## ORDINANCE NO. 02-2025

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE ZONING CODE, CHAPTER 70, OF GENERAL PROVISIONS AMENDING SECTION 70-30 DEFINITIONS, AND OTHER TERMS USED IN SECTION 110-310, RM-1 MULTIPLE FAMILY RESIDENTIAL AND SECTION 110-311, RM-2 MULTIPLE FAMILY RESIDENTIAL, TO INCLUDE ADDITIONAL STANDARDS; AMENDING CHAPTER 76 AFFORDABLE HOUSING OF THE LAND DEVELOPMENT CODE, RELATING TO AFFORDABLE HOUSING REGULATIONS AND THE LIVE LOCAL ACT; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS,** the City of Deltona continuously monitors and reviews 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 amend aspects of same; and

**WHEREAS,** the State of Florida adopted Chapter 2024-188, Laws of Florida, effective July 1, 2024, amending the statute known as the Live Local Act, Fla. Stat. 166.04151 (the "Act"; and

**WHEREAS,** the City Commission supports affordable housing and find it necessary to revise the City Code in order to establish equitable regulations for the development of mixed-income mixed-use residential developments in order to implement the provisions of the Act as recently amended; and

**WHEREAS,** the City Commission finds and determines that is Ordinance us necessary to implement the 2024 amendment to the Act, by defining terms and revising regulations and procedures; and

**WHEREAS,** the Planned Unit Development zoning requires a discretionary decision of the City Commission, based on the negotiation of a site plan and development agreement vetted at a public hearing that establish development standards which may vary from the City's multi-family regulations, so it is not available for Live Local Act purposes; and

**WHEREAS,** the City Commission finds and determines that updating the City's Code of Ordinances to implement Live Local Act is in the best interest of the public health, safety and welfare of the citizens of Deltona.

**WHEREAS,** words with <u>double underlined</u> type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisk (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**IT IS HEREBY ENACTED BY THE CITY OF DELTONA AS FOLLOWS:**

<u>**Section 1**</u>**.**    **Recitals.**  The foregoing recitals are hereby fully incorporated herein by this reference as legislative findings and the intent and purpose of the City Commission of the City of Deltona.

<u>**Section 2**</u>**.  Purpose and Intent.**  It is hereby declared to be the purpose and intent of this Ordinance to the City of Deltona Land Development Code incorporating the revisions stated herein as part of the City of Deltona Code of Ordinances.

<u>**Section 3**</u>**.  Amendments to Chapter 70, of General Provisions, section 70-30 Definitions, Section 110-310, RM-1 Multiple Family Residential, Section 110-311, RM-2 Multiple Family Residential, Section 110-321, Statutory uses and Chapter 76 Affordable Housing**. The City Commission hereby approved and adopts modifications to Chapter 70, of General Provisions, section 70-30 Definitions, Section 110-310, RM-1 Multiple Family Residential, Section 110-311, RM-2 Multiple Family Residential, Section 110-321, Statutory uses and Chapter 76 Affordable Housing, as set forth in Exhibit "A" attached hereto.

<u>**Section 4**</u>**.  Zoning in progress**. Pursuant to the pending ordinance doctrine set forth in Smith v. City of Clearwater, 383 So. 2d 681 (Fla. 2d DCA 1980), the City declares and implements the pending ordinance doctrine and declares zoning in progress concerning the zoning and land development regulations governing the development of affordable housing projects proposed on properties located in commercial and industrial zoning districts. All property owners and developers should be aware that provisions of the pending ordinance not yet adopted by the City

Commission may be applied to any proposed development applications and any development applications may be delayed until the adoption and effective date of this ordinance; accordingly, property owners and developers should not rely on existing land development regulations in making investment and development related decisions.

**Section 5**.  **Repeal of Prior Inconsistent Ordinances and Resolutions.**  All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 6**.  **Codification.** The Code of Ordinances of the City of Deltona, Florida, be and the same is hereby amended in accordance with the terms, provisions and conditions of this ordinance. Further, that the sections of this ordinance may be renumbered or re-lettered to accomplish said amendment; "Ordinance" may be changed to "Section", "Article", or other appropriate word.

**Section 7**.  **Conflicts.** All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of any conflict.

**Section 8**.  **Severability.** If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**Section 9**.  **Effective Date.** This Ordinance shall take effect immediately upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, THIS _____ DAY OF _____, 2025.**

BY: _____
Santiago Avila, Jr. MAYOR

ATTEST:

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Joyce Raftery, CMC, MMC, CITY CLERK

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


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TG Law, PLLC, CITY ATTORNEY