

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 December 17, 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 F.S. 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 accommodations 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 required 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.

40 6. Flexibility in operating procedures, such as intake hours or counseling
41 schedules, to meet residents therapeutic needs.

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

45 (e) Application process.

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

49 2. Contents. Each application shall include:

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

52 b. Property address and parcel identification number;

53 c. A description of the accommodation requested; and

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

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

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

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

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

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

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

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

76 (j) Construction. Nothing in this section relieves the City of obligations under federal
77 fair housing and disability laws. Regulations subject to this procedure must not
78 facially discriminate against or disparately impact persons with disabilities.
79

80 II. Land Development Code, of the City of Deltona Code of Ordinances Section
81 110-814, Additional regulation for certain permitted principal uses and
82 structures shall be amended as follow:

83
84 ***

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

88 (1) Definition. "Recovery Residence" shall have the meaning provided in Section
89 397.311(38), Florida Statutes, or its successor provision currently defined as:

90 "...a residential dwelling unit, the community housing component of a licensed
91 day or night treatment facility with community housing, or other form of group
92 housing, which is offered or advertised through any means, including oral,
93 written, electronic, or printed means, by an person or entity as a residence that
94 provides a peer-supported, alcohol free, and drug free living environment."

95 (2) Performance Criteria and Standards. The following baseline standards apply to
96 recovery residences in Deltona:

97 a. Maximum of six (6) tenants, excluding a house manager; total occupancy not
98 to exceed seven (7) in residentially zoned districts. Other districts may have
99 limits set via special exception.

100 b. Maximum of two (2) tenants per bedroom.

101 c. Tenant rental agreements ≥ 30 days.

102 d. Recovery residence is primary use on the site; secondary residences are
103 counted toward occupancy.

104 e. A house manager must reside on site.

105 f. Must not be located within 1,000 feet of another recovery residence or
106 community residential home.

107 g. Must be either licensed by the State of Florida, certified by the Florida
108 Association of Recovery Residences, or operate under an Oxford House
109 Charter.

110 h. Tenants must actively participate in recognized recovery programs; records
111 maintained on-site.

112 i. Alcohol and non-prescription controlled substances prohibited; violations
113 result in eviction.

114 j. Activities must comply with parole/probation conditions.

115 k. Sexual predators or offenders prohibited.

116 l. Written visitation policies required; overnight visitors prohibited; house
117 manager present during visits.

118 m. Good neighbor policy required, including procedures for responding to
119 complaints.

120 n. Garage and driveway spaces must remain available for parking.

121 o. No treatment requiring a State license may be provided on site.

122 p. Operators must provide required information to the City promptly.

123 q. Must comply with applicable laws, building codes, and fire codes;
124 inspections allowed.

125 r. Must not negatively alter neighborhood character.

126 s. Violation of any of the above is prohibited and enforceable.

127 (3) Parking Requirements

128 a. A minimum of one (1) off-street parking space per three (3) tenants shall be
129 provided. One (1) additional space shall be reserved for the house manager.

130 b. On-street parking by tenants, house manager, or visitors is prohibited.

131 c. A reduction in required off-street parking may be requested pursuant to
132 Section 74-24. Reduction shall not exceed fifteen percent (15%), unless
133 further justified under a reasonable accommodation.

134 d. Garage and driveway spaces shall remain available for parking
135 ~~purposes~~purposes and shall not be utilized for storage or converted to living
136 space.

137 (4) Reasonable Accommodation

138 e. Recovery residences may request reasonable accommodations from the
139 provisions of this subsection in accordance with Section 74-24, Certified
140 Recovery Residence Reasonable Accommodation Procedure, consistent
141 with federal and state law.

142 f. Such accommodations may include, but are not limited to adjustments to
143 occupancy limits, spacing requirements, parking, setbacks, and operating
144 procedures to ensure compliance with the Fair Housing Act, ADA, and F.S.
145 397.487.

146 g. Approval, denial, and enforcement of reasonable accommodations shall
147 follow the procedures outlined in Section 74-24.

148 (5) Enforcement

149 a. Any recovery residence operating in violation of this subsection or any
150 approve accommodation may be subject to revocation of approval.

151 b. The City's code enforcement special magistrate shall have authority to hear
152 petitions for revocation.

153 c. The City may pursue all legal remedies available under law.

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

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(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 F.S. 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.

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5. Minor setback modifications, not to exceed fifteen percent (15%), to accommodate accessibility improvements.

40 6. Flexibility in operating procedures, such as intake hours or counseling
41 schedules, to meet residents therapeutic needs.

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

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51 representative;

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

56 3. Receipt and completeness. The City shall date stamp each application upon
57 receipt. If additional information is required, written notice shall be provided
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59 4. Final determination. A final written determination shall be issued within 60 days
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66 (f) Additional requirements. The City may establish additional review requirements
67 consistent with federal law and this section.

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

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

73 (i) Non-supersession. This section does not supersede any declaration of
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106 community residential home.
- 107 g. Must be either licensed by the State of Florida, certified by the Florida
108 Association of Recovery Residences, or operate under an Oxford House
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- 110 h. Tenants must actively participate in recognized recovery programs; records
111 maintained on-site.
- 112 i. Alcohol and non-prescription controlled substances prohibited; violations
113 result in eviction.
- 114 j. Activities must comply with parole/probation conditions.
- 115 k. Sexual predators or offenders prohibited.
- 116 l. Written visitation policies required; overnight visitors prohibited; house
117 manager present during visits.

- m. Good neighbor policy required, including procedures for responding to complaints.
- n. Garage and driveway spaces must remain available for parking.
- o. No treatment requiring a State license may be provided on site.
- p. Operators must provide required information to the City promptly.
- q. Must comply with applicable laws, building codes, and fire codes; inspections allowed.
- r. Must not negatively alter neighborhood character.
- s. Violation of any of the above is prohibited and enforceable.

(3) Parking Requirements

- a. A minimum of one (1) off-street parking space per three (3) tenants shall be provided. One (1) additional space shall be reserved for the house manager.
- b. On-street parking by tenants, house manager, or visitors is prohibited.
- c. A reduction in required off-street parking may be requested pursuant to Section 74-24. Reduction shall not exceed fifteen percent (15%), unless further justified under a reasonable accommodation.
- d. Garage and driveway spaces shall remain available for parking purposes and shall not be utilized for storage or converted to living space.

(4) Reasonable Accommodation

- e. Recovery residences may request reasonable accommodations from the provisions of this subsection in accordance with Section 74-24, Certified Recovery Residence Reasonable Accommodation Procedure, consistent with federal and state law.
- f. Such accommodations may include, but are not limited to adjustments to occupancy limits, spacing requirements, parking, setbacks, and operating procedures to ensure compliance with the Fair Housing Act, ADA, and F.S. 397.487.
- g. Approval, denial, and enforcement of reasonable accommodations shall follow the procedures outlined in Section 74-24.

(5) Enforcement

- a. Any recovery residence operating in violation of this subsection or any approve accommodation may be subject to revocation of approval.
- b. The City's code enforcement special magistrate shall have authority to hear petitions for revocation.
- c. The City may pursue all legal remedies available under law.