



# MEMORANDUM

DATE: June 23, 2025

TO: Planning & Zoning Board/City Commission

FROM: Jordan Smith, Director, Planning and Development Services

THRU: Doc Dougherty, City Manager

SUBJECT: Ordinance No. 29-2025, Providing for Imposition of a Temporary Moratorium on issuance of Development Orders and Permits and on the processing of Development Applications, City Code Text Amendments, Rezoning, Comprehensive Plan Text and Land Use Plan Amendments for development of residential dwelling units within the city. (Legislative – Public Hearing) (Jordan Smith, Project Manager)

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**REFERENCES:** City Comprehensive Plan, Code of Ordinances, Florida Statute.

**Request:** Establishing a temporary moratorium not to exceed nine months in duration on the acceptance or processing of applications for, and the issuance of Development Orders and Development Permits, as defined in Section 163.3164, Florida Statutes, and comprehensive plan amendments approving residential dwelling units on any property located within the City of Deltona.

**Discussion:** The City of Deltona is authorized under Article VIII, Section 2 of the Florida Constitution and Chapter 163 and 166 of the Florida Statutes to regulate land use and development in the interest of public health, safety, and welfare. In recent years, the City has experienced a significant increase in new residential development activity, resulting in increased demands on the City's public services and infrastructure systems, including roads, stormwater management, public safety, parks, and utility services.

While the City has made incremental updates to its land development regulations, the City Commission has determined that a more comprehensive evaluation is necessary. The proposed moratorium would provide time for City staff to analyze the effects of recent growth, assess the capacity of existing public facilities, evaluate the effectiveness of current concurrency and impact fee systems, and determine whether revisions are needed to the City's Comprehensive Plan and Capital Improvements Element.

The Commission has also identified the need to address critical deficiencies in stormwater infrastructure and to review existing permitting and engineering processes. During the temporary moratorium period, staff will prepare potential regulatory updates that promote coordinated, sustainable growth and ensure alignment with public infrastructure capacity and long term capital planning goals.

In situations involving moratoria or similar land use controls, courts have applied what is referred to as the Dual Rational Nexus Test. This test is used to evaluate whether a government action:

1. Has a rational nexus to a legitimate government interest, such as protecting public infrastructure or ensuring orderly development; and
2. Is proportional to the harm it seeks to prevent, meaning the scope and duration of the moratorium should be reasonable and relate to the impacts being studied.

The proposed nine-month moratorium is intended to give the City time necessary to conduct this analysis and prepare any needed policy or regulatory changes.

The ordinance includes narrowly defined exemptions that mitigate legal risk to the City and avoid disruption to vested projects or developments that have already received key approvals. These exemptions apply to commercial, office, industrial, and school developments; development on City-owned or CRA-owned property; development preempted under federal, state or county law; and developments with approved site plans or tentative plats prior to June 30, 2025. Also, exempt projects seeking final plat approval, site plan amendments, or development permits tied to earlier approvals, and those listed in Exhibit “A” of Ordinance No. 29-2025.

This action follows direction from the City Commission at the June 9, 2025, City Commission Workshop and the June 16, 2025, Regular City Commission Meeting, where the Commission expressed its intent to implement a moratorium as a tool to facilitate thoughtful and sustainable growth management.

At first reading of Ordinance No. 29-2025, the City Commission may provide additional direction that does not materially alter the intent of the legislation and determine whether the scope of the moratorium should exempt infill residential development and/or mixed-use projects that include a residential component. Based on the Commission’s direction, modifications to the ordinance and exhibits can be prepared and presented at the second reading.

**Legislative Update – Senate Bill 180:** Senate Bill 180, which has been passed by the Florida Legislature, but has not yet received action by the Governor, would impose significant restrictions on local government authority related to land use and development, and would directly impact the validity of Ordinance No. 29-2025. Key provisions include:

- **Statewide Application:** While the bill limits its applicability to areas listed in federal disaster declarations for Hurricanes Debby (DR-4806), Helene (DR-4828), and Milton (DR-4834), these declarations encompass all counties in Florida, resulting in statewide effect.
- **Prohibition on New Local Regulations:** Between August 1, 2024 and October 1, 2027, no city or county in Florida may adopt new land development or permitting regulations that make the process more burdensome or restrictive than what existed prior to August 1, 2024.
- **Moratorium Ban:** Local governments may not impose any moratorium on construction, reconstruction or development of hurricane damaged properties during the effective period. Additionally, moving forward in perpetuity, no local government within 100 miles of the track of a hurricane may enact a development moratorium for one year following landfall of the storm.
- **Retroactive Invalidation:** Any ordinance or regulation adopted on or after August 1, 2024, that violates the provisions of this bill is considered invalid retroactively to the date of its adoption.

- **Private Enforcement and Attorney's Fees:** If a local government fails to repeal a prohibited ordinance within 30 days of a written request, any affected party may file suit. If the affected party is successful, the local government would be required to pay the plaintiff's attorney's fees and costs.

If signed into law, SB 180 would likely invalidate Ordinance No. 29-2025, expose the City to legal challenges if the City seeks to enforce the temporary moratorium, and place the City at risk of being required to pay attorney's fees and court costs to any prevailing applicant or property owner.

**PLANNING AND ZONING BOARD:** The Planning and Zoning Board will hold their public hearing on June 23, 2025 and make a recommendation to the City Commission.

**STAFF RECOMMENDATION:** Staff recommends the City Commission hold a public hearing regarding Ordinance No. 29-2025.

**NEXT STEPS:** The Mayor and Commission will hold the first reading on June 23, 2025 and the second reading on June 30, 2025.

**ATTACHMENTS:**

- Ordinance No. 29-2025.