

## RESOLUTION NO. 2024-54

**A RESOLUTION OF CITY OF DELTONA, FLORIDA RELATING TO ZONING IN PROGRESS REGARDING AMENDMENTS TO THE LAND DEVELOPMENT CODE SECTION 110-319 PUD, PLANNED UNIT DEVELOPMENT TO ESTABLISH CRITERIA TO ACHIEVE EXCEPTIONAL QUALITY COMMUNITY DESIGNS; 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**, 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**, in return for greater flexibility in site design requirements, PUD, Planned Unit Developments shall deliver exceptional quality community designs that:

1. Preserve critical environmental resources.
2. Provide high quality community amenities.

3. Incorporate creative design in the layout of buildings and circulation.
4. Provide greater efficiency in the layout and provisions of roads, utilities, drainage and other infrastructure.
5. Provide larger common open and recreational space; 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 the establishment of if criteria for future development in PUDs, Planned Unit Developments. 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 relating to PUD, Planned Unit Development shall be subject to the zoning which is in progress even though not finalized and adopted at the time the particular application was submitted. In return for

greater flexibility in site design requirements, PUD, Planned Unit Development shall deliver exceptional quality community designs and amendments are contemplated to:

1. Preserve critical environmental resources.
2. Provide high quality community amenities.
3. Incorporate create design in the layout of buildings and circulation.
4. Provide greater efficiency in the layout and provisions of roads, utilities, drainage and other infrastructure.

**Section 3. Conflicts.** All Resolutions, or parts of Resolutions in conflict with any provisions of this Resolution are hereby repealed to the extent of the conflict.

**Section 4. Severability.** If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section or part of this Resolution.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon the passage and adoption.

**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

\_\_\_\_\_  
CITY ATTORNEY