

# CITY OF FORT PIERCE

## CONFERENCE AGENDA

Conference Agenda Meeting - Monday, December 14, 2015 - 8:30 a.m.

City Hall - Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
  - A. Update on the restoration of the Lincoln Theater - Margaret Benton
  - B. Consideration of the sale of mixed performance mortgage loans - Director of Finance
  - C. Vacation Rentals - Zoning regulations and prospective amendment - Planning Manager
  - D. Discussion of Fishing Activities along Melody Lane - City Engineer
  - E. Unattended Dogs - Discussion of the current ordinance and any proposed amendments - Code Compliance Manager
  - F. Discussion on capping Code Enforcement fines/liens - Code Compliance Manager
  - G. Discussion on CPTED (Crime Prevention Through Environmental Design) resolution - Code Compliance Manager
5. **Adjournment**

**City Commission Conference Agenda**

**Agenda Item # 4. A.**

**Meeting Date:** 12/14/2015

**Re:** Lincoln Theater Update

**Submitted For:** Nick Mimms, Interim City Manager, City Manager

---

**SUBJECT:**

Update on the restoration of the Lincoln Theater - Margaret Benton

---

**Form Review**

**Inbox**

City Manager

City Manager

Form Started By: Jennifer Robinson

**Reviewed By**

**Date**

Started On: 12/02/2015 04:55 PM

**City Commission Conference Agenda**

**Agenda Item # 4. B.**

**Meeting Date:** 12/14/2015

**Re:** Consideration of the Sale of Mixed Mortgage Loans

**Submitted For:** Nick Mimms, Interim City Manager, City Manager

---

**SUBJECT:**

Consideration of the sale of mixed performance mortgage loans - Director of Finance

**SUMMARY:**

The City of Fort Pierce requested bids from qualified financial institutions for the sale of its portfolio through RFP No. 2015-054, Sale of Mixed Performance Mortgage Loans. The portfolio consists of fourteen (14) mixed performance mortgage loans which are all first mortgage loans secured by residential collateral.

The mortgage loans totaled \$1,722,000 when originally issued with a remaining balance of \$1,571,404.81 at the time that the RFP was issued. Harbor Community Bank submitted a bid proposal in the amount of \$729,300.00 for the purchase of all 14 loans. This equates to 46.4% of the current loan balance.

**RECOMMENDATION:**

Discussion to determine the direction for the Sale of Mixed Mortgage Loans to Community Harbor Bank.

**ALTERNATIVES:**

Not to proceed with the Sale of Mixed Performance Mortgage Loans.

**RESPONSIBLE STAFF:**

Johnna Morris, Finance Director

**COORDINATED WITH:**

Nicholas Mimms, Interim City Manager  
Purchasing Department

---

**Fiscal Impact**

**Budgeted Y/N:** N  
**Fiscal Year:** 2016  
**Account:** NA  
**Amount:** NA

**OTHER INFORMATION:**

No fiscal impact at this time.

---

**Attachments**

Sale of Mixed Performance Mortgage Loans Worksheet  
Letter from F. Fee Including Bid from Harbor Community Bank

---

**Form Review**

**Inbox**

Stop has been removed  
Finance Department  
Finance Department  
City Manager  
Form Started By: Angela Wilkinson

**Reviewed By**

Jennifer Robinson  
Johnna Morris  
Johnna Morris

**Date**

12/08/2015 10:07 AM  
12/08/2015 12:36 PM  
12/08/2015 12:36 PM  
  
Started On: 12/07/2015 04:32 PM

**First Mortgages Loan Information for Sale  
as of 8-5-15**

Property #	Owner	Original Loan Date	Original Loan Amount	Interest Rate	Current Loan Balance	Market Value (Current)*	Assessed Value (Current)*	Maturity Date	Monthly Principal Payment	Days Delinquent
1	[REDACTED]	5/21/2009	\$ 105,000.00	2.00%	\$ 106,929.79	\$ 82,500.00	\$ 82,500.00	6/15/2045 **	\$ 225.31	0
2	[REDACTED]	5/26/2009	115,000.00	2.00%	101,266.69	94,200.00	93,482.00	6/15/2045 **	212.53	0
3	[REDACTED]	5/27/2009	115,000.00	2.00%	118,207.61	93,900.00	93,177.00	6/15/2045 **	248.94	0
4	[REDACTED]	5/20/2009	\$ 110,000.00	2.00%	\$ 101,728.41	\$ 86,700.00	\$ 86,700.00	7/20/2039	\$ 241.98	90+ days
5	[REDACTED]	5/21/2009	120,000.00	2.00%	100,799.81	97,300.00	96,527.00	7/21/2039	274.34	0-29 days
6	[REDACTED]	5/22/2009	105,000.00	2.00%	86,527.25	82,400.00	82,400.00	7/22/2039	240.45	0
7	[REDACTED]	5/20/2009	\$ 110,000.00	2.00%	\$ 92,646.69	\$ 94,400.00	\$ 93,583.00	7/20/2039	\$ 251.91	0

