

ORDINANCE NO. 2026-O-10

AN ORDINANCE OF THE CITY OF EDGEWATER AMENDING THE COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING THE OFFICIAL FUTURE LAND USE MAP FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR 0.75± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ALONG EDGEWATER DRIVE (PARCEL IDENTIFICATION NUMBERS 8402-28-02-0075, 8402-28-02-0074, AND 8402-28-02-0072), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Brad Hansen, on behalf of the owners, has applied for an amendment to the Comprehensive Plan Future Land Use Map to include properties generally located at Edgewater Drive (Tax Parcel No.'s 8402-28-02-0075, 8402-28-02-0074, and 8402-28-02-0072) within Volusia County, Florida as Medium Density Residential. Subject properties contain approximately 0.75± acres.

WHEREAS, the Planning and Zoning Board, sitting as the City's Local Planning Agency, held a Public Hearing pursuant to 163.3174, Fla. Stat., on Wednesday, June 10, 2026, and recommended that the City Council approve the proposed Plan Amendment;

WHEREAS, the City Council feels it is in the best interests of the citizens of the City of Edgewater to amend its Comprehensive Plan as more particularly set forth hereinafter.

NOW, THEREFORE, be it enacted by the City Council of the City of Edgewater, Florida:

PART A. AMENDMENT.

Ordinance No. 2026-O-10, as amended and supplemented, adopting the Comprehensive Plan of the City of Edgewater, Florida, regulating and restricting the use of lands located within

the City of Edgewater, Florida, shall be amended to include property described in **Exhibits “A” and “B”** on the Future Land Use Map as Medium Density Residential.

PART B. PUBLIC HEARINGS.

It is hereby found that a public hearing held by the City Council to consider adoption of this ordinance on July 6, 2026, at 6:00 p.m. in the City Council Chambers at City Hall, 104 N. Riverside Drive, Florida, after notice published at least 10 days prior to hearing is deemed to comply with 163.3184, Fla. Stat.

PART C. CONFLICTING PROVISIONS.

All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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 circumstance, such holding shall not affect its applicability to any other person, with property, or circumstance.

PART E. EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has

become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency. The amendment shall also not be effective until certification is received from the Volusia Growth Management Commission.

PASSED AND DULY ADOPTED this ____ day of _____, 2026.

Diezel DePew, Mayor

ATTEST:

Monique Toupin, CMC, Acting City Clerk

Passed on first reading on the ____ day of _____, 2026

REVIEWED AND APPROVED: _____
Anthony Sabatini, Esq., City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

Commence at the Northwest corner of said Lot 7; thence South 0°58' East 491.25 feet along the West line of said lot for the Point of Beginning; Thence North 75° 29' 30" East 117.32 feet; Thence South 10°48'30" East 80 feet; Thence South 76°23'40" West 130.9 feet to the West line of said Lot 7 to a point which is 65.2 feet Northerly of the Northwest corner of Lot 8, said Lowd's Subdivision; Thence North 0°58' East 80 feet to the Point of Beginning. All being in Lot 7, Lowd's Subdivision as recorded in Map Book 3, page 81, of the Public Records of Volusia County, Florida.

