

ORDINANCE NO. 16-2026

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE CITY OF DELTONA LAND DEVELOPMENT CODE BY AMENDING SECTION 70-30, DEFINITIONS; AMENDING SECTION 110-321, STATUTORY USES; AMENDING CHAPTER 76, AFFORDABLE HOUSING UNDER THE LIVE LOCAL ACT, TO UPDATE DEFINITIONS, APPLICABILITY, ADMINISTRATIVE REVIEW PROCEDURES, DEVELOPMENT STANDARDS AND RELATED PROVISIONS CONSISTENT WITH SECTION 166.04151, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR 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 Commission of the City of Deltona, Florida (the “City” of the “City Commission”), 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, in 2023, the State of Florida enacted the “Live Local Act,” which provided sweeping preemptions of local government authority related to certain affordable housing development and requiring administrative review and approval of the same; and

WHEREAS, the City Commission adopted Ord. No. 02-2025 on Dec. 13, 2024, to implement the provision of the Live Local Act; and

WHEREAS, since that time, the State of Florida has further amended the provisions of the Live Local Act, most recently via House Bill 1389, effective July 1, 2026; and

WHEREAS, it has become necessary to amend the provisions of the City of Deltona's Land Development Code, specifically Section 70-30, "Definitions," Section 110-321, "Statutory Uses," and Chapter 76, "Affordable Housing Under the Live Local Act," to update definitions, applicability, administrative review procedures, development standards, and related provision consistent with Section 166.04141, Florida Statutes; and

WHEREAS, the Planning and Zoning Board held a public hearing on August 19, 2026, 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 the Land Development Code, specifically Section 70-30, "Definitions," Section 110-321, "Statutory Uses," and Chapter 76, "Affordable Housing Under the Live Local Act," to update definitions, applicability, administrative review procedures, development standards, and related provision consistent with Section 166.04141, Florida Statutes, and as set forth in Exhibit "A"

attached hereto. For purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ 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 _____, 2026.**

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

City of Deltona
Ordinance No. 16-2026

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		
Nabicht		
Santiago		
Avila		

EXHIBIT "A"

SEE EXHIBIT "A"

PROPOSED TEXT AMENDMENTS
CITY OF DELTONA LAND DEVELOPMENT CODE

- I. Land Development Code, of the City of Deltona Code of Ordinances Section 70-30, Definition shall be amended as follows:

~~"ADMINISTRATIVELY APPROVED" As used in Fla. Stat. 166.04151, approval by the Administrative Official after input from the Development Review Committee in accordance with the Land Development Code and the Comprehensive Plan. An affected person may appeal an administratively approved decision by the Administrative Official to the Planning and Zoning Board as provided in Chapter 74—Administration.~~

~~"COMMERCIAL" As used in Fla. Stat. 166.04151(7), any use involving in part or in whole the sale of merchandise, materials or services, excluding properties that are used for medical or institutional purposes such as hospitals and clinics, and excluding property with a conservation future land use overlay.~~

~~"DESIGNATES" As used in Fla. Stat. 166.04151(7)(f), to designate property with a future land use category in the comprehensive plan.~~

~~"FLOOR AREA RATIO (FAR)" As used in F.S. 166.04151(7)(c) shall mean the Floor Area, not including parking areas, on a Lot, divided by the Lot area. (For example, a building containing 20,000 square feet of floor area on a zoning lot of 40,000 square feet has a Floor Area Ratio of 0.5)~~

~~"LIVE LOCAL ACT" is Fla. Stat. 166.04151, as amended from time to time.~~

~~"MIXED USE RESIDENTIAL" As used in F.S. 166.04151(7)(a) and (f), a maximum of 65% of the square footage is residential; and 35% is high end commercial or class-A office, not including a home-based business or an institutional use. The ground floor of each building includes a nonresidential use. For purposes of this definition, "HIGH END~~

~~COMMERCIAL” means specialty retail stores focusing on certain categories of goods; “CLASS A OFFICE” means premier office space with high quality finishes, amenities and technology systems. All mixed use residential that includes multi-family housing must comply with Section 76, Section 110-310 and 110-311 of the land development code.~~

~~“TRANSIT STOP” A VOTRAN designated bus stop located on VOTRAN route with a covered structure providing protection from the elements and seating to accommodate a minimum of two (2) people. To be considered a transit stop, the stop shall be serviced with transit frequencies of thirty (30) minutes or less during off peak hours.~~

~~“QUALIFYING DEVELOPMENT” Shall mean a mixed-used residential development proposed pursuant to Section 166.04151(7), Florida Statutes, with sixty-five percent (65%) of the total square footage used for residential purposes, at least forty percent (40%) of which are affordable, as defined in Section 420.0004, Florida Statutes, for a period of at least thirty (30) years, with the remaining thirty-five percent (35%) of the total square footage dedicated to non-residential uses, as provided in 154.09.~~

~~“UNIFIED CONTROL” Means all land within a Qualifying Development, pursuant to Section 166.04151(7), Florida Statutes, must be under the control of the applicant (an individual, partnership, or corporation or group of individuals, partnerships, or corporations). The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area, which shall be approved by the city attorney.~~

~~“ZONED” As it has been traditionally defined, the division of the City into areas, or districts, which specify allowable uses for real property and restrictions on size and placement of buildings within these areas, all as set out in the Land Development Code, as directed in the policies of the comprehensive plan.~~

I. Zoning Code, of the City of Deltona Code of Ordinances Section 110-321, Statutory Uses, shall be amended as follows:

110-321 STATUTORY USES

Statutory uses: Mixed Use multi-family development pursuant to ~~the Live Local Act, Fla. Stat. Section~~ 166.04151, [Florida Statutes](#). ~~as it may be amended.~~

91 ~~For purposes of this section, Mixed Use Residential Development means a~~
92 ~~development authorized pursuant to Section 166.04151, Florida Statutes. Qualifying~~
93 ~~Developments, as defined in Chapter 76, shall satisfy the eligibility requirements of~~
94 ~~Section 166.04151, Florida Statutes, including the affordability requirements.~~

95 At least sixty-five percent (65%) of the total ~~floor area~~~~square footage~~ shall be devoted to
96 residential uses, ~~as required by Section 166.04151, Florida Statutes.~~

97 Nonresidential uses may consist of any principal permitted or conditional use authorized
98 within the ~~underlying~~ applicable zoning district, consistent with Section 166.04151,
99 Florida Statutes.

100 Development standards, review procedures, and approval requirements for Qualifying
101 Developments shall be governed by Chapter 76 of the City of Deltona Code of
102 Ordinances.

103 II. Zoning Code, of the City of Deltona Code of Ordinances Chapter 76 – Affordable
104 Housing, shall be amended as follows:

106 **Sec. 76 AFFORDABLE HOUSING UNDER THE LIVE LOCAL ACT.**

107 (a) ~~Description and Purpose.~~ The purpose of this section is to establish
108 procedures and regulations for the development of mixed-use affordable
109 housing developments pursuant to the provisions of Section 166.04151, Florida
110 Statutes~~F.S. 166.04151~~. Any Qualifying Development under the Live Local Act
111 shall comply with ~~any land development regulations and design standards~~
112 ~~applicable to multi-family in the code or set forth herein, whichever is more~~
113 ~~restrictive~~ all land development regulations applicable to multi-family
114 development that are not preempted by Section 166.04151, Florida Statutes.
115 Qualifying Development shall be administratively reviewed and approved in
116 accordance with Section 166.04151, Florida Statutes, as amended, and shall
117 comply with applicable provisions of the City's Comprehensive Plan and Land
118 Development Code that are not expressly preempted by state law. ~~All aspects~~
119 ~~of the Qualifying Development shall be consistent with the City's~~
120 ~~Comprehensive Plan, except elements preempted by F.S. 166.04151.~~

121 (b) Definitions. For purposes of this section, the following definitions shall apply:

122 (1) ADMINISTRATIVE OFFICIAL. The Planning and Development Services
123 Director or designee authorized to administer and enforce this chapter.

124 (2) ADMINISTRATIVELY APPROVED. Approval by the Administrative Official
125 in accordance with this chapter and Section 166.04151, Florida Statutes.

126 (3) COMMERCIAL USE, INDUSTRIAL USE, MIXED-USE AND PLANNED
127 UNIT DEVELOPMENT. Shall have the meanings provided in Section
128 166.04151(7), Florida Statutes, as amended from time to time.

129 (4) LIVE LOCAL ACT. Section 166.04151, Florida Statutes ("Live Local Act"),
130 as amended from time to time.

131 (5) QUALIFYING DEVELOPMENTS. A development eligible for administrative
132 approval pursuant to Section 166.04151, Florida Statutes and this chapter.

133 ~~(a)~~ (6) UNIFIED CONTROL. The ownership or legal authority to develop all
134 property included within a Qualifying Developments, demonstrated through
135 deeds, easements, development agreements, reciprocal easement
136 agreements or other legally enforceable instruments demonstrating unified
137 control of the property.