First Mortgages Loan Information for Sale  
as of 8-5-15

Property #	Owner	Original Loan Date	Original Loan Amount	Interest Rate	Current Loan Balance	Market Value (Current)*	Assessed Value (Current)*	Maturity Date	Monthly Principal Payment	Days Delinquent
8	[REDACTED]	5/21/2009	112,000.00	2.00%	94,723.73	92,800.00	92,162.00	7/21/2039	255.67	0
9	[REDACTED]	5/20/2009	115,000.00	2.00%	97,021.02	97,900.00	97,136.00	7/20/2039	212.53	0
10	[REDACTED]	5/20/2009	\$ 110,000.00	2.00%	\$ 117,817.61	\$ 86,600.00	\$ 86,600.00	7/20/1939	\$ 227.58	90+ days
11	[REDACTED]	5/20/2009	110,000.00	2.00%	95,335.93	94,300.00	93,482.00	7/20/1939	249.26	90+ days
12	[REDACTED]	5/20/2009	112,000.00	2.00%	94,490.17	92,600.00	91,959.00	7/20/1939	256.49	0
13	[REDACTED]	8/21/2008	133,000.00	1.00%	106,577.49	60,500.00	55,948.00	9/21/2038	338.99	0
14	[REDACTED]	8/21/2008	250,000.00	1.00%	257,332.61	129,800.00	128,702.00	9/21/2038	601.47	90+ days
<b>Grand Total</b>			<b>\$ 1,722,000.00</b>		<b>\$ 1,571,404.81</b>	<b>\$ 1,285,900.00</b>	<b>\$ 1,274,358.00</b>			

\* As appraised  
by property  
appraiser

\*\* Loan  
Modified  
07/2015

**FEE, DeROSS & FEE, P.L.**

ATTORNEYS AT LAW

*SINCE 1905*

FRANK H. FEE, III  
FRANK H. FEE, IV  
JOSEPH J. DeROSS, JR., P.A.

426 AVENUE A  
FORT PIERCE, FLORIDA 34950

FRED FEE (1888-1939)  
FRANK FEE (1913-1983)

TELEPHONE  
(772) 461-5020

*POPPELL HOUSE*  
*A Designated Historic Property*

TELECOPIER  
(772) 468-8461

Writer's Email  
ffee@feederossfee.com

October 14, 2015

Procurement Department  
City of Fort Pierce  
100 North U S. Highway 1  
Fort Pierce, FL 34950

Re: Bid/Sale of Mixed Performance Loans  
Bid. No. 2015-054

Ladies and Gentlemen:

I am business counsel to Harbor Community Bank. As such, I am pleased to enclose the bid response form and other documents required to formally bid on the above, whole loans. The bid amount of my client is \$729,300.00.

The bid of Harbor Community Bank is subject to the following conditions or contingencies:

1. The bid is extended on an "all or nothing" basis, i.e., the bid is for all loans and does not consider a piecemeal sale.
2. Satisfactory review of the credit files and documents for adequacy and enforceability.

My client is a knowledgeable mortgage lender, and is positioned to close on its bid and to receive transfer of the loans for its own administration within a short time of the acceptance of its bid. As counsel, we will seek to expedite completion of the accepted bid.

Respectfully,



Frank H. Fee, III

FHF:cs  
Enclosure



# BID RESPONSE FORM



Bid Item	SALE OF MIXED PERFORMANCE MORTGAG LOANS		
Bid Number	2015-053	Due Date & Time	OCTOBER 15, 2015, 3:00 PM

The offerer agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

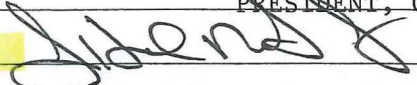
LOAN NUMBER	TOTAL	
1	\$ 54,600	
2	\$ 51,600	
3	\$ 55,700	
4	\$ 47,500	
5	\$ 56,500	
6	\$ 48,900	
7	\$ 51,900	
8	\$ 52,900	
9	\$ 50,200	
10	\$ 48,600	
11	\$ 47,500	
12	\$ 52,900	
13	\$ 37,500	
14	\$ 73,000	TOTAL \$729,300

Do you have a local Branch?  Yes  No. If yes how many? 9

Please list the address of a local branch: 200 S. INDIAN RIVER DR., FORT PIERCE 34950

Typed Name J. HAL ROBERTS, JR.

