

Agenda
City of Dunnellon
Planning Commission Special Workshop
Tuesday, November 15, 2022 5:30 p.m.
Join Zoom

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pwd=Zy9WZGlvOWdLOEpHWUNMODIhVGNEUT09](https://dunnellon.zoom.us/j/87833564572?pwd=Zy9WZGlvOWdLOEpHWUNMODIhVGNEUT09)
Webinar ID: 878 3356 4572

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 the Community Development Manager at gcid@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, November 15, 2022. 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, November 8, 2022.

Public Comment:

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

Documents:

[Agenda Summary_Short Term Rentals.pdf](#)
[ORD2022-05 Expanded Rental Ordinance Draft With August 10 2022](#)

2. Site Plan Review: First Baptist Church Of Dunnellon Florida Inc.
Backup to be provided.

3. Reports & Updates:

- o Chairwoman D'Arville
- o Commissioners
- o 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.

City of Dunnellon
Planning Commission Special Workshop
Agenda Summary Form

Item Number 1

Meeting Date: November 15, 2022

Responsible Dept.: Community Development **Board Action:** Review

Subject: City's Code of Ordinance Amendment, establishing Short-Term Rental Registration Requirements for Owners of Short-Term Rentals

Meeting Purpose:

To finish review of proposed Ordinance #ORD2022-05 beginning at line 394. Should the review not get completed during this meeting, another meeting will be scheduled to perform a final review of proposed changes before recommending approval to Council.

*The complete backup package will be emailed to all board members and is available electronically to the public upon request to (352) 465-8500 x1010. For printed copies, please contact the Clerk's office, (352) 465-8500, press 1. Applicable per page fees will apply.

42 **WHEREAS**, traditional lodging establishments are typically restricted to commercial and
43 other non-residentially zoned areas where intensity of use is separated from less busy and quieter
44 residential uses; and

45
46 **WHEREAS**, like many other municipalities throughout the State of Florida, the City of
47 Dunnellon wishes to impose standards both to provide for the safety and welfare of Occupants of
48 Vacation Rentals, to facilitate and enable fair and healthy economic competition between forms of
49 public lodging accommodations, and to minimize any negative impacts caused by Vacation
50 Rentals in residential areas, especially established single-family neighborhoods; and

51
52 **WHEREAS**, Vacation Rentals located within established neighborhoods may disturb the
53 quiet enjoyment of the neighborhood, lower property values, and otherwise negatively impact
54 permanent neighborhood residents; and

55
56 **WHEREAS**, Vacation Rentals may create compatibility impacts, including but not limited
57 to excess noise, on-street parking, accumulation of trash, and diminished public safety; and

58
59 **WHEREAS**, traditional lodging establishments must meet stricter development
60 requirements, undergo inspections, and meet more stringent operational and business
61 requirements; and

62
63 **WHEREAS**, a permanent residence is typically the largest investment a family will
64 make in their lifetime, with the homestead held sacred in popular culture as the heart and
65 center of the family unit; and

66
67 **WHEREAS**, permanent residents within established residential neighborhoods
68 deserve the right to tranquility and peaceful enjoyment of their home without intrusion by an
69 excessive number of transient Occupants and

70
71 **WHEREAS**, the City of Dunnellon has experienced an increase in the repurposing of
72 existing residential homes for the primary purpose of serving as Vacation Rentals; and

73
74 **WHEREAS**, Policy 3.2 of the City’s Comprehensive Plan requires the City to
75 establish standards for protection of residential areas from inconsistent uses which threaten
76 the residential quality or stability of neighborhoods; and

77
78 **WHEREAS**, the City of Dunnellon seeks to balance respect for private property rights
79 and incompatibility concerns between the investors in Vacation Rentals and the familial
80 investment in permanent residences in established residential neighborhoods through the use
81 of reasonable rules and regulations; and

82

83 **WHEREAS**, the City of Dunnellon desires Vacation Rentals that are safe, conform to the
84 character of the community, provide positive impacts for tourism, do not detract from property
85 values and achieve greater neighborhood compatibility; and

