

ORDINANCE NO. 36-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, 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 UPDATING PROCEDURES AND REGULATIONS RELATED TO CERTIFIED RECOVERY RESIDENCES IN COMPLIANCE WITH FLORIDA STATUTES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND 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 of Deltona as the governing body, 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, SB 954, codified in Section 397.487 Florida Statutes, was enacted during the 2025 Legislative Session and requires by January 1, 2026, the governing body of each county or municipality to adopt an ordinance to establish procedures for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, the Florida Legislature has previously found that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment; and

WHEREAS, the City Commission of the City of Deltona, Florida, has included Section 110-814, "Additional Regulations for Certain Permitted Principal uses and Structures," of Chapter 110, "Zoning," within the Land Development Code; and

WHEREAS, the City Commission of the City of Deltona, Florida, has included Article III, "Development Review Procedures and Criteria," of Chapter 74, "Administration," within the Land Development Code; and

WHEREAS, the City Commission of the City of Deltona, Florida, has included Section 70-30, "Definitions," of Chapter 70, "General Provisions," within the Land Development Code; and

WHEREAS, the foregoing portions of the Land Development Code shall be amended to provide procedures and regulations related to certified recovery residences in compliance with Florida Statutes; and

WHEREAS, the Planning and Zoning Board held a public hearing on October 15, 2025, 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, FLORIDA, 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 Section 110-814, “Additional regulations related to certain permitted principal uses and structures,” of Chapter 110, “Zoning,” Chapter 74, “Administration,” and Chapter 70,” General Provisions,” of the Land Development Code, as set forth in “Exhibit A” attached hereto.

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 _____, 2025.**

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____
Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

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"
PROPOSED TEXT AMENDMENTS
CITY OF DELTONA LAND DEVELOPMENT CODE

- I. Land Development Code, of the City of Deltona Code of Ordinances Chapter 74, Administration shall be amended as follows:

Sec. 74-24 Certified recovery residence reasonable accommodation procedure.

(a) Purpose. This section establishes procedures for the review and approval of certified recovery residences and provides a process for requesting reasonable accommodations from any local land use regulation that may otherwise serve to prohibit the establishment of a certified recovery residence, consistent with state and federal law.

(b) Applicability. This section applies to all certified recovery residences voluntarily certified by a credentialing entity pursuant to 397.487, operating within the City.

(c) Definition – Reasonable Accommodation. In the context of recovery residences, a reasonable accommodation is an exception to a rule, policy, or practice that allows a person with a disability related to addiction or mental health to live in any enjoy a dwelling equally. Under the Fair Housing Act (FHA) and the American with Disabilities Act (ADA), people in recovery are legally recognized as individuals with a disability and are entitled to request such accommodations.

Because addiction is considered a disability under federal law, recovery residences may request reasonable accommodatiuons to operate in residential zones. This process ensures that local regulations are not applied in a way that discriminates against persons in recovery. A request must be granted unless it would create an undue financial or administrative burden or fundamentally alter the nature of the housing or land use regulation.

Reasonable accommodations may include, but are not limited to:

1. Zoning relief to allow a recovery residence in a residential zone where unrelated persons are otherwise restricted.
2. Adjustment of occupancy limits to reflect the number of bedrooms or safety standards rather than family composition.
3. Reduction of spacing requirements between recovery residences.
4. Reduction of require on-site parking where residents do not own vehicles, not to exceed fifteen percent (15%) of the standard requirement.
5. Minor setback modifications, not to exceed fifteen percent (15%), to accommodate accessibility improvements.
6. Flexibility in operating procedures, such as intake hours or counseling schedules, to meet residents therapeutic needs.

41 (d) Consistency with Federal Law. This section shall be administered in accordance
42 with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601–3631 and Title
43 II of the Americans with Disabilities Act (42 U.S.C. §§ 12131–12134).

44 (e) Application process.

45 1. Application required. Any person seeking a reasonable accommodation for the
46 establish of a certified recovery residence shall submit a written application to
47 the Planning and Development Services Department.

48 2. Contents. Each application shall include:

49 a. Name and contact information of the applicant or authorized
50 representative;

51 b. Property address and parcel identification number;

52 c. A description of the accommodation requested; and

53 d. Identification of the specific regulation or policy from which relief is
54 sought

55 3. Receipt and completeness. The City shall date stamp each application upon
56 receipt. If additional information is required, written notice shall be provided
57 within 30 days, allowing at least 30 days for the applicant to respond.

58 4. Final determination. A final written determination shall be issued within 60 days
59 after receipt of a completed application, approving or denying the request in
60 whole or in part. Denials must state specific, evidence based reasons and
61 identify corrective actions, if any.

62 5. Deemed approval. If a final written determination is not issued within 60 days
63 of a completed application, the request is deemed approved, unless both
64 parties agree in writing to extend the time.

65 (f) Additional requirements. The City may establish additional review requirements
66 consistent with federal law and this section.

67 (g) Public hearings. The City may not require public hearings beyond those minimally
68 required by law to grant the requested accommodation.

69 (h) Revocation. Any granted accommodation may be revoked for cause, including
70 violation of conditions of approval or lapse of required state certification or
71 licensure under section 397.487, Florida Statutes, if not corrected within 180 days.

72 (i) Non-supersession. This section does not supersede any declaration of
73 condominium (ch. 718), cooperative document (ch. 719) or homeowner's
74 association covenant (ch. 720), Florida Statutes.

75 (j) Construction. Nothing in this section relieves the City of obligations under federal
76 fair housing and disability laws. Regulations subject to this procedure must not
77 facially discriminate against or disparately impact persons with disabilities.
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79 II. Land Development Code, of the City of Deltona Code of Ordinances Section
80 110-814, Additional regulation for certain permitted principal uses and
81 structures shall be amended as follow:

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83 ***

84 (d) Certified recovery Residences. Certified recovery residences shall be regulated
85 consistent with F.S. § 397.487 and SB 954 (2025), as may be amended from time
86 to time. The following regulations apply:

87 (1) Zoning classification. A certified recovery residence lawfully established under
88 state certification shall be considered a residential use for zoning purposes.

89 (2) Reasonable Accommodation. Requests for reasonable accommodation from
90 local land use regulations shall be processed in accordance with section 74-24
91 of this Code.

92 (3) Compliance. Certified recovery residences shall maintain current state
93 certification and comply with applicable building, fire and property maintenance
94 codes.

95 (6) Preemption. In the event of conflict between this subsection and future
96 amendments to section 397.487, Florida Statutes, state law shall prevail for
97 uses maintaining valid certification.

98 (7) Compliance. Certified recovery residences shall maintain current state
99 certification and comply with applicable building, fire and property maintenance
100 codes.