

## **ORDINANCE NO. 12-2022**

**AN ORDINANCE OF THE CITY OF DELTONA , FLORIDA, DECLARING AND IMPLEMENTING A TEMPORARY MORATORIUM UNTIL JANUARY 1, 2023, ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF APPLICATIONS FOR ANY NEW REZONINGS RESULTING IN A REQUEST FOR AN INCREASE OF DENSITY BEYOND EXISTING ZONING ENTITLEMENTS TO FACILITATE A DETACHED DWELLING ON AN INDIVIDUAL LOT DEVELOPMENT PATTERN THROUGHOUT ALL OF DELTONA; REQUIRING THE COMMISSION TO INITIATE EXTENSIVE COMMUNITY SCOPING AND VISIONING; REVIEW OF THE CITY’S COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS; PROVIDING FOR NON-CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Deltona (“City”), as provided in section 2(b), Article VIII of the Florida Constitution and chapters 163 and 166, Florida Statutes, enjoys all home rule authority, police power, land development and zoning authority, governmental and proprietary powers necessary to conduct municipal government and perform municipal functions, and the City may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS**, the City is currently prepared to study, and engage in extensive public and stakeholder scoping, and visioning with the intent of reviewing, updating and/or promulgating new City Comprehensive Plan policies and land development regulations that provide a better allocation of new single-family residential density and development. Furthermore, the objective is to encourage more sustainable residential development patterns, facilitate greater environmental protection, and promote greater land use compatibility to result in more functional residential development forms; and

**WHEREAS** the City finds that in order to protect the health, safety and welfare of its citizens, property owners, and businesses for the development and redevelopment of property within the City, land development policies, regulations and standards will need to be updated, revised and/or created; and

**WHEREAS**, once the City completes its community scoping and visioning, Staff will prepare or update policies, and new or amended land development regulations, including comprehensive plan amendments, as necessary, to implement the Commission's vision of a more functional residential development form; and

**WHEREAS**, the City desires to place the public and all other interested parties on notice the City is considering such land development regulation amendments and creating a temporary moratorium on the acceptance, processing, and consideration of land use map or rezoning applications for projects that request an increase of residential density entitlements, for projects involving detached single-family residences on individual lots after July1, 2022; and

**WHEREAS**, the City, in good faith, determines that this Ordinance is in the best interest of the City and its residents, businesses, and property owners, and promotes the health, safety, and welfare of the public. The creation of standards and requirements relating to the allocation and implementation of residential density entitlements for projects involving single-family residences on individual lots will encourage more sustainable residential development patterns, facilitate greater environmental protection, further promote land use compatibility, and result in a more functional residential development forms that will improve aesthetics, and increase property values. In addition, new standards and provisions will decrease daily trips and reduce traffic congestion, increase walkability and pedestrian safety, protect against blight and decay, and otherwise fit the City's vision for residential development.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA AS FOLLOWS:**

**SECTION 1. Intent.** The above recitals are hereby adopted as the legislative purpose of this Ordinance and as the City Commission legislative findings.

**SECTION 2. Moratorium.** The City hereby places a temporary moratorium (suspension) on the acceptance, processing, and consideration of all applications proposing a new rezoning or Future Land Use Map change resulting in a request for an increase of density beyond existing

zoning entitlements to facilitate a detached dwelling on an individual lot development pattern throughout all of the City of Deltona until 180 days after the effective date of this ordinance July 1, 2022 unless terminated earlier by the City Commission.

(a) Time extension of Moratorium – the City Commission may extend the moratorium one time for a period not to exceed 90 days by enactment of an ordinance upon a finding by the City Commission set forth in the Ordinance extending the effective period of this Ordinance as follows; (1) the problems giving rise to the need for a temporary moratorium still exist; (2) reasonable progress is being made in carrying out the specific goals of the City set forth herein; and (3) that the extension is needed to adequately address the land use/zoning issues facing the City.

(b) After July 1, 2022, the effective date of this ordinance, the Community Services Director, with approval of the City Development Review Committee may allow the acceptance and processing of a rezoning for an increase of density beyond existing zoning entitlements to facilitate a detached dwelling on an individual lot development pattern predicated on the following criteria:

1. None of the property is located within the 100-year floodplain; and
2. None of the property can be considered wetland as per applicable State of Florida Wetland determination methodology; and
3. The project, in total, results in a request of 20 units or less.
4. The residential density request is part of a bona fide Mixed Use development, processed as a Mixed Use Planned Unit Development (MPUD) with a Mixed Use Future land Use designation where there is adherence to land use type percentages. In addition, the development of the non-residential component occurs contemporaneously with residential development. The character of the property must be consistent with criteria one and two above; or
5. The residential project facilitates affordable housing consisting of at least but no more than 30% of the units that are affordable to income levels at or below 80% of the Deltona, Daytona Beach, and Ormond Beach MSA AMI. Affordable units shall be developed at a 1 to 1 ratio with market rate units. The character of the property must be consistent with criteria one and two above.

**SECTION 3. Economically Viable Use.** Nothing in this Ordinance shall be construed or applied to prevent all economically viable use of any property where an application for a rezoning

resulting in a request for an increase of density beyond zoning entitlements to facilitate a detached dwelling on an individual lot pattern, has been filed or will be filed.

**SECTION 4. Non-Codification.** Given the temporary nature and effect of this Ordinance, it is the intent of the City Commission that this Ordinance shall not be codified.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 6. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION 7. Effective date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Deltona, Florida.

**PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.**

FIRST READING: \_\_\_\_\_

ADVERTISED: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

\_\_\_\_\_  
**HEIDI K. HERZBERG, MAYOR**

ATTEST:

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**JOYCE RAFTERY, CITY CLERK**

Approved as to form and legality for use  
& reliance by the City of Deltona, Florida

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**CITY ATTORNEY**