

Agenda
City of Dunnellon
Planning Commission
Tuesday, May 17, 2022, 5:30 p.m.
<https://dunnellon.zoom.us/j/83862688572?pwd=eGdndTljMUVRK3JYK3EyWlkzMitNUT09>
Webinar ID: 838 6268 8572

Anyone who wishes to provide public comment will be able to do so by participating in the Planning Commission meeting in person, or via the Zoom "AUDIO ONLY" platform and/or telephone, by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of the meeting via email to the Planning Assistant at kwyen@dunnellon.org.

Members of the public who would like to participate are encouraged to register in advance by Noon on date of meeting. Please see instructions below on how to register.

A three (3) minute time limit will be administered during public comment.

Instructions on How to Listen and/or Participate in the Meeting
Attachment: [Meeting Instructions \(PDF\)](#)

One or more City Council members may attend this meeting and may speak.

Call to Order

Pledge of Allegiance

Roll Call

Proof of Publication: The Agenda was posted on City's website and City Hall bulletin board on Tuesday, May 10, 2022.

1. Approval Of Minutes
Regular Meeting March 15, 2022

Documents:

[March 15 2022 Minutes For Approval.pdf](#)

2. Discussion - Proposed Ordinance #ORD2022-05 Short Term Rental Properties

Documents:

[PROPOSED ORDINANCE 2022-05 SHORT TERM RENTALS.PDF](#)

3. Discussion - Code & Site Plan Review - Commissioner Dunn
4. Public Comment

5. Adjournment

Any Person Requiring a Special Accommodation at This Hearing Because of a Disability or Physical Impairment Should Contact the City Clerk at (352) 465-8500 at Least 48 Hours Prior to the Proceeding. If a Person Desires to Appeal Any Decision with Respect to Any Matter Considered at the Above Meeting or Hearing, He or She Will Need a Record of the Proceeding, and for Such Purpose, He or She May Need to Ensure That a Verbatim Record of the Proceedings Is Made, Which Includes the Testimony and Evidence Upon Which the Appeal Is to Be Based. The City Is Not Responsible for Any Mechanical Failure of Recording Equipment.

**Minutes
City of Dunnellon
Planning Commission
March 15, 2022, 5:30 p.m.**

Zoom

<https://dunnellon.zoom.us/j/87634355506?pwd=RU4yakZTVU5jOWZkNnM5ZU9WYkZ6UT09>

Webinar ID: 876 3435 5506

Chairwoman D'Arville called the meeting to order at 5:35 p.m. and led the Pledge of Allegiance

Roll Call

Members Present:

Brenda D'Arville, Chairwoman
John Pierpont, Commissioner - ABSENT
Dusty Walters, Commissioner
Kathy Dunn, Commissioner
Mary Ann Hilton, Commissioner - ABSENT
Lisa Sheffield, 1st Alternate - ABSENT

Staff Present:

Georgina Cid, Community Development
Patrick Brackins, Assistant City Attorney
Michelle Leonard, Assistant City Clerk
Bill White, Mayor
Louise Kenny, Councilwoman

Proof of Publication

The agenda was posted on City's website and City Hall bulletin board on Wednesday, March 09, 2022.

1. Approval Of Minutes

December 21, 2021 – Regular Meeting
January 18, 2022 - Regular Meeting

Commissioner Dunn motioned to approve the December 21, 2021 minutes. Commissioner Walters seconded the motion. A vote was taken and the motion passed 3-0.

Commissioner Walters motioned to approve the January 18, 2022 minutes as amended. Commissioner Dunn seconded the motion. A vote was taken and the motion passed 3-0.

