

## **ORDINANCE NO. 29-2025**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROVIDING FOR IMPOSITION OF A TEMPORARY MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF DEVELOPMENT APPLICATIONS, CITY CODE TEXT AMENDMENTS, REZONINGS, COMPREHENSIVE PLAN TEXT AND LAND USE PLAN AMENDMENTS FOR DEVELOPMENT OF RESIDENTIAL DWELLING UNITS WITHIN THE CITY; EXEMPTING SPECIFIED DEVELOPMENT; PROVIDING FOR WAIVERS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS; PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A TERM NOT TO EXCEED NINE (9) MONTHS UNLESS EXTENDED BY THE CITY COMMISSION AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City of Deltona (the “City”) as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

**WHEREAS**, the City has noted the rapid development of residential dwelling units within the City (“new residential development”) and the consequential growing demands that new residential development has placed upon City services and infrastructure; and

**WHEREAS**, although the City has incorporated numerous changes to its development regulations within the past few years that impact new residential

development, a comprehensive evaluation is required to study the impact of new residential development on transportation, police, EMS and public safety, adequacy of public facilities, recreation and open space, the accessibility for emergency and public service vehicular traffic, the adequacy of drainage facilities, and the impact on the availability of public infrastructure, including roads, solid waste, stormwater, water and wastewater facilities; and

**WHEREAS**, the City Commission desires to improve the quality of life in the City by addressing safety and health issues associated with future medium and high density residential development and redevelopment; and

**WHEREAS**, the City Commission has identified the need for a comprehensive evaluation, analysis and study of existing and proposed impact fees, as may be warranted for the City's future ability to fund capital improvements contained in the Capital Improvements Element of the City's Comprehensive Plan, including, but not limited to, monies to fully fund construction of capital infrastructure improvements required by the City's Concurrency Management System; and

**WHEREAS**, the City requires time to review, consider, modify, process for adoption, and implement regulations pertaining to new residential development, residential and mixed-use zoning districts, and to evaluate the extent that existing concurrency and land development regulations are effectively implementing the City's Comprehensive Plan, including but not limited to, the City's Capital Improvement Plan (the "CIP"); and

**WHEREAS**, during the temporary moratorium provided for in this Ordinance, the City will evaluate whether there is a need to prepare regulations to guide future land

use and development ("Proposed City Regulations"), including urban form and capital improvements, so that the public health, safety, and welfare is protected and the aesthetic and visual qualities of the City are further enhanced and protected from impairment; and

**WHEREAS**, it is appropriate for the City to maintain this status quo by limiting the processing of new residential development applications pending its consideration of any Proposed City Regulations, and to prevent the proliferation of non-conforming new development and construction that would obviate the effectiveness of any Proposed City Regulations; and

**WHEREAS**, the City wishes to ensure that no additional new residential development is approved during the nine (9) month period necessary for its staff to study these issues and develop any Proposed City Regulations that may be necessary, so that any resulting Proposed City Regulations that are prepared and implemented will be fully effective in accomplishing the City's lawful purposes; and

**WHEREAS**, pursuant to Section 163.3164, Florida Statutes, the term "Development Order" means any order granting, denying, or granting with conditions an application for a Development Permit; and the term " Development Permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land; and

**WHEREAS**, in recognition of these trends, the City Commission directed staff at the Commission Workshop on June 9, 2025, to draft an Ordinance for its consideration, declaring a temporary moratorium on the approval of any additional

new residential development, until a planning study can be completed and, if necessary, Proposed City Regulations can be drafted, considered at public hearings, and adopted; and

**WHEREAS**, at the Regular City Commission Meeting on June 16, 2025, the City Commission further expressed and reaffirmed its intent that the temporary moratorium is necessary to address critical issues with the City's stormwater infrastructure and stormwater permitting and engineering procedures; and

**WHEREAS**, the City Commission hereby finds that the temporary moratorium imposed by this Ordinance is being imposed for a reasonable duration intended to give the City the time necessary to study and evaluate the impacts of recent new residential development, and if necessary, to promulgate reasonable regulations relating to such uses; and

**WHEREAS**, the City has authority in accordance with the Florida Constitution, Chapter 163 and Chapter 166 of the Florida Statutes, to enact regulations in the interest of public health, safety, and welfare of its citizens; and

**WHEREAS**, the City Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the City Commission identified the following categories of development that would not interfere with any Proposed City Regulations formulated by the City during its comprehensive review and study with regard to the impact of additional new residential development, upon City services and infrastructure, and

thus shall not be affected by the temporary moratorium, despite their location within the City:

- Commercial development; and
- Office development; and
- Industrial development; and
- School development; and
- Development of City-owned property; and
- Development of CRA-owned property; and
- Development of property whereby the applicability of this temporary moratorium Ordinance is preempted pursuant to Federal, State or County law; and
- Development that has received site plan or tentative plat approval prior to June 30, 2025; and
- Development seeking approval of a final plat pursuant to a site plan or tentative plat that was previously approved prior to June 30, 2025; and
- Development seeking approval of a site plan amendment pursuant to a site plan that was previously approved prior to June 30, 2025; and
- Development seeking approval of development permits pursuant to a site plan or tentative plat previously approved prior to June 30, 2025; and
- Pending Residential and Mixed -Use Development Projects referenced in the attached Exhibit "A."

