

RESOLUTION NO. 2025-76

A RESOLUTION OF CITY OF DELTONA, FLORIDA; EXTENDING ZONING IN PROGRESS TO ESTABLISH THE “KEEP DELTONA WILD OVERLAY DISTRICT” TO ENCOURAGE LOW IMPACT RESIDENTIAL DEVELOPMENT, PROTECT ENVIRONMENTALLY SENSITIVE LANDS, PRESERVE BIODIVERSITY, PRESERVE AND ENCOURAGE AGRARIAN COMMUNITIES, AND PROMOTE ECOTOURISM AND AGRITOURISM ACTIVITIES WITHIN CERTAIN UNIQUE AREAS OF THE CITY OF DELTONA; DETERMINING THAT APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT AGREEMENTS SHALL BE SUBJECT TO THE ZONING IN PROGRESS; PROVIDING FOR LEGISLATIVE FINDINGS RECOGNIZING ZONING IN PROGRESS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution and Section 166.021, Florida Statutes, the City has the governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power except when expressly prohibited by law; and

WHEREAS, the City of Deltona continuously monitors and reviews the Comprehensive Plan and the Land Development Code to ensure the City adopts appropriate regulations for development and zoning within the City, and from time to time recognizes the need to study and amend aspects of same; and

WHEREAS, the City Commission determines that it is in the best interests of its residents, businesses and visitors to enact sufficient development and zoning regulations to ensure their health, safety and welfare; and

WHEREAS, the City of Deltona adopted its original Land Development Code in 1998; and

WHEREAS, since that time Deltona has undergone changes in its boundaries and changes in the pattern of development; and

WHEREAS, the City Commission desires to preserve environmentally sensitive lands and critical wildlife habitats; and

WHEREAS, the City Commission desires to preserve the unique biodiversity of flora and fauna present in Deltona; and

WHEREAS, the City Commission desires to preserve and encourage agrarian communities and the quality of life they provide; and

WHEREAS, the City Commission desires to promote ecotourism and agritourism activities within areas where ecological features exist and agricultural activities take place; and

WHEREAS, the City Commission recognizes the importance of low-impact residential development; and

WHEREAS, the City Commission has identified areas in which these unique features exist and where it desires to encourage the preservation and proliferation of the quality of life they afford; and

WHEREAS, City staff and the City Attorney will pursue and study proper land development regulations to accomplish the City Commission's goals and desires in the areas generally identified in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the City Commission previously declared "zoning in progress" on these matters pursuant to Resolution 2025-48 adopted by the City Commission on March 29, 2025; and

WHEREAS, it was originally anticipated that City staff would have sufficient time to prepare appropriate regulations in approximately four months and requested for 120 days to reconcile existing regulations with Florida law; and

WHEREAS, it is now anticipated that City staff will prepare appropriate regulations in approximately three months from the adoption of this resolution and request an additional 120 days to reconcile existing regulations with Florida law; and

WHEREAS, until the City Commission has time, approximately 120 days from the adoption of this Resolution, to review, study, and hold public hearings, prepare and adopt revisions, the City Commission finds that it is in the best interests of the City to declare that there is continued "zoning in progress" relating to these issues and that any application, inquiry or submittal shall be made subject to the ultimate determinations to be made by the City Commission; and

WHEREAS, Florida law recognizes the doctrine of "Zoning in Progress" that allows applications for permitting to be accepted, but temporarily delayed or suspended

for a reasonable amount of time, while Land Development Code changes are pending that would affect a permit, as explained in *City of Hollywood v. Hollywood Beach Hotel Co.*, 283 So.2d 867 (Fla 4th DCA 1973) aff'd in pertinent part. 329 So.2d 10 (Fla. 1976), and *City of Pompano Beach v. Yardarm Restaurant, Inc.*, 509 So.2d 1295 (Fla. 4th DCA 1989).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:

Section 1. Recitals Adopted. The above recitals are hereby adopted as the legislative findings of the City Commission. The City Commission finds and determines that there is competent substantial evidence to support the findings are determinations made in this Resolution.

Section 2. Zoning in Progress. The City is currently engaged in “zoning in progress” relating to the establishment of the “Keep Deltona Wild Overlay District” to encourage low impact residential development, protect environmentally sensitive lands, preserve biodiversity, preserve and encourage agrarian communities, and promote ecotourism and agritourism within certain unique areas of the City of Deltona as further described in Exhibit “A” as attached hereto and incorporated herein. Any applications for, the processing of, and the issuance of Development Agreements and Development Orders, as those terms are defined in Section 163.3164 Florida Statutes, or any other official action of the City shall be subject to the zoning which is in progress even though not finalized and adopted at the time the particular application was submitted.

