directly affected by the proposed action and all property owners who own real property within 300 feet of the subject property.

6. The proposed change in zoning classification is consistent with all elements of the Edgewater Comprehensive Plan.

7. The proposed change in zoning classification is not contrary to the established land use pattern.

8. The proposed change in zoning classification will not adversely impact public facilities.

9. Changed or changing conditions make the proposed amendment necessary.

10. The proposed change in zoning classification will not have an adverse effect on the natural environment.

11. The proposed change will not have a negative effect on the character of the surrounding area.

NOW, THEREFORE, BE IT ENACTED by the People of the City of Edgewater, Florida:

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PART A. CHANGE IN ZONING CLASSIFICATION OF CERTAIN REAL PROPERTY WITHIN THE CITY OF EDGEWATER, FLORIDA.

The zoning classification for the following described property is hereby changed from County R-6W (Urban Two Family Residential), R-4W (Urban Single Family Residential) and I-3W (Waterfront Industrial) to City RPUD (Residential Planned Unit Development) pursuant to the associated Planned Unit Development (PUD) Agreement for River Oaks Subdivision (attached hereto and incorporated as **Exhibit "B"**).

The following described real property all lying and being in the County of Volusia and State of Florida.

Lot 15, 16, 26, 27 and the Easterly 100' of Lot 25, RIVERFRONT ESTATES, Unit No. 2, as recorded in Map Book 19, Page 31 of the Public Records of Volusia County, Florida.

The South 100' of Lot 6, RIVERFRONT ESTATES, as recorded in Map Book 19, Page 18 of the Public Records of Volusia County, Florida. Together with any riparian rights appertaining thereto.

Lots 13 and 14, RIVERFRONT ESTATES, Unit No. 2, a Subdivision according to map thereof recorded in Map Book 19, Page 31 of the Public Records of Volusia County, Florida. (Bearings refer to RIVER PARK MOBILE HOME COLONY SECTION 2, Map Book 32, Page 107 and based on the North line of Indian River Drive as N 68°44'20" E).

Lots 28, 31, 32, 35 and 36, RIVERFRONT ESTATES, Unit No. 2, as Recorded in Map Book 19, Page 31 of the Public Records of Volusia County, Florida, and filled land lying East of said Lot 36, together with, any and all accretions, riparian and littoral rights appertaining thereto.

EXCEPTING THEREFROM:

A parcel of land in Lots 35 and 36 and filled land lying East of Lot 36, RIVERFRONT ESTATES, Unit No. 2, as recorded in Map Book 19, Page 31 of the Public Records of Volusia County, Florida, described as follows: Begin at the S.W.

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Corner of Lot 35, RIVERFRONT ESTATES, Unit No. 2 as recorded in Map Book 19, Page 31 of the Public Records of Volusia County, Florida; thence along the Westerly line of said Lot 35, on an assumed bearing run N 22°44'32" W, 319.82 ft; thence N 69°16'01" E, 633.63 ft, to a Point on the existing shoreline of the Indian River North; thence along the meanders of said shoreline the following courses and distances, S 11°51'56" E, 50.58 ft; thence S 04°22'24" E, 62.38 ft; thence S 35°02'40" W, 52.93 ft; thence S 02°35'13" W, 88.75 ft; thence S 56°49'20" E, 35.84 ft; thence S 16°14'06" E, 50.88 ft; thence S 20°24'24" E, 23.6 ft; to a Point on the South line of aforesaid Lot 36; thence along said South line of Lot 36 and the South line of Lot 35, S 69°46'32" W, 535.15 ft to the Point of Beginning. Together with any and all accretions, riparian and littoral rights appertaining thereto.

Containing 30.01 ± acres more or less.

Map of subject property is reflected on **Exhibit "A"** and incorporated herein.

PART B. AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF EDGEWATER, FLORIDA.

The Development Services Director is hereby authorized and directed to amend the Official Zoning Map of the City of Edgewater, Florida, to reflect the change in zoning classification for the above described property.

PART C. CONFLICTING PROVISIONS.

All conflicting ordinances and resolutions, or parts thereof 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 circumstances, such holding shall not affect its applicability to any other person, property, or

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circumstance.

PART E. RECORDING.

Upon approval and execution, this document shall be delivered to the Clerk of Court for recording into the public records of Volusia County, Florida.

PART F. EFFECTIVE DATE.

This Ordinance shall take place upon adoption.

PART G. ADOPTION.

First reading was held on January 23, 2006 with an additional first reading being held on May 1, 2006.