2. Discussion – Review Of Adopted Strategic Plan Ordinance #ORD2004-08 – Vision, Mission and Value Statements

Chairwoman D’Arville asked Ms. Cid to explain to the Board how this came about for discussion. Ms. Cid explained it was brought to her attention this was something the Chairwoman and Board would like to review for possible updating and submission to the City Council Attorney Brackins explained what his recommendation would be if the Board and Council wanted to entertain a new vision statement. Attorney Brackins stated there would need to be several public workshops to craft a vision statement which would be brought forth to amend the Comprehensive Plan. Chairwoman D’Arville summed up what Attorney Brackins stated was they could utilize Ordinance #ORD2004-08 and the statement submitted by Commissioner Walters as a framework to start a vision to change the statements. Attorney Brackins clarified they would be asking Council to create a vision statement for the Comprehensive Plan. He stated they could work with Council. Commissioners Dunn and Walters agreed they would like to work with the City Council to create this new vision statement.

Chairwoman D’Arville asked about ADA compliance if pictures were utilized. Attorney Brackins stated if someone wants a copy of the current Comprehensive Plan they could come into the office and get a copy and the same could be done for the vision statement.

Chairwoman D’Arville suggested asking Commissioner Pierpont to reach out to Mr. New and ask him to join a meeting to talk about the process they followed when starting their visioning process.

Chairwoman D’Arville stated she would ask Council at the next meeting for permission to proceed.

Ms. Cid noted the Main Street vision statement is on hold temporarily, as she is still working on constructing the board and by-laws.

3. Reports & Updates

Chairwoman D’Arville said she has no specific reports or updates at this time.

Comissioner Dunn asked about the next step once buildings are identified as blighted. Ms. Cid said she is working with the Attorney on an Ordinance to be presented to Council. She commented Code Enforcement has been working with at least one property per week. Chairwoman D’Arville asked the Attorney what the end result would be to the process with these blighted properties. He replied the more significant process would be for the homesteaded properties. If they are not homesteaded, there are things the City can do to bring the properties into compliance. Chairwoman D’Arville then asked what the process was for commercial property. Attorney Brackins said the one thing you cannot do is exercise eminent domain.

Commissioner Dunn asked what steps could be taken so the billboard which came down during the recent tornado could be kept from being erected. Attorney Brackins commented if the zoning was as such, it could be a legal non-conforming use. Member Dunn asked if a moratorium could be placed on it and Attorney Brackins said no. Attorney Brackins said all private citizens can do is call Code Enforcement.

Commissioner Dunn asked how the board could address the zoning specific to the Powell Road vacant property which was suggested for a potential future site of the Police building. She would like to see the zoning changed from Commercial to Residential. Attorney Brackins commented individual property owners and staff could rezone a large area. He said even if it was changed it could still operate as commercial because it is legal conforming.

Commissioner Dunn asked what could be done about VRBO's. Attorney Brackins commented he would have to research if Dunnellon's code is grandfathered.

4. Public Comment

Mayor White, 12115 Palmetto Way, commented there has been great discussion thus far which he believes will come Council's way. He provided a brief overview of things which have occurred over the past 30 days. He spoke regarding the billboards throughout the City stating they are a major concern for the citizens if a storm can bring them down the way it did. He asked Ms. Cid where the City was at with CRA grants. Ms. Cid responded four people have been approved thus far out of the total \$100,000. Commissioner Walters stated she put a blurb in the Riverland News about the Grant program. Chairwoman D'Arville asked if flyers were available to hand out at local events such as Boomtown. Commissioner Dunn stated she has appealed to the City Council and CRA Boards to back it down from the three required bids to two. She also commented the Volunteers have gone around in March to local businesses putting the word out about the availability of this grant. Mayor White then asked if anyone knows what the clearing is for on SR40, just passed Juliette Falls.

Chairwoman D'Arville asked if there is a contingency plan for the Police in the event of an emergency if the Department cannot work in the current building due to it being deemed unsafe by Mr. Sheppard. Commissioner Dunn stated she spoke with Kenneth Odom about a hardening grant and he stated he would be willing to come back and speak to the Council and staff about the availability of this grant for a City building. She then asked what the board and Mayor knew about the TPO's Commitment to Zero program. She said she also spoke to Mr. Odom about this and we need to concentrate on a plan for the intersection at US 41 and Williams Street. Commissioner Dunn asked if the Mayor knew about a water study which was being conducted and he did not.

