

RESOLUTION NO. 2025-55

**A RESOLUTION OF CITY OF DELTONA, FLORIDA;
AMENDING THE DELTONA PLANNING AND ZONING
BOARD BY-LAWS; PROVIDING FOR CONFLICTS,
SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the power, duties, and procedures governing the Planning and Zoning Board of the City of Deltona are contained within Article XII, "Planning and Zoning Board," of Chapter 110, "Zoning;" and

WHEREAS, pursuant to Section 110-1201, "Rules of procedure," of Article XII, "Planning and Zoning Board," of Chapter 110, "Zoning," the City Commission adopted by-laws for the Planning and Zoning Board pursuant to Resolution 2011-34; and

WHEREAS, the City Commission desires to enact amended and restated by-laws for the Planning and Zoning Board in order to align with Florida Statutes and updates to the City's Land Development Code; and

WHEREAS, the revision of these rules and procedures is in the best interest of the City.

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 and confirmed.

Section 2. Planning and Zoning Board By-laws. The By-laws of the Planning and Zoning Board, attached hereto as "Exhibit A," shall be amended as presented.

Section 3. Conflicts. That all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Severability. That the provisions of the Planning and Zoning Board By-laws are declared to be severable and if any section, sentence, clause or phrase therein shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases, but they shall remain in effect, it being the legislative intent that the Planning and Zoning Board By-laws shall stand.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

**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 | | |

EXHIBIT A

Planning and Zoning Board By-Laws

Article I. **Purpose:**

Section 1. The Planning & Zoning Board ("Board") shall have the powers and duties as set forth in Article XII of Chapter 110 of the City of Deltona Code of Ordinances, as may be amended, and shall provide information and suggestions regarding topics that are provided to the Board by the City Commission. The Staff Liaison will present the recommendations to the City Commission on a quarterly basis or as needed. The Board shall not have the authority or take any action that will commit the expenditure of public funds, the use of City equipment or personnel and shall not make monetary or other commitments on behalf of the Board, the City Commission, or the City of Deltona.

Article II. **Staff Liaison:**

Section 1. The Board Liaison shall serve as the Staff Liaison to the City Commission. The Staff Liaison may also provide for the provision of services to the Board through a designee(s).

Section 2. The Board Liaison shall provide a summary of the discussion(s) and recommendation(s) of the Board to the City Commission on a regular basis as deemed appropriate by the City Commission if deemed necessary to supplement the Board's official actions and recommendations as presented to the City Commission in the normal course of business.

Article III. **Membership:**

Section 1. The Board shall consist of seven members. Each member shall serve a term of three years. Each city commissioner and the mayor shall appoint one member to the Board, said appointments to be ratified by a majority vote of the city commission. No Board member shall serve on the Board for more than two consecutive three-year terms. No elected official and no employee of the city government shall be appointed to serve on the Board.

Section 2. The Board shall have up to five (5) alternate members appointed by the City Commission. No alternate member shall serve for a term more than three (3) years. The alternate members may not take part in discussion, make motions or vote unless they are seated, filling in for a board member in their absence. Each alternate will take turns filling in for an absent board member by rotation based on alphabetical order by last name.

Section 3. All applicants to be considered for appointment to the Board shall complete a City of Deltona Citizen Board/Committee application form,

which will be kept on file by the City Clerk.

Section 4. Each member of the Board shall reside or own a business within the City limits of the City of Deltona and shall serve his or her term without compensation.

Section 5. Any vacancy occurring during the term of a Board member shall be filled or replaced by appointment by their respective appointing member of the City Commission for the remainder of the vacancy term. The vacancy shall be filled within 60 days from the time it occurs.

Article IV. Attendance:

Section 1. Members' office may be declared vacant by reason of death, resignation, mental or physical incapacity, absenteeism as prescribed hereafter, or for conduct bringing discredit to the City of Deltona or the Board.

