

ORDINANCE NO. 04-2023

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE DELTONA VILLAGE BUSINESS PLANNED UNIT DEVELOPMENT (BPUD) OVERALL DEVELOPMENT PLAN/MASTER DEVELOPMENT PLAN INCREASING THE NUMBER OF MULTI-FAMILY UNIT ALLOCATION FOR THE BPUD FROM 414 UNITS TO 652 UNITS; AMENDMENT TO THE DEVELOPMENT AGREEMENT APPROVED BY ORDINANCE NO. 21-2009; AND REZONE AN ADDITIONAL ±26.57 ACRES OF LAND TO BE INCLUDED WITHIN THE DELTONA VILLAGE BPUD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Deltona, Florida, has received an application submitted by Frank DeMarsh, Deltona Retail Holdings, LLC, requesting a major amendment to the Deltona Village BPUD written Development Agreement (DA) adopted by Ordinance 21-2009, the Overall Development Plan/Master Development Plan (OPD/MDP), and to rezone and include additional land totaling approximately 26.57 acres to the BPUD; and

WHEREAS, upon adoption, the amendments shall increase the multi-family unit cap from 414 to 652 units, amend the written Development Agreement (DA) and the ODP/MDP, to include the additional land totaling approximately 26.57 acres to the BPUD, and rezone said additional land from Agriculture and Interstate Commerce Center BPUD to Deltona Village BPUD; and

WHEREAS, the original Deltona Village BPUD Ordinance No. 21-2009 was adopted on February 15, 2010; and

WHEREAS, the amendments to the Deltona Village BPUD Overall Development Plan/Master Development plan under Ordinance No. 10-2018 were

approved on July 2, 2018, and Ordinance No. 06-2021 were approved on December 13, 2021; and

WHEREAS, the City of Deltona, Florida, and its Land Planning Agency have complied with the requirements of the Municipal Home Rule Powers Act, sections 166.011 et. seq., Florida Statutes, in considering the proposed BPUD rezoning; and

WHEREAS, after said public hearing, the City Commission of the City of Deltona, Florida, has determined that the BPUD zoning is consistent with the Comprehensive Plan of the City of Deltona, Florida.

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

Section 1. Located in the City of Deltona, Florida, this BPUD amendment includes **Exhibit “A”**, Amendment to the Deltona Village BPUD Development Agreement approved by Ordinance No. 21-2009 as the written agreement for the business planned unit development, **Exhibit B**, Legal Description describing the land hereby rezoned from Agriculture (Parcel ID number 8107-04-11-0120), Interstate Commerce Center BPUD (Parcel ID number 8106-04-00-0542), and Industrial (Parcel ID number 8106-04-00-0691) to Business Planned Unit Development (BPUD), **Exhibit “C”**, Overall Development Plan/Master Development Plan (ODP/MDP) illustrating the changes to the ODP/MDP adopted by Ordinance No. 21-2009, and **Exhibit “D”**, Deltona Village Development Agreement dated February 15, 2010, adopted by Ordinance No. 21-2009.

Section 2. This Ordinance is adopted in conformity with and pursuant to the Comprehensive Plan of the City of Deltona, the Local Government Planning and

Development Act, Sections 163.161 et. Seq., Florida Statutes, and the Municipal Home Rule Power Act, Sections 166.011 et. seq., Florida Statutes.

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. 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 _____, 2023.**

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

CITY ATTORNEY