138 ~~(b)~~ (c) ~~Applicable Zoning Districts~~ **Applicability.** Unless otherwise permitted by
139 ~~this chapter, no building or land shall be used, and no building shall be hereafter~~
140 ~~erected, structurally altered, or enlarged pursuant to the provisions of F.S.~~
141 ~~166.04151 except in the zoning districts listed below and in accordance with the~~
142 ~~standards established herein~~ Qualifying Developments pursuant to Section

166.04151, Florida Statutes, may be developed in the following locations, subject to the requirements of state law:-

- (1) ~~C-1, Retail Commercial~~ Property zoned for commercial use.
- (2) ~~C-2, General Commercial~~ Property zoned for industrial use.
- (3) Property zoned for mixed-use. ~~C-3, Heavy Commercial~~
- (4) ~~I, Industrial~~ Property within a Planned Unit Developments (PUD) or other flexibly zoned development that permits commercial, industrial, or mixed-use development.
- (5) Property owned by a county, municipality, or school district when eligible under Section 166.04151, Florida Statutes.
- (6) Property owned by a qualifying religious institution meeting the requirements of Section 166.04151, Florida Statutes, regardless of the underlying zoning designation.

(d) **Administrative Approval.**

- (1) A proposed Qualifying Development shall be reviewed and approved through an administrative process consistent with Section 166.04151, Florida Statutes.
- (2) No quasi-judicial hearing, Planning and Zoning Board review, City Commission approval, or other discretionary land use approval shall be required for a Qualifying Development under Section 166.04151, Florida Statutes.
- (3) A Qualifying Development shall not be subject to any discretionary development approval, including but not limited to rezoning, special exception, conditional use, variance, planned development approval or any other quasi-judicial or legislative approval, except where expressly authorized by applicable law.
- (4) Qualifying Development shall comply with all applicable provisions of the Comprehensive Plan and Land Development Code, except where expressly preempted by Section 166.04151, Florida Statutes.
- (5) Where demolition of an existing structure is associated with a Qualifying Development, demolition shall be reviewed administratively if the demolition otherwise complies with all applicable federal, state and local requirements.
- (6) If the property contains a contributing structure within a historic district listed in the National Register of Historic Places or an individually listed historic structure, the City may require compliance with applicable historic preservation standards, provided such standards are applied in a manner consistent with Section 166.04151, Florida Statutes.

(e) **Application Requirements.** An application for administrative approval shall include the following:

-
- (1) A certification that the Qualifying Developments will be developed in accordance with the approved site plan and the affordability requirements established by Section 166.04151 and Section 420.0004, Florida Statutes.
 - (2) A written commitment to execute and record a restrictive covenant, declaration, easement, maintenance agreement, or other instrument required by this Code or applicable state law to ensure continued compliance with the approved development and affordability requirements.
 - (3) An acknowledgement that recorded covenants, affordability commitments, maintenance obligations, and conditions of approval shall be binding upon the applicant and all successors and assigns.
 - (4) Documentation demonstrating that the proposed development qualifies under Section 166.04151, Florida Statutes.
 - (5) The Administrative Official may request additional information reasonably necessary to verify compliance with the requirements of this chapter and Section 166.04151, Florida Statutes.
 - (6) Submission of false or materially inaccurate information may result in denial or revocation of an approval as provided by law.

(f) Unified Control.

- (1) All property comprising a Qualifying Developments shall be under unified ownership or unified control at the time of application.
- (2) The applicant shall provide documentation demonstrating unified control. Acceptable documentation may include deeds, purchase contracts, easements, declarations, reciprocal easement agreements, leases or other legally enforceable instruments acceptable to the City.
- (3) The Administrative Official shall verify that sufficient evidence of unified control has been provided prior to issuance of the Development Order.
- (4) Where a Qualifying Development includes multiple parcels, the applicant shall demonstrate compliance with the parcel eligibility requirements of Section 166.04151, Florida Statutes.

(g) Pre-Application Meeting. The applicant shall complete a pre-application meeting with the Development Review Committee (DRC) prior to submitting an application for a Qualifying Development. The purpose of the meeting shall be to review applicable development regulations, identify required application materials, discuss utility, transportation, stormwater, fire, and other technical requirements, and facilitate an efficient administrative review process.

The pre-application meeting is intended solely for administrative and technical coordination and shall not constitute a public hearing, discretionary review, or approval of the proposed development. Comments provided during the meeting are advisory in nature and do not bind the City or the applicant.

The following information shall be submitted to schedule the pre-application meeting:

(1) A conceptual site plan sufficient to identify the proposed development, including building locations, access, parking, open space, stormwater facilities, and proposed land uses.

a. Project narrative with the following elements:

1. Property zoning, Future Land Use designation, parcel identification number(s), acreage, and a description of the proposed development, including the basis for eligibility under Section 166.04151.

2. The proposed residential density.

3. The proposed building height.

4. Identification of any requested parking reduction authorized by Section 166.04151, Florida Statutes.

5. Identification of any property owned by a county, municipality, school district, or qualifying religious institution, if applicable.

b. Development Data Table. The application shall include a development table identifying the following:

1. Total residential square footage.

2. Total non-residential square footage.

3. Total number of dwelling units.

4. Number of affordable dwelling units.

5. Number of market-rate dwelling units.

6. Percentage of affordable dwelling units.

~~(4) —~~

~~(c) — To not impair previously agreed upon contracts or the Comprehensive Plan, the Live Local shall not be applicable within Planned Unit Development Districts (“PUD”) or any area subject to a development agreement addressing the zoning or land use of the property.~~

~~(d) — “Commercial, Industrial, or Mixed Use” shall not include any uses presented as conditional uses in any zoning district.~~

~~(e) — Procedures for securing Administrative Approval of Qualifying Developments. This procedure is only available for Qualifying Developments where:~~

~~(1) — No further action is required by the City (i.e. no variance, conditional use, planned unit development agreement or other approval is required); and~~

~~(2) — The development satisfies the land development regulations for multi-family developments and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing~~

~~allowable densities, height and land use, in the manner specified below.~~

(h) General Administrative Review.

~~(1) The review process will ensure that the Qualifying Development satisfies all requirements of the Act, as well as the Comprehensive Plan and Code provisions that are not preempted by the Act for a major site plan, and all other applicable laws. The City will post a policy containing procedures and expectations for administrative approval on the City website. Further, the City will post notice of an application on the City's website.~~
Qualifying Developments shall be reviewed by the Administrative Official for compliance with Section 166.04151, Florida Statutes, the Comprehensive Plan, and all applicable provisions of the Land Development Code that are not preempted by state law.

~~(2) A Qualifying Development that satisfies the requirements of Section 166.04151, Florida Statutes, shall be approved administratively without review or approval by the Planning and Zoning Board, City Commission or any other quasi-judicial or discretionary review body.~~

~~(3) The City shall maintain administrative procedures, application requirements and review procedures on its website in accordance with Section 166.04151, Florida Statutes.~~

~~(f)(4) The City may post notice of a complete application on its website for informational purposes only. Such notice shall not constitute a public hearing, provide comment as part of the approval process, or affect or convert the administrative review process into a quasi-judicial or discretionary proceeding.~~

~~(g) Upon application for Site Plan review, the applicant shall agree as follows:~~

~~(1) To proceed with the Qualifying Development according to the provisions established herein and the affordability requirements as established by state law;~~

~~(2) To provide agreements, contracts, covenants, deed restrictions, and sureties acceptable to the city for completion of the development according to the plans approved at the time of site plan approval and for continuing operations and maintenance of such areas, functions, and facilities, which are not proposed to be provided, operated, or maintained at public expense; and~~

~~(3) To bind their successors in title to any commitments made under the above.~~

~~(h) Pre-Application Meeting. The applicant shall schedule a pre-application meeting with the Development Review Committee (DRC) prior to any formal submittals. The following items shall be provided to schedule a pre-application meeting:~~

~~(1) Project concept plan signed and sealed by a Registered Engineer in the State of Florida. The concept plan shall be a minimum 30% engineered.~~

~~a. Project narrative with the following elements~~

- ~~1. Property zoning and future land use designation. The narrative shall indicate whether the use requested would be required by right, conditionally, or if would require a rezoning and/or future land use amendment without the provisions of the Live Local Act.~~
- ~~2. Project density. The City will comply with the density requirements set forth in Fla. Stat. 166.04151(7). In the event the proposed residential density exceeds the density permitted by the City's Comprehensive Plan, the applicant shall provide an analysis showing the highest currently allowed density where residential development is permitted. Developments that have received any bonus, variance, planned unit development zoning or other conditional use for density are not applicable and shall be excluded from the analysis.~~
- ~~3. Dwelling unit breakdown, including number of bedrooms and unit sizes.~~
- ~~4. Proposed building height. For Qualifying Development, the City will comply with the building height requirements set forth in Fla. Stat. 166.04151(7). The applicant must submit a specific purpose survey demonstrating the one-mile distance for the height determination with a brief analysis of the comparator site.~~
- ~~5. A table indicating the ratio of residential to non-residential square footage, and a breakdown of affordable, market rate and fee simple residential units.~~
- ~~6. Identify any Major Transportation Hubs, as defined in Fla. State. 166.04151, located within a one-half mile of the proposed development and/or any nearby parking available for the exclusive use of the residents, if requesting a parking waiver under Fla. State. 166.04151.~~
- ~~7. Statement as to how the proposed project conforms to the City's Comprehensive Plan.~~

(i) ~~Site Plan Submittal~~ Site Plan Review.