Section 2. So that the Board may responsibly carry out its duties, all members should make every effort to attend all meetings. If a member has three (3) consecutive absences or two (2) consecutive unexcused absences, the Board shall terminate the individual's membership, and the Staff Liaison shall advise the appointing Commissioner of the vacancy. The Staff Liaison will also advise the City Clerk of the vacancy. The City Clerk will advertise the opening and place the appointment of a new member on a Regular City Commission Meeting Agenda.

Section 3. Absences may be excused by notifying the Staff Liaison of the circumstances prior to the meeting.

Article V. Officers and Duties:

Section 1. The members of the Board shall elect a Chairperson, a Vice-Chairperson, and Secretary each March to serve for a period of one (1) year. If a Chairperson and a Vice-Chairperson position become vacant for any reason, a replacement shall be elected by a majority of the full Board at their next regularly scheduled Board meeting.

Section 2. The Chairperson shall perform the duties ordinarily performed by the Chairperson. All requests and communications shall be channeled through the Staff Liaison, or the Board Secretary. Any and all correspondence by any Board member shall be directed to the Staff Liaison only and the Staff Liaison will forward the information to the City Commission or staff as necessary. Members of the Board may not at any time represent themselves or mislead anyone that they are an employee of the City of Deltona.

Section 3. The Vice-Chairperson shall preside at any meeting in the absence of the Chairperson. If both the Chairperson and Vice-Chairperson

are absent, the Secretary shall preside, if all three (3) officers are absent the remaining members, if a quorum is present, shall elect a temporary presiding officer.

Section 4. The Chairperson, Vice-Chairperson, Secretary or the temporary officer shall ensure that all members of the Board are aware of all applicable rules, laws, regulations, policies and procedures.

Article VI. Quorum:

Section 1. In order to have a Board meeting, a quorum must be present. The majority of the members must be present to constitute a quorum. A quorum consists of half the Board, plus one.

Section 2. There must be an affirmative vote of a majority of voting members present in order for any action to be taken by the Board.

Article VII. Meetings:

Section 1. Meetings of the Board will be held as needed and directed by the City Commission, generally once per month depending on the topic(s) provided by the Commission for discussion. Meetings will be held at a location to be determined by the Staff Liaison.

Section 2. All meetings of the Board or any two (2) members thereof are declared to be public meetings open to the public at all times and may not be held unless due notice to the City and the public is given as required by Florida's Government-in-the-Sunshine Laws.

Article VIII. Order of Business:

Section 1. At all regular Board meetings, the following shall be the general order of business:

- 1) Call to Order by the Chairperson
- 2) Roll Call
- 3) Additions, Deletions, and Deferrals
- 4) Approval of Minutes
- 5) Public Comments
- 6) Old Business
- 7) New Business
- 8) Staff Comments
- 9) Member Comments
- 10) Adjournment

Section 2. In order to provide an opportunity for discussion of business before the Board prior to a motion, it shall be the duty of the Chairperson to state the matter of business to the Board and to provide a period of

discussion of the facts relevant to the topic prior to entertaining a motion. After a motion is made and seconded, the Chairperson shall allow additional discussion by the Board members. Any member may call for a vote if additional discussion becomes repetitive or irrelevant to the motion.

Section 3. All communications by or on behalf of the Board or any Board member shall be made either in public at a Board meeting, through communications to the Staff Liaison/designee, or through official actions of the Board. No Board member shall speak on behalf of the Board or as an official Board member unless during the conduct of official Board business or pursuant to authorization granted by the Board or the City Commission. This restriction shall not prevent any Board member from expressing his or her individual ideas or opinions relating to any matter, so long as such expression of ideas or opinions are expressed as that *individuals'* ideas or opinions, and not as the ideas or opinions of the Board, or the ideas or opinions of such individual as a *Board member*.

Article IX. Minutes:

Section 1. The Staff Liaison or appointed designee shall be responsible for preparing written minutes of all meetings and notices of such meetings in accordance with the Board Meeting Agenda Procedure as approved by the City Clerk.

