



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Planning and Zoning Board

Wednesday, May 21, 2025

6:00 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL:

Present: 8 - Vice Chair Tara D'Errico
Secretary Rachel Amoroso
Member Ron Gonzalez
Member Pat Northey
Member David Stewart
Alternate Larry French
Alternate Karen Neher
Alternate Lori Warnicke

Excused: 2 - Chair Andrea Cardo
Member Daniel Trojanowski

3. APPROVAL OF MINUTES & AGENDA:

Minutes of April 16, 2025

Member Stewart discussed public school capacity and requested that it be noted in the record.

Motion by Pat Northey, seconded by David Stewart, to approve the Minutes of April 16, 2025, with comments regarding public school capacity be added. The motion carried unanimously.

4. PRESENTATIONS/AWARDS/REPORTS:

5. PUBLIC FORUM: Time permitted, public comments shall be limited to items on the agenda and shall not exceed two minutes. Please be courteous and respectful of the views of others. Personal attacks on Committee/Board members, City staff or members of the public are not allowed and will be ruled out of order by the Chair.

Vice Chair D'Errico opened and closed public forum as there was none.

6. OLD BUSINESS:

None.

7. NEW BUSINESS:**A. Ordinance No. 21-2025 - Repealing Article XIV, "Medical Marijuana Dispensaries," of Chapter 110 "Zoning" and Amendment Article III, "Establishment of Classification and Official Zoning Map," of Chapter 110 "Zoning" of the City of Deltona's Land Development Code.**

Jonathan Knight, Planner I presented Ordinance No. 21-2025, proposing a citywide ban on medical marijuana dispensaries through the repeal of Article XIV of Chapter 110. The Ordinance would remove dispensaries from the zoning land use table. The two (2) current dispensaries in the City, one operational and the other preparing to open, would be allowed to continue operating as legal non-conforming uses unless inactive for more than six (6) consecutive months. Mr. Knight recommended that the Planning and Zoning Board recommend the City Commission approve Ordinance 21-2025.

Discussion took place on the reasoning behind a total ban, especially with only two (2) dispensaries in the City. Secretary Amoroso suggested limiting the number instead, but City Attorney Good clarified that under Florida Statutes, municipalities must either treat dispensaries the same as pharmacies or ban them entirely.

Discussion occurred regarding zoning implications, the legal definition of pharmacies and drugstores, the availability of dispensaries in surrounding areas, and noting Volusia County has approximately 26 dispensaries.

Member Stewart raised concerns about the distance restrictions from sensitive locations, while others questioned whether the ordinance was driven by the 500 foot school buffer rule.

Secretary Amoroso mentioned that fewer than four (4) percent of Deltona residents hold medical marijuana cards and raised issues about unregulated THC products like Delta 8 being sold locally. Discussion occurred regarding pending applications and whether dispensaries could remain under new ownership if operations were continuous.

Vice Chair D'Errico open and closed public forum as there was none.

Motion by Rachel Amoroso, seconded by Lori Warnicke, to approve Ordinance No. 21-2025 - Repealing Article XIV, "Medical Marijuana Dispensaries," of Chapter 110 "Zoning" and Amendment Article III, "Establishment of Classification and Official Zoning Map," of Chapter 110 "Zoning" of the City of Deltona's Land Development Code. The motion carried by the following vote:

For: 6 - Vice Chair D'Errico, Secretary Amoroso, Member Gonzalez, Member Stewart, Alternate Neher and Alternate Warnicke

Against: 1 - Member Northey

B. Ordinance No. 19-2025 Nonconforming Lots amending section 110-600 "Type of Nonconformity," of article VI, "Nonconformity" and section 70-30 "Definitions" to include regulations updates, of the Land Development Code of the City of Deltona.