- ~~(1) In the event a proposed development is deemed a Qualifying Development, an application for Site Plan review, all required supplemental documentation, and all technical review fees may be submitted to the City. Any fees collected in conjunction with Site Plan review are nonrefundable~~ Following the required pre-application meeting, the applicant may submit an application for administrative site plan review.

all required supporting documentation, and the applicable review fees.
Review fees are nonrefundable.

- (2) ~~Upon receiving the application package and fee payment, the city's designated project manager for the development will complete a sufficiency review within seven (7) business days and notify the applicant within that time of any insufficient or missing submittal requirements. If the application package is determined to be sufficient, by satisfying all submittal requirements, the applicant will be notified of the scheduled development review committee meeting date.~~ receipt of the application, the Administrative Official shall determine whether the application is complete. If the application is incomplete, the applicant shall be provided written notice identifying all missing or deficient submittal requirements. Once the application is determined complete, it shall be scheduled for review by the Development Review Committee.
- (3) The Development Review Committee (DRC) shall review the application ~~package~~ for compliance with Section 166.04151, Florida Statutes, the Comprehensive Plan, the Land Development Code, and all other applicable requirements not preempted by state law. ~~the city's land development code, comprehensive plan, and applicable state laws, and take the following actions:~~
- a. ~~Recommend approval of the site plan including findings supporting the decision.~~ If the application complies with all applicable requirements, the DRC shall recommend approval to the Administrative Official.
 - b. ~~Defer action on recommending approval or denial of the site plan until the applicant resubmits plans with DRC comments addressed. The applicant will be notified in writing of comments concerning the submittal. Required revisions shall be resubmitted by the applicant within thirty (30) days of receiving comments. Failure of the applicant to submit revised plans as required above shall result in cancellation of the application unless an extension is agreed upon by the Mayor and City Commission at a public hearing.~~ If revisions are necessary, the applicant shall be provided written comments identifying each deficiency. Revised plans shall be submitted within thirty (30) calendar days unless an extension is granted by the Administrative Official for good cause shown.
 - c. Failure to submit revised plans within the required time shall constitute withdrawal of the application unless an extension has been approved. ~~Recommend denial of the site plan including findings supporting the decision.~~
 - e-d. If the application does not comply with one or more applicable requirements, the DRC shall recommend denial and provide written findings identifying each deficiency.

~~(4) Upon receiving a recommendation by the DRC, the applicant shall submit the application package to the Administrative Official. In making a determination, the Administrative Official must find~~
completion of Development Review Committee review, the Administrative Official shall approve, approve with conditions, or deny the application based solely upon compliance with Section 166.04151, Florida Statutes, the Comprehensive Plan and all applicable provisions of the Land Development Code.:

~~(4) —~~The Administrative Official shall determine that the proposed development complies with Section 166.04151 and Section 420.0004, Florida Statutes, the applicable provisions of the Comprehensive Plan and Land Development Code, and all other applicable requirements not preempted by state law.

~~a. That the proposed development is compliant with the city's land development regulations and is compatible with the city's comprehensive plan, with the exception of provisions in F.S. 166.04151; and~~

~~b. That the development has demonstrated its commitment to equity through providing affordable housing and that the affordable housing units offer a quality of life enjoyed by all residents in the city.~~

~~(5) The Administrative Official may impose any conditions or limitations upon the establishment, permissible uses, location, construction, maintenance, or operation of the development which in its judgement may reasonably be necessary to ensure compatibility and prevent the development from becoming detrimental to other permitted land uses, to promote the public interest, and protect the health, safety, and welfare of all. Conditions, limitations, and requirements mitigating any adverse impacts from the proposed development will be stated as part of the approval and shall be a continuing obligation of the property owners. Such mitigation may include, without limitation, screening or buffering, landscaping, limitations on manner, scope and extent of operation(s), changes in proposed construction, location or design of buildings, relocation of proposed open space or alteration of uses of such space, changes in traffic circulation or signalization, and any other matter reasonable calculated to address potential impacts to adjacent developments and the surrounding neighborhood~~
Conditions of approval shall be limited to those necessary to ensure compliance with applicable requirements and shall not reduce or restrict any development entitlement authorized by Section 166.04151, Florida Statutes.

~~(5)-~~

~~(6) If approved by the Administrative Official, the Administrative Official shall issue a written~~
Upon approval, the Administrative Official shall issue a written Development Order. Unless otherwise provided by the Code, all required building permits shall be obtained within one (1) year of approval. The Administrative Official may grant extensions, not to exceed one (1)

year each, upon written request demonstrating good cause. ~~“approval letter” and the applicant shall apply for site construction and building permit review and commence construction within one year (365 days) from the date of approval.~~

a. —

(7) The A final decision of by the Administrative Official may be appealed in accordance with Chapter 74 and applicable law. Any appeal shall be limited to whether the decision correctly applied the applicable standards. ~~to the Planning and Zoning Board pursuant to Chapter 74 within 30 days of the rendering of a decision by the Administrative Official.~~

b. —

(8) Modifications to an approved site plan shall be reviewed administratively. Any modification affecting density, height, floor area ratio, building footprint, access, circulation, open space, or other material aspect of the approved development shall demonstrate continued compliance with Section 166.04151, Florida Statutes, and all applicable requirements.

~~e. (9) If any application is denied, the written decision shall identify each requirement that has not been satisfied. The applicant may submit a revised application addressing the identified deficiencies. Following approval, if substantial changes are made to the design of the project, including but not limited to, an increase in density, building height, massing, architectural design, or amenities, the modifications shall be approved by the Administrative Official.~~

~~d. If the proposed project does not meet the City’s land development code (except for use, height or density as preempted by the Act), the applicant may apply for a variance or other pertinent procedure and shall follow the procedures provided in the code, including review by the Development Review Committee, Planning and Zoning Board, and City Commission.~~

(i) Denial of an application precludes the applicant from refiling the same application for twelve (12) months from the date of denial. **Affordability Commitment.**

(1) Prior to issuance of the first building permit, the property owners shall execute and record a restrictive covenant, in a form approved by the City Attorney, to ensure compliance with the affordability requirements of 166.04151 and Section 420.0004, Florida Statutes.

The restrictive covenant shall run with the land and be binding upon the owner and all successors and assigns for the affordability required by state law.

The restrictive covenant shall identify the required percentage of affordable dwelling units, applicable income limits, affordability period, and

such other provisions necessary to ensure continued compliance with state law.

(2) On or before January 15th of each year during the required affordability period, the property owner shall submit an annual certification demonstrating continued compliance with the recorded restrictive covenant and the affordability requirements of Section 166.04151, Florida Statutes.

Upon reasonable notice, the City may request documentation reasonably necessary to verify continued compliance.

(3) Failure to comply with the recorded restrictive covenant shall constitute a violation of this Code and may be enforced through any remedy authorized by law.

Nothing in this section authorizes the City to impose additional development standards or reduce development entitlements authorized by Section 166.04151, Florida Statutes.

(4) If the City determines that a Qualifying Development is not in compliance with the recorded restrictive covenant or applicable affordability requirements, the Administrative Official shall provide written notice identifying the specific deficiency.

Except where an immediate threat to the public health, safety, or welfare exists, the property owner shall have thirty (30) calendar days to cure the violation or submit a corrective action plan acceptable to the Administrative Official.

Failure to cure the violation within the prescribed period may result in enforcement as provided by law.

(5) If a Qualifying Development expires, is abandoned, or otherwise loses its eligibility under Section 166.04151, Florida Statutes, any subsequent development of the property shall comply with the Land Development Code and applicable state law in effect at the time a new application is submitted.

(6) Affordable dwelling units shall be integrated throughout the development to the maximum extent practicable.

Affordable dwelling units shall be substantially comparable to market rate dwelling units with respect to exterior appearance, building design, access to common areas, parking and community amenities.

Affordable dwelling units may differ in interior finishes, fixtures, and unit size where permitted by applicable affordable housing program requirements.

Affordable dwelling units shall not be isolated within separate buildings unless required by a governmental funding source or approved by the Administrative Official based upon operational necessity.

(k) Development Standards.

(1) Required residential and nonresidential uses.

a. At least sixty-five percent (65%) of the total gross floor area of a mixed-use Qualifying Development shall be devoted to residential uses, consistent with Section 166.04151, Florida Statutes.

Residential lobby areas, leasing offices, resident amenities, hallways, storage areas, mechanical rooms, and other areas exclusively serving the residential component shall be considered residential floor area.

b. The City shall not require more than ten percent (10%) of the total gross floor areas of a Qualifying Development to consist of non-residential uses, consistent with Section 166.04151, Florida Statutes.

Any non-residential uses provided to satisfy the mixed-use requirement shall be a permitted principal use within the applicable zoning district.

