

ORDINANCE NO. 2023-06

AN ORDINANCE AMENDING PARAGRAPH C, OFFICIAL ZONING MAP, OF SECTION 2-01, ESTABLISHED, OF ARTICLE 1, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, OF CHAPTER 2, DISTRICT AND GENERAL REGULATIONS, OF THE CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, BY AMENDING THE OFFICIAL ZONING MAP TO REZONE PORTIONS OF THREE PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 1.70 ACRES LOCATED AT A PORTION OF 264 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-18-06-0010), A PORTION OF 225 MAGNOLIA AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-20-04-0010), AND A PORTION OF 300 SOUTH ATLANTIC AVENUE (VOLUSIA COUNTY PARCEL NUMBER 4214-20-02-0010) FROM B-1, PROFESSIONAL OFFICE/HOSPITAL TO R-3, SINGLE-FAMILY MEDIUM DENSITY; AUTHORIZING REVISION OF OFFICIAL ZONING MAP; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Ormond Beach Holdings, LLC, a Florida limited liability company, is the owner of real property (“Applicant/Property Owner”) located at a portion of 264 South Atlantic Avenue (approximately 0.80 acres), a portion of 225 Magnolia Avenue (approximately 0.19 acres) and a portion of 300 South Atlantic Avenue (approximately 0.71 acres), (Volusia County parcel numbers: 4214-18-06-0010, 4214-20-04-0010, and 4214-20-02-0010), as more particularly described and depicted in Exhibit “A” attached hereto and incorporated herein (“Property”), and

WHEREAS, the Applicant/Property Owner has submitted an application to the city to re-zone the Property from B-1, Professional Office/Hospital to R-3, Single-Family Medium Density, and

WHEREAS, the Property has existing zoning designations that are split between the B-1, Professional Office/Hospital and R-3, Single-Family Medium Density zoning district. The Applicant has submitted an application to amend the zoning designations to consistently be the R-3, Single-Family Medium Density zoning district, and

WHEREAS, the Applicant has requested the proposed zoning map amendment be reviewed and acted upon concurrently with the accompanying small-scale land use *Comprehensive Plan* amendment pursuant to Section 163.3184(12), *Florida Statutes*, and

WHEREAS, the proposed rezoning shall be contingent upon the proposed *Comprehensive Plan* amendment becoming effective, and

WHEREAS, the Property to be re-zoned is less than ten contiguous acres, consisting of approximately 1.70 contiguous acres, and

WHEREAS, the Planning Board held a public hearing regarding this matter as required by Chapter 1, Article II, Section 1-15(d)(3), of the *Land Development Code*, and

WHEREAS, the City Commission held a public hearing regarding this matter as required by Section 166.041(3)(c)(1), *Florida Statutes*, and

WHEREAS, all applicable legal notice requirements have been complied with,
and

WHEREAS, the City Commission finds the proposed rezoning to be consistent with the Future Land Use Element, and the Future Land Use Map, of the City’s adopted *Comprehensive Plan*, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The foregoing recitals are incorporated herein as the findings of the City Commission.

SECTION TWO. Paragraph C, Official Zoning Map, of Section 2-01, Established, of Article I, Establishment of Zoning Districts and Official Zoning Map, of Chapter 2, District and General Regulations, of the *Land Development Code* of the City of Ormond Beach, Florida is hereby amended by amending the Official Zoning Map, to change the zoning designation of a portion of 264 South Atlantic Avenue (approximately 0.80 acres), a portion of 225 Magnolia Avenue (approximately 0.19 acres) and a portion of 300 South Atlantic Avenue (approximately 0.71 acres), (Volusia County parcel numbers: 4214-18-06-0010, 4214-20-04-0010, and 4214-20-02-0010), as more particularly described and depicted in Exhibit “A” from B-1, Professional Office/Hospital to R-3, Single-Family Medium Density as shown and depicted in Exhibit “B”.

SECTION THREE. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FOUR. Based upon the Applicant's request, the application for zoning changes is being concurrently reviewed and acted upon with the *Comprehensive Plan* land use amendment as authorized by Section 163.3184(12), *Florida Statutes*. The change in zoning is contingent, and shall become effective, upon the proposed *Comprehensive Plan* amendment (Ordinance No. 2023-03) becoming effective.

PASSED UPON at the first reading of the City Commission, this 10th day of January, 2023.

PASSED UPON at the second reading of the City Commission, this 24th day of January, 2023.