Matthew West, Planning Manager, presented Ordinance No. 19-2025, regarding non-conforming lots to the Deltona Planning and Zoning Board. Mr. West provided background on how certain legally recorded residential lots, platted prior to the City's 1998 Land Development Code, may not meet current zoning standards for lot width or area but could become eligible for development under the revised Ordinance. He explained that the Ordinance introduces a formal definition of a lot of record and aims to reduce the need for variances, thereby lowering development costs and encouraging infill on lots with existing infrastructure. Mr. West clarified that only single, individually owned lots are eligible. He recommended that the Planning and Zoning Board forward the Ordinance to the City Commission for approval.

The Board discussed various scenarios regarding the minimum house size requirement of 1,200 square feet in R1 zoning may still conflict with smaller lot dimensions, in which case a variance would still be needed.

Ms. Entwistle reported that approximately four (4) variance requests were submitted in the past year, with two (2) approved and two (2) denied. She also clarified that while tiny homes are not currently addressed by a specific Ordinance, they would require a variance due to minimum house size requirements. In response to questions regarding storm season and housing flexibility, Ms. Entwistle confirmed that modular homes and mobile homes remain restricted.

Alternate Warnicke confirmed with Mr. Smith that 1,200 square feet is the smallest allowable single-family home size in Deltona. Vice Chair D'Errico clarified that the Ordinance does not permit combining lots or allow for subdivision, emphasizing that it applies only to individual lots.

The public forum was opened and closed by Vice Chair D'Errico as there was none.

Motion by Pat Northey, seconded by Karen Neher, to approve Ordinance No. 19-2025, Nonconforming Lots amending section 110-600 "Type of Nonconformity," of article VI, "Nonconformity" and section 70-30 "Definitions" to include regulations updates, of the Land Development Code of the City of Deltona. The motion carried by the following vote:

For: 7 - Vice Chair D'Errico, Secretary Amoroso, Member Gonzalez, Member Northey, Member Stewart, Alternate Neher and Alternate Warnicke

C. Resolution No. 2025-55, amending the Deltona Planning and Zoning Board By-Laws.

Jessica Entwistle, Assistant Director, presented Resolution No. 2025-55, a proposal to modernize the Deltona Planning and Zoning Board Bylaws, originally adopted in 2011. She stated the update would ensure consistency with the 2020 updates to the Land Development Code. She noted that the revised bylaws allow up to five (5) alternate members, move officer elections to March to align with appointment cycles, and update the agenda format to reflect current standards. Staff recommends the Planning and Zoning Board recommend the City Commission approve Resolution No. 2025-55.

Discussion occurred regarding allowing business owners who reside outside the City to serve on the board, offering commercial perspectives. Secretary Amoroso suggested involving non-resident business owners via subcommittees or in limited roles. Member Stewart supported limiting the number of non-resident business appointees, if any, to ensure the Board reflects the community.

Vice Chair D'Errico also recommended revising language related to attendance specifically changing the rule from automatic termination for absences to giving the Board discretion. She also requested clarification on who determines what constitutes conduct that brings discredit to the City, suggesting it should be defined by the City Commission or relevant ethics codes.

The Board discussed that the current attendance policy mirrors Volusia County's, and emphasized that while non-resident business participation is common in some cities, the final structure should reflect Deltona's specific needs.

Motion by Pat Northey, seconded by Rachel Amoroso, to approve Resolution No. 2025-55, amending the Deltona Planning and Zoning Board By-Laws with the following updates:

- 1. Revise language related to attendance specifically changing the rule from automatic termination for excessive absences to giving the board discretion.**
- 2. Determines what constitutes conduct that brings discredit to the City, suggesting it should be defined by the City Commission or relevant ethics codes.**

The motion carried by the following vote:

For: 6 - Vice Chair D'Errico, Secretary Amoroso, Member Gonzalez, Member Northey, Member Stewart and Alternate Warnicke

Against: 1 - Alternate Neher

8. STAFF COMMENTS:

Director Smith stated that two (2) members had excused absences.

9. BOARD/COMMITTEE MEMBERS COMMENTS:

None.

10. ADJOURNMENT:

Meeting Adjourned at 7:18pm

Tara D'Errico, Vice Chairperson

ATTEST:

Nelly Kerr, Board Secretary