

RESOLUTION NO. 2024-71

**A RESOLUTION OF CITY OF DELTONA, FLORIDA;
RELATING TO ZONING IN PROGRESS REGARDING
AMENDMENTS TO THE LAND DEVELOPMENT CODE
ARTICLE IV. STORMWATER MANAGEMENT,
APPLICABLE TO ALL DEVELOPMENT APPLICATIONS
ON PROPERTIES WITHIN THE CITY LIMITS OF
DELTONA; PROVIDING FOR LEGISLATIVE FINDINGS
RECOGNIZING ZONING IN PROGRESS; PROVIDING
CONDITIONS, 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, it is anticipated that City staff will prepare appropriate regulations in approximately four months and requests for 120 days to reconcile existing regulations with Florida law; and

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

WHEREAS, the impacts of Hurricanes and the amount of rainfall causes serious flooding and drainage impacts on the community; and

WHEREAS, City staff and the City's engineering consultant will pursue and study to proposed increases in the minimum levels of service for drainage and stormwater related to new development; and

WHEREAS, until the City Commission has time, approximately 120 days, 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 “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. 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 and determinations made in this Resolution.

Section 2. The City is currently engaged in “zoning in progress” relating to Stormwater Management. 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 _____, 2024.

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

Gemma Torcivia, CITY ATTORNEY

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