

ORDINANCE NO. 07-2020

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF DELTONA'S COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 130.08 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF ENTERPRISE OSTEEN ROAD, NEAR THE INTERSECTION OF ENTERPRISE OSTEEN ROAD AND STATE ROAD 415 FROM OSTEEN COMMERCIAL VILLAGE AND MIXED USE VILLAGE CENTER TO TRANSITIONAL RESIDENTIAL; AMENDING THE FUTURE LAND USE ELEMENT OF THE CITY OF DELTONA'S COMPREHENSIVE PLAN BY ADDING A POLICY TO ADDRESS THE DEVELOPMENT ON THE SUBJECT PROPERTY; FINDING CONFORMITY WITH STATE STATUTES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Deltona has adopted a Comprehensive Plan through Ordinance No. 32-98 and subsequent amendments thereto; and

WHEREAS, the transmittal and adoption public hearings on the proposed Large Scale Comprehensive Plan amendment hereinafter described were duly advertised and held by the City Commission of the City of Deltona, and at such hearings interested parties and citizens for and against the proposed plan amendments were heard; and

WHEREAS, the City of Deltona finds the request to change the Future Land Use Map designation on the subject properties from Osteen Commercial Village and Mixed Use Village Center to Transitional Residential to be consistent with the Comprehensive Plan; and

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

Section 1: This ordinance is adopted in conformity with and pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, and the Municipal Home Rule Powers Act, Chapter 166. The Future Land Use Map of the City of Deltona Comprehensive Plan, is hereby amended by reclassifying a portion of parcel number 9113-00-00-0021 and more specifically described in the attached legal description (Exhibit A) in accordance with Chapter 163, Florida Statutes, as amended, from Osteen Commercial Village and Mixed Use Village Center to Transitional Residential.

Section 2: The Future Land Use Map of the City of Deltona Comprehensive Plan, is hereby amended to show the Future Land Use Designation of a portion of parcel 9113-00-00-0021 as Transitional Residential Future Land Use, as depicted in Exhibit C (map).

Section 3: New Policy FLU4-1.2 is added to the Comprehensive Plan Future Land Use Element covering a portion of parcel 9113-00-00-0021 and all of parcel 9112-00-00-0230 as described in Exhibit "B". The New Policy FLU4-1.2 reads as follows:

Policy FLU4-1.2

The property covered by ordinance number 07-2020 is designated as Transitional Residential (TR). The gross density on the subject parcels will be limited to 329 dwelling units.

Section 4: Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 5: 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 6. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

[Remainder of page intentionally left blank]

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2020.**

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
Heidi K. Herzberg, 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