~~Affordability Commitment.~~

~~A property that includes affordable housing built under the preemptive regulations in the Live Local Act (2023) must manifest compliance with Fla. Stat. 166.04151's mandate of providing a minimum of 40% affordable housing for 30 years by recording a restrictive covenant on the property to that effect. If the development does not comply with the Act for 30 years, then the city will consider the affordable housing units nonconforming uses, and subject to Article VI NONCONFORMITY of the land development code. The covenant will detail income mix and required affordability, with a release provision ensuring that the covenant is in place for thirty (30) years from certificate of occupancy and may only be released earlier by bringing the project into full compliance with all zoning and land use provisions applicable to the site at the time of the release. The property owner must provide to the City each year on January 15, copies of all leases then in effect for the affordable units, together with such other documentation necessary to demonstrate that the leases meet the affordability criteria set forth in Fla. Stat. 420.0004, and confirm that the occupants of the affordable units meet the requirements of the income standards. The City has the right to audit the evidence of compliance with Fla. Stat. 420.0004 at any time when warranted.~~

~~e. The city will enforce the restrictive covenant. After a property is no longer qualified as affordable housing due to violation of the restrictive covenant, the city shall assess a daily fine of one thousand (\$1,000.00) per day and may impose additional~~

regulations on the development, at the City Commission's discretion at a public hearing, to include stricter design standards, landscaping, upgraded amenities, and other regulations designed to protect the area and ensure compatibility of nearby uses. The daily fine and additional regulations will cease once proof of compliance has been provided to the city.

f. If construction has not begun on the affordable housing project within 6 months of the issuance of the building permit, then the property will be governed by the entitlements allowed under the property's zoning without the benefit of the preemptive provisions of F.S. 166.04151.

(6) — Site development standards.

a. All land included for the purposes of a Qualifying Development, including all residential and nonresidential components, shall be under unified control. All agreements and evidence of unified control shall be reviewed by the city attorney and no site plan for a Qualifying Development shall be approved without verification by the city attorney that such agreements and evidence of unified control meet the requirements of this section.

a. Required residential and nonresidential uses. Qualifying Development must locate all non-residential uses on the same (or unified) plot.

Sixty-five percent (65%) of the total square footage of a Qualifying Development shall be used for residential purposes. Lobby, service areas, and amenity areas exclusively for residential uses shall be considered residential square footage.

(1) — Thirty-five percent (35%) of the total square footage of a Qualifying Development shall be used for nonresidential purposes. Nonresidential uses shall be limited to those uses permitted in the zoning district regulations applicable to the land on which the project is located.

I. — Affordable Dwelling Unit Standards. Affordable dwelling units shall comply with the affordability requirements of Section 166.04151 and Section 420.0004, Florida Statutes, including all applicable integration, accessibility, and recording and affordability duration requirements of subsection (j) of this section and all applicable federal and state affordable housing program requirements.

II. —

III. —

IV. —

~~(2)~~

~~(2) Affordable dwelling units and market rate units within a Qualifying Development shall be located within the same structures or shall be proportionality distributed between multiple structures, if more than one structure is proposed, such that each structure contains both affordable and market rate units in equal proportion~~

a. —

~~(3) In addition to the requirements of this section, a Qualifying Development shall comply with all applicable objective land development regulations governing multi-family development, including Section 110-310 and 110-311, except~~ Except ~~where expressly preempted by Section 166.04151, Florida Statutes, a Qualifying Development shall comply with all applicable development standards governing multifamily development, including Sections 110-310 and 110-311 of this Code.~~

(l) Fee Simple Development Standards.

~~(7)~~

~~(8) Fee simple development standards~~

~~(1) For~~ Fee simple one-family and two-family dwelling developments shall comply with the applicable, ~~refer to the~~ development standards of ~~contained in~~ Sections 110-307, 110-308 and 110-309, unless otherwise preempted by Section 166.04151, Florida Statutes.

b. —

~~(1)~~ All fee simple developments shall comply with the applicable provisions ~~are subject to the relevant provisions~~ of Section 110-808 of this Code ~~City of Deltona Code of Ordinances.~~

~~(2)~~

~~e. (3)~~ The following development standards shall apply to fee simple developments consisting of three or more attached dwelling units: are applicable to each lot in all fee simple single-family development with three or more attached units:

~~1.~~ a. Minimum lot width 21 feet

~~2.~~ b. Minimum lot area, 2,400 square feet

~~3.~~ c. Minimum inter~~ior~~nal side yard setback, 0 feet

~~b.~~ d. Minimum dwelling unit size, 1,600 square feet

(m) Development Standards.

~~(9)~~

~~(10) — Fee simple development standards~~

d. —

~~(2) Maximum site size (above mean high-water line), one acre.~~

(1) Maximum residential density shall be determined in accordance with Section 166.04151, Florida Statutes.

The allowable residential density shall be the highest residential density authorized by Section 166.04151, Florida Statutes, including the highest residential density current permitted or permitted on July 1, 2023, whichever is less restrictive.
~~, with respect to the residential component of a Qualifying Development, the highest allowed density on any land in the city where residential development is allowed by right. Developments that have received any bonus, variance, or other conditional use for density are to be excluded.~~

(2) Maximum building height shall be determined in accordance with Section 166.04151, Florida Statutes.

The maximum building height shall be the greater of:

- a. ~~equivalent to the highest currently constructed building within a one-mile radius of the project or three (3) stories, whichever is higher.~~The highest building height currently allowed or currently approved for a commercial or residential building within one (1) miles of the proposed development, as determined in accordance with Section 166.04151, Florida Statutes; or
- b. ~~equivalent to the highest currently constructed building within a one-mile radius of the project or three (3) stories, whichever is higher.~~

b. Three (3) stories.

Height bonuses, variances, or other incentive-based approvals shall not be considered when determining the applicable maximum building height unless expressly authorized by Section 166.04151, Florida Statutes.

Where authorized by Section 166.04151, Florida Statutes, the City may apply the statutory height limitations for development adjacent to qualifying single-family residential properties or historic properties.
~~Developments that have received any bonus, variance, or other conditional use for height are to be excluded. If the development is adjacent to, on two or more sides, a parcel with single family residential use with at least 25 single family homes, the maximum height is equivalent to 150 percent the height of the tallest building adjacent to the proposed development, the height permitted by the zoning district, or three (3) stores, whichever is highest.~~

a. —

(3) Minimum street frontage, 50 feet.

e. —

(4) Minimum building setbacks. Minimum building setbacks shall be those applicable to multi-family development within the underlying zoning district unless otherwise preempted by Section 166.04151, Florida Statutes. ~~The building setbacks for RM-1 and RM-2 zoning applies for buildings 35 feet or less when the Qualifying Development is not adjacent to single family residential zoning or use. An additional setback of 1 foot for every 1 foot of height shall be provided for buildings that exceed 35 feet or are adjacent to single family residential zoning or use.~~

f. —

(5) Minimum Dwelling Unit Size.

a. One-bedroom: ~~must be larger than~~ 750 square feet;

b. Two-bedroom: ~~must be larger than~~ 1,000 square feet;

c. Three or more bedrooms: ~~must be larger than~~ 1,350 square feet.

g. —

~~h.~~ (6) Mobility Standards

a. ~~All uses must conform to Section 110-828 for off~~ Off-street parking shall comply with Section 110-828 of this Code except where parking regulations are authorized by Section 166.04151, Florida Statutes, and other regulations. ~~Additional parking requirements for the residential portion of a Qualifying Development are as follows:~~

a. —

b. Guest parking shall be provided at 0.25 spaces per dwelling unit. ~~and cannot be located in a remote or off-site lot.~~

c. Bicycle parking shall be provided at the rate of one bicycle space for each affordable dwelling unit containing two bedrooms or less and two bicycle spaces for each affordable dwelling unit containing three or more bedrooms.

b. Internal pedestrian connections shall be provided to connect residential buildings, parking area, common amenities and public sidewalks.

d. —

~~1. Developments containing more than five~~ Parking of any recreational vehicles, trailers, and the like, are prohibited.

~~i. Parking requirements may be reduced by twenty (20%) percent subject to meeting all of the following: The Qualifying Development is located within one-half mile of a Major Transportation Hub.~~

~~ii. —~~

~~iii. — Bicycle lockers shall be provided on site to accommodate a minimum of one bicycle per affordable housing unit with two bedrooms or less and two bicycles for units with three bedrooms or more.~~

~~ii.~~

~~I. The Major Transportation Hub is accessible from the development by existing or proposed minimum eight-foot wide public sidewalks or mixed-use path, consisting of a minimum of thirty-five (35%) percent shaded areas or where the shade requirement can be obtained within three (3) years of the development receiving a Certificate of Occupancy.~~

~~II. The Qualifying Development will provide onsite and offsite enhancements to public sidewalks to support walkability and pedestrian comfort, including, but not limited to: incorporating canopy trees; distinctive pavement, identity, wayfinding, and directional signage; transit infrastructure; and shaded rest areas or nodes with appropriate site furnishings.~~

~~III. The parking reduction is supported by a parking demand study prepared by a qualified expert. The parking demand study must include data obtained from a minimum of three (3) similar local multi-family development within the ECFRPC boundaries in accordance with the guidelines set forth by the Institute of Transportation Engineers Publication, Parking Generation. The study should also evaluate any nearby parking which is available for exclusive use by the residents.~~

~~IV. Parking is available within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. When off-site parking is relied on to meet parking requirements for the proposed development, the donating site will be reviewed to ensure that the donating site will remain a conforming lot. There shall be an interconnected sidewalk network consisting of minimum eight-foot wide sidewalks to maximize connectivity to existing facilities; transit; and neighboring land uses.~~

~~V. All required parking spaces for residential uses within a Qualifying Development, including parking for guests and employees, shall be fully enclosed, located internal to a parking garage or integrated into the building containing the residential units served by that parking, and designated for residential or guest use only. Guest parking to be located on-street internal to the development or in an off-street parking lot may be considered to meet the guest parking~~

requirements based on the internalization of uses or sharing or parking; the determination will be based on the findings of a parking study prepared by a qualified expert.