Title PRESIDENT, COO

Signature  Date 10/14/15

Address 200 S. INDIAN RIVER DRIVE, SUITE 200

City, State, Zip Code FORT PIERCE, FL 34950

Email Address HALROBERTS@HARBORCB.COM

Telephone # 772-409-2272 Fax # 772-489-9560

Harbor Community Bank  
 City of Ft. Pierce loan bid list  
 October 15, 2015

Property #	Owner	Address	Original Loan Date	Original Loan Amount	Interest Rate	Current Balance	Assumed Appraisal Amount	Tax Assessed Fair Value	Days Delinquent	Taxes 2014	Loan Balance	5.375% Interest Rate Discount	Credit Discount	8% YTM Risk Premium	Appraisal Adj. 50% minimum	Total Discount	Bid Amount (Rounded)	Bid % of Current Balance	IRR with full performance
1	[REDACTED]	308 N 13th Street	05/21/2009	105,000	2.00%	106,930	95,000	82,500		1,020 Paid	106,930	(35,700)	(11,930)	(4,700)	-	(52,330)	54,600	51.1%	8.00%
2	[REDACTED]	15 N 12th Street	05/26/2009	115,000	2.00%	101,267	95,000	94,200		1,289 Paid	101,267	(33,800)	(6,267)	(9,600)		(49,667)	51,600	51.0%	8.01%
3	[REDACTED]	14 N 13th Street	05/27/2009	115,000	2.00%	118,208	95,000	93,900		1,281 Paid	118,208	(39,300)	(23,208)	-		(62,508)	55,700	47.1%	8.88%
4	[REDACTED]	105 N 12th Street	05/20/2009	110,000	2.00%	101,728	95,000	86,700	90+ days	1,123 Paid	101,728	(32,000)	(6,728)	(17,100)	1,600	(54,228)	47,500	46.7%	9.99%
5	[REDACTED]	120 N 13th Street	05/21/2009	120,000	2.00%	100,800	110,000	97,300		1,364 Paid	100,800	(32,000)	(2,016)	(10,300)		(44,316)	56,500	56.1%	8.00%
6	[REDACTED]	121 N 12th Street	05/22/2009	105,000	2.00%	86,527	95,000	82,400		1,018 Paid	86,527	(24,900)	(1,731)	(11,000)		(37,631)	48,900	56.5%	7.99%
7	[REDACTED]	111 N 12th Street	05/20/2009	110,000	2.00%	92,647	95,000	94,400		1,292 Paid	92,647	(27,000)	(1,853)	(11,900)		(40,753)	51,900	56.0%	8.00%
8	[REDACTED]	109 N 12th Street	05/21/2009	112,000	2.00%	94,724	95,000	92,800		1,257 Paid	94,724	(27,800)	(1,894)	(12,100)		(41,794)	52,900	55.8%	8.00%
9	[REDACTED]	114 N 13th Street	05/20/2009	115,000	2.00%	97,021	95,000	97,900		1,366 Paid	97,021	(31,700)	(2,021)	(13,100)		(46,821)	50,200	51.7%	8.01%
10	[REDACTED]	117 N 12th Street	05/20/2009	110,000	2.00%	117,818	95,000	86,600	90+ days	1,121 Paid	117,818	(41,000)	(22,818)	(5,400)		(69,218)	48,600	41.3%	10.00%
11	[REDACTED]	113 N 12th Street	05/20/2009	110,000	2.00%	95,336	95,000	94,300	90+ days	1,289 Paid	95,336	(28,400)	(336)	(21,800)	2,700	(47,836)	47,500	49.8%	10.00%
12	[REDACTED]	118 N 13th Street	05/20/2009	112,000	2.00%	94,490	95,000	92,600		1,252 Paid	94,490	(27,600)	(1,890)	(12,100)		(41,590)	52,900	56.0%	8.01%
13	[REDACTED]	153-A Phosson Lane	08/21/2008	133,000	1.00%	106,577	75,000	60,500		683 Paid	106,577	(38,400)	(31,577)	-	900	(69,077)	37,500	35.2%	13.40%
14	[REDACTED]	[REDACTED]	08/21/2008	250,000	1.00%	257,333	146,000	129,800	90+ days	2,175 Paid	257,333	(110,000)	(111,333)	-	37,000	(184,333)	73,000	28.4%	27.19%
Total											1,571,405	(529,600)	(225,601)	(129,100)	42,200	(842,101)	729,300	46.4%	

