



# MEMORANDUM

DATE: May 19, 2025

TO: City Commission

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

THRU: Doc Dougherty, City Manager

SUBJECT: Ordinance No. 09-2025, Amendment to Article VIII “Rental Properties” and Chapter 22 “Businesses” of the Code of Ordinances (Legislative – Public Hearing) (Jordan Smith, Project Manager)

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**REFERENCES:** City Comprehensive Plan, Code of Ordinances.

**REQUEST:** The City Commission requested staff to update Sections of the Code of Ordinances related to rental properties, as some of the sections were outdated.

## **DISCUSSION:**

The City has an adopted city-wide Code of Ordinances. The Code of Ordinance regulations change over time based on current trends, state pre-emptions, public input, and regulatory review amongst other things. The amendments to Ordinance No. 09-2025 are to ensure a safer rental housing stock, protect property values and improve accountability for residential rentals and vacation rentals/short term rentals.

Division 1 of Article VIII amends the “Deltona Rental Property Inspection Ordinance” and establishes standards and requirements to ensure a safer rental housing stock.

The regulation of residential rentals has been a topic of discussion with the City for a number of years. There is an understanding that poorly managed properties, including rental properties, can negatively impact neighborhoods by bringing down property values. The City has a responsibility to enforce the Florida Building Code and related regulations relative to safe and habitable property maintenance and structures.

Based on that general premise, the City in 2007 passed an ordinance that required rental properties to be issued a Business Tax Receipt and to provide for emergency inspections. The ordinance also required absentee owners to establish a local contact for property management. Notwithstanding the 2007 ordinance never being repealed, the City in 2014 adopted another ordinance intended to regulate residential rentals. The 2014 ordinance required a license and a registration fee. There were also requirements for inspections and the designation of a local contact. The 2014 ordinance was repealed about four months after adoption.

The Deltona Real Property Rental Inspection Ordinance, outlined in Article VIII, establishes a framework for regulating rental properties within the city. The primary goals of this ordinance are to:

1. **Protect Public Health and Safety:** Ensuring that rental properties are maintained in high quality and meet safety standards as required by city codes.
2. **Ensure Compliance:** Property owners are required to obtain a rental license and undergo periodic inspections to ensure compliance with local codes.
3. **Define Responsibilities:** The ordinance mandates property owners, agents, and managers to be aware of their responsibilities, including ensuring their properties are inspected before occupancy and are maintained in safe and habitable conditions.
4. **Inspection Program:** A detailed inspection process is outlined, which includes required inspections upon a change of occupancy or construction, and periodic inspections every three years to verify compliance with the International Property Maintenance Code. The program applies to all rental dwelling units in the city, except for certain exemptions, such as units that are less than five years old.
5. **Licensing and Fees:** Property owners must register for a rental license and pay applicable inspection fees. Transfer of ownership must include a license and inspection certificate transfer. Specific rules are in place for multi-unit buildings, ensuring that at least 30% of units are inspected during the initial inspection.
6. **Enforcement and Penalties:** If a property owner fails to comply with the inspection and licensing requirements, their license may be revoked, and they could face additional penalties. The ordinance emphasizes compliance with all city codes to protect both tenants and the surrounding community.

The ordinance seeks to ensure that rental properties are safe, well-maintained, and compliant with health and safety standards, ultimately benefiting both property owners and tenants in Deltona.

Division 2 of Article VIII establishes a Vacation Rental/Short Term rental registration, and establishes standards and requirements.

In 2011, the Florida Legislature passed House Bill 883, (Chapter 2011-119, Laws of Florida), amending Florida Statutes, Section 509.032(b) to provide that “[a] local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.” The City of Deltona did not adopt a law prohibiting Short-Term or Vacation Rental uses in advance of the effective date.

In 2014, the legislature restored some authority back to local governments so they could address many of the problems they were seeing in their communities relating to parking, noise, trash and life-safety issues. This legislation left in place existing statutory language stating that cities cannot “prohibit” short-term/vacation rentals or regulate the duration of frequency of the rental. Vacation/short term rentals are a type of “transient public lodging establishment” which are rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less. The current law does not preempt the authority of a local government to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to Florida Statute.

The official statement of legislative intent of Senate Bill 356 as reflected in the House of Representatives Final Bill Analysis, dated June 19, 2014, states that the “Effect of the Bill” is as follows:

“The bill permits local governments to create regulation that distinguishes vacation rentals from other residential property. In the past, local government regulations have included noise, parking, registration, and signage requirements for vacation rentals. The bill does not allow local governments to create regulations that would prohibit vacation rentals or restrict the duration or frequency of vacation rentals. These types of regulations remain pre-empted to the state. The grandfather provision in existing law exempting any local law, ordinance, or regulation adopted on or before June 1, 2011, is maintained. Any local law, ordinance, or regulation passed before that date that prohibits or restricts vacation rentals based on the duration or frequency may continue to be enforced.”

Again, the City of Deltona did not enact a law regulating this industry prior to June 1, 2011.

The Ordinance amendments establish a structured framework for the registration, renewal, operation and enforcement of vacation rentals in Deltona. These changes aim to ensure safety, accountability, and neighborhood compatibility. Key provisions of the Ordinance include:

- **Annual Renewal (Sec. 22-244):** Registrations expire Dec. 31. Renewals due by Oct. 1. Non-compliance, unpaid fines, or liens result in denial.
- **Ownership Changes (Sec. 22-246):** New owners must re-register within 15 days and undergo a new inspection.
- **Inspections (Sec. 22-248):** Required at registration and every 5 years. Violations must be corrected within 30 days.
- **Safety & Posting Requirements (Secs. 22-250–251):** Rentals must comply with safety codes. Emergency contacts and occupancy rules must be visibly posted.
- **Occupancy & Parking Limits (Secs. 22-252–254):** Occupancy capped based on square footage or septic limits. One off-street space required per 3 guests.
- **Responsible Party (Sec. 22-253):** A 24/7 local contact must respond to complaints within one hour and conduct weekly property checks.
- **Advertising Rules (Sec. 22-256):** Ads must reflect approved occupancy and registration details. Misrepresentation presumed a violation.
- **Violations & Enforcement (Secs. 22-257–258):** Each day of non-compliance is a separate offense. Penalties include fines, suspensions, and legal action.

**STAFF RECOMMENDATION:** Staff recommends approval of Ordinance No. 09-2025.

**NEXT STEPS:** Ordinance No. 09-2025 was approved by the Mayor and City Commission on First Reading. Between the first and second readings, revisions were made to update provisions related to fire inspections. The Second Reading and final adoption are scheduled for the May 19, 2025 City Commission meeting.

## **ATTACHMENTS:**

- Ordinance No. 09-2025
- Article VIII. Rental Properties/Vacation Rentals Redline
- Article VIII. Rental Properties/Vacation Rentals Clean