

ORDINANCE NO. 2025-O-17

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 0.58 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ALONG 3 PELICAN DRIVE (PARCEL IDENTIFICATION NUMBERS 8402-44-00-0011 and 8402-00-00-0200), EDGEWATER, FLORIDA; PROVIDING FOR PUBLIC HEARINGS, FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, James C Carder, 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 8402-44-00-0011 and 8402-00-00-0200) within Volusia County, Florida as Medium Density Residential. Subject properties contain approximately 0.58± 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, November 12, 2025, 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. 2025-O-17, 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 December 1st, 2025, 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All ordinances and resolutions, or parts thereof that are in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.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 _____, 2025.

Diezel DePew, Mayor

ATTEST:

Monique Toupin, Acting City Clerk

Passed on first reading on the ____ day of _____, 2025

REVIEWED AND APPROVED: _____
Aaron R. Wolfe, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

PART OF TRACT ONE, AND PART OF LOT 2, BLOCK "A", PELICAN COVE SUBDIVISION, AS RECORDED IN MAP BOOK 35, PAGE 66 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A PORTION OF U.S. LOT 6, SECTION 2, TOWNSHIP 18 SOUTH, RANGE 34 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 50.00 FEET NORTH 89°58'36" EAST OF THE SOUTHEAST CORNER OF SAID TRACT ONE, RUN SOUTH 89°58'36" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF PELICAN DRIVE, A DISTANCE OF 193.65 FEET TO A POINT ON THE EAST LINE OF PARCEL ID: 34-18-02-4400-0030; THENCE NORTH 00°06'36" EAST, ALONG SAID EAST LINE A DISTANCE OF 156.22 FEET; THENCE SOUTH 89°58'39" WEST A DISTANCE OF 10.00 FEET, THENCE NORTH 00°06'36" EAST A DISTANCE OF 5.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT ONE; THENCE NORTH 89°58'39" EAST A DISTANCE OF 103.08 FEET; THENCE NORTH 26°24'15" WEST A DISTANCE OF 22.32 FEET; THENCE NORTH 89°58'39" EAST A DISTANCE OF 129.80 FEET TO A POINT ON THE WEST LINE PARCEL ID: 34-18-02-4401-0010; THENCE SOUTH 00°00'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OS PARCEL ID: 34-18-02-0000-0220; THENCE SOUTH 89°58'39" WEST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 99.95 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE RUN SOUTH 26°29'31" EAST, ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 180.09 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"



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