After Motion by Councilwoman Lichter and Second by Councilwoman Rhodes, the vote on the first reading of this ordinance held on May 1, 2006, was as follows:

	AYE	NAY
Mayor Mike Thomas	<u>X</u>	_____
Councilwoman Debra J. Rogers	_____	<u>X</u>
Councilman Dennis Vincenzi	<u>X</u>	_____
Councilwoman Harriet B. Rhodes	<u>X</u>	_____
Councilwoman Judy Lichter	<u>X</u>	_____

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After Motion by Councilwoman Lichter and Second by Councilwoman Rhodes,

the vote on the second reading/public hearing of this ordinance was as follows:

	AYE	NAY
Mayor Mike Thomas	<u>X</u>	_____
Councilwoman Debra J. Rogers	_____	<u>X</u>
Councilman Dennis Vincenzi	_____	Absent
Councilwoman Harriet B. Rhodes	<u>X</u>	_____
Councilwoman Judy Lichter	<u>X</u>	_____

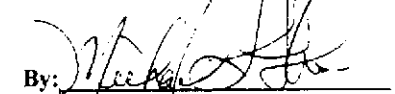
PASSED AND DULY ADOPTED this 15th day of May, 2006.

ATTEST:



Susan J. Wadsworth
City Clerk

**CITY COUNCIL OF THE
CITY OF EDGEWATER, FLORIDA**

By: 

Mike Thomas
Mayor

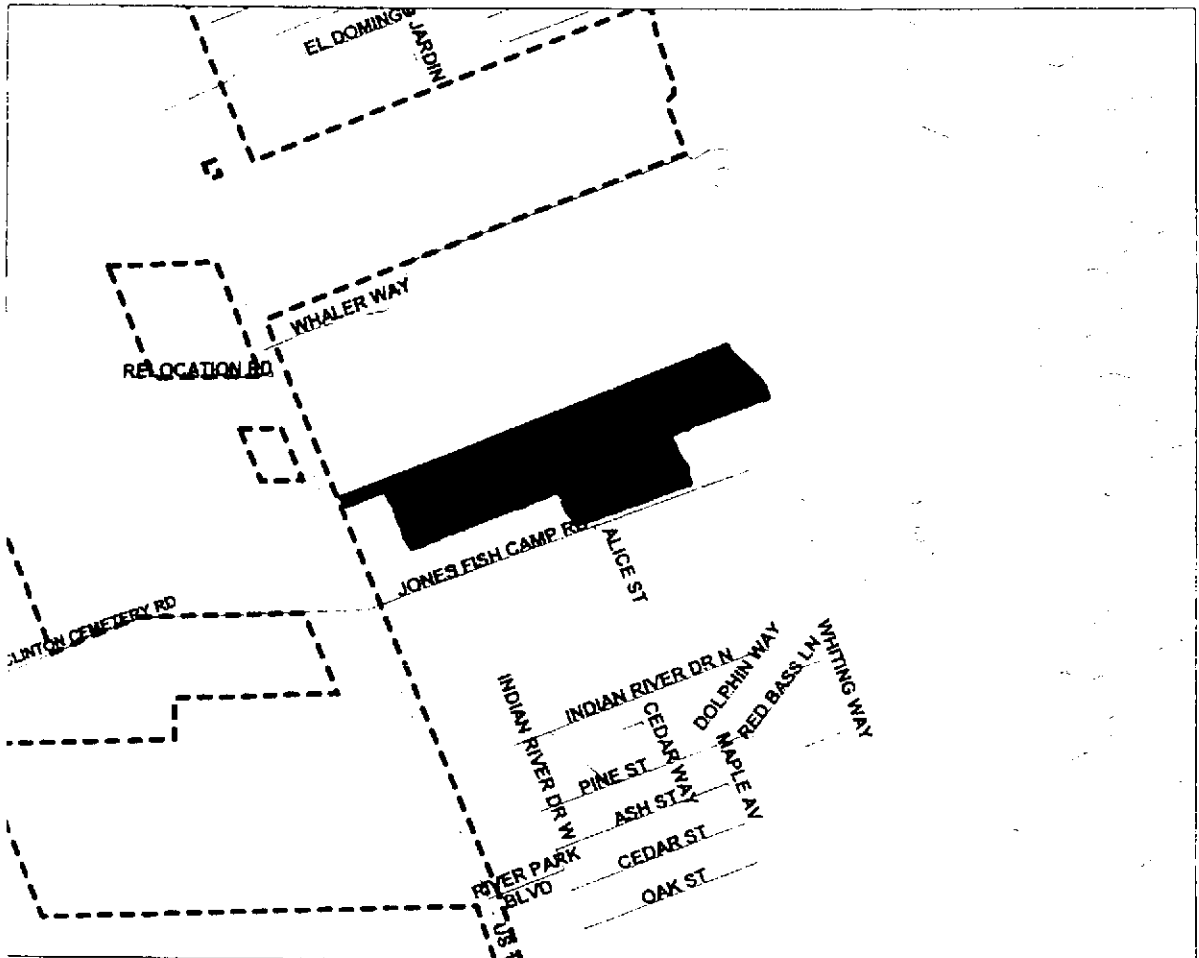


Robin L. Matusick
Paralegal

For the use and reliance only by the City of Edgewater, Florida. Approved as to form and legality by: Paul E. Rosenthal, Esquire
City Attorney
Foley & Lardner, LLP

Approved by the City Council of the City of Edgewater at a meeting held on this 15th day of May, 2006 under Agenda Item No. 6 D.

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Tobin



City Limits

Subject Property