**City Commission Conference Agenda**

**Agenda Item # 4. C.**

**Meeting Date:** 12/14/2015

**Re:** Vacation Rentals

**Submitted For:** Rebecca Grohall, Planning & Zoning Manager, Planning & Zoning

---

**SUBJECT:**

Vacation Rentals - Zoning regulations and prospective amendment - Planning Manager

---

**Attachments**

Staff Analysis

Existing Regulations

Dwelling Rental - COFP Ordinance History & Progression

South Beach Association - Letter Regarding Vacation Rentals

St. Lucie County Local Option Tourist Development Tax

SLC Tax Collector Notice to Rental Property Owners

Example Dwelling Rental Guideline Brochure

---

**Form Review**

**Inbox**

Stop has been removed

City Manager

City Manager

Form Started By: Jennifer Robinson

**Reviewed By**

Rebecca Grohall

**Date**

12/07/2015 04:54 PM

Started On: 11/06/2015 01:49 PM



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

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

---

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

---

### 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.

# Dwelling Rentals—Existing Regulations

**Definition: Dwelling rental:** One or more rooms connected together in a building, constituting a separate, independent housekeeping establishment, other than a motel/hotel, for purposes of rental on a daily, weekly or longer basis, though less than what is otherwise provided for a dwelling, physically separated from any other rooms or dwelling units which may be in the building, and containing sleeping and sanitary facilities and one kitchen.

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	-	-	-	-	-	-	-
–Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C
–Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-
–Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-

*Conditional Use:* The purpose of the conditional use process is to allow, when desirable, uses that would not be appropriate generally or without restriction throughout the particular zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience and the general welfare.

## Downtown Business & Entertainment and Edgartown Settlement Districts

**Vacation Rentals are Permitted within these districts as follows:**

**Vacation rental:** A detached dwelling or apartment within a building of residential building typology which is rented out for the purposes of providing accommodations for less than six (6) months to tourists.

### Use standards.

1. A separate entrance shall be provided for each unit to the exterior or to an interior, secure common area.
2. A business license shall be required for each vacation rental unit.
3. Such units shall be managed by either 1) a Florida-licensed property management agent or 2) the owner-occupant residing in another unit, and shall collect and pay all applicable taxes.
4. Current contact information for the management agency or owner-occupant shall be displayed in an accessible location outside the vacation rental.

ORDINANCE NO. K-114

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE; AMENDING SECTION 22-3; AMENDING DEFINITION OF "DWELLING" SO AS TO EXCLUDE RENTALS FOR DESIGNATED PERIOD; PROVIDING DEFINITION FOR "DWELLING RENTAL"; AMENDING SECTION 22-24; PROVIDING FOR DWELLING RENTAL AS CONDITIONAL USE; AMENDING SECTION 22-25; PROVIDING FOR DWELLING RENTAL AS CONDITIONAL USE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

**SECTION 1.** Section 22-3 is hereby amended as follows:

*Dwelling (Dwelling Unit):* One or more rooms connected together in a building, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental ~~on a weekly~~ for six months or longer in R-1 or R-2 residential zones, or longer basis physically separated from any other rooms or dwelling units which may be in the building, and containing sleeping and sanitary facilities and one kitchen.

*Dwelling Rental (Dwelling Unit):* One or more rooms connected together in a building, constituting a separate, independent housekeeping establishment, other than a motel/hotel, for purposes of rental on a daily, weekly or longer basis, though less than what is otherwise provided for a dwelling, physically separated from any other rooms or dwelling units which may be in the building, and containing sleeping and sanitary facilities and one kitchen.

**SECTION 2.** Section 22-24 [single-family low density zone (R-1)] is hereby amended with the creation of Section 22-24(c)(5) as follows:

(c) Conditional uses permitted. The following uses and their accessory uses are permitted in an R-1 zone if the City Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to subsections (b) and (e) of this section, additional zoning ordinance provisions and other City laws:

(5) Dwelling rentals.