BILL PARTINGTON
Mayor

ATTEST:



SUSAN CARROLL DAUDERIS
City Clerk



LEGAL DESCRIPTION

A PORTION OF BLOCKS "A", "B", AND "D", ROCKEFELLER HEIGHTS, AS RECORDED IN MAP BOOK 21 PAGE 40, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF COMMENCEMENT SAID POINT BEING THE NORTHEAST CORNER OF LOT 4, BLOCK "A" OF SAID ROCKEFELLER HEIGHTS SUBDIVISION; THENCE S23°53'59"E ALONG THE EASTERLY LINE OF SAID LOT 4 A DISTANCE OF 108.55 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY LINE RUN S65°23'30"W A DISTANCE OF 155.47 FEET; THENCE N24°36'30"W A DISTANCE OF 214.00 FEET; THENCE S65°55'24"W A DISTANCE OF 77.36 FEET; THENCE S24°04'36"E A DISTANCE OF 583.70 FEET; THENCE N65°55'24"E A DISTANCE OF 50.00 FEET; THENCE N24°40'36"W A DISTANCE OF 50.00 FEET; THENCE N65°55'24"E A DISTANCE OF 184.34 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF SOUTH ATLANTIC AVENUE (RIGHT OF WAY VARIES); THENCE N23°53'59"W ALONG SAID WESTERLY LINE A DISTANCE OF 321.16 FEET TO THE POINT OF BEGINNING