Article X. Voting:

Section 1. Any member of the Board having a personal or financial interest in any matter shall disclose such interest to the Board and shall complete and file with the City Clerk such Memorandum of Voting Conflict as required by law. No member present shall abstain from voting on any matter except as provided by Florida Statutes.

Article XI. By-Laws:

Section 1. The City Commission has final approval of all By-Laws or By-Law changes as recommended by the Staff Liaison, the appointed designee, or the Board.

Section 2. Motions to amend or add to the By-Laws shall be made in writing to the Staff Liaison or pursuant to deliberations by the Board at an official Meeting. The City Commission shall have the sole and absolute discretion as to whether any provision of the By-Laws should be amended or added.

Article XII. Sub-Committees:

Section 1. If the Board would like to create a Sub-Committee, a request

therefore would have to be submitted through the Staff Liaison to the City Commission for approval and justification.

Section 2. The Board shall select Sub-Committee Chairpersons from among its members to serve as Chairperson of each Sub-Committee, where applicable. The Sub-Committee Chairperson shall select volunteers, from among residents of the City, to serve on each Sub-Committee.

Section 3. All individuals considered for appointment to a Sub-Committee shall complete a City of Deltona Citizen Board/Committee application form, which will be kept on file by the City Clerk.

Section 4. Each Sub-Committee member's term shall expire one (1) year after the member is appointed or re-appointed.

Section 5. Each member of the Sub-Committee shall reside within the City limits of the City of Deltona. Every effort will be made to include representation from each Commission district on the Sub-Committee where possible.

Section 6. Each member shall serve his or her term without compensation.

Section 7. The Chairperson of each Sub-Committee shall ensure that all members of the Sub-Committee are aware of all applicable rules, laws, regulations, policies and procedures.

Article XIII. Dual Office Holding:

Section 1. It is the policy of the City of Deltona that no citizen may, simultaneously, serve on more than one City Board, Committee or Sub-Committee. This policy does not apply to citizens serving on Sub-Committees, or Committees and Boards of a temporary nature, and does not apply to citizens serving on Sub-Committees of the actual board or committee on which such citizens serve. Similarly, this policy does not apply to the members designated to serve on the Affordable Housing Advisory Committee (AHAC) pursuant to Florida Statutes.

Article XIV. Sunset Provision:

Section 1. The Board and Sub-Committees shall be sunset upon determination by the Deltona City Commission that the Board has served its purpose and is no longer needed for recommendations on related matters. In no event shall the Board sunset without provision for the designation of a successor entity to serve as the Local Planning Agency.

Planning and Zoning Board By-Laws

Article I. Purpose:

Section 1. The Planning & Zoning Board ("Board") shall have the powers and duties as set forth in Article XII of Chapter 110 of the City of Deltona Code of Ordinances, as may be amended, and shall provide information and suggestions regarding topics that are assigned to the Board by the City Commission. The Staff Liaison will present the recommendations to the City Commission on a quarterly basis or as needed. The Board shall not have the authority or take any action that will commit the expenditure of public funds, the use of City equipment or personnel and shall not make monetary or other commitments on behalf of the Board, the City Commission, or the City of Deltona.

Article II. Staff Liaison:

Section 1. The Board Liaison shall serve as the Staff Liaison to the City Commission. The Staff Liaison may also provide services to the Board through a designee(s).

Section 2. The Board Liaison shall provide a summary of the discussion(s) and recommendation(s) of the Board to the City Commission on a regular basis as deemed appropriate by the City Commission if deemed necessary to supplement the Board's official actions and recommendations as presented to the City Commission in the normal course of business.

Article III. Membership:

Section 1. The Board shall consist of seven members. Each member shall serve a term of three years. Each city commissioner and the mayor shall appoint one member to the Board, said appointments to be ratified by a majority vote of the city commission. No Board member shall serve on the Board for more than two consecutive three-year terms. No elected official and no employee of the city government shall be appointed to serve on the Board.