86
87 **WHEREAS**, the City’s enactment of regulations applicable to Vacation Rentals is
88 necessary to preserve the integrity of residential areas and neighborhoods and corresponding
89 property values, while also protecting the health, safety, and welfare of residents, property owners,
90 investors, transient Occupants of the City; and

91
92 **WHEREAS**, a maximum occupancy based on the number of Bedrooms is a fair and
93 proportional manner to set maximum occupancy for each dwelling unit, with an ultimate
94 maximum of sixteen (16) persons within any Vacation Rental, even if the number of
95 Bedrooms would support more than sixteen (16) persons, because any occupancy of greater
96 than sixteen (16) persons falls within a commercial classification of hotel or dormitory for the
97 purposes of the National Fire Protection Association (NFPA) 101 Life Safety Code; and

Commented [KW2]: Commission asked if someone could request an exception to this section. Atty Hand said Dunnellon does not have a waiver process, but a waiver process could be created specific to this ordinance.

98
99 **WHEREAS**, the City’s Vacation Rental regulations are intended to supplement, not
100 replace, any existing federal, state, and/or local law or regulation, or any existing controls
101 (including, but not limited to deed restrictions and/or covenants) within established residential
102 units served by homeowner or condominium associations; and

103
104 **WHEREAS**, the City’s vacation regulations contained herein neither prohibit Vacation
105 Rentals nor restrict the duration or frequency of Vacation Rentals; rather they are intended to
106 address life safety and compatibility concerns and the secondary effects of Vacation Rentals
107 located within the City and specifically within residential areas and neighborhoods; and

108
109 **WHEREAS**, these regulations are deemed necessary to preserve property values and
110 to protect the health, safety, and general welfare of permanent residents, property owners,
111 investors, transient Occupants, and visitors alike; and

112
113 **WHEREAS**, the City’s Planning Commission has determined that this Ordinance is
114 consistent with the City’s Comprehensive Plan and provided its recommendation to City Council;
115 and

116
117 **WHEREAS**, the City Council of the City of Dunnellon determines that adoption of this
118 Ordinance benefits the public health, safety and welfare of the residents and citizens of the City as
119 well as visitors to the City of Dunnellon.

120
121 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
122 Dunnellon Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks
123 (***) indicate an omission from the existing text which is intended to remain unchanged.

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

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

SECTION 2: ‘Chapter 18, Article VIII – Vacation Rentals’ of the City’s Code of Ordinances is hereby created as follows:

CHAPTER 18 – BUSINESSES.

ARTICLE VIII. – VACATION RENTALS

Sec. 18-240. Construction of Article.

This Article shall be liberally construed to accomplish its purpose of regulating Vacation Rentals, facilitating and enabling fair and healthy economic competition between forms of public lodging accommodations, protecting the residential character of the City of Dunnellon’s neighborhoods, the health, safety, and general welfare of its residents and visitors, and the quiet enjoyment by City’s residents of their residential property.

Section 18-241. Definitions.

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

Bedroom. The term “Bedroom” means any room in a Vacation Rental which has a minimum of 70 square feet, a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the Bedroom or an en-suite bathroom and is located along an exterior wall with an emergency means of escape and rescue opening to the outside, but shall not include living rooms, kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces. A Bedroom shall not constitute the only means of access to other Bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. If a room has been added, altered, or converted without any required building permit having been granted, such room shall not be deemed a Bedroom.

Commented [KW3]: Make edit to expand definition of closet to allow for a “wardrobe”

Commented [AH4]: Syncs with Fla. Stat. 381.0065

Occupant. The term “Occupant” means any person who occupies a Vacation Rental overnight.

Owner. The term "Owner" shall mean the person or entity holding legal title to the Vacation Rental property, as reflected in the Marion County Tax Collector's records.

168
169 Owner-Occupied. The term “Owner-Occupied” means the Vacation Rental is then
170 occupied by person(s), at the Vacation Rental Owner’s consent, who do not pay rent for
171 the occupancy of the Vacation Rental, when such persons are members of the family of
172 the Vacation Rental Owner.

173
174 Responsible Party. The term “Responsible party” means the Owner, or any person eighteen
175 (18) years of age or older designated by the Owner, tasked with responding to requests
176 for complaints, and other problems relating to or emanating from the Vacation Rental.
177 There shall only be one designated Responsible Party for each Vacation Rental. An
178 Owner may retain a private property management company to serve as the designated
179 Responsible Party.

180
181 Vacation Rental. A “Vacation Rental” is a dwelling unit that is also a transient public lodging
182 establishment, but is not a time share project. A transient public lodging establishment, as defined
183 by F.S. § 509.013(4)(a), as amended, is any unit which is rented out to guests more than three (3)
184 times in a calendar year for periods of less than thirty (30) days or one (1) calendar month,
185 whichever is less, or which is advertised or held out to the public as a place regularly rented to guests
186 for periods less than thirty (30) days or one (1) calendar month, whichever is less.

187
188 **Sec. 18-242 Vacation Rental General Regulations.**

189 (a) Applicability. The regulations set forth in this article shall apply to any building or structure
190 utilized as a Vacation Rental within any City zoning district.

191
192 (b) Registration and inspection.

193
194 (1) Registration required. It shall be unlawful for any person or entity to operate a Vacation
195 Rental within the corporate limits of the City without first registering the Vacation Rental
196 with the community development department in accordance with the requirements of this
197 article. All existing Vacation Rentals shall be required to be registered by January 1, 2023.

Commented [KW5]: This date will change, dependent on the timing of reviewing and passing the ordinance.

198
199 (2) Initial registration. Every Vacation Rental Owner shall first register with the City by
200 submitting to the community development department a properly completed and notarized
201 registration form, as prescribed by the City, together with a registration fee in an amount
202 established by resolution of the City council. A separate registration form shall be required
203 for each Vacation Rental. The registration form shall be accompanied by the following:

Commented [KW6]: Commission said the notary requirement seems cumbersome. Andrew said okay to change as long as it’s the same requirement for everyone. Commission then decided to use the notary requirement, which applies to those who live out of town also (since rule has to be applied to owners in and outside of town).

204
205 a. A copy of the business tax receipt issued by the City if applicable (Per Chapter 18 of
206 the City’s Code of Ordinances an Owner is required to obtain a business tax receipt if
207 owning two (2) or more rental properties);

Commented [KW7]: No business tax receipt if just one short-term rental is owned since that is the current state requirement.

208
209 b. A copy of the Florida Department of Business and Professional Regulation license as
210 a transient public lodging establishment/Vacation Rental;

211

- 212 c. A copy of the Vacation Rental's current and active certificate of registration with the
213 Florida Department of Revenue for the purpose of collecting and remitting sales taxes,
214 transient rental taxes and any other taxes required by law to be remitted, as applicable,
215 or proof that payment is arranged through a third party such as an on-line platform;
216
- 217 d. Proof of the establishment of an account with the Marion County Tax Collector for the
218 payment of applicable taxes or that payment is arranged through a third party such as
219 an on-line platform;
220
- 221 e. Copies of the postings required by subsection (c)(6) below;
222
- 223 f. A copy of a sample lease agreement;
224
- 225 g. Exterior site sketch. An exterior site sketch of the Vacation Rental property showing
226 and identifying all structures, pools, spas, fencing, docks, and uses, including areas
227 provided for off-street parking. For purposes of the sketch, parking spaces shall be
228 shown so as to enable a fixed count of the number of parking spaces provided per
229 subsection (c)(4) below. At the option of the Vacation Rental Owner, such sketch may
230 be hand drawn, and need not be professionally prepared;
231
- 232 h. Interior building sketch by floor. A building sketch by floor shall be provided, showing
233 a floor layout identifying all Bedrooms, other rooms, exits, hallways, stairways, and
234 location of fire extinguishers, smoke, and carbon monoxide detectors. At the option of
235 the Vacation Rental Owner, such sketch may be hand drawn, and need not be
236 professionally prepared; and
237
- 238 g. A completed Vacation Rental Responsible Party designation, in the format prescribed
239 by the City, which includes the information required by subsection (c)(5) below.
240
- 241 (3) Registration renewal. After a Vacation Rental is initially registered, the registration shall
242 be renewed by October 1st of each year through the execution of a renewal affidavit, in the
243 format prescribed by the City, and the payment of the renewal fee established by resolution
244 of the City council.
245
- 246 (4) Registration updates. Any changes to the information or submittals included with the initial
247 registration must be reported to the City within thirty (30) days of the occurrence of such
248 changes. Such changes include, but are not limited to:
249
- 250 a. An increase in the number of Bedrooms of the Vacation Rental.
251
- 252 b. An increase in the maximum occupancy of the Vacation Rental.
253
- 254 c. An increase or decrease in the number of parking spaces, or a change in the location of
255 parking spaces of the Vacation Rental.
256