Mayor White showed a picture of the Suncoast Parkway and commented it had nothing to do with the Northern Turnpike Extension. He explained how the extension to the Parkway would impact the Dunnellon area.

Ms. Cid clarified the Comprehensive Plan is not available on the website, but you can request it as a public record through the website. She also spoke to the billboards and grants. Ms. Cid then updated the Board on Wayfinding Signs.

Teresa Malmberg, 307 Forest Point Drive, Mississippi, commented there is a section of the Code entitled "Demolition by Neglect" which staff may want to look into. She stated the property by Powell Road is listed as Residential Business Office. She said the information about what they are doing with the property up at SR40 can be found at www.marionfl.org.

Attorney Brackins stated anyone at the Board was welcome to go to the TPO meeting and reminded them of Sunshine Law and what would and would not be a Sunshine Violation.

5. Adjournment:

A motion to adjourn was made by Commissioner Walters and seconded by Commissioner Dunn. There being no further comments, Chairwoman D'Arville gaveled down and adjourned the meeting at 7:17 p.m.

Penned Signature of
Brenda D'Arville
Chairwoman

Penned Signature of
Georgina Cid
Community Development Manager



CITY OF DUNNELLO STAFF REPORT

Date: April 28, 2022

To: Dunnellon Planning Commission

Request: Review of Proposed Ordinance #ORD2022-05 providing for an amendment to the City Code of Ordinances, by adding short term rental regulations.

Ordinance No. ORD2022-05

Owner: City of Dunnellon, FL

Owner Address: 20750 River Drive, Dunnellon, FL.

Applicable Statute: Short Term Rental Regulation Requirements, Chapter 166, Florida Statutes,

BACKGROUND

The City of Dunnellon Code of Ordinances constitutes a recodification of the general and permanent ordinances of the City of Dunnellon, Florida. Source materials used in the preparation of the Code were the 1985 Code, as supplemented through to present Code, and ordinances subsequently adopted by the City Council thereafter. Chapter 18, Article VIII, Section 18-240 thru Section 18-242 are to be created to address Short Term Rental Registration Requirements for owners of Short-Term Vacation Rentals in residential neighborhoods.

STAFF EVALUATION AND FINDINGS

Pursuant to Chapter 166, Florida Statutes, the City of Dunnellon may adopt ordinances and resolutions necessary to preserve the health, safety, and welfare of the residents of the City of Dunnellon, except where prohibited by law. Requirements are set by way of this ordinance defining Short Term Vacation Rentals as: the rental of any habitable space, including a room, apartment, living quarters, in any residential building, including but not limited to condominiums, single-family or multi-family homes, for a term of six months or less, as provided in F.S. § 125.0104(3)(a), as amended, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of F.S. Ch. 212. Any Owner who is not required to register with the Florida Department of Business and Professional Regulation, as defined by F.S. Ch. 509, is exempt from this ordinance.

Requirements are as follows:

1. Register with the Florida Department of Business and Professional Regulation and the Marion County Tax Collector.
2. Obtain a City of Dunnellon Registration Certificate for each Short-Term Vacation Rental unit owned. The Certificate must identify the unit's Designated Responsible Party and current contact information. The Owner must notify the city in writing of any changes in ownership or of the Designated Responsible Party within ten (10) business days of such change.

3. Inform all guests prior to occupancy of the Short-Term Vacation Rental unit of all applicable City of Dunnellon ordinances, including noise, parking, and garbage.
4. Maintain all Short-Term Vacation Rental units under their control in compliance with the City of Dunnellon Code of Ordinances, Florida Building Code, and Florida Fire Prevention Code.
5. Be available in person or by telephone or have the Designated Responsible Party available in person or by telephone twenty-four (24) hours a day, seven (7) days a week to address any law enforcement action, emergency response, or City ordinance violation arising from the rental of the Short-Term Vacation Rental unit and be willing and able to be onsite to address violations within the next day of notification.
6. Maintain the Short-Term Vacation Rental unit as specified in the City of Dunnellon Property Maintenance Codes (Chapter 99).

