



MEMORANDUM

DATE: February 2, 2026

TO: City Commission

FROM: Jordan Smith, AICP, PP Planning and Development Services Director

THRU: Doc Dougherty, City Manager

SUBJECT: Ordinance No. 36-2025, Amending Section 110-814 “Additional Regulations for Certain Permitted Principal Uses and Structures,” of Chapter 110, “Zoning” and Chapter 74, “Administration” of the Land Development Code (Legislative – Public Hearing) (Jordan Smith, Project Manager)

REFERENCES: City Comprehensive Plan, City Code of Ordinances (Land Development Code, Chapter 110 and Chapter 74).

REQUEST: Consideration of Ordinance No. 26-2025 amending Chapter 74, Administration, and Section 110-814, Additional Regulations for Certain Permitted Principal Uses and Structures of the City of Deltona Land Development Code to establish a reasonable accommodation procedure for certified recovery residences and to update regulatory standards to ensure consistency with Senate Bill 954 (2025), Section 397.487, Florida Statutes, and applicable federal law.

BACKGROUND: During the 2025 Legislative Session, the Florida Legislature adopted Senate Bill 954, which amended Section 397.487, Florida Statutes. The legislation requires each municipality to adopt, no later than January 1, 2026, an ordinance establishing procedures for the review and approval of certified recovery residences.

The statute further requires that local governments provide a reasonable accommodation process consistent with federal fair housing and disability laws and expressly limits the imposition of additional public hearing requirements beyond those minimally required by law.

Certified recovery residences provide peer-supported, alcohol free, and drug free housing for individuals in recovery from substance use disorders. Under both state and federal law, these residences are recognized as residential uses associated with individuals with disabilities and are afforded protections under The Fair Housing Act and The American with Disabilities Act.

DISCUSSION: The proposed ordinance updates the City’s Land Development Code to meet statutory requirements and to provide clear, objective, and legally compliant procedures for the review and regulation of certified recovery residences.

Chapter 74 – Administration:

The ordinance establishes a new Section 74-24 creating a formal reasonable accommodation procedure for certified recovery residences. The section defines reasonable accommodation consistent with the Fair Housing Act and the Americans with Disabilities Act and identifies required application materials, review timelines, and decision standards.

The procedure requires City action within specified timeframes and provides that a request is deemed approved if a final determination is not issued within the applicable statutory period, unless an extension is mutually agreed upon by the applicant and the City. The ordinance authorizes the imposition of reasonable conditions of approval and allows revocation of an approved accommodation if state certification lapses or if conditions of approval are violated and not corrected within 180 days.

Section 110-814 – Certified Recovery Residences:

Section 110-814 is amended to align with current state law and to reference the reasonable accommodation procedure established in Chapter 74. This section establishes baseline performance criteria and operational standards applicable to certified recovery residences to ensure neighborhood compatibility while recognizing that such residences are residential in nature.

Key standards include occupancy limitations of a maximum of six tenants, excluding a house manager, in residentially zoned districts, with total occupancy not to exceed seven persons. A maximum of two tenants per bedroom is permitted. Tenant rental agreements must be for a minimum of 30 days. The recovery residence must be the primary use of the property, and any secondary residential structure on the site are counted toward total occupancy. A house manager is required to reside on site.

The ordinance establishes a minimum spacing or buffer requirement of 1,000 feet from another certified recovery residence or community residential home. Recovery residences must be licensed by the State of Florida, certified by the Florida Association of Recovery Residences, or operate under an Oxford House Charter.

Operational requirements include active participation by tenants in recognized recovery programs, with records maintained on site. Alcohol and non-prescription controlled substances are prohibited, with violations subject to eviction. Activities must comply with parole and probation conditions, and sexual predators or sexual offenders are prohibited from residing at the facility.

Written visitation policies are required, including restrictions on overnight visitors and the requirement that the house manager be present during visits. Operators must maintain a good neighbor policy, including procedures for responding to complaints.

Parking standards require a minimum of one off street parking space per three tenants, with one additional space reserved for the house manager. On-Street parking by tenants, the house manager, or visitors is prohibited. Garage and driveway spaces must remain available for parking and may not be converted to storage or living space. A limited reduction in required off-street parking may be requested pursuant to the reasonable accommodation procedure in Section 74-24; however, such reduction may not exceed fifteen percent unless further justified under federal or state reasonable accommodation standards.

The ordinance prohibits the provision of treatment services requiring state licensure on site. Operators are required to provide information to the City promptly upon request and must comply with all applicable laws, building codes, and fire codes. Inspections are permitted to ensure compliance. Violations of the performance criteria and standards are prohibited and enforceable any may result in revocation of approval and referral to the Code Enforcement Special Magistrate.

Relief from the standards in Section 110-814 may be requested through the reasonable accommodation process established in Section 74-24, consistent with federal and state law.

CONSISTENCY WITH THE COMPREHENSIVE PLAN: The proposed amendments are procedural and regulatory in nature and do not modify future land use classifications or density standards. The ordinance is consistent with Comprehensive Plan policies supporting fair housing, public health and safety, and compliance with applicable state and federal law.

PLANNING AND ZONING BOARD: At its regular meeting on December 17, 2025, the Planning and Zoning Board reviewed the proposed ordinance and voted 7-0 to recommend that the Mayor and City Commission adopt Ordinance No. 36-2025.

FIRST READING: The City Commission voted 5-1 to approve Ordinance 36-2025 at first reading.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 36-2025, at second and final reading.

ATTACHMENTS:

- Ordinance No. 36-2025
- SB 954