

Agenda
City of Dunnellon
Planning Commission Meeting
Tuesday, May 16, 2023 5:30 p.m.
Join Zoom

<https://dunnellon.zoom.us/j/84277575516?pwd=TzZUM3dFdERnd2lnd1FkTHBtMFptZz09>

Webinar ID: 842 7757 5516

Public Comment

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 Community Development Manager at kwyen@dunnellon.org.

For the convenience of our citizens and the public, we livestream Planning Commission meetings on Zoom and YouTube. If the livestream is interrupted or compromised due to technical or other issues, the meeting may continue as normal and will not be paused or postponed. If you wish to ensure your ability to access the meeting to provide public comment, please attend the meeting in person.

Members of the public who would like to participate are encouraged to register in advance by Noon on Tuesday, May 16, 2023. 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 PC](#)

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 9, 2023.

Public Comment:

1. Approval Of Minutes
November 15, 2022

Documents:

[November 15, 2022 Special Workshop.pdf](#)

2. Planning Officials Essential Skills Training

- Module 3: Staff Reports (30 m)
- Module 4: Comprehensive Plans (6 m)
- Module 5: Zoning/Ordinances (9 m)
- Module 6: Findings of Fact (13 m)
- Module 7: Equity in Planning (4 m)

3. Reports & Updates:

- Chairwoman D'Arville
- Commissioners
- Staff

4. 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 Special Workshop
November 15, 2022, 5:30 p.m.

Zoom

<https://dunnellon.zoom.us/j/87833564572?pwd=Zy9WZGlvOWdLOEpHWUNMODIhVGNEUT09>

Webinar ID: 878 3356 4572

Chairwoman D'Arville called the meeting to order at 5:37 p.m. and led the Pledge of Allegiance.

Roll Call

Members:

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

Staff:

Mandy Odom, City Clerk
Kelly Wyen, Community Development
Assistant

Legal Counsel:

Patrick Brackins, Shepard, Smith, Kohlmyer &
Hand, P. A

Proof of Publication

The agenda was posted on the City of Dunnellon's website and City Hall bulletin board on Tuesday, November 8, 2022.

Chairwoman D'Arville thanked the audience for their participation in the discussion of the short-term rental draft. She also advised each person wishing to speak will be given three minutes to do so.

Public Comment:

1. Discussion - Review Of Proposed Ordinance #ORD2022-05 Vacation Rentals

- i. Attorney Richard Brooks, 2740 US Hwy 1, St. Augustine, FL spoke on behalf of Viola Soffe and two other owners, giving him total speaking time of nine minutes. He stated he was there on behalf of an 18-member group. Atty. Brooks said if the Ordinance stays as written, given the extensive regulation implied, it could result in prohibition of Short Term Rentals, which is illegal. The group of 18 members he represents is of the opinion that the original draft from April would be more consistent with the generally accepted method of regulation in other areas of the State. Atty. Brooks' firm would be happy to provide a Memorandum of Law, as well as a position statement related to grounding. He stated it is the intent or expressed intent of his firm if there are not substantial changes made to the draft, his firm will take legal action in the form of a request stating more formal litigation will be pursued. He commented as written, this Ordinance sets more restrictive standards than Marion County's Ordinance with regard to distances, number of feet and sexual offender information. He stated the group he represents is in favor of safety in the community, but the Ordinance as written is potentially a prohibition on short-term rentals as we've come to understand them in the modern market. There are constitutionally protected elements in

the draft Ordinance, which restrict the ability of owners to know some of the information such as race and sexual orientation.

- ii. Andrea Proeber, 20540 E. Pennsylvania Avenue, provided statistics from the last seven days found on Stellar MLS in Marion County. Ms. Proeber stated in the last seven days, there were 2,471 homes on the market, with 185 houses listed this week alone. She said 370 of these homes were price reductions. She provided further statistics supporting a rental housing deficiency in Marion County.
- iii. Raymond Rice, 11760 Cherokee Circle, spoke to the parking discussed in the draft Ordinance. He said he owns 3.5 acres on the river and there is a lot of land vacant around him. He said his concern is what the definition of a vehicle would be, as some properties can accommodate a lot more vehicles than others. He stated the draft Ordinance seems to reference an arbitrary number, rather than considering homes with a lot more acreage than a neighborhood house would have.
- iv. Matt Wendler, 12094 Palmetto Way, said he likes to fix up distressed properties and make them nice again. He stated short-term rentals receive higher levels of maintenance. He has an issue with occupancy restrictions, parking, sexual predator identification, names of all occupants, background checks, etc. He reiterated over 30 people have organized a group, 18 of which help fund Attorney Rick Brooks' fees.
- v. Ryan Conley, 19157 St. Lawrence Drive, stated a lot of the Ordinance items are things in place already either with the City or County. He said he doesn't understand how putting a duplicate law in place will fix the issue. He stated when talking about the cap on housing, each short-term rental is different as some are large, some are small and each offer a different experience. He stated he thinks the current Ordinance is handcuffing owners of short-term rentals from doing what they need to do. He questioned if there is a law around an item already, how would an additional Ordinance fix it? He stated he feels like knee-jerk blanket statements have been placed in the Ordinance.
- vi. Amber Serena, 11426 SW Hendrix Drive, spoke of her love for Dunnellon and stated a few of her renters have chosen to buy in Dunnellon after visiting her vacation rentals. She stated she is not sure of the angle this Ordinance is trying to take and she would like to spend her time and money buying dilapidated properties and fixing them up.
- vii. David Porter, 11835 E. Blue Cove Drive, stated a short-term rental is considered a business by the State. He said the State requires a short-term rental to be licensed with the State, but there are a lot of short-term rentals not registered with the State. He commented short-term rentals should fit into the neighborhood they are in. He stated the City does not owe people anything for fixing up properties. He reiterated what others said about property size making a difference with regard to parking restrictions.

- viii. Viola Soffe, 18755 SW 60th Street, stated short-term rental guests bring revenue into the City by shopping. She shared a few positive reviews from previous guests of her short-term rental, one of which loved the area so much they bought a house nearby.
- ix. Matt Wendler, 12094 Palmetto Way, spoke again stating he thinks the initial April draft was the best version of the Ordinance which basically instructed short-term rental owners to comply with registering with the State.

Attorney Brackins reviewed a memorandum he composed to address previous requests from the Planning Commission. He stated the Ordinance was drafted to be consistent with the current City code. He said Section 18-49 (4) of Dunnellon City Code reads, *“The rental of two or more properties or units shall qualify the landlord/owner thereof as engaging in business under this section”* and thereby requires owners of two or more rental properties to obtain a business tax receipt. He proceeded to explain why sections of the draft Ordinance exist. Attorney Brackins suggested having a more official special event permit process would be a good idea for items such as block parties, etc.

Chairwoman D’Arville stated she does not believe short-term rentals should be considered a business. The Planning Commission proceeded to review and discuss changes to the draft Ordinance.

Attorney Brackins suggested edits of Items II, III, IV and V. The Planning Commission agreed with the suggested changes.

2. Reports & Updates:

Chairwoman D’Arville
Commissioners
Staff

- 3.** Chairwoman D’Arville called for a motion to adjourn at 7:01 PM. Commissioner Dunn moved to adjourn and Commissioner Walters seconded the motion.

Penned Signature of
Brenda D’Arville
Chairwoman

Penned Signature of
Kelly Wyen
Recording Secretary