Any violations of this Article may be prosecuted and shall be punishable as provided for in Section 1-12 of the Code of Ordinances. Each day of renting a Short-Term Vacation Rental unit without having a valid City Registration Certificate issued pursuant to this Ordinance shall constitute a separate and distinct violation of this Ordinance. Guests and Owners of Short-Term Vacation Rental units may be prosecuted separately and concurrently for a violation of any City of Dunnellon Ordinance, including but not limited to noise, parking, and garbage violations.

Staff Recommendation:

Staff has reviewed the proposed amendment to the City Code of Ordinance (see Ordinance as Exhibit “A”) and finds it to be consistent with the City’s Comprehensive Plan and Florida Law and requests that the Planning Commission recommend approval as presented to the City Council.

ORDINANCE #ORD2022-05

AN ORDINANCE OF THE CITY OF DUNNELLON, CREATING CHAPTER 18, ARTICLE VIII – SHORT TERM RENTALS OF THE CITY’S CODE OF ORDINANCES; ESTABLISHING SHORT-TERM RENTAL REGISTRATION REQUIREMENTS FOR OWNERS OF SHORT-TERM VACATION RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes, the City of Dunnellon may adopt ordinances and resolutions necessary to preserve the health, safety, and welfare of the residents of the City of Dunnellon, except where prohibited by law; and

WHEREAS, short-term vacation rentals situated in single-family residential neighborhoods is a growing interest; and

WHEREAS, the use of residential dwellings for short-term vacation rentals in established residential neighborhoods may create community impacts, including, but not limited to, excessive noise, accumulation of trash, on-street parking, and diminished public safety; and

WHEREAS, to lessen these impacts and to protect the quiet enjoyment of neighboring residential units it is necessary to have a known, responsible person to contact who can reasonably address issues that may arise from the use of short-term vacation rentals, many of which are owned by non-residents; and

WHEREAS, some owners of short-term vacation rentals may not properly remit required taxes and fees; and

WHEREAS, accordingly, it is the intent of this Ordinance to collect current and accurate information regarding short-term vacation rental properties and to encourage the appropriate management of these properties in order to protect the general health, safety and welfare of the residents and visitors to the City of Dunnellon; and

WHEREAS, these regulations do not regulate duration or frequency of rentals, but are intended to address the impacts of transient occupants on established residential neighborhoods; and

WHEREAS, the City Council finds that the measures required by this Ordinance will help maintain residential use and enjoyment for the City of Dunnellon citizens and residents.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks

46 (***) indicate an omission from the existing text which is intended to remain unchanged.
47
48

49 **NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
50 **OF DUNNELLON, FLORIDA AS FOLLOWS:**

51
52 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
53 Council.

54
55 **SECTION 2:** ‘Chapter 18, Article VIII – Short Term Rentals’ of the City’s Code of Ordinances
56 is hereby created as follows:

57
58 **CHAPTER 18 – BUSINESSES.**

59
60 ***

61
62 **ARTICLE VIII. – SHORT TERM RENTALS**

63
64 **Section 18-240. – Definitions.**

65
66 The following words, terms, and phrases, when used in this Ordinance, shall have the meanings
67 set forth herein:

68
69 *Designated Responsible Party.* The term "Designated Responsible Party" means any person
70 eighteen (18) years of age or older designated by the Owner, tasked with responding to requests
71 or complaints and other problems relating to or emanating from the Short-Term Vacation Rental.
72 An Owner may retain a private property management company to serve as the Designated
73 Responsible Party. The Designated Responsible Party shall be the agent of the Owner authorized
74 to accept city-issued citations and notices of violation arising from the use of the Short-Term
75 Vacation Rental.

76
77 *Owner.* The term "Owner", shall mean the person or entity holding legal title to the short-term
78 vacation rental property, as reflected in the Marion County Tax Collector's records.