Ordinance No. K-114

SECTION 3. Section 22-25 [single-family intermediate density zone (R-2)] is hereby amended with the creation of Section 22-25(c)(7) as follows:

(c) Conditional uses permitted. The following uses and their accessory uses are permitted in an R-2 zone if the City Commission, after a public hearing, determines that the location and development plans comply with applicable standards referred to in subsections (d) and (e) of this section. Additional zoning ordinance provisions and other City laws:

(7) Dwelling rentals.

SECTION 4. All ordinances and or parts thereof in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 5. This ordinance is and the same shall become effective immediately upon final passage hereof.

STATE OF FLORIDA)  
ST. LUCIE COUNTY)<sup>SS</sup>

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. K-114 was duly advertised by title only in the Fort Pierce Tribune on September 17, 2001 and by display ad in the Fort Pierce Tribune on September 24, 2001 and on October 8, 2001; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on October 1, 2001; and was duly introduced, read by title only, and passed on second and final reading on October 15, 2001, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HERewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 16th day of October, 2001.

  
\_\_\_\_\_  
MAYOR COMMISSIONER

  
\_\_\_\_\_  
CITY CLERK

(CITY SEAL)

**MINUTES OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, MARCH 12, 2002 IN THE CITY HALL FIRST FLOOR CONFERENCE ROOM, 100 N. U.S. #1, FORT PIERCE, FLORIDA**

**Agenda Item #8 - Discussions/Reports**

**Ordinance K114 - "Dwelling Rentals"**

Ms. Gates stated that this Ordinance came before the Board at the last meeting and that it was tabled. Mr. Walker then stated that the Board originally adopted an ordinance providing that as to low density residential areas, single family residences could be rented out for less than six months only where that was approved as a conditional use. That particular ordinance did not address higher density residential areas such as medium and high density. This ordinance is intended to supplement that so as to provide essentially across the board in residential areas from low to high that houses cannot be rented for short term periods for less than 6 months unless approved as a conditional use.

Ms. Gates stated that this was discussed at the last meeting and these were the requests made by the Board, for Mr. Walker to redraft this, which he has done.

Mr. Becht apologized to Mr. Walker for not being up to speed on this matter. He thought that when this was discussed originally, we had people coming in and they were talking about the abuse of a single family residence in a single family residential neighborhood. Mr. Becht stated that at that time he had a problem with it being applied to the condominiums on the beach which are multi family, and they are rented and we need them to be rented for less than six months without the headache of conditional uses. Does this amendment capture the condominiums? Mr. Walker then stated that no it does not. This applies basically to houses, single family residences. Mr. Becht then asked if it would capture a duplex? Mr. Walker's answer was no. It has to a single family residence.

Mr. Knott's question concerning the ordinance was concerning number before each number of dwelling units, is that the section that is being modified in the ordinance? Mr. Walker stated that is the twelfth use which is designated as a conditional use for example. Mr. Knott then stated that even though it says high density residential areas, it doesn't pertain to any sort of multi-family housing, or rentals of this nature correct? Mr. Walker stated that is correct it refers only to single family.

Ms. Brenner's remarks were directed at Mr. Walker. She said that Mr. Walker stated at the last meeting that we may have adopted an anomaly. Mr. Walker stated that is correct. Ms. Brenner wanted to know how this amendment answer this anomaly. Mr. Walker stated that where the Board left off with the original ordinance was that short term rentals of houses was permissible in a low density area on a conditional use basis. But it was inadvertently omitted as a conditional use in the other higher density areas so that ironically, the rental would be permissible in a low

density area as a conditional use but not in a higher density area. Ms. Brenner stated that is what she understood.

There was no further discussion on this item.

MOTION WAS MADE BY MR. KNOTT TO APPROVE THE ORDINANCE AS SUBMITTED. Seconded by Mr. Poitier. Unanimously approved by roll call vote.

11

## MEMORANDUM

**TO** : Ramon Trias, Director of Planning

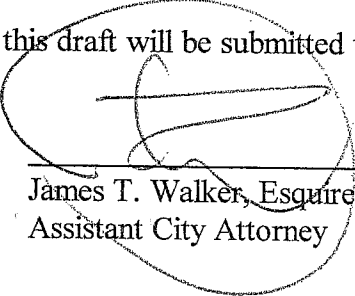
**FROM** : James T. Walker, Esquire, Assistant City Attorney

**SUBJECT** : **Amendments to Dwelling Rentals Ordinance**

**DATE** : February 14, 2002

---

At the Planning Board's request, a draft ordinance is prepared and is enclosed here so as to provide for dwelling rentals as an additional permitted conditional use in moