

RESOLUTION NO. 2025-77

**A RESOLUTION OF CITY OF DELTONA, FLORIDA
EXTENDING ZONING IN PROGRESS TO STUDY AND
AMEND THE ACTIVITY CENTER OVERLAY PERMITTED
USES, MIX OF USES, DENSITY/INTENSITY, AND
ARCHITECTURAL DESIGN TO ESTABLISH A
WALKABLE, MIXED-USED ENVIRONMENT THAT
INCLUDES A DIVERSE MIX OF RETAIL, DINING,
LODGING, AND HOUSING OPTIONS; 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 request 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 City of Deltona Comprehensive Plan elements related to the Activity Center were last updated in 2021; and

WHEREAS, the City Commission desires to encourage a mixed-use walkable

environment that contributes to the City's economic development, recreation, and job creation goals; and

WHEREAS, the City Commission has designated the Activity Center Overlay as an ideal location to include a diverse mix of retail, dining, lodging, and housing options

WHEREAS, City staff and the City Attorney will pursue and study proper land development regulations to accomplish the City Commission's goals and desires within the Activity Center; and

WHEREAS, the City Commission previously declared "zoning in progress" on these matters pursuant to Resolution 2025-49 adopted by the City Commission on March 29, 2025; and

WHEREAS, it was originally anticipated that City staff would have sufficient time to prepare appropriate regulations in approximately four months and requested for 120 days to reconcile existing regulations with Florida law; and

WHEREAS, it is now anticipated that City staff will prepare appropriate regulations in approximately three months from the adoption of this resolution and request an additional 120 days to reconcile existing regulations with Florida law; and

WHEREAS, until the City Commission has time, approximately 120 days from the adoption of this Resolution, 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 continued "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. Recitals Adopted. 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 are determinations made in this Resolution.

Section 2. Zoning in Progress. The City is currently engaged in “zoning in progress” relating to Activity Center Overlay permitted uses, mix of uses, density/intensity, and architectural design to establish a walkable, mixed-use environment that includes a diverse mix of retail, dining, lodging, and housing options. 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 _____, 2025.**

BY: _____
Santiago Avila, Jr., MAYOR

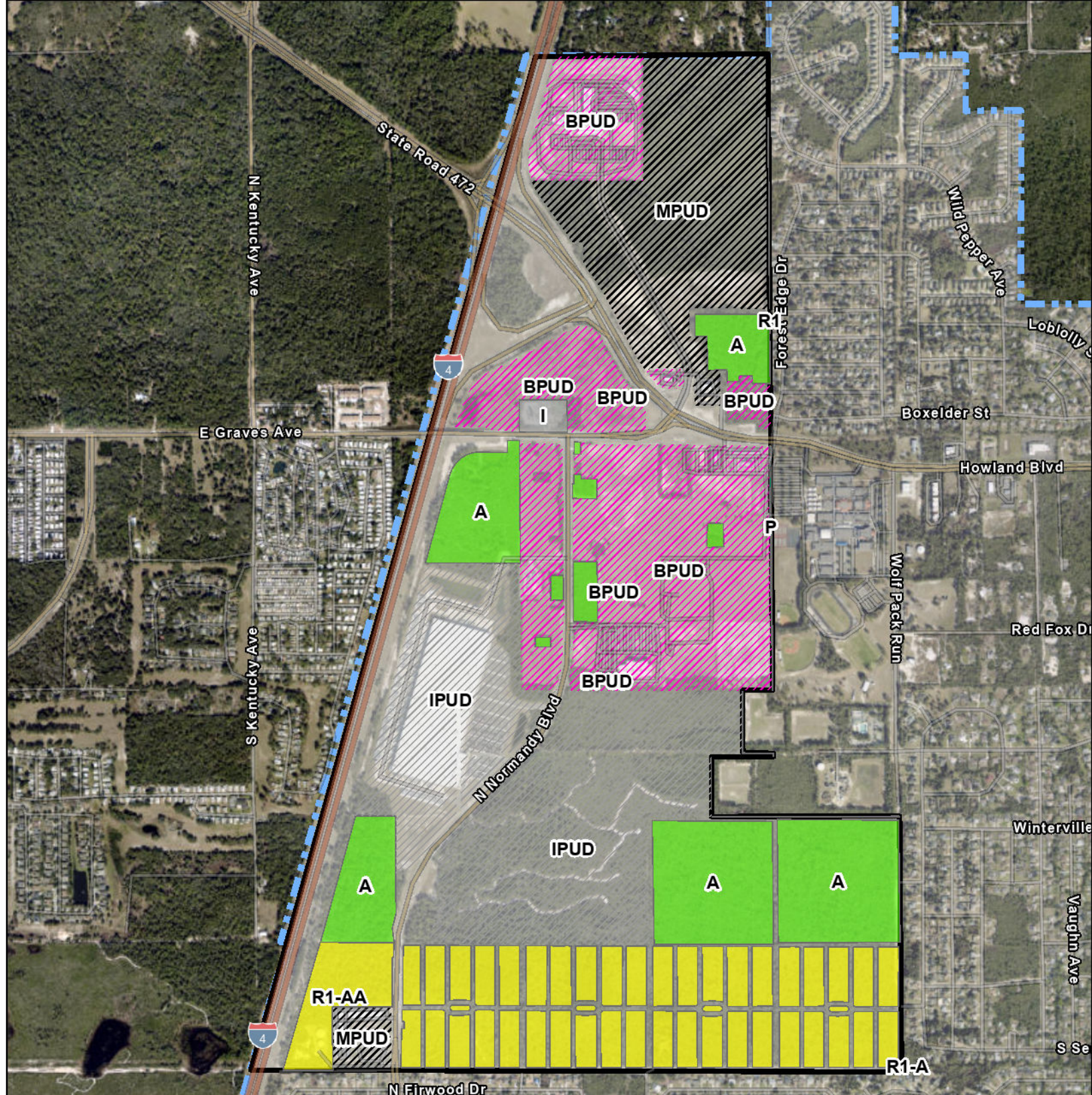
ATTEST:

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

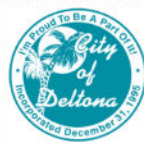
Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		



LOCATION MAP

PRODUCED BY:

CITY OF DELTONA PLANNING AND DEVELOPMENT SERVICES
 2345 PROVIDENCE BLVD.,
 DELTONA, FL, 32725
 PHONE: (386) 878-8600 FAX: (386) 878-8601



Legend

Deltona City Boundary

Activity Center

Zoning

A
 BPUD

I

IPUD

MPUD

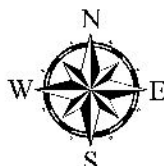
P

R1

R1-A

R1-AA

0 2,760 Feet



Technologies, Inc., MET/NASA, USGS, Bus Bureau, USDA, USFWS, Maxar