



MEMORANDUM

DATE: December 17, 2025

TO: Planning and Zoning Board

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

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

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 and 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 government 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 and are recognized under both state and federal law as residential uses associated with individuals with disabilities.

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

Chapter 74 – Administration:

The new Section 74-24 establishes a formal reasonable accommodation procedure for certified recovery residences. The section defines reasonable accommodation consistent with the Fair Housing Act and the American with Disabilities Act and outlines the 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 statutory period, unless an extension is mutually agreed upon. The ordinance also

authorizes revocation of an approved accommodation if state certification lapses or 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 newly adopted reasonable accommodation procedure. The amendments establish baseline operational and performance standards applicable to certified recovery residences, including occupancy limits, parking requirements, spacing requirements, on-site management, and compliance with building and fire codes. These standards are intended to ensure neighborhood compatibility while recognizing that certified recovery residences are residential in nature.

Relief from the standards in Section 110-814 may be requested through the reasonable accommodation process in Section 74-24, consistent with federal and state law. The ordinance also clarifies enforcement authority, including the ability to revoke approvals for noncompliance and to refer matters to the Code Enforcement Special Magistrate, while maintaining compliance with applicable fair housing requirements.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The proposed amendments are procedural and regulatory in nature and do not modify future land use classifications of 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.

RECOMMENDATION:

Under Section 163.3174, Florida Statutes, the Planning and Zoning Board is required to review proposed land development regulations and determine whether they are consistent with the adopted Comprehensive Plan. Staff recommends that the Board recommend that the City Commission approve Ordinance No. 36-2025, which updates Section 110-814 and Chapter 74 to ensure compliance with state law and provide a clear, fair process for certified recovery residences.

NEXT STEPS: The Mayor and City Commission will hear this item at first reading on January 20, 2026, with adoption scheduled for February 2, 2026.

ATTACHMENTS:

- Ordinance No. 36-2025 with Exhibit A
- SB 954