



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

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COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

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TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

SUBJECT: Dwelling Rentals  
Proposed Zoning Code Amendment

DATE: December 3, 2015

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### Local Regulation

The City of Fort Pierce Commission in 2001 and 2002 adopted Ordinance K-114 and K-148, respectively, based upon citizen concerns over the rental of single-family homes as transient lodging on a short term basis. The action further sought to provide clarity and parameters for dwelling units, while allowing the capacity for property owners of various zoning districts to pursue Conditional Use approval to rent dwelling units for less than six (6) months. The amendments, collectively, required application and approval of a Conditional Use to rent dwelling units for less than six (6) months in the E-3, R-1, R-2, R-3, R-4, R-4A, and R-5 zoning districts.

In reviewing meeting minutes from both the Planning Board and City Commission, it is suggested that the intent of the regulations was not to require Conditional Use for short term rental of condominium units or multi-family structures, but specifically limit the short term rental of single-family homes. The regulations adopted, and further amended by the enactment of South Beach Overlay and "Use Table", did not provide exceptions or exclusions for condominiums such as Ocean Village, or multifamily properties. In many instances, vacation rentals exist within condominium developments with internal restrictions, management, and enforcement to minimize conflicts between transient lodging and non-transient residences. The implementation of appropriate guidelines for short-term rentals in multifamily districts limit, and in many instances eliminate, complaints garnered by the City due to the use.

### Discussion & Proposed Amendment

Staff is proposing an amendment to the City Code to account for special conditions and unique circumstances of controlled communities. The amendment would provide the City Commission the opportunity to consider Conditional Use applications, in multifamily districts, applicable to an entire controlled access, gated, or deed restricted community with a homeowner's or condominium association which expressly regulates or manages dwelling rentals.

An owner or agent of individual dwelling rentals within a comprehensively approved community will still be required to obtain an annual business tax license prior to operating a vacation rental. Dwelling rentals located in a multifamily district, but not within a controlled access, gated, or deed restricted

community with a homeowner's or condominium association, which has obtained a master approval, shall apply for an individual conditional use application to seek authorization for the subject location. Any such proposal is encouraged to provide 24-hour supervision, parking restrictions, and the provision of guidelines to ensure compliance with City Code.

The City Commission may further consider requiring an inspection by the Building Department on an annually or biennially to ensure each rental is in compliance with local and state building and safety codes.

The Planning Department intends to coordinate with the St. Lucie County Realtors Association, Chamber of Commerce, Tourist Development Council, and other pertinent community organizations to garner input regarding any proposed changes to the City's regulation of short term rentals.

### Alternatives

- Entertain a complete exemption for condominiums and controlled communities, within multifamily zoning districts, which maintain collective regulations, safeguards, and internal enforcement of vacation rentals.
- Consider the designation of a defined "Vacation Rental Overlay District" to encompass appropriate segments of multifamily and tourist oriented commercial zoning districts which have access to suitable infrastructure and are adequately separated from low-density residential districts.

### Tourist Development Tax

St. Lucie County, in 1991, authorized a Tourist Development Tax to be imposed on rentals or leases of accommodations in hotels, motels, apartments, rooming houses, mobile home parks, RV parks, condominiums, or timeshare resorts for terms of six months or less. The current tax rate is 5%, collected concurrently with the state sales tax of 6%, both of which are intended to be captured from any of the public accommodations noted.

St. Lucie County's Tourist Development Council (TDC) is represented by local elected officials, hospitality professionals and tourism-related community members. The tourist tax collected by St. Lucie County is presently allocated in the following manner:

- First & Second Cents- Operation and maintenance of Tradition Field
- Third Cent- Promote tourism
- Fourth Cent- Pay debt service on bonds used to finance the reconstruction and renovation of Tradition Field
- Fifth Cent- 67 percent of the 5th cent tax is allocated to pay debt service on bonds issued to finance the renovation and reconstruction of Tradition Field. The remaining 33 percent of the 5th cent tax is allocated for capital facilities that promote tourism located north of Midway Road.

Data regarding the distribution of tax collected by various geographic segments of St. Lucie County was not readily available, however it's noted that an increase in collection from licensing and ensuring the

capture of the required tax from accommodations in Fort Pierce may facilitate additional funding for tourist related infrastructure and marketing for the City of Fort Pierce, and St. Lucie County as a whole.

**Recommendation**

It is recommended that the City Commission direct staff to prepare an amendment to the City of Fort Pierce ordinances pertaining to dwelling rentals in multifamily districts which provides the capacity to consider Conditional Use approval for entire condominium developments, controlled access, or deed restricted communities within such districts. The Planning Department will formulate a draft ordinance and report for review by the Technical Review Committee and recommendation by the City’s Planning Board prior to consideration of adoption by the City Commission.

The prospective amendment will:

- 1) Amend the Use Table codified to accurately reflect the classifications in place prior to the 2011 adoption of F.S.S. 509.032, which effectively limits the regulatory authority of municipalities with regards to the subject use, providing acceptance of some longstanding restrictions in place, or adopted,

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP
<b>Overnight Accommodations</b>																
-Bed & Breakfast	-	-	-	-	-	-	C	C	C	-	P	P	P	P	-	-
-Dwelling Rental	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	-
-Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C
-Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-
-Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-

- 2) Incorporate provisions into the Land Development Code which provide consideration of Conditional Use authorization, of Dwelling Rentals, for an entire controlled access, gated, or deed restricted community with a homeowner’s or condominium association, within a multifamily district (R-4, R-4A, & R-5), which expressly regulates or manages dwelling rentals.