



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Robert J. Bradshaw, City Manager
THROUGH: Rebecca Grohall, AICP, Planning Manager
FROM: Kori Benton, Senior Planner
SUBJECT: Short-term Rentals; Dwelling & Vacation Rentals
Section 22-3. Definitions & Section 22-22. Allowed uses.
DATE: September 4, 2015

The Planning and Code Enforcement staff identified an error with the adoption of Ordinance L-295, as it relates to short term rental of dwelling units. Ordinance L-295 relocated all of the permitted and conditional uses for all of the zoning districts into a single, combined Use Table; however the transcription of regulation for “Dwelling Rentals” was not accurately carried forward.

Prior to the adoption of Ordinance L-295, the City of Fort Pierce Code of Ordinances granted the opportunity for Conditional Use application for such dwelling rentals within the E-3, R-1, R-2, R-3, R-4, R-4A, and R-5 zoning districts. As presented, approval of the Use Table within Ordinance L-295, restricted consideration to only the R-1 & R-2 zoning districts, seemingly in error. These actions regarding dwelling/vacation rentals within Ordinance L-295, adopted by the City Commission on November 4, 2013, are void as a conflict with general law as it relates to regulations governing short dwelling rentals. The conflict of this action is specifically related to 509.032 of the Florida Statutes, which effectively limits the regulatory authority of municipalities with regards to the subject use, for restrictions in place, or adopted, prior to June, 1st, 2011.

In reviewing the matter further, it has been opined by the City Attorney that the effective Land Development regulation, by the City of Fort Pierce, of short-term rentals that existed prior to June 1, 2011, is valid, and L-295 as it appears in regard to Dwelling rentals is invalidated. Thereby, dwelling rentals may be pursued as Conditional Use in the E-3, R-1, R-2, R-3, R-4, R-4A, and R-5 zoning districts as follows:

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5
Overnight Accommodations									
-Bed & Breakfast	-	-	-	-	-	-	C	C	C
-Dwelling Rental	-	-	C	C	C	C	C	C	C
-Hotel/Motel	-	-	-	-	-	-	-	-	-
-Recreational Vehicle Park	-	-	-	-	-	-	-	-	-
-Resort Hotel	-	-	-	-	-	-	-	-	-

Impending Applications

The Planning Department is in receipt of two (2) applications for Conditional Use to utilize established single-family homes, within the R-2, Single-Family Intermediate Density zone, as vacation rentals. The applications are

currently engaged with the Technical Review Committee and are scheduled to be reviewed by the Planning Board at their October meeting. Consideration of location, length of stay, and potential impacts (i.e. parking, noise, etc.) to the surrounding neighborhood will be reviewed and incorporated in the analysis by Staff. The City Commission has the final consideration of such applications.