Commented [KW8]: Commission asked purpose of this. Attorney Hand said it's for inspection purposes and compliance with occupancy and does not require anything formal.

Commented [KW9]: If changes are made to paragraph g, it could affect this paragraph.

Commented [AH10]: PC may wish to change timeframe

- 257 d. A change in ownership of the Vacation Rental.
- 258
- 259 (5) Incomplete registration/renewal. If the registration form or renewal form submitted
260 pursuant to this section is incomplete, the registrant shall be informed of such deficiency
261 and shall have ten (10) days to correct the deficiency.
- 262
- 263 (6) Outstanding code violations. The City shall not process any Vacation Rental registration
264 or renewal if the property has unresolved code violations or code enforcement liens.
- 265
- 266 (7) Inspection. Inspection by the City to verify compliance with the requirements of the article
267 may be required subsequent to initial registration with the City and annually after each
268 renewal. The Owner shall allow the City to inspect the Vacation Rental within twenty
269 (20) days after the City notifies the Owner or Responsible Party that the City is ready to
270 conduct an inspection. Non-compliance with the requirements of this article discovered
271 during any inspection shall be treated as a violation of the City Code and be processed in
272 accordance with Section 18-243 below. Additionally, failure to allow the City to inspect
273 the Vacation Rental within the time period specified herein shall constitute a separate
274 violation of the City Code and be processed in accordance with Section 18-243 below.
- 275
- 276 (8) Evidence of Vacation Rental operation. Advertising, listing, or posting a property on the
277 internet, utilizing any mass communication medium or in any publication as being
278 available for use as a Vacation Rental creates a rebuttable presumption that the Owner or
279 operator is utilizing the property as a Vacation Rental. Nothing set forth herein precludes
280 the City from presenting other forms of evidence of Vacation Rental operation.
- 281
- 282 (9) False information. It shall be unlawful for any person to give any false or misleading
283 information in connection with the requirements and obligations set forth in this article.
- 284
- 285 (10) Waiver/estoppel. A Vacation Rental registration shall not be construed to establish
286 any vested rights or entitle the registered Vacation Rental to any rights under the
287 theory of estoppel. A Vacation Rental registration shall not be construed as a waiver
288 of any other requirements contained within the City's code or Comprehensive Plan
289 and is not an approval of any other code requirement outside this Article. The
290 registration of a Vacation Rental is not an approval of a use or activity that would
291 otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire
292 Code or Life Safety Code, or in violation of the City Code or Comprehensive Plan.
- 293
- 294 (c) Vacation rental standards. No person or entity shall operate a Vacation Rental within the City
295 unless such Vacation Rental complies with the following standards:
- 296
- 297 (1) Minimum life/safety requirements:
- 298
- 299 a. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply
300 with the current standards of the Residential Swimming Pool Safety Act, as set forth in
301 F.S. ch. 515.