79
80 *Short-Term Vacation Rental.* A "Short-Term Vacation Rental" means the rental of any habitable
81 space, including a room, apartment, living quarters, in any residential building, including but not
82 limited to condominiums, single-family or multi-family homes, for a term of six months or less,
83 as provided in F.S. § 125.0104(3)(a), as amended, unless such person rents, leases, or lets for
84 consideration any living quarters or accommodations which are exempt according to the provisions
85 of F.S. Ch. 212. Any Owner who is not required to register with the Florida Department of
86 Business and Professional Regulation, as defined by F.S. Ch. 509, is exempt from this ordinance.

87
88 **Section 18-241. - Short-term Vacation Rental Requirements**

89
90 Prior to commencing any Short-Term Vacation Rental, it is the affirmative duty of the Owner to:
91

- 92 1. Register with the Florida Department of Business and Professional Regulation and the
93 Marion County Tax Collector.
- 94
- 95 2. Obtain a City of Dunnellon Registration Certificate for each Short-Term Vacation
96 Rental unit owned. The Certificate must identify the unit's Designated Responsible
97 Party and current contact information. The Owner must notify the city in writing of any
98 changes in ownership or of the Designated Responsible Party within ten (10) business
99 days of such change.
- 100
- 101 3. Inform all guests prior to occupancy of the Short-Term Vacation Rental unit of all
102 applicable City of Dunnellon ordinances, including noise, parking, and garbage.
- 103
- 104 4. Maintain all Short-Term Vacation Rental units under their control in compliance with
105 the City of Dunnellon Code of Ordinances, Florida Building Code, and Florida Fire
106 Prevention Code.
- 107
- 108 5. Be available in person or by telephone or have the Designated Responsible Party
109 available in person or by telephone twenty-four (24) hours a day, seven (7) days a week
110 to address any law enforcement action, emergency response, or City ordinance
111 violation arising from the rental of the Short-Term Vacation Rental unit and be willing
112 and able to be onsite to address violations within the next day of notification.
- 113
- 114 6. Maintain the Short-Term Vacation Rental unit as specified in the City of Dunnellon
115 Property Maintenance Codes (Chapter 99).
- 116
- 117

118 **Section 18-242. Penalty for Violations.**

119

120 Any violations of this Article may be prosecuted and shall be punishable as provided for in Section
121 1-12 of the Code of Ordinances. Each day of renting a Short-Term Vacation Rental unit without
122 having a valid City Registration Certificate issued pursuant to this Ordinance shall constitute a
123 separate and distinct violation of this Ordinance. Guests and Owners of Short-Term Vacation
124 Rental units may be prosecuted separately and concurrently for a violation of any City of
125 Dunnellon Ordinance, including but not limited to noise, parking, and garbage violations.

126

127 **SECTION 3. CONFLICTS.** In any case where a provision of this Ordinance is found to be in
128 conflict with a provision of any other ordinance of this City, the provision which establishes the
129 higher standards for the promotion and protection of the health and safety of the people shall
130 prevail.

131 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this
132 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not
133 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,

134 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or
135 unconstitutional.

136 **SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and
137 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
138 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
139 “Ordinance,” or similar words, may be changed to “Section,” “Article,” or other appropriate word.
140 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

141 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on _____,
142 2022.

143
144 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the first reading
145 on the ____ day of _____ 2022.

146
147 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the second and
148 final reading on the ____ day of _____ 2022.

149
150 Ordinance Posted on the City’s website on _____, 2022. Public hearing advertised on the
151 City’s website on _____ and advertised in the Riverland News on _____.

152
153
154
155

William P. White, Mayor

156
157 Attest:
158 _____
159 Amanda L. Odom, CMC
160 City Clerk

161 **CERTIFICATE OF POSTING**

162

163 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the
164 Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the
165 City’s Official Website this ____ day of _____ 2022.

166

167 _____

168 Amanda L. Odom, CMC
169 City Clerk