

ORDINANCE NO. 19-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 110-600, "TYPES OF NONCONFORMITY," OF ARTICLE VI, "NONCONFORMITY," OF CHAPTER 110, "ZONING," AND SECTION 70-30, "DEFINITIONS," OF ARTICLE II, "LAND DEVELOPMENT CODE," OF CHAPTER 70, "GENERAL PROVISIONS," OF THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA TO PROVIDE A DEFINITION FOR "LOT OF RECORD" AND PROVIDE FOR AS-OF-RIGHT DEVELOPMENT ON NONCONFORMING LOTS WITHIN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS UNDER CERTAIN CONDITIONS; PROVIDING FOR CONFLICTS, CODIFICATION, 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 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 Commission of the City of Deltona, Florida, adopted Section 110-600, "Types of nonconformity," of Article VI, "Nonconformity," of Chapter 110, "Zoning," and Section 70-30, "Definitions," of Article II, "Land Development Code," of Chapter 70, "General Provisions," within the Land Development Code; and

WHEREAS, Volusia County was established December 29, 1854; and

WHEREAS, the City of Deltona was incorporated on December 31, 1995;
and

WHEREAS, parcels of land exist that were considered buildable under the regulations of unincorporated Volusia County, but are now inconsistent with the minimum lot sizes established for the City of Deltona; and

WHEREAS, Section 70-30, "Definitions," of Article II, "Land Development Code," of Chapter 70, "General Provisions," shall be amended to include a definition for "Lot of Record;" and

WHEREAS, Section 110-600, "Types of nonconformity," of Article VI, "Nonconformity," of Chapter 110, "Zoning," shall be amended to provide for as-of-right development on nonconforming lots within single-family residential districts when yard dimensions and requirements other than those applying to area or width, or both, conform to the regulations for the district in which the lot is located; and

WHEREAS, the Planning and Zoning Board held a public hearing on May 21, 2025, and forwarded its recommendations to the City Commission; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA 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. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts modifications to Section 70-30, of Article

II, of Chapter 70, of the Land Development Code, is hereby amended as set forth in Exhibit "A" attached hereto and to Section 110-600, of Article VI, of Chapter 110, of the Land Development Code as set forth in Exhibit "B." For purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. 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

Adding the following subsection (5) to section 110-600(a) Nonconforming lots.

- (5) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot of record at the effective date of adoption or amendment of these zoning regulations, notwithstanding limitations imposed by other provisions of these zoning regulations. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for area or width, or both that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, shall conform to the regulations for the district in which the lot is located. Variance(s) to yard requirements shall be obtained only through action of the Planning and Zoning Board.

EXHIBIT B

Adding the following definition to Section 70-30, of Article II, of Chapter 110

"LOT OF RECORD."

- (1) A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court of Volusia County on or before November 16, 1998; or
- (2) A lot or parcel described by metes and bounds, the description of which has been recorded on or before the effective date of these zoning regulations ***[November 16, 1998]*** or amended or of prior zoning and subdivision regulations governing the creation of lots.