Commented [AH11]: PC may wish to change timeframe.

Commented [KW12]: Commission wants to make the timelines more consistent, instead of 20 days here, 45 days there...

Commented [KW13]: Commission discussed the length of time for inspections. 20 day notice. Applies to registration renewals and registrations.

302
303 b. Smoke and carbon monoxide (CO) detection and notification system. If an
304 interconnected and hard-wired smoke and carbon monoxide (CO) detection and
305 notification system is not in place within the Vacation Rental, then one (1) such system
306 shall be required to be installed and maintained on a continuing basis consistent with
307 the requirements of Section R314, Smoke Alarms, and Section R315, Carbon
308 Monoxide Alarms, of the Florida Building Code-Residential.

Commented [AH14]: PC edit to include battery operated system - (10 year battery)

309
310 c. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher
311 shall be installed, inspected and maintained in accordance with NFPA 10 on each
312 floor/level of the dwelling unit. The extinguisher(s) shall be installed on the wall in an
313 open common area or in an enclosed space with appropriate markings visibly showing
314 the location.

Commented [KW15]: Commission questioned if it must be mounted on a wall. Attorney Hand said it does not have to be mounted, but signage must be visible indicating location.

315
316 ~~d. Battery powered emergency lighting of primary exit. Battery powered emergency~~
317 ~~lighting which provides illumination automatically in the event of any interruption of~~
318 ~~normal lighting shall be provided for a period of not less than one (1) hour to illuminate~~
319 ~~the primary exit.~~

Commented [AH16]: PC indicated this provision should be removed.

320
321 e. Emergency egress and maintenance. Halls, entrances and stairways within a Vacation
322 Rental shall be clean and ventilated. Hall and stair runners shall be kept in good
323 condition. Rails shall be installed on all stairways and around all porches and steps.

Commented [AH17]: Rails under PC consideration.

324
325 f. ~~Landline telephone. Each Vacation Rental shall have at least one landline telephone~~
326 ~~with the ability to call 911.~~

Commented [AH18]: PC indicated this provision should be removed.

327
328 (2) Maximum occupancy. The maximum occupancy restrictions set forth below shall not apply
329 when the property is Owner-Occupied by the Vacation Rental Owner. Maximum
330 occupancy of a Vacation Rental shall not exceed **the lesser of:**

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331
332 a. Two (2) **adult** persons per Bedroom plus two (2) additional **adult** persons; **or ~~or~~**

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333
334 b. Sixteen (16) persons, **including minor children.**

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335
336 (3) Lease requirements. There shall be a written or online lease, rental, tenant, or other
337 recorded agreement memorializing each Vacation Rental tenancy between the Owner or
338 Responsible Party and the Occupant(s). The City reserves the right to request and receive
339 a copy of any Vacation Rental lease or rental agreement from the Owner or Responsible
340 Party at any time. The agreement shall, at a minimum, contain the following information:

341
342 a. The maximum number of Occupants for the unit as specified in subsection (2) above;

343
344 b. The number of parking spaces associated with the Vacation Rental unit, if applicable,
345 and the location of such spaces;

- 346
- 347 c. The names and ages of all persons who will be occupying the unit as well as the names
348 and ages of all occupants' guests; (refer to financially responsible party physically
349 present, include # & names of occupants). Note on FL Statute 509.101. To further
350 discuss with Council.
- 351
- 352 d. The dates of such occupancy;
- 353
- 354 e. A statement that all Occupants must evacuate from the Vacation Rental following any
355 evacuation order issued by local, state, or federal authorities;
- 356
- 357 f. A statement that the subletting of the unit is prohibited;
- 358
- 359 g. A statement that the unit shall not be used for any commercial or non-residential use,
360 including use of the property as a party, event, or entertainment venue or social hall;
361 and (clean up language for clarity, example: block party)
- 362
- 363 h. A copy of a document to be supplied by the City which includes excerpts from City
364 of Dunnellon ordinance provisions of general application relevant to Vacation Rentals
365 to include solid waste pick-up regulations, regulations related to Rainbow River rules
366 (including State Laws regarding alligators and wildlife), and the City of Dunnellon's
367 Noise Ordinance as a lease addendum. The City will make available to Vacation
368 Rental Owners and Responsible Party a copy of such document in digital format
369 upon request, and the City will post such document on its website.