Section 3. Conflicts. All Resolutions or parts of Resolution insofar as they are inconsistent or in conflict with the provisions of this Resolution are hereby repealed to the extent of any conflict.

Section 4. Severability. In the event any portion of this Resolution is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portion or sections of the Resolution which shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption. If this resolution does not begin to serve the purpose for which it is granted within twelve (12) months from the date of adoption, or if its use is abandoned

for twelve (12) consecutive months from the date of adoption, it shall expire.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA, THIS _____ DAY OF _____, 2025.**

BY: _____
Santiago Avila, Jr., MAYOR

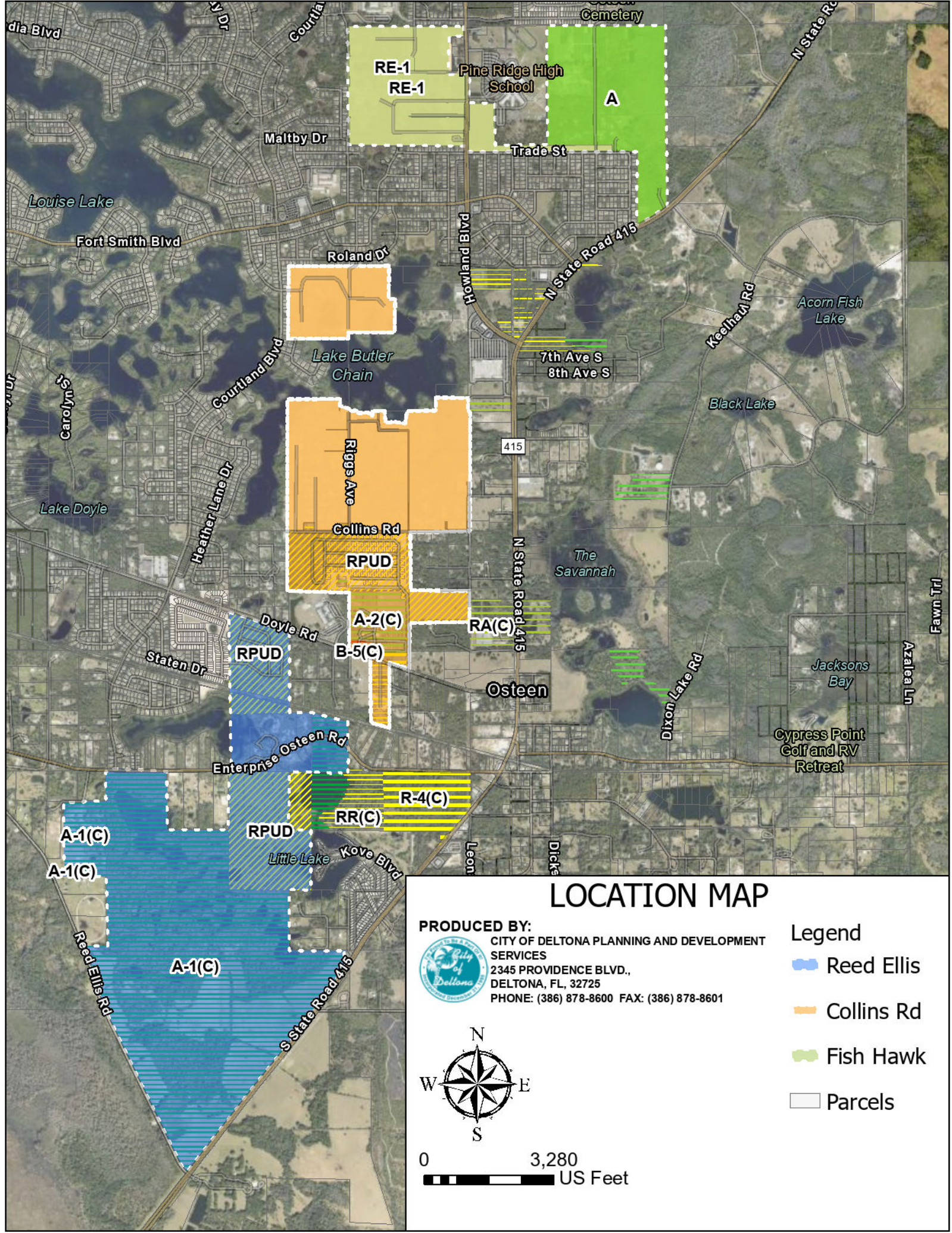
ATTEST: _____

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

TG Law, PLLC, CITY ATTORNEY

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		



LOCATION MAP

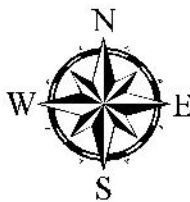
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Legend

-  Reed Ellis
-  Collins Rd
-  Fish Hawk
-  Parcels



0 3,280
US Feet