**WHEREAS**, the City Commission has determined that this moratorium should be in place until the earlier of nine (9) months or the adoption of the Proposed City Regulations; and

**WHEREAS**, on June 23, 2025, this Ordinance was heard and recommended by the City's Planning & Zoning Board; and

**WHEREAS**, after due notice and hearing, the City Commission finds that this temporary moratorium on new residential development is appropriate and consisted with the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1. Recitals Adopted.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

**Section 2. Moratorium Imposed: Applicability.** During the time that this Ordinance is in effect as specified herein, there shall be a moratorium upon the acceptance or processing of applications for, and the issuance of those Development Orders and Development Permits, as defined in Section 163.3164, Florida Statutes, and comprehensive plan amendments (collectively "Development Orders"), approving residential dwelling units ("new residential development") on any property located within the City. Further, the following categories of Development Orders shall be exempt from this moratorium:

- Commercial development; and
- Office development; and

- Industrial development; and
- School development; and
- Development of City-owned property; and
- Development of CRA-owned property; and
- Development of property whereby the applicability of this temporary moratorium Ordinance is preempted pursuant to Federal, State or County law; and
- Development that has received site plan or tentative plat approval prior to June 30, 2025; and
- Development seeking approval of a final plat pursuant to a site plan or tentative plat that was previously approved prior to June 30, 2025; and
- Development seeking approval of a site plan amendment pursuant to a site plan that was previously approved prior to June 30, 2025; and
- Development seeking approval of development permits pursuant to a site plan or tentative plat previously approved prior to June 30, 2025; and
- Pending Residential and Mixed -Use Development Projects referenced in the attached Exhibit "A."

**Section 3. Waivers.** Any property owner seeking a waiver under this Section must file an application with the City Commission for a determination within ninety (90) days after the effective date of this Ordinance. The City Commission, after public hearing, may grant a waiver of the moratorium provided above and authorize the Development Orders for a specific parcel where the City Commission determines,

based upon competent substantial evidence, that the specific use or activity requested by the waiver application will not detrimentally affect the preparation and implementation of the Proposed City Regulations or the harm sought to be remedied through this Ordinance, and that will be compatible with surrounding land uses, and will not impair the public health, safety or welfare. The public hearing shall be advertised at least seven ( 7) days prior to the hearing in a local newspaper. The grant of any such waiver shall be by resolution. The applicant shall be responsible for the waiver application fee of one thousand five hundred dollars (\$1,500.00) and any other standard fees and requirements for a public hearing.

**Section 4. Determination of Vested Rights or Denial of All Economic Use.**

(A) Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to complete development of a parcel where the property owner can demonstrate by substantial competent evidence each of the following:

- (1) A government act of development approval was obtained prior to the effective date of this Ordinance; and
- (2) The property owner has detrimentally relied upon such approval, in good faith, by making such a substantial change in position or incurring such extensive obligations and expenses; and
- (3) That it would be highly inequitable to deny the property owner the right to complete the development.

(B) Nothing in this Ordinance shall be construed or applied to prevent development of a particular parcel where the property owner can demonstrate by competent substantial



evidence that, because of the moratorium, no economic use can be made of the parcel. For the purpose of this determination, an owner of property zoned R1-AAA, R1-AA, R1-A, R1, R-1B (Single-Family Residential); R-2 (Two-Family (Duplex) Residential); RM-1 (Multi-Family Residential, Medium Density; or RM-2 (Residential Multi-Family, High Density) shall be permitted to develop single-family residential on property at a maximum of one (1) dwelling unit per acre consistent with Chapter 110 "Zoning," Article III, "Establishment of Classifications and Official Zoning Map," Section 11-306 "RE-1, Residential Estate One classification" regulations as provided for within the Land Development Regulations.

(C) Any property owner claiming to have vested rights or denial of all use under this Section 4 must file an application with the City Commission for a determination within ninety (90) days after the effective date of this Ordinance. This application shall be accompanied by an application fee of one thousand five hundred dollars (\$1,500.00) and contain a sworn statement as to the basis upon which the vested rights or denial of all use are asserted, together with the documentation required by the City and other documentary evidence supporting the claim. The City Commission shall hold a public hearing on the application and, based upon the competent substantial evidence submitted, shall make a determination as to whether the property owner has established vested rights or a lack of economic use for the parcel.