370

371 (4) Parking. All Occupants of and visitors to a Vacation Rental must abide by all applicable
372 parking regulations and park only in designated and/or approved areas.

373

374 ~~a. If the Vacation Rental is a single family home or duplex, Occupants and visitors~~
375 ~~may only park vehicles on driveways, in garages or carports, and/or on approved,~~
376 ~~stabilized parking areas (consisting of space that is covered and graded by semi-~~
377 ~~permeable or impervious materials such as asphalt, concrete, pavers, gravel or similar~~
378 ~~material) on the Vacation Rental property.~~

- 379
- 380 a. The number of automobiles that may be parked at a Vacation Rental outside of a
381 carport attached to the primary residential structure or garage shall be limited to one
382 (1) automobile per Bedroom, plus one (1), not to exceed a total of five (5)
383 automobiles. (unless the vacation rental exceeds the (# of automobiles parked at a
384 vacation rental limited to 1 auto per bedroom +1/refer to Code of Ordinances on
385 Parking)
- 386 b. If the Vacation Rental is a single-family home or duplex, Occupants and visitors may
387 only park vehicles on driveways, in garages or carports, and/or on approved, stabilized
388 parking areas (or designated parking area) consisting of space that is covered and

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389 graded by semi-permeable or impervious materials such as asphalt, concrete, pavers,
390 gravel or similar material) on the Vacation Rental property,

391 b.
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393

394 (5) Vacation Rental Responsible Party. Each Vacation Rental must designate a Responsible
395 Party to respond to routine inspections as well as non-routine complaints and any other
396 problems related to the operation of the Vacation Rental. The property Owner may serve
397 in this capacity or shall otherwise designate another person eighteen (18) years or older to
398 perform the following duties:

399 a. Be available by telephone at the listed phone number twenty-four (24) hours per day,
400 seven (7) days per week and be capable of handling any issues relating to the operation
401 of the Vacation Rental;

402 b. If required, be willing and able to come to the Vacation Rental within two (2) hours
403 following notification from an Occupant, the Owner, or the City to address any issues
404 relating to the operation of the Vacation Rental;

405 c. Maintain a record of all lease or rental agreements for the Vacation Rental;

406 d. Receive service of any legal notice on behalf of the Owners for violation of the
407 requirements set forth in this article;

408 e. Maintain for three years a log of all bookings of the Vacation Rental. The log
409 shall only be required to contain the booking date of each rental, the number of
410 Occupants on each booking date, and the license tag number(s) for all vehicles
411 that the Occupant(s) will be parking at the unit. The log shall be available for
412 inspection by the city to determine compliance with this article. Nothing herein
413 shall be construed to require the provision of any other information in the log
414 including any personal information of the Occupants;

415 f. Otherwise monitor the Vacation Rental to ensure compliance with the requirements set
416 forth in this article; and

417 (6) Minimum Vacation Rental information required postings. The Vacation Rental shall be
418 posted with the following information, either on the back of or next to the main entrance
419 door or on the refrigerator:

420 a. The name, address, and telephone number of the Vacation Rental Responsible Party;

421 b. The maximum occupancy of the unit;
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bullets or numbering