Section 2. The Board shall have up to five (5) alternate members appointed by the City Commission. No alternate member shall serve for a term more than three (3) years. The alternate members may not take part in discussion, make motions or vote unless they are seated, filling in for a board member in their absence. Each alternate will take turns filling in for an absent board member by rotation based on alphabetical order by last name.

Section 3. All applicants to be considered for appointment to the Board shall complete a City of Deltona Citizen Board/Committee application form, which will be kept on file by the City Clerk.

Section 4. Each member of the Board shall reside or own a business within the City limits of the City of Deltona and shall serve his or her term without compensation.

Section 5. Any vacancy occurring during the term of a Board member shall be filled or replaced by appointment by their respective appointing member of the City Commission for the remainder of the vacancy term. The vacancy shall be filled within 60 days from the time it occurs.

Article IV. Attendance:

Section 1. Members' office may be declared vacant by reason of death, resignation, mental or physical incapacity, absenteeism as prescribed hereafter, or for conduct bringing discredit to the City of Deltona or the Board.

Section 2. So that the Board may responsibly carry out its duties, all members should make every effort to attend all meetings. If a member has three (3) consecutive absences or two (2) consecutive unexcused absences, the Board shall terminate the individual's membership, and the Staff Liaison shall advise the appointing Commissioner of the vacancy. The Staff Liaison will also advise the City Clerk of the vacancy. The City Clerk will advertise the opening and place the appointment of a new member on a Regular City Commission Meeting Agenda.

Section 3. Absences may be excused by notifying the Staff Liaison of the circumstances prior to the meeting.

Article V. Officers and Duties:

Section 1. The members of the Board shall elect a Chairperson, a Vice-Chairperson, and Secretary each March to serve for a period of one (1) year. If a Chairperson and a Vice-Chairperson position become vacant for any reason, a replacement shall be elected by a majority of the full Board at their next regularly scheduled Board meeting.

Section 2. The Chairperson shall perform the duties ordinarily performed by a Chairperson. All requests and communications shall be channeled through the Staff Liaison, or the Board Secretary. Any and all correspondence by any Board member shall be directed to the Staff Liaison only and the Staff Liaison will forward the information to the City Commission or staff as necessary. Members of the Board may not at any time represent themselves or mislead anyone that they are an employee of the City of Deltona.

Section 3. The Vice-Chairperson shall preside at any meeting in the absence of the Chairperson. If both the Chairperson and Vice-Chairperson are absent, the Secretary shall preside, if all three (3) officers are absent the remaining members, if a quorum is present, shall elect a temporary

89 presiding officer.

90
91 **Section 4.** The Chairperson, Vice-Chairperson, Secretary or the temporary
92 officer shall ensure that all members of the Board are aware of all applicable
93 rules, laws, regulations, policies and procedures.

94
95 **Article VI. Quorum:**

96 **Section 1.** In order to have a Board meeting, a quorum must be present.
97 The majority of the members must be present to constitute a quorum. A
98 quorum consists of half the Board, plus one.

99
100 **Section 2.** There must be an affirmative vote of a majority of voting
101 members present in order for any action to be taken by the Board.

102
103 **Article VII. Meetings:**

104 **Section 1.** Meetings of the Board will be held as needed and directed by
105 the City Commission, generally once per month depending on the topic(s)
106 provided by the Commission for discussion. Meetings will be held at a
107 location to be determined by the Staff Liaison.

108
109 **Section 2.** All meetings of the Board or any two (2) members thereof, are
110 declared to be public meetings open to the public at all times and may not
111 be held unless due notice to the City and the public is given as required by
112 Florida's Government-in-the-Sunshine Laws.