**Section 5. Appeals.** Appeals from final decisions by the City Commission under Section 3 or Section 4 of this Ordinance shall be by the filing of a Petition for Certiorari in the Circuit Court of the Seventh Judicial Circuit in and for Volusia County

in accordance with the Florida Rules of Appellate Procedure for the review of the quasi-judicial decisions of municipalities.

**Section 6. Exhaustion of Administrative Remedies.** No property owner claiming that this Ordinance as applied constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court unless he or she has first exhausted all administrative remedies provided for in Sections 3 and 4 of this Ordinance.

**Section 7. Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 8. Term.** The moratorium The moratorium imposed by this Ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve in nine (9) months from the effective date of this Ordinance unless otherwise extended in accordance with applicable law. Further, the moratorium shall automatically dissolve upon the adoption of the Proposed City Regulations, the formulation and adoption of which shall be expeditiously pursued. The moratorium may be reasonably extended, if necessary, by Ordinance of the City Commission.

**Section 9. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 10. Effective Date.** This Ordinance shall take effect immediately upon its final adoption by the City Commission.

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

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

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  
RESIDENTIAL PROJECTS

Rezones	#	Project Description	Location	Use Type	Unit Count
RZ06-006	1	Newmark Estates RPUD on 45.22 acres	The deadend of Newmark Drive and east of Courtland	RPUD	158 MF
RZ20-0019	2	Doudney RPUD on 55.6 acres	East of Courtland Park RPUD	RPUD	225 SFR
RZ20-0003	3	Enterprise Osteen West RPUD on 110.43 acres	South side of Enterprise Osteen Road	MPUD	189 SFR
RZ21-0004	4	Lakeside Landings RPUD on 39.36 acres	Alex Lane and Monterey Drive	RPUD	122 SFR
RZ21-0006	5	Island Walk North RPUD on 19.84 acres	East of Parma Drive	RPUD	52 SFR
RZ21-0008	6	Enterprise Osteen East MPUD with 6.73 acres for MF and 26.92 acres for Commercial	250 S SR 415	MPUD	64 MF
RZ23-0009	7	New Hope MPUD – Affordable housing, church, school, 120 affordable apts.	Lake Helen Osteen Rd.	RPUD	120 MF (Affordable)
RZ23-0023	8	Pine Ridge RPUD on 13.70 acres	Howland Blvd. & Fish Hawk	RPUD	76 Age Restricted MF
RZ23-0024	9	Island Walk North RPUD on 19.84 acres	East of Parma Drive	RPUD	80 Age Restricted MF
RZ23-0025	10	Deltona Village BPUD in Activity Center on 166.57 acres	Southside of Graves near I/4 Howland	BPUD	652 MF
RZ24-0004	11	Synergy at Normandy MPUD on 36.46 acres	South of Amazon building	MPUD	320 MF
RZ24-0017	12	Raintree RPUD on 68.8 acres	North of Vineland Reserve Phases 2 & 3	RPUD	286 SFR
RZ24-0018	13	Catalina Craven on 102 acres	North of Howland and Dr MLK Blvd	RPUD	102 MF
RZ25-0002	14	Halifax Crossings MPUD Amendment on 109.71 acres.	Along the Halifax Crossing Corridor	MPUD	Option A - 1,189 MF Option B - 575 MF
Final Site Plans	#	Project Description	Location	Use Type	Unit Count
SP23-0009	15	Halifax Crossing Apartments Conceptual Site Plan	2792 Halifax Crossings Blvd	Residential	272 MF
SP24-0014	16	The View Conway Apartments on 0.73 acres	2202 Conway Dr.	Residential	8 MF
SP25-0002	17	Catalina Pointe RPUD with Cottages and Townhomes	2965 Howland Blvd.	Residential	279 MF
SP25-0007	18	Hummingbird Triplex	162 Hummingbird	Residential	3 MF
Final Plats	#	Project Description	Location	Use Type	Unit Count
SD23-0005	19	Osprey Estates Phase 1 - Doudney RPUD	555 Doyle Rd.	Residential	169 SFR
SD24-0012	20	Vineland Reserve Phase 1 - Vineland Reserve RPUD for 126 Townhomes	Peach Creek Dr.	Residential	126 MF
SD24-0013	21	Lakeside Landings - Lakeside Landings RPUD	East of Alex Ln. & North of Barger Dr.	Residential	121 SFR
SD25-0007	22	Hickory Lakes Preserve - Enterprise Osteen West RPUD	250 S State Road 415	Residential	188 SFR
	23	Eloah Estates	1000 Eloah Estates	Residential	536 MF
Preliminary Plats	#	Project Description	Location	Use Type	Unit Count
SD23-0008	24	Osprey Estates Phase 2 – 51 Single-family lots	South of Doyle, West of SR 415	Residential	51 SFR