- 432 c. A notification that all garbage or trash must be placed in a garbage or trash can or other
433 approved garbage receptacle and that all recyclables must be placed in approved
434 recyclable containers;
- 435
- 436 d. The days and time of trash pickup;
- 437
- 438 e. The location of the nearest hospital;
- 439
- 440 f. The location of designated parking spaces/areas, if applicable and the maximum
441 number of vehicles that can be parked onsite; and
- 442
- 443 g. For units located within multi-family buildings more than two (2) stories in height, a
444 building evacuation map (at least eight and one-half (8½) inches by eleven (11) inches)
445 shall be posted on or next to the interior portion of the front door.
- 446
- 447 h. A copy of the latest version of the document referenced within subsection (c)(3)(i)
448 herein (the document supplied by the City which includes excerpts from City of
449 Dunnellon ordinance provisions of general application relevant to Vacation Rentals
450 including solid waste pick-up regulations, regulations related to Rainbow River rules
451 (including State Laws regarding alligators and wildlife), and the City of Dunnellon's
452 Noise Ordinance.

453
454 (7) Additional use restrictions.

- 455
- 456 a. Subletting of Vacation Rentals is prohibited.
- 457
- 458 e. Vacation rental units shall not be used or advertised for any commercial or non-
459 residential use, including use of the property as a party, event, or entertainment venue
460 or social hall.
- 461
- 462 f. Vacation rentals must comply with all regulations, standards, and requirements set forth
463 in the City Code of Ordinances.

464

465 (d) Advertising. A Vacation Rental Owner shall include the City of Dunnellon Vacation Rental
466 registration number of the Vacation Rental unit in all advertising of the availability of
467 accommodations for the Vacation Rental unit. Advertising includes, but is not limited to print,
468 radio, television, video, online, social media, and sharing economy platform.

469

470 (e) Sexual offenders & human trafficking.

471

472 (1) Sexual offenders must register. In addition to general compliance with all federal,
473 state, county, and local laws, it is the affirmative duty and responsibility of the
474 Vacation Rental Owner and Responsible Party, individually and collectively, to
475 ensure that sexual offenders, as defined by state law, register with the Marion

476 County Sheriff's Office ("MCSO"), in accordance with state law, as may be
477 amended from time to time.

478
479 (2) Notification of sexual offender status. Prior to the time of check-in, the Vacation
480 Rental Owner or Responsible Party shall inquire if any Vacation Rental
481 Occupant is a sexual offender, as defined by state law, as well as conduct free
482 internet searches on all prospective occupants and guests over the age of
483 eighteen (18) years in order to identify sexual offender status on both the Florida
484 Department of Law Enforcement Sexual Offenders and Predators Search
485 Website and the United State Department of Justice's National Sex Offender
486 Website at the following web locations:

487 <https://offender.fdle.state.fl.us/offender/sops/offenderSearch.jsf>

488 <https://www.nsopw.gov/>

489 If any Vacation Rental Occupant is a sexual offender as defined by state law,
490 the Vacation Rental Owner, Vacation Rental Responsible Party, or both shall
491 notify MCSO and the City of Dunnellon Police Department within twenty-
492 four (24) hours of being informed.

493
494 (3) Proximity prohibitions. It is unlawful to rent any Vacation Rental to a sexual
495 offender as defined by state law if the Vacation Rental is located within two
496 thousand five hundred (2,500) feet of any school day care center, park, playground,
497 or other place where children regularly congregate.

Commented [AH19]: Updated per Chief's request.

498
499 (4) Human trafficking. It is unlawful for any Vacation Rental Owner or Responsible
500 Party to allow human trafficking activity within the Vacation Rental if such
501 Owner or Responsible Party knew or should have known that the Vacation
502 Rental was to be used for human trafficking purposes.

503
504 (5) Non-compliance. In addition to other remedies identified in Section 18-243 below, a
505 Vacation Rental Owner's failure to comply with the provisions of this subsection (e)
506 shall subject the Owner to revocation of the Vacation Rental permit.

507
508 **Sec. 18-243 Violations/Remedies and Enforcement.**

509
510 (1) Violations. Non-compliance with any provision of this article shall constitute a violation
511 of the City Code of Ordinances and each day the violation exists shall constitute a separate
512 and distinct violation.