113
114 **Article VIII. Order of Business:**

115 **Section 1.** At all regular Board meetings, the following shall be the general
116 order of business:

- 117
118 1) Call to Order by the Chairperson
119 2) Roll Call
120 3) Approval of Minutes & Agenda
121 4) Presentations/Awards/Reports
122 5) Public Forum
123 6) Old Business
124 7) New Business
125 8) Staff Comments
126 9) Board/Committee Comments
127 10) Adjournment
128

129 **Section 2.** In order to provide an opportunity for discussion of business
130 before the Board prior to a motion, it shall be the duty of the Chairperson to
131 state the matter of business to the Board and to provide a period of
132 discussion of the facts relevant to the topic prior to entertaining a motion.
133 After a motion is made and seconded, the Chairperson shall allow additional

discussion by the Board members. Any member may call for a vote if additional discussion becomes repetitive or irrelevant to the motion.

Section 3. All communications by or on behalf of the Board or any Board member shall be made either in public at a Board meeting, through communications to the Staff Liaison/designee, or through official actions of the Board. No Board member shall purport to speak on behalf of the Board or as an official Board member unless during the conduct of official Board business of pursuant to authorization granted by the Board or the City Commission. This restriction shall not prevent any Board member from expressing his or her individual ideas or opinions relating to any matter, so long as such expression of ideas or opinions are expressed as that *individuals'* ideas or opinions, and not as the ideas or opinions of the Board, or the ideas or opinions of such individual *as a Board member*.

Article IX. Minutes:

Section 1. The Staff Liaison or appointed designee shall be responsible for preparing written minutes of all meetings and notices of such meetings in accordance with the Board Meeting Agenda Procedure as approved by the City Clerk.

Article X. Voting:

Section 1. Any member of the Board having a personal or financial interest in any matter shall disclose such interest to the Board and shall complete and file with the City Clerk such Memorandum of Voting Conflict as required by law. No member present shall abstain from voting on any matter except as provided by Florida Statutes.

Article XI. By-Laws:

Section 1. The City Commission has final approval of all By-Laws or By-Law changes as recommended by the Staff Liaison, the appointed designee, or the Board.

Section 2. Motions to amend or add to the By-Laws shall be made in writing to the Staff Liaison or pursuant to deliberations by the Board at an official Meeting. The City Commission shall have the sole and absolute discretion as to whether any provision of the By-Laws should be amended or added.

Article XII. Sub-Committees:

Section 1. If the Board would like to create a Sub-Committee, a request therefore would have to be submitted through the Staff Liaison to the City Commission for approval and justification.

Section 2. The Board shall select Sub-Committee Chairpersons from among its members to serve as Chairperson of each Sub-Committee, where applicable. The Sub-Committee Chairperson shall select volunteers, from among residents of the City, to serve on each Sub-Committee.

Section 3. All individuals considered for appointment to a Sub-Committee shall complete a City of Deltona Citizen Board/Committee application form, which will be kept on file by the City Clerk.

Section 4. Each Sub-Committee member's term shall expire one (1) year after the member is appointed or re-appointed.

Section 5. Each member of the Sub-Committee shall reside within the City limits of the City of Deltona. Every effort will be made to include representation from each Commission district on the Sub-Committee where possible.

Section 6. Each member shall serve his or her term without compensation.

Section 7. The Chairperson of each Sub-Committee shall ensure that all members of the Sub-Committee are aware of all applicable rules, laws, regulations, policies and procedures.

Article XIII. Dual Office Holding:

Section 1. It is the policy of the City of Deltona that no citizen may, simultaneously, serve on more than one City Board, Committee or Sub-Committee. This policy does not apply to citizens serving on Sub-Committees, or Committees and Boards of a temporary nature, and does not apply to citizens serving on Sub-Committees of the actual board or committee on which such citizens serve. Similarly, this policy does not apply to the member designated to serve on the Affordable Housing Advisory Committee (AHAC) pursuant to Florida Statutes.

Article XIV. Sunset Provision:

Section 1. The Board and Sub-Committees shall be sunset upon determination by the Deltona City Commission that the Board has served its purpose and is no longer needed for recommendations on related matters. In no event shall the Board sunset without provision for the designation of a successor entity to serve as the Local Planning Agency.