

**ORDINANCE NO. 2024-O-16**

**AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM COUNTY A-3 AND A-3(1)A (RESOURCE CORRIDOR) AND R-3A (TRANSITIONAL AGRICULTURE) TO CITY AG (AGRICULTURE) FOR 21± ACRES OF CERTAIN REAL PROPERTY LOCATED AT 1575 MASSEY ROAD (PARCEL IDENTIFICATION NUMBER 7344-08-00-0122), 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. Hunter Davis, applicant on behalf of Stanley Wallace, owner, of property located at 1575 Massey Road, within Volusia County, Florida. Subject property contains approximately 21± acres.
2. The owner has submitted an application for a change in zoning classification from County A-3 (Transitional Agriculture) and A-3(1)A (Transitional Agriculture) to City AG (Agriculture) for the property described herein.
3. On Wednesday, May 8, 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**

DESCRIPTION: Overall Parent Parcel (Per ORB 6552, pg 4139)

The easterly 600 feet of Lot 12, except the northerly 363 feet thereof, and the easterly 600 feet of that portion of Lot 13 lying northerly of Massey Road, which is an existing 50-foot County Road running through said lot 13 Subdivision of the South Third of the AMBROSE HULL GRANT, recorded in Map Book 5, Page 54 and Map Book 4, Page 199 of the Public Records of Volusia County, Florida.

AND Property in Section 31, Township 17 South, Range 34 East, described as follows:

Commence at the Southwest Comer of Lot 34, Block 2 A, Spanish Mission Heights Unit No. 2, as recorded in Map Book 23, Page 119 of the Pubic Records of Volusia County, Florida; Thence S 21° E. along the East line of the Hull Grant 3854 feet for the Point of Beginning; Thence continue S. 21° E, 368.8 feet, Thence N. 75° 40' E. 175 feet to the West line of existing drainage canal; Thence along said west bank N 7° 35' 10° W. 400 feet; Thence S. of 69° W. 266.6 feet to the Point of Beginning. (Official Records Book 1693, Page 370, Public Records of Volusia County, Florida.

AND Property in Section 31, Township 17, South, Range 34 East, described as follows: Commence at the Southwest Corner of Lot 34, Block 2A, Spanish Mission Heights Unit #2, as recorded in Map Book 23, Page 119, Public Records of Volusia County, Florida; Thence S 21° E along the East line of the Hull Grant 4237.20 feet to the Point of Beginning; Thence S 21° E along the East line of the Hull Grant 710 feet to the West bank of existing drainage canal; Thence N 7° 35' 10" W along said West bank 710 feet; Thence S 69°W to the Point of Beginning. (Official Records Book 1420, Page 472, Public Records of Volusia County, Florida

LESS AND EXCEPT:

A portion of Lot 13 of the South one-third of the AMBROSE HULL GRANT, per Map Book 5, Page 54 (which portion is the same as Map Book 4, Page 199) of the Public Records of Volusia County, Florida; also a portion of Section 31, Township 17 South, Range 34 East, being described as follows:

BEGIN at a point on the East line of the AMBROSE HULL GRANT, said point being S. 21° E., 585.98 feet from the Northeast Corner of said Lot 13; Thence run N. 67° 54' 40" E., 110 feet to the West line of existing drainage canal; Thence S. 07° 12' 13" E. along said West Line of existing drainage canal, 398.30 feet to the North right-of-way of Massey Road a 50 foot right-of-way as now laid out; Thence S 67°54'40" W along said north right-of-way 315 feet; Thence N. 21° W., 385 feet; Thence N. 67° 54' 40" E., 300.00 feet to the Point of Beginning. Containing 3.20 acres more or less. (Official Records Book 2843, Page 1496, Public Records of Volusia County, Florida)

EXHIBIT “B”