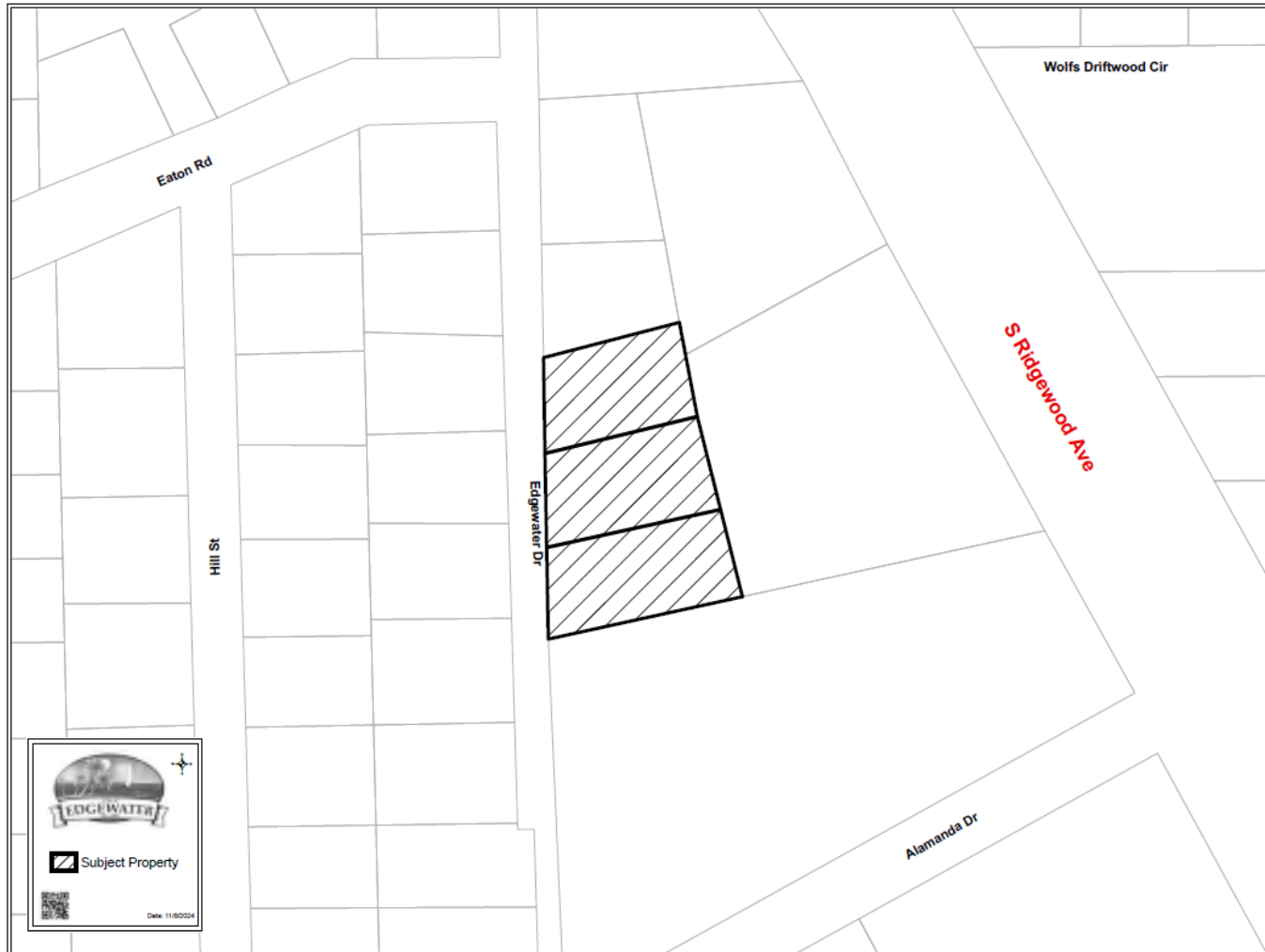
Together with

PROPERTY IN LOTS 7 AND 8 LOWD'S SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 81; AS RECORDED IN PLAT BOOK 16, PAGE 50, PRVC DESCRIBED AS FOLLOWS: BEGIN AT A POINT ON THE WEST LINE OF LOT 8, LOWD'S SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 81; AS RECORDED IN PLAT BOOK 16, PAGE 50 OF THE PRVC: SAID POINT BEING 14.8 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID LOT 8, THENCE NORTH 77°7' EAST 149 FEET; THENCE NORTH 14°3' WEST 80 FEET; THENCE SOUTH 76°23'40" WEST 130.9 FEET TO THE WEST LINE OF SAID LOT 7; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOTS 7 AND 8 80 FEET TO THE POINT OF BEGINNING.

Together with

That part of Lots 7 and 8, LOWDS' SUBDIVISION, according to the plat thereof as recorded in Map Book 3, page 18 of the Public Records of Volusia County, Florida, and being more particularly described as follows: Beginning at a point on the West line of said Lot 8, said point being 89.6 feet Southerly from the Northwest corner of said Lot 8; thence North 7° 40' East, 16 feet; thence North 14° 03' West, 57 feet; thence South 7° 40' West, 150 feet to West line of said Lot 8; thence South along West line of said Lot 8 to the Point of Beginning, lying in Lots 7 and 8 of said Lowd's Subdivision.

EXHIBIT "B"



~~Strike through~~ passages are deleted.
Underlined passages are added.