

ORDINANCE NO. 2024-O-29

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM COUNTY RESOURCE CORRIDOR CITY B-3 (HIGHWAY COMMERCIAL) FOR 13.468± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED SOUTH OF S.R. 442 AND OLD MISSION ROAD (PARCEL IDENTIFICATION NUMBER 8438-03-00-0060), EDGEWATER, FLORIDA; 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. Conrad Kahn, applicant on behalf of Frank & Stein, LLC, owner, of property generally located south of S.R. 442 and Old Mission Road (Tax Parcel No. 8438-03-00-0060), within Volusia County, Florida. Subject property contains approximately 13.468± acres.
2. The owner has submitted an application for a change in zoning classification from County Resource Corridor to City B-3 (Highway Commercial) for the property described herein.
3. On Wednesday, June 12, 2024, the Local Planning Agency (Planning and Zoning Board) considered the application for change in zoning classification.
4. The proposed change in zoning classification is consistent with all elements of the Edgewater Comprehensive Plan.
5. The proposed change in zoning classification is not contrary to the established land use pattern.
6. The proposed change in zoning classification will not adversely impact public facilities.

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

8. 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:

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

The zoning classification is hereby changed from County Resource Corridor to City B-3 (Highway Commercial), for the property described in **Exhibits “A” & B”**.

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All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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

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

LOT 6 AND A PORTION OF LOT 7, MODEL LAND COMPANY SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 187 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING SOUTHERLY OF STATE ROAD NO. 442, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE N21° 18' 12" W, ALONG THE WESTERLY LINE OF SAID LOT 6, A DISTANCE OF 1166.83 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 442; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE N68°21'30"E, A DISTANCE OF 500.00 FEET TO THE EASTERLY LINE OF WESTERLY 150 FEET OF LOT 7; THENCE S21°17'55"E ALONG SAID EASTERLY LINE, A DISTANCE OF 1180.16 FEET TO THE SOUTH LINE OF SAMUEL BETTS GRANT; THENCE ALONG THE SAID SOUTH LINE S69°53'10"W, A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 586680 SQ. FT OR 13.468 ACRES MORE OR LESS.

EXHIBIT “B”

