

ORDINANCE NO. 2024-O-46

AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM B-3 HIGHWAY COMMERCIAL TO R-3 RESIDENTIAL FOR 0.72± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT PALM BREEZE DRIVE (PARCEL IDENTIFICATION NUMBERS 8402-00-00-0262, 8402-00-00-0261, AND 8402-00-00-0254), 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. Charles Martin, owner, of property generally located at Palm Breeze Drive (Tax Parcel No.'s 8402-00-00-0262, 8402-00-00-0261, and 8402-00-00-0254) within Volusia County, Florida. Subject property contains approximately 0.72± acres.
2. The owner has submitted an application for a change in zoning classification from B-3 Highway Commercial to R-3 Residential for the property described herein.
3. On Wednesday, August 14, 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 B-3 Highway Commercial to R-3 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All conflicting ordinances and resolutions, or parts thereof in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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

PARCEL A: That portion of Government Lots 6 and 7, Section 2, Township 18 South, Range 34 East, Volusia County, Florida, being more particularly described as follows: Commence at the intersection of the South line of said Government Lot 6, and the Easterly right of way line of U.S. Highway No. 1; run thence South 89°56'40" East along said South line of Government Lot 6, a distance of 96.16 feet for the Point of Beginning; thence continue South 89°56'40" East along said South line, a distance of 2.84 feet; run thence North 77°09'50" East, a distance of 92.87 feet; run thence South 12°50'10" East, a distance of 105.8 feet; run thence South 79°07' West, a distance of 95.7 feet; run thence North 12°50'10" West, a distance of 103.17 feet to the Point of Beginning. The above described property being also known as Lot 25, PALM BREEZE, an unrecorded subdivision.

PARCEL B: That portion of Government Lot 7, Section 2, Township 18 South, Range 34 East, Volusia County, Florida, being more particularly described as follows: Begin at the intersection of the South line of Government Lot 6, said Section 2, Township 18 South, Range 34 East, and the Easterly right of way line of U.S. Highway No. 1; run thence South 89°56'40" East along the South line of said Government Lot 6, a distance of 96.16 feet; run thence South 12°50'10" East, a distance of 103.17 feet; run thence South 79°07' West, a distance of 63.66 feet to the said Easterly right of way line of U.S. Highway No. 1, run thence North 26°41'40" West along said Easterly right of way line of U.S. Highway No. 1, a distance of 126.18 feet to the Point of Beginning. The above described property being also known as Lot 26, PALM BREEZE, an unrecorded subdivision.

PARCEL C: Commence at the intersection of the South line of U.S. Lot 6, Section 2, Township 18 South, Range 34 East, and the Easterly right of way line of U.S. Highway No. 1; thence South 89°56'40" East, 99.09 feet along said South line, thence North 77°09'50" East, 92.87 feet for the Point of Beginning; thence North 77°09'50" East, 92.65 feet; thence South 12°50'10" East, 108.96 feet; thence South 79°07' West, 92.7 feet; thence North 12°50'10" West, 105.8 feet to the Point of Beginning.

EXHIBIT “B”

