

ORDINANCE NO. 2023-O-30

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM COUNTY RC (RESOURCE CORRIDOR) AND R-3A (URBAN SINGLE FAMILY RESIDENTIAL) TO CITY R-2 (SINGLE FAMILY RESIDENTIAL) FOR 1.13± ACRES OF CERTAIN REAL PROPERTY LOCATED SOUTH AT 1310-1366 ELIZABETH STREET (PARCEL IDENTIFICATION NUMBER 7430-04-02-0320; 7430-04-02-0310; 7430-04-02-0300; 7430-04-02-0290² AND 7430-04-02-0280), 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. Melonnie Kelly, is the owner of property located at 1310-1366 Elizabeth Street, within Volusia County, Florida. Subject property contains approximately 1.13± acres.
2. The owner has submitted an application for a change in zoning classification from County RC (Resource Corridor) and R-3A (Urban Single Family Residential) to City R-2 (Single Family Residential) for the property described herein.
3. On October 11, 2023, 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 RC (Resource Corridor) and R-3A (Urban Single Family Residential) to City R-2 (Single Family Residential), 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

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”

