



CITY OF DUNNELLON 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.
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48

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

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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 ***

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

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64 **Section 18-240. – Definitions.**

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

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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.

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

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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).
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- 117

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

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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.

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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.

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

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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 _____.

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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