



# MEMORANDUM

DATE: November 21, 2024

TO: Planning and Zoning Board

FROM: Jordan Smith, AICP, PP Planning and Development Services Director

THRU: Jordan Smith, AICP, PP Planning and Development Services Director

SUBJECT: Ordinance No. 02-2025, A City initiated code amendment to amend Section 70-30, Section 110-310, Section 110-311 and Chapter 76 of Affordable Housing (Public Hearing – Legislative – First Reading) (Jordan Smith, Project Manager)

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**BACKGROUND:** During the 2023 Legislative Session, the Florida Legislature adopted, and Governor DeSantis signed into law, Chapter 2023-17, known as the Live Local Act (the Act), amending Fla. Stat. 166.04151. During the 2024 Legislative Session, the Florida Legislature adopted, and Governor DeSantis signed into law, Chapter 2024-188 amending provisions of the Live Local Act (the Act), which passed during the 2023 Regular Session. The Act provided for substantial changes and additions to affordable housing related policies and preemption of certain local zoning and land use regulations to expedite the development of affordable housing. The amendments to the Act require the City to define terms and update regulations for multi-family developments and establish equitable regulations for mixed-use, mixed-income developments.

On January 16, 2024 the City Commission approved Ordinance No. 04-2024, however, revisions to the Ordinance to clarify the Act consistent with the regulations and preemptions under the Act to further the public health, safety and welfare of the Citizens of Deltona are necessary.

The Mayor and City Commission approved Resolution 2024-50 on October 21, 2024 recognizing and confirming legislation in progress to adopt amendments to the Land Development Code.

The Act permits the City to apply its multi-family regulations to affordable housing developments, except for height density, and zoning. In addition, amendments to the Act require the City to define additional terms, revise regulations and procedures, incorporate the statutory preemption of Floor Area Ratio, address the impact of the height preemption on adjacent single family zoning, address the impact or preemptions for any bonuses, height, FAR, and density, address the reduction of parking requirements for qualifying developments located within one-half mile of major transportation hub, and establish expectations and procedures for administrative approval to be posted on the City website.

Exhibit “A” to the attached Ordinance shows the full strike-thru/underline version of the proposed code amendments that are outlined below.

Amend Section 70-30, Definitions to include definitions for terms used in Fla. Stat. 166.04151 and other terms used in Section 110-310 and Section 110-311 as follows:

- “Administratively Approved,” “Commercial,” “Designates,” “Floor Area Ration,” “Live Local Act,” “Mixed Use Residential,” “Qualifying Development,” “Transit Stop,” “Unified Control,”
- “Balcony,” “Belt Course,” “Building Mass,” “Canopy,” “Columns,” “Cornice,” “Eave,” “Fenestration,” “Portico,” “Transit Stop,” “Zoned”

Amend Section 110-321 to add Statutory Uses pursuant to the Live Local Act.

Amend Section 110-310, RM-1, Multiple Family Residential Dwelling District and Section 110-311, RM-2, Multiple Family Residential Dwelling District, to include additional standards and requirements for multi-family developments.

Modify Chapter 76, Affordable Housing, to establish procedures and regulations to implement Section 166.04151(7) and (8), Fla. Stat., for development of statutorily authorized mixed-use residential including affordable housing as follows:

- Provide a description and purpose;
- Identify the applicable zoning districts, excluding PUD zoning districts or any area subject to a development agreement addressing zoning or land use;
- Establish procedures for Administrative Approval of Qualifying Developments;
- Establish site development standards to include requirements for equivalency of units to deter “poor door” development practices, additional standards for fee simple units, parking, mobility, landscaping and open space.
- Include an expiration date for the code section consistent with the Live local Act, Fla. Stat. 166.04151.

As a result of the above, staff has proposed Ordinance No. 02-2025, as attached, and via Exhibit “A” of said Ordinance, to be incorporated into the City Land Development Code.

**STAFF RECOMMENDATION:** Staff recommends approval of Ordinance No. 02-2025.

**NEXT STEPS:** The Mayor and City Commission will hear this item on December 9, 2024 for 1<sup>st</sup> Reading and January 6, 2025 for 2<sup>nd</sup> Reading.

**ATTACHMENTS:**

- Ordinance No. 02-2025, including Exhibit “A”
- Chapter 2024-188