

**ORDINANCE NO. 2024-O-30**

**AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM VOLUSIA COUNTY RESOURCE CORRIDOR TO CITY B-3 (HIGHWAY COMMERCIAL) FOR 38.653± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF INTERSTATE 95 AND SOUTH OF S.R. 442, (PARCEL IDENTIFICATION NUMBER 8438-01-00-0380), 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 east of Interstate 95, south of S.R. 442, within Volusia County, Florida. Subject property contains approximately 38.653± 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<sup>th</sup>, 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 A-3 (Rural Transitional) and A-3(1)A (Rural Transitional) to City AG (Agriculture), 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**

A PORTION OF LOTS 46, 47, 48, 56, 57, 65, 66, 73, 80 AND 87. ALL LYING SOUTHERLY OF STATE ROAD NO. 442, ASSESSOR'S SUBDIVISION, OF THE SAMUEL BETTS GRANT. ACCORDING TO PLAT THEREOF, RECORDED IN MAP BOOK 3, PAGE 153, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 48; THENCE S69°28'37"W, ALONG THE SOUTHERLY LINE OF LOTS 48, 57, 66 AND 73, A DISTANCE OF 2510.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S69°28'37"W ALONG THE SOUTHERLY LINE OF LOTS 73, 80 AND 87, A DISTANCE OF 1388.09 FEET TO THE SAID SOUTHERLY LINE OF STATE ROAD NO. 442 AND THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A CENTRAL ANGLE OF 06°54'40", A RADIUS OF 2936.79 FEET, A CHORD BEARING OF N53°19'04"E AND A CHORD DISTANCE OF 354.02 FEET, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 354.23 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING THREE COURSES, N40°08'16"W, A DISTANCE OF 8.00 FEET; THENCE N49°51'44"E, A DISTANCE OF 3178.28 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A CENTRAL ANGLE OD 06°51'10", A RADIUS OF 2765.71 FEET, A CHORD BEARING OF N53°17'19"E AND A CHORD DISTANCE OF 330.60 FEET, THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 330.79 FEET; THENCE DEPART SAID SOUTHERLY RIGHT OF WAY LINE S33°24'33"E, A DISTANCE OF 366.00 FEET; THENCE S13°54'09"W, A DISTANCE OF 432.00 FEET; THENCE S65°45'19"W, A DISTANCE OF 467.00 FEET, THENCE S26°20'33"E, A DISTANCE OF 519.00 FEET; THENCE S66°20'55"W, A DISTANCE OF 1188.50 FEET; THENCE S12°10'04"W, A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1683713 SQ. FT OR 38.653 ACRES MORE OR LESS

EXHIBIT “B”