513
514 (2) Remedies and enforcement. Any violations of this Article may be prosecuted and shall be
515 punishable as provided for in Section 1-12 of the Code of Ordinances or through any other
516 manner authorized by law, including, but not limited to, injunctive relief.

517
518 **Sec. 18-244 Vesting.**

520 (a) Existing, legally-established Vacation Rentals in operation prior to the effective date of this
521 ordinance may become vested in the ways described below, provided they are otherwise in
522 compliance with all other requirements contained herein. To qualify for vesting, an existing
523 Vacation Rental shall have until **January 1, 2023** to make full and complete application for a
524 Vacation Rental registration certificate and until **April 30, 2023** to receive a Vacation Rental
525 registration certificate in compliance with this section. All vesting determinations shall be
526 made administratively by the city clerk, community development director, or designee.

527
528 (1) Rental agreement vesting. It is recognized that there may exist rental or lease agreement(s)
529 for Vacation Rentals upon the effective date of this ordinance which may not be in
530 compliance with the terms of this article. Rental agreements entered into prior to the
531 effective date of this ordinance shall be considered vested. All such fully executed rental
532 agreements shall be attached to the initial application for Vacation Rental registration
533 certificate. No special vesting process or fee shall be required to obtain this vesting benefit
534 other than demonstrating eligibility through the Vacation Rental registration certificate
535 application process and providing copies of such rental or lease agreement(s).

536
537 (2) Temporary vesting of certain safety requirements. Some existing Vacation Rentals may
538 not meet the minimum life/safety requirements as required in Sec. 18-242(c)(1). Correcting
539 these measures may take some time to secure a licensed contractor, obtain the necessary
540 permits, and complete the work. All Vacation Rentals shall have six (6) months from the
541 effective date of [the ordinance from which this article derives], or **April 30, 2023**,
542 whichever is later, to comply with the physical changes required. No special vesting
543 process or fee shall be required to obtain this vesting benefit other than demonstrating
544 eligibility through the Vacation Rental registration certificate application process.

545
546 (b) A vested use shall not transfer to a subsequent Owner. A vested use is not transferrable to
547 another Vacation Rental. Subsequent Owners must make application and comply with the
548 requirements of this section.

549
550 (c) If a vested use ceases for a period of six (6) months, then the vesting shall be considered to
551 have lapsed and the Vacation Rental will be subject to all Vacation Rental requirements as if
552 a new application.

553
554 **Sec. 18-245 Appeal.**

555
556 Appeal. Any person adversely affected by an administrative interpretation of the city clerk,
557 community development manager, or designee may appeal that interpretation to the City Council
558 by filing a written notice of appeal of said interpretation within ten (10) calendar days of said
559 interpretation. The City Council shall hear and decide said appeal at its next available regular
560 meeting date.

561
562 **SECTION 3. CONFLICTS.** In any case where a provision of this Ordinance is found to be in
563 conflict with a provision of any other ordinance of this City, the provision which establishes the

564 higher standards for the promotion and protection of the health and safety of the people shall
565 prevail.

566
567 **SECTION 4. SEVERABILITY.** If any section, subsection, sentence, phrase, word, or portion of
568 this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall
569 not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
570 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or
571 unconstitutional.

572
573 **SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and
574 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
575 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
576 "Ordinance," or similar words, may be changed to "Section," "Article," or other appropriate word.
577 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

578
579 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on _____,
580 2022.

581
582 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the first reading
583 on the ____ day of _____ 2022.

584
585 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the second and
586 final reading on the ____ day of _____ 2022.

587
588 Ordinance Posted on the City's website on _____, 2022. Public hearing advertised on the
589 City's website on _____ and advertised in the Riverland News on _____.

590
591
592
593 _____
594 William P. White, Mayor

595
596 _____
597 Amanda L. Odom, CMC
598 City Clerk

599
600 Approved as to Form:
601
602 _____
603 Andrew J. Hand, City Attorney

604
605
606 **CERTIFICATE OF POSTING**
607

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

611

612 _____

613 Amanda L. Odom, CMC

614 City Clerk