~~e. ty~~ (A minimum of two electric vehicle charging stations must be provided for a development requiring more than 50) parking spaces shall provide a minimum of two electric vehicle charging stations. ~~The charging station shall serve two parking spaces.~~

~~VI.~~

~~iii.f.~~ One designated rideshare pickup space ~~parking space for every 50 residential units~~ shall be provided for every fifty (50) dwelling units. ~~rideshare pickup.~~

i.(7) Landscaping and Open Space

a. ~~Verification State~~ The maximum impervious surface ratio for a Qualifying Development is 65 percent. shall be sixty-five (65) percent.

~~VII.b.~~ Commitment State ~~No less than~~ A minimum of thirty-five (35) percent of the site shall be provided as ~~project land area shall be designated for~~ open space.

~~b.c.~~ Enhanced landscaping to include a minimum ten-foot-wide planting area for building foundation landscaping, with a minimum of two understory trees and five shrubs for every 40 feet of façade length. The remainder of the planting area shall be landscaped with groundcover or other landscape treatment. A minimum ten-foot-wide landscape strip is required where four or more rows of parking spaces abut; one canopy tree, one understory tree and three shrubs must be planted for every 100 feet in length Landscaping shall comply with Section 110-808 of this Code, except as otherwise provided herein.

~~e.d.~~ A Transportation Demand Management (TDM) Plan to reduce the projected traffic demand by twenty (20%) percent, through strategies including, but not limited to: pedestrian-oriented design elements, bicycle facilities, transit improvements, operational programs, and incentives. An applicant shall include a Transportation Demand Management Plan with the following elements Property buffer widths shall be subject to the applicable relevant provisions of Section 110-808 of this City of Deltona Code, unless unless otherwise provided herein. of Ordinances, unless otherwise provided herein. In no case shall the minimum average buffer be less than ten (10) feet.

~~I.i.~~ Qualifying developments adjacent to ~~located on land zoned industrial or commercial property shall provide the applicable landscape buffer required by Section 110-808 based on the adjacent zoning classification, and adjacent to land with industrial zoning or use must apply landscape buffers as if the Qualifying Development structures were on a separate site, to ensure compatibility between the mixed-use residential project and neighboring industrial uses. A type '6' buffer per Section 110-808, shall be provided for buildings up to 45 feet in height. If the building exceeds 45 feet in height, then the buffer shall increase an additional 1 foot for every 1 foot of height which exceeds 45 feet.~~

~~II.~~ Qualifying developments located on land zoned commercial and adjacent to land with commercial zoning must apply landscape buffers as if the Qualifying Development structures were on a separate site, to ensure compatibility between the mixed-use residential project and neighboring commercial uses. A type '5' buffer per Section 110-808 shall be provided for buildings up to 30 feet in height. If the building exceeds 30 feet in height, then the buffer shall increase an additional 1 foot for every 1 foot of height which exceeds 30 feet.

~~III.~~ Buffering materials shall ensure that headlights of vehicles, noise and light from structures are adequately shielded from public view, adjacent properties and pedestrian areas.

~~VIII.c.~~ Common open space shall be provided within the project in the amount equivalent to 250 square feet per dwelling unit to create a network of miniparks and/or greenbelts. Any single open space area shall be a minimum of 2,000 square feet for use as passive or active space. Any native plant species in a passive open space area shall be preserved unless dead, dying, or diseased.

~~IX.d.~~ Retention and detention facilities shall comply with all applicable City engineering standards, the Land Development Code, SJRWMD requirements, and applicable permitting agency standards. Landscaping shall comply with Section 110-808.

j. ~~When there is a conflict between provisions contained in this section and other provisions contained in this code, the provision that is more restrictive and imposes higher standards or requirements shall govern.~~

e. ~~The required first floor of each building must be nonresidential and all floor area shall be constructed concurrently with the residential component and shall receive as must be built out in one phase. The nonresidential use must have a Ccertificate of Ooccupancy prior to or concurrently with the issuance of the first Certificate of Occupancy for any before the residential dwelling unit. use is given a certificate of occupancy.~~

k. (8) Mixed-Use Development Standards

a. ~~Verification State~~ Required Nonresidential Uses.

~~Commitment State~~ Each Qualifying Development shall include residential and nonresidential uses as required by Section 166.04151, Florida Statutes.

Non-residential uses required to satisfy the mixed-use requirements of this section may be located within the same building or within separate buildings that are part of the same Qualifying Development under unified control. The location and arrangement of residential and non-residential uses may vary, provided the development satisfies the requirements of Section 166.04151, Florida Statutes, and this chapter.

Only principal nonresidential uses permitted within the underlying zoning district may be used to satisfy the minimum required nonresidential floor area of a Qualifying Development. Accessory uses, residential amenities, leasing offices serving the residential component, and home occupations shall not be counted toward the required nonresidential floor area.

b. Permitted Nonresidential Uses

Permitted nonresidential uses shall be those principal uses authorized within the applicable underlying zoning district, unless otherwise authorized by Section 166.04151, Florida Statutes.

b. ~~At least two uses are required in each multi-family building, both residential and high-end commercial or class-A office. Home-based businesses or institutional uses are not appropriate second uses. "HIGH END COMMERCIAL" means specialty retail stores focusing on certain categories of goods. "CLASS-A OFFICE" means premier office space~~

with high quality finishes, amenities, and technology systems. The following are permitted nonresidential uses for Qualifying Developments:

- ~~I. Retail sales establishments, such as bakeries, florists, gift shops, bookstores, clothing stores, shoe stores, and other similar boutique businesses to support the residential use except for outdoor sales and flea markets.~~
- ~~II. Professional offices offering consulting services, such as architects, attorneys, engineers, accountants, doctors, dentist, and the like.~~
- ~~III. Real estate offices.~~
- ~~IV. General office uses.~~
- ~~V. High technology office uses, such as research and development laboratories, space technology, simulation and training, laser technology, robotics, computer software and hardware, medical labs, and testing.~~
- ~~VI. Business and professional services office uses. Other commercial or office uses permitted within the underlying zoning district that are substantially similar in nature and intensity to the uses listed above~~

I.(9) Mixed-Use Development Standards

- a. Verification State~~me~~Architectural features including entrances, windows, canopies, awnings, recessed entries, and pedestrian connections shall be incorporated along street facing facades to provide direct pedestrian access between public sidewalks and non-residential usesBuilding facades containing nonresidential uses that front a public street shall incorporate pedestrian-oriented architectural features, including entrances, windows, canopies, awnings, recessed entries, arcades or similar architectural elements.
- b. Primary entrances to nonresidential uses shall be oriented toward a public street, internal street or pedestrian plaza, where feasible.
- c. Pedestrian walkways shall provide direct connections between public sidewalks, building entrances, parking areas, and common open space.
- d. Blank walls exceeding forty (40) feet in length along street facing facades shall be prohibited unless interrupted by windows, entrances, architectural articulation or similar features.

a-e. Outdoor seating, plazas, courtyard or similar pedestrian amenities may be provided adjacent to nonresidential uses.

(5)(10) Required Amenities.

Each Qualifying Development shall provide at least four (4) of the following resident amenities

- a. ~~Verification Statement~~ Private balconies or patios if provided ~~for each dwelling units. Where balconies are provided, each balcony~~ shall contain a minimum of fifty-four (54) square feet of ~~clear~~, unobstructed area with a minimum depth of six (6) feet. ~~Balconies may be covered or screened but shall not be fully enclosed. Juliet, faux, decorative~~ Decorative or Juliet balconies, ~~standing or similar ornamental balconies~~ shall not satisfy this requirement.
- b. Swimming pool with associated restroom facilities
- c. Splashpad or similar water recreation feature.
- d. Indoor fitness center.
- e. Children's playground.
- f. Pickleball court, ~~tennis court~~, basketball court or similar active recreation facility.
- g. Dog park or designated pet exercise area, ~~where pets are permitted. Internal concierge trash service~~
- ~~h. Recycling collection area designed to serve the development.~~
- ~~i. h.~~ Community clubhouse or indoor resident gathering space.
- ~~j. i.~~ Outdoor plaza, courtyard or community gathering area with seating.
- ~~k. j.~~ Walking trail or multi-use path within the development.
- k. Bicycle parking or secure bicycle storage ~~facilities~~.
- l. Outdoor kitchen, grilling area or picnic pavilion.
- ~~l. m.~~ Community garden.

