



MEMORANDUM

DATE: April 7, 2025

TO: Planning and Zoning Board

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)

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requested staff to update Sections of the Code of Ordinances related to rental properties, as some of the sections were outdated.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 Notwithstanding the 2007 ordinance never being repealed, the City in 2014 adopted another ordinance intended to regulate residential rentals.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 The 2014 ordinance was repealed about four months after adoption.

In order to ensure that rental properties are maintained in a livable manner, the proposed amendments are recommended:

- Property owner shall register for a one-time rental license and certificate of inspection.
 - Every two years, property owner shall provide city with an affidavit stating that the structure meets minimum criteria as outlined in inspection checklist with no changes.
- Rental Inspection program
 - Change in occupancy requires a valid certificate of inspection must be obtained.
 - If dwelling does not comply with applicable provisions of city codes, dwelling unit must be brought into compliance before a certificate of inspection will be issued and occupancy allowed.

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 or 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.

Ordinance 09-2025 would require property owners to register their short-term/vacation rental. The intent is to collect current and accurate information regarding short-term vacation rental properties, encourage appropriate management of these properties and protect the general health, safety and welfare of the residents and visitors to the City of Deltona.

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

NEXT STEPS: The Mayor and City Commission will hear this item on April 7, 2025 for first reading and May 5, 2025 for second reading.

ATTACHMENTS:

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