SAID AREA CONTAINS 94,278 SQ.FT OR 2.16 ACRES MORE OR LESS*

***Legal description includes private land area and right-of-way**

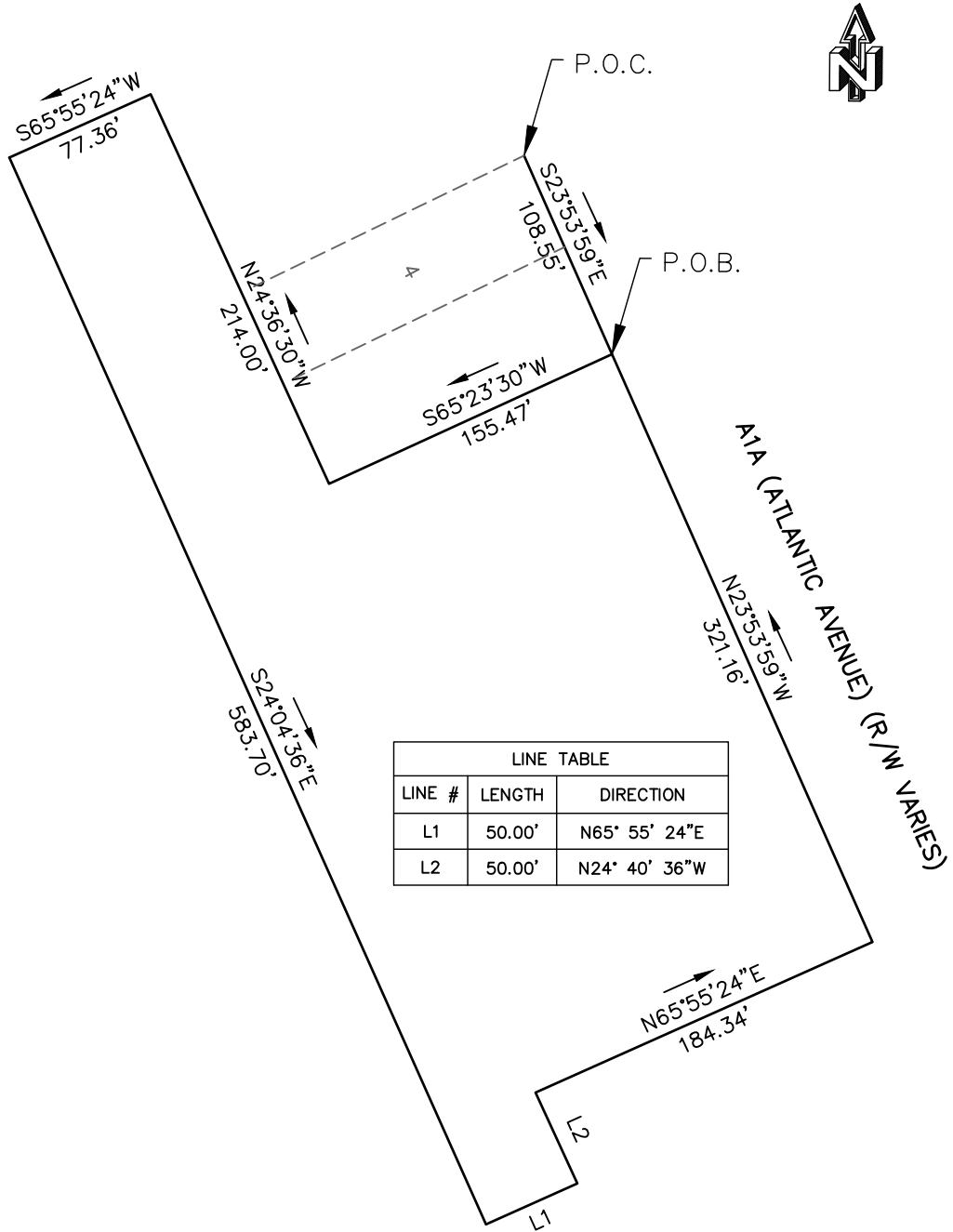
SHEET 1

SEE SHEET 2 FOR SKETCH OF DESCRIPTION

City of Ormond Beach
Engineering Division

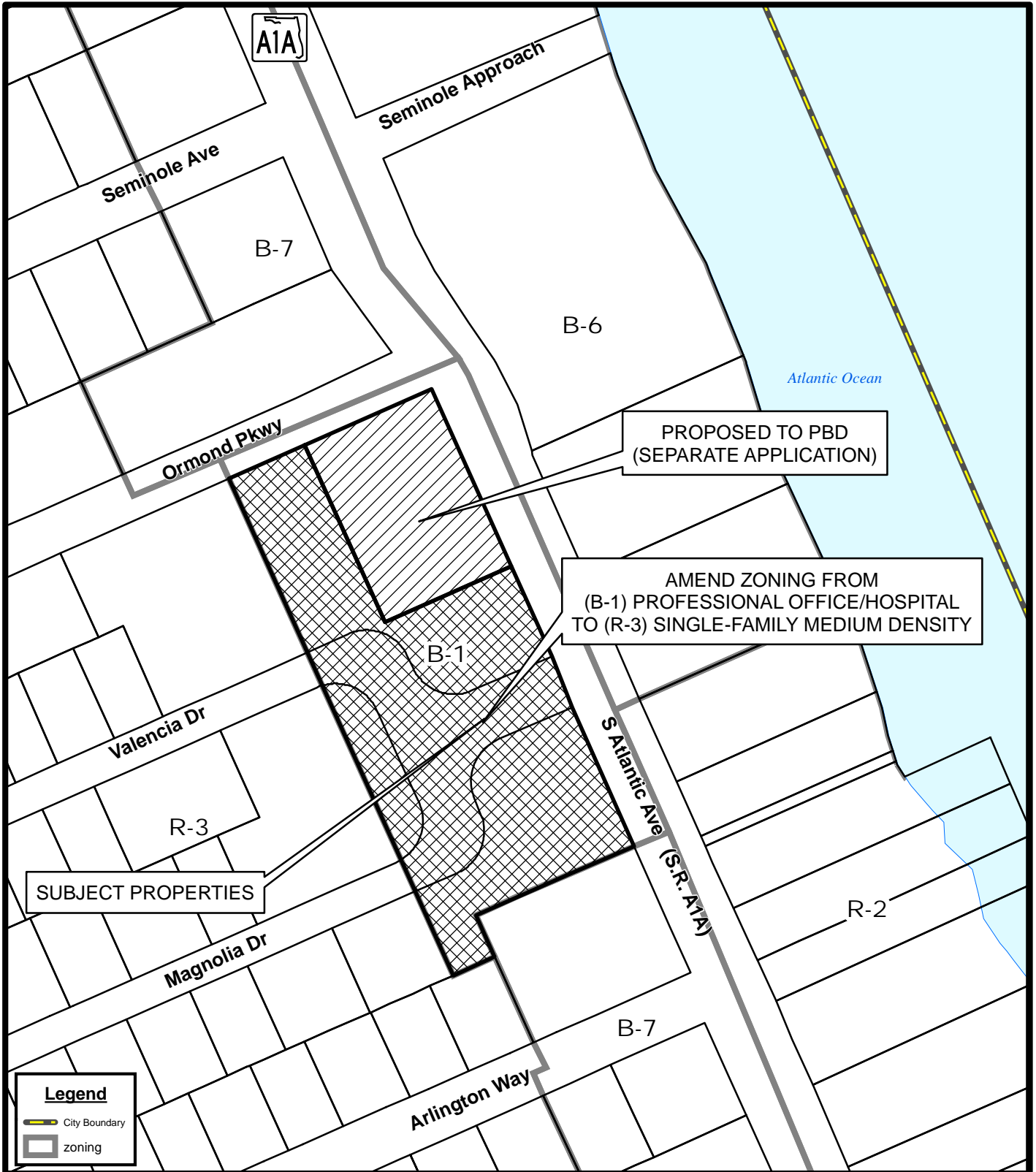
DATE: 10/12/22	PROJECT NO.:
SCALE: N.T.S.	FILE: ORMHOLD
SHEET: 1 OF 2	DRAWN BY: CO

SKETCH OF DESCRIPTION



SHEET 2

SEE SHEET 1 FOR DESCRIPTION



PROPOSED ZONING MAP

portion of - 264 SOUTH ATLANTIC AVE (4214-18-06-0010)
portion of - 300 SOUTH ATLANTIC AVE (4214-20-02-0010)
portion of - 225 MAGNOLIA DR (4214-20-04-0010)

Prepared By: The City of Ormond Beach
G.I.S. Department - October 11, 2022