(6)(11) Architectural Standards

Buildings shall incorporate architectural articulation through projections, recesses, offsets, changes in building materials, windows, balconies, canopies, awnings, parapets, or similar architectural features as required by this section. The following standards shall apply:

- a. ~~Verification~~ Building facades Architectural articulation shall be provided on all building facades. Each façade exceeding forty (40) feet in length shall include architectural articulation through ~~at least on~~ projections, recesses, offsets, material changes, balconies, canopies or similar ~~other~~ architectural features with a minimum depth of twenty-four (24) inches. ~~Buildings shall incorporate a visually defined base, middle and top through changes in materials, fenestration, architectural detailing or roofline treatment.~~
- b. ~~Verification~~ Buildings shall incorporate a visually defined base, middle and top through changes in materials, fenestration, architectural detailing, roofline or similar architectural features. ~~include architectural elements on all facades and every story. Architectural elements shall include, but not be limited to, porticos, balconies, columns, awnings, canopies, recessed/projected access.~~
- c. ~~Integrated ornamental and structural building articulation, including projections and recesses with a minimum depth of 24 inches.~~
- d.c. Rooflines shall incorporate parapets, cornices, changes in elevation or similar ~~other~~ architectural features ~~to provide visual articulation.~~
- e.d. Street facing Building facades shall have a minimum of 30% fenestration through elements ~~(windows, doors or other transparent openings and openings).~~ ~~Windows and doors shall include surrounds, casing or headers.~~
- f. ~~Exterior b~~ Building materials and finishes shall consist of durable materials including ~~be consistent on all facades and every story. Primary exterior building materials shall consist of~~ brick, stone, fiber cement, architectural metal panels, stucco, masonry, glass or other durable exterior materials of similar quality and appearance. ~~similar durable exterior materials approved by the Administrative Official as substantially similar.~~
- g.e. Building colors shall consist of neutral or earth tone colors. ~~Accent colors may be incorporated into architectural features and trim.~~
- h. Exterior lighting ~~fixtures and light poles shall be consistent in style throughout the development. All lighting shall be full cutoff or fully shielded to~~ direct light downward and minimize light trespass and shall comply with the illumination standards of this Code. ~~onto adjacent properties and public rights of way. Decorative poles and pedestrian scale lighting~~

may be provided in pedestrian areas. Lighting shall comply with the illumination standards of this Code.

i.f. ~~Accessory structures not designed or incorporated as part of the principal building or as part of the amenities listed in this section are prohibited.~~

j.g. ~~All rooftop~~ Rooftop and ground mounted mechanical equipment shall be screened from view from adjacent rights of way and adjacent properties., ~~utility hardware and appurtenances shall be screened from view from public rights of way and adjacent properties. Screen.~~

m.h. ~~Elements utilized to satisfy amenities~~ Amenities required by this section shall ~~within multi-family developments listed in this section shall not be credited as~~ satisfying any other development design requirements or standard unless expressly authorized by this Codes.

(j)(n) Duration.

This Section ~~of the Code will expire on October 1, 2033, the expiration date of the Live Local Act, Fla. Stat. 166.04151~~ shall remain in effect until amended or repealed by the City Commission, or until Section 166.04151, Florida Statutes, is repealed or otherwise rendered inapplicable. -

(o) Applicability; Conflicts.

(1) This Chapter shall be interpreted and administered consistent with Section 166.04151, Florida Statutes.

~~(1)~~

(2) In the event of a conflict between this section and Section 166.04151, Florida Statutes, the provisions of Section 166.04151, Florida Statutes, shall control.

(2)(3) Nothing in this section shall be construed to impair the enforceability of recorded development agreements, restrictive covenants, easements or other private contractual obligations except to the extent preempted by applicable law.

(3)(4) Except as expressly preempted by Section 166.04151, Florida Statutes, all other applicable provisions of the City of Deltona Code of Ordinances and Land Development Code shall remain in full force and effect.

SEE EXHIBIT "A"

PROPOSED TEXT AMENDMENTS
CITY OF DELTONA LAND DEVELOPMENT CODE

- I. Land Development Code, of the City of Deltona Code of Ordinances Section 70-30, Definition shall be amended as follows:

- I. Zoning Code, of the City of Deltona Code of Ordinances Section 110-321, Statutory Uses, shall be amended as follows:

110-321 STATUTORY USES

45
46 Statutory uses: Mixed Use multi-family development pursuant to Section 166.04151,
47 Florida Statutes.

48 Qualifying Developments, as defined in Chapter 76, shall satisfy the eligibility
49 requirements of Section 166.04151, Florida Statutes, including the affordability
50 requirements.

51 At least sixty-five percent (65%) of the total floor area shall be devoted to residential
52 uses, as required by Section 166.04151, Florida Statutes.

53 Nonresidential uses may consist of any principal permitted or conditional use authorized
54 within the applicable zoning district, consistent with Section 166.04151, Florida Statutes.

55 Development standards, review procedures, and approval requirements for Qualifying
56 Developments shall be governed by Chapter 76 of the City of Deltona Code of
57 Ordinances.

II. Zoning Code, of the City of Deltona Code of Ordinances Chapter 76 – Affordable Housing, shall be amended as follows:

Sec. 76 AFFORDABLE HOUSING UNDER THE LIVE LOCAL ACT.

- (a) **Purpose.** The purpose of this section is to establish procedures and regulations for the development of mixed-use affordable housing developments pursuant to the provisions of Section 166.04151, Florida Statutes. Any Qualifying Development under the Live Local Act shall comply with all land development regulations applicable to multi-family development that are not preempted by Section 166.04151, Florida Statutes. Qualifying Development shall be administratively reviewed and approved in accordance with Section 166.04151, Florida Statutes, as amended, and shall comply with applicable provisions of the City's Comprehensive Plan and Land Development Code that are not expressly preempted by state law.
- (b) **Definitions.** For purposes of this section, the following definitions shall apply:
- (1) **ADMINISTRATIVE OFFICIAL.** The Planning and Development Services Director or designee authorized to administer and enforce this chapter.
 - (2) **ADMINISTRATIVELY APPROVED.** Approval by the Administrative Official in accordance with this chapter and Section 166.04151, Florida Statutes.
 - (3) **COMMERCIAL USE, INDUSTRIAL USE, MIXED-USE AND PLANNED UNIT DEVELOPMENT.** Shall have the meanings provided in Section 166.04151(7), Florida Statutes, as amended from time to time.
 - (4) **LIVE LOCAL ACT.** Section 166.04151, Florida Statutes ("Live Local Act"), as amended from time to time.
 - (5) **QUALIFYING DEVELOPMENTS.** A development eligible for administrative approval pursuant to Section 166.04151, Florida Statutes and this chapter.
 - (6) **UNIFIED CONTROL.** The ownership or legal authority to develop all property included within a Qualifying Developments, demonstrated through deeds, easements, development agreements, reciprocal easement agreements or other legally enforceable instruments demonstrating unified control of the property.
- (c) **Applicability.** Qualifying Developments pursuant to Section 166.04151, Florida Statutes, may be developed in the following locations, subject to the requirements of state law:
- (1) Property zoned for commercial use.
 - (2) Property zoned for industrial use.
 - (3) Property zoned for mixed-use.
 - (4) Property within a Planned Unit Developments (PUD) or other flexibly zoned development that permits commercial, industrial, or mixed-use development.

(5) Property owned by a county, municipality, or school district when eligible under Section 166.04151, Florida Statutes.

(6) Property owned by a qualifying religious institution meeting the requirements of Section 166.04151, Florida Statutes, regardless of the underlying zoning designation.

(d) **Administrative Approval.**

(1) A proposed Qualifying Development shall be reviewed and approved through an administrative process consistent with Section 166.04151, Florida Statutes.

(2) No quasi-judicial hearing, Planning and Zoning Board review, City Commission approval, or other discretionary land use approval shall be required for a Qualifying Development under Section 166.04151, Florida Statutes.

(3) A Qualifying Development shall not be subject to any discretionary development approval, including but not limited to rezoning, special exception, conditional use, variance, planned development approval or any other quasi-judicial or legislative approval, except where expressly authorized by applicable law.

(4) Qualifying Development shall comply with all applicable provisions of the Comprehensive Plan and Land Development Code, except where expressly preempted by Section 166.04151, Florida Statutes.

(5) Where demolition of an existing structure is associated with a Qualifying Development, demolition shall be reviewed administratively if the demolition otherwise complies with all applicable federal, state and local requirements.

(6) If the property contains a contributing structure within a historic district listed in the National Register of Historic Places or an individually listed historic structure, the City may require compliance with applicable historic preservation standards, provided such standards are applied in a manner consistent with Section 166.04151, Florida Statutes.

(e) **Application Requirements.** An application for administrative approval shall include the following:

(1) A certification that the Qualifying Developments will be developed in accordance with the approved site plan and the affordability requirements established by Section 166.04151 and Section 420.0004, Florida Statutes.

(2) A written commitment to execute and record a restrictive covenant, declaration, easement, maintenance agreement, or other instrument required by this Code or applicable state law to ensure continued compliance with the approved development and affordability requirements.

