

**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		

1 EXHIBIT "A"  
2 PROPOSED TEXT AMENDMENTS  
3 CITY OF DELTONA LAND DEVELOPMENT CODE  
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5 I. Land Development Code, of the City of Deltona Code of Ordinances Chapter  
6 74, Administration shall be amended as follows:  
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9 **Sec. 74-24 Certified recovery residence reasonable accommodation procedure.**

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

15 (b) Applicability. This section applies to all certified recovery residences voluntarily  
16 certified by a credentialing entity as described in section 397.487, Florida Statutes,  
17 on or before July 1, 2025, and to any subsequent certified recovery residences  
18 operating within the City.

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

22 (d) Application process.

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

26 2. Contents. Each application shall include:

27 a. Name and contact information of the applicant or authorized  
28 representative;

29 b. Property address and parcel identification number;

30 c. A description of the accommodation requested; and

31 d. Identification of the specific regulation or policy from which relief is  
32 sought

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

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

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

43 (e) Additional requirements. The City may establish additional review requirements  
44 consistent with federal law and this section.

45 (f) Public hearings. No additional public hearings shall be required beyond those  
46 minimally required by law to grant the requested accommodation.

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

50 (h) Non-supersession. This section does not supersede any declaration of  
51 condominium (ch. 718), cooperative document (ch. 719) or homeowner's  
52 association covenant (ch. 720), Florida Statutes.

53 (i) Construction. Nothing in this section relieves the City of obligations under federal  
54 fair housing and disability laws. Regulations subject to this procedure must not  
55 facially discriminate against or disparately impact persons with disabilities.  
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57 **II. Land Development Code, of the City of Deltona Code of Ordinances Section**  
58 **110-814, Additional regulation for certain permitted principal uses and**  
59 **structures shall be amended as follow:**

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

65 (1) Zoning classification. A certified recovery residence that does not occupy, or  
66 fully occupies, a community of structure governed by a condominium  
67 association under chapter 718, Florida Statutes, shall be deemed a non-  
68 transient residential use of land for all local zoning purposes.

69 (2) Permitted use. Certified residences shall be permitted in all multi-family  
70 residential zoning districts as an allowable use, and a structure originally  
71 constructed and permitted for multi-family purposes may be used as a certified  
72 recovery residence, allowing up to two residents per bedroom with the need for  
73 a zoning change, land use change, special exception, conditional use  
74 approval, variance or Comprehensive plan amendment.

75 (3) Regulation limitations. A local law, ordinance, or regulation may not prohibit  
76 certified recovery residences or regulate the duration or frequency of use of a  
77 certified recovery residence in a multi-family structure.

78 (4) Denial criteria for Level IV residences. A municipality may deny the  
79 establishment of a Level IV certified recovery residence if the proposed use is:

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- a. Adjacent to, or on two or more sides of, a parcel zoned for single-family residential use; and
  - b. Located with a single-family residential development containing at least 25 contiguous single-family homes.
- For purposes of this subsection, “adjacent to” means those properties sharing more than one point of a property line, and does not include properties separated by a public road.
- (5) Applicability. This subsection applies to certified recovery residence providers voluntarily certified by the credentialing entity described in section 397.487, Florida Statutes, on or before July 1, 2025.
  - (6) Preemption. In the event of conflict between this subsection and future amendments to section 397.487, Florida Statutes, state law shall prevail for uses maintaining valid certification.
  - (7) Compliance. Certified recovery residences shall maintain current state certification and comply with applicable building, fire and property maintenance codes.