(3) An acknowledgement that recorded covenants, affordability commitments, maintenance obligations, and conditions of approval shall be binding upon the applicant and all successors and assigns.

-
- (4) Documentation demonstrating that the proposed development qualifies under Section 166.04151, Florida Statutes.
- (5) The Administrative Official may request additional information reasonably necessary to verify compliance with the requirements of this chapter and Section 166.04151, Florida Statutes.
- (6) Submission of false or materially inaccurate information may result in denial or revocation of an approval as provided by law.

(f) **Unified Control.**

- (1) All property comprising a Qualifying Development shall be under unified ownership or unified control at the time of application.
- (2) The applicant shall provide documentation demonstrating unified control. Acceptable documentation may include deeds, purchase contracts, easements, declarations, reciprocal easement agreements, leases or other legally enforceable instruments acceptable to the City.
- (3) The Administrative Official shall verify that sufficient evidence of unified control has been provided prior to issuance of the Development Order.
- (4) Where a Qualifying Development includes multiple parcels, the applicant shall demonstrate compliance with the parcel eligibility requirements of Section 166.04151, Florida Statutes.

(g) **Pre-Application Meeting.** The applicant shall complete a pre-application meeting with the Development Review Committee (DRC) prior to submitting an application for a Qualifying Development. The purpose of the meeting shall be to review applicable development regulations, identify required application materials, discuss utility, transportation, stormwater, fire, and other technical requirements, and facilitate an efficient administrative review process.

The pre-application meeting is intended solely for administrative and technical coordination and shall not constitute a public hearing, discretionary review, or approval of the proposed development. Comments provided during the meeting are advisory in nature and do not bind the City or the applicant.

The following information shall be submitted to schedule the pre-application meeting:

- (1) A conceptual site plan sufficient to identify the proposed development, including building locations, access, parking, open space, stormwater facilities, and proposed land uses.
- a. Project narrative with the following elements:
1. Property zoning, Future Land Use designation, parcel identification number(s), acreage, and a description of the proposed development, including the basis for eligibility under Section 166.04151.
 2. The proposed residential density.

-
- 178 3. The proposed building height.
- 179 4. Identification of any requested parking reduction authorized by
- 180 Section 166.04151, Florida Statutes.
- 181 5. Identification of any property owned by a county, municipality,
- 182 school district, or qualifying religious institution, if applicable.
- 183 b. Development Data Table. The application shall include a development
- 184 table identifying the following:
- 185 1. Total residential square footage.
- 186 2. Total non-residential square footage.
- 187 3. Total number of dwelling units.
- 188 4. Number of affordable dwelling units.
- 189 5. Number of market-rate dwelling units.
- 190 6. Percentage of affordable dwelling units.
- 191 **(h) General Administrative Review.**
- 192 (1) Qualifying Developments shall be reviewed by the Administrative Official
- 193 for compliance with Section 166.04151, Florida Statutes, the
- 194 Comprehensive Plan, and all applicable provisions of the Land
- 195 Development Code that are not preempted by state law.
- 196 (2) A Qualifying Development that satisfies the requirements of Section
- 197 166.04151, Florida Statutes, shall be approved administratively without
- 198 review or approval by the Planning and Zoning Board, City Commission or
- 199 any other quasi-judicial or discretionary review body.
- 200 (3) The City shall maintain administrative procedures, application
- 201 requirements and review procedures on its website in accordance with
- 202 Section 166.04151, Florida Statutes.
- 203 (4) The City may post notice of a complete application on its website for
- 204 informational purposes only. Such notice shall not constitute a public
- 205 hearing, provide comment as part of the approval process, or affect or
- 206 convert the administrative review process into a quasi-judicial or
- 207 discretionary proceeding.
- 208 **(i) Site Plan Review.**
- 209 (1) Following the required pre-application meeting, the applicant may submit
- 210 an application for administrative site plan review, all required supporting
- 211 documentation, and the applicable review fees. Review fees are
- 212 nonrefundable.
- 213 (2) Within seven (7) business days after receipt of the application, the
- 214 Administrative Official shall determine whether the application is complete.
- 215 If the application is incomplete, the applicant shall be provided written
- 216 notice identifying all missing or deficient submittal requirements. Once the

application is determined complete, it shall be scheduled for review by the Development Review Committee.

(3) The Development Review Committee (DRC) shall review the application for compliance with Section 166.04151, Florida Statutes, the Comprehensive Plan, the Land Development Code, and all other applicable requirements not preempted by state law.

a. If the application complies with all applicable requirements, the DRC shall recommend approval to the Administrative Official.

b. If revisions are necessary, the applicant shall be provided written comments identifying each deficiency. Revised plans shall be submitted within thirty (30) calendar days unless an extension is granted by the Administrative Official for good cause shown.

c. Failure to submit revised plans within the required time shall constitute withdrawal of the application unless an extension has been approved.

d. If the application does not comply with one or more applicable requirements, the DRC shall recommend denial and provide written findings identifying each deficiency.

(4) Upon completion of Development Review Committee review, the Administrative Official shall approve, approve with conditions, or deny the application based solely upon compliance with Section 166.04151, Florida Statutes, the Comprehensive Plan and all applicable provisions of the Land Development Code.

The Administrative Official shall determine that the proposed development complies with Section 166.04151 and Section 420.0004, Florida Statutes, the applicable provisions of the Comprehensive Plan and Land Development Code, and all other applicable requirements not preempted by state law.

(5) Conditions of approval shall be limited to those necessary to ensure compliance with applicable requirements and shall not reduce or restrict any development entitlement authorized by Section 166.04151, Florida Statutes.

(6) Upon approval, the Administrative Official shall issue a written Development Order. Unless otherwise provided by the Code, all required building permits shall be obtained within one (1) year of approval. The Administrative Official may grant extensions, not to exceed one (1) year each, upon written request demonstrating good cause.

(7) A final decision of the Administrative Official may be appealed in accordance with Chapter 74 and applicable law. Any appeal shall be limited to whether the decision correctly applied the applicable standards.

(8) Modifications to an approved site plan shall be reviewed administratively. Any modification affecting density, height, floor area ratio, building

footprint, access, circulation, open space, or other material aspect of the approved development shall demonstrate continued compliance with Section 166.04151, Florida Statutes, and all applicable requirements.

- (9) If any application is denied, the written decision shall identify each requirement that has not been satisfied. The applicant may submit a revised application addressing the identified deficiencies.

(j) Affordability Commitment.

- (1) Prior to issuance of the first building permit, the property owners shall execute and record a restrictive covenant, in a form approved by the City Attorney, to ensure compliance with the affordability requirements of 166.04151 and Section 420.0004, Florida Statutes.

The restrictive covenant shall run with the land and be binding upon the owner and all successors and assigns for the affordability required by state law.

The restrictive covenant shall identify the required percentage of affordable dwelling units, applicable income limits, affordability period, and such other provisions necessary to ensure continued compliance with state law.

- (2) On or before January 15th of each year during the required affordability period, the property owner shall submit an annual certification demonstrating continued compliance with the recorded restrictive covenant and the affordability requirements of Section 166.04151, Florida Statutes.

Upon reasonable notice, the City may request documentation reasonably necessary to verify continued compliance.

- (3) Failure to comply with the recorded restrictive covenant shall constitute a violation of this Code and may be enforced through any remedy authorized by law.

Nothing in this section authorizes the City to impose additional development standards or reduce development entitlements authorized by Section 166.04151, Florida Statutes.

- (4) If the City determines that a Qualifying Development is not in compliance with the recorded restrictive covenant or applicable affordability requirements, the Administrative Official shall provide written notice identifying the specific deficiency.

Except where an immediate threat to the public health, safety, or welfare exists, the property owner shall have thirty (30) calendar days to cure the violation or submit a corrective action plan acceptable to the Administrative Official.

Failure to cure the violation within the prescribed period may result in enforcement as provided by law.

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- (5) If a Qualifying Development expires, is abandoned, or otherwise loses its eligibility under Section 166.04151, Florida Statutes, any subsequent development of the property shall comply with the Land Development Code and applicable state law in effect at the time a new application is submitted.
- (6) Affordable dwelling units shall be integrated throughout the development to the maximum extent practicable.
- Affordable dwelling units shall be substantially comparable to market rate dwelling units with respect to exterior appearance, building design, access to common areas, parking and community amenities.
- Affordable dwelling units may differ in interior finishes, fixtures, and unit size where permitted by applicable affordable housing program requirements.
- Affordable dwelling units shall not be isolated within separate buildings unless required by a governmental funding source or approved by the Administrative Official based upon operational necessity.
- (k) Development Standards.**
- (1) Required residential and nonresidential uses.
- a. At least sixty-five percent (65%) of the total gross floor area of a mixed-use Qualifying Development shall be devoted to residential uses, consistent with Section 166.04151, Florida Statutes.
- Residential lobby areas, leasing offices, resident amenities, hallways, storage areas, mechanical rooms, and other areas exclusively serving the residential component shall be considered residential floor area.
- b. The City shall not require more than ten percent (10%) of the total gross floor areas of a Qualifying Development to consist of non-residential uses, consistent with Section 166.04151, Florida Statutes.
- Any non-residential uses provided to satisfy the mixed-use requirement shall be a permitted principal use within the applicable zoning district.
- (2) Affordable Dwelling Unit Standards. Affordable dwelling units shall comply with the affordability requirements of Section 166.04151 and Section 420.0004, Florida Statutes, including all applicable integration, accessibility, recording and affordability duration requirements of subsection (j) of this section and all applicable federal and state affordable housing program requirements.
- (3) Except where preempted by Section 166.04151, Florida Statutes, a Qualifying Development shall comply with all applicable development

standards governing multifamily development, including Sections 110-310 and 110-311 of this Code.

(l) Fee Simple Development Standards.

(1) Fee simple one-family and two-family dwelling developments shall comply with the applicable development standards of Sections 110-307, 110-308 and 110-309, unless otherwise preempted by Section 166.04151, Florida Statutes.

(2) All fee simple developments shall comply with the applicable provisions of Section 110-808 of this Code.

(3) The following development standards shall apply to fee simple developments consisting of three or more attached dwelling units:

- a. Minimum lot width 21 feet
- b. Minimum lot area, 2,400 square feet
- c. Minimum interior side yard setback, 0 feet
- d. Minimum dwelling unit size, 1,600 square feet

(m) Development Standards.

(1) Maximum residential density shall be determined in accordance with Section 166.04151, Florida Statutes.

The allowable residential density shall be the highest residential density authorized by Section 166.04151, Florida Statutes, including the highest residential density current permitted or permitted on July 1, 2023, whichever is less restrictive.

(2) Maximum building height shall be determined in accordance with Section 166.04151, Florida Statutes.

The maximum building height shall be the greater of:

- a. The highest building height currently allowed or currently approved for a commercial or residential building within one (1) miles of the proposed development, as determined in accordance with Section 166.04151, Florida Statutes; or
- b. Three (3) stories.

Height bonuses, variances, or other incentive-based approvals shall not be considered when determining the applicable maximum building height unless expressly authorized by Section 166.04151, Florida Statutes.

Where authorized by Section 166.04151, Florida Statutes, the City may apply the statutory height limitations for development adjacent to qualifying single-family residential properties or historic properties.

(3) Minimum street frontage, 50 feet.

(4) Minimum building setbacks. Minimum building setbacks shall be those applicable to multi-family development within the underlying zoning district unless otherwise preempted by Section 166.04151, Florida Statutes.

(5) Minimum Dwelling Unit Size.

- a. One-bedroom: 750 square feet.
- b. Two-bedroom: 1,000 square feet.
- c. Three or more bedrooms: 1,350 square feet.

(6) Mobility Standards

- a. Off-street parking shall comply with Section 110-828 of this Code except where parking regulations are authorized by Section 166.04151, Florida Statutes.
- b. Guest parking shall be provided at 0.25 spaces per dwelling unit.
- c. Bicycle parking shall be provided at the rate of one bicycle space for each affordable dwelling unit containing two bedrooms or less and two bicycle spaces for each affordable dwelling unit containing three or more bedrooms.
- d. Internal pedestrian connections shall be provided to connect residential buildings, parking area, common amenities and public sidewalks.
- e. Developments containing more than fifty (50) parking spaces shall provide a minimum of two electric vehicle charging stations.
- f. One designated rideshare pickup space shall be provided for every fifty (50) dwelling units.

(7) Landscaping and Open Space

- a. The maximum impervious surface ratio shall be sixty-five (65) percent.
- b. A minimum of thirty-five (35) percent of the site shall be provided as open space.
- c. Landscaping shall comply with Section 110-808 of this Code, except as otherwise provided herein.
- d. Property buffer widths shall be subject to the applicable provisions of Section 110-808 of this Code, unless otherwise provided herein. In no case shall the minimum average buffer be less than ten (10) feet.
 - i. Qualifying developments adjacent to industrial or commercial property shall provide the applicable landscape buffer required by

Section 110-808 based on the adjacent zoning classification.

- c. Common open space shall be provided within the project in the amount equivalent to 250 square feet per dwelling unit to create a network of miniparks and/or greenbelts. Any single open space area shall be a minimum of 2,000 square feet for use as passive or active space.
- d. Retention and detention facilities shall comply with all applicable City engineering standards, SJRWMD requirements, and applicable permitting agency standards.
- e. The required nonresidential floor area shall be constructed concurrently with the residential component and shall receive a Certificate of Occupancy prior to or concurrently with the issuance of the first Certificate of Occupancy for any residential dwelling unit.

(8) Mixed-Use Development Standards

a. Required Nonresidential Uses.

Each Qualifying Development shall include residential and nonresidential uses as required by Section 166.04151, Florida Statutes.

Non-residential uses required to satisfy the mixed-use requirements of this section may be located within the same building or within separate buildings that are part of the same Qualifying Development under unified control. The location and arrangement of residential and non-residential uses may vary, provided the development satisfies the requirements of Section 166.04151, Florida Statutes, and this chapter.

Only principal nonresidential uses permitted within the underlying zoning district may be used to satisfy the minimum required nonresidential floor area of a Qualifying Development. Accessory uses, residential amenities, leasing offices serving the residential component, and home occupations shall not be counted toward the required nonresidential floor area.

b. Permitted Nonresidential Uses

Permitted nonresidential uses shall be those principal uses authorized within the applicable underlying zoning district, unless otherwise authorized by Section 166.04151, Florida Statutes.

(9) Mixed-Use Development Standards

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- a. Building facades containing nonresidential uses that front a public street shall incorporate pedestrian-oriented architectural features, including entrances, windows, canopies, awnings, recessed entries, arcades or similar architectural elements.
 - b. Primary entrances to nonresidential uses shall be oriented toward a public street, internal street or pedestrian plaza, where feasible.
 - c. Pedestrian walkways shall provide direct connections between public sidewalks, building entrances, parking areas, and common open space.
 - d. Blank walls exceeding forty (40) feet in length along street facing facades shall be prohibited unless interrupted by windows, entrances, architectural articulation or similar features.
 - e. Outdoor seating, plazas, courtyard or similar pedestrian amenities may be provided adjacent to nonresidential uses.

(10) Required Amenities.

Each Qualifying Development shall provide at least four (4) of the following resident amenities

- a. Private balconies or patios, if provided, shall contain a minimum of fifty-four (54) square feet of unobstructed area with a minimum depth of six (6) feet. Decorative or Juliet balconies shall not satisfy this requirement.
- b. Swimming pool.
- c. Splashpad or similar water recreation feature.
- d. Indoor fitness center.
- e. Children's playground.
- f. Pickleball, tennis court, basketball court or similar active recreation facility.
- g. Dog park or designated pet exercise area.
- h. Community clubhouse or indoor resident gathering space.
- i. Outdoor plaza, courtyard or community gathering area with seating.
- j. Walking trail or multi-use path.
- k. Bicycle parking or secure bicycle storage.
- l. Outdoor kitchen, grilling area or picnic pavilion.
- m. Community garden.

(11) Architectural Standards

Buildings shall incorporate architectural articulation through projections, recesses, offsets, changes in building materials, windows, balconies, canopies, awnings, parapets, or similar architectural features as required by this section. The following standards shall apply:

- a. Building facades exceeding forty (40) feet in length shall include architectural articulation through projections, recesses, offsets, material changes, balconies, canopies or similar architectural features with a minimum depth of twenty-four (24) inches.
- b. Buildings shall incorporate a visually defined base, middle and top through changes in materials, fenestration, architectural detailing, roofline or similar architectural features.
- c. Rooflines shall incorporate parapets, cornices, changes in elevation or similar architectural features.
- d. Street facing facades shall have a minimum of 30% fenestration through windows, doors or other transparent openings.
- e. Exterior building materials shall consist of durable materials including brick, stone, fiber cement, architectural metal panels, stucco, masonry, glass or other durable exterior materials of similar quality and appearance.
- f. Exterior lighting shall be full cutoff or shielded to minimize light trespass and shall comply with the illumination standards of this Code.
- g. Rooftop and ground mounted mechanical equipment shall be screened from view from adjacent rights of way and adjacent properties.
- h. Amenities required by this section shall not be credited as satisfying any other development standard unless expressly authorized by this Code.

(n) **Duration.**

This Section shall remain in effect until amended or repealed by the City Commission, or until Section 166.04151, Florida Statutes, is repealed or otherwise rendered inapplicable.

(o) **Applicability; Conflicts.**

- (1) This Chapter shall be interpreted and administered consistent with Section 166,04151, Florida Statutes.

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- 537 (2) In the event of a conflict between this section and Section 166.04151,
538 Florida Statutes, the provisions of Section 166.04151, Florida Statutes,
539 shall control.
- 540 (3) Nothing in this section shall be construed to impair the enforceability of
541 recorded development agreements, restrictive covenants, easements or
542 other private contractual obligations except to the extent preempted by
543 applicable law.
- 544 (4) Except as expressly preempted by Section 166.04151, Florida Statutes,
545 all other applicable provisions of the City of Deltona Code of Ordinances
546 and Land Development Code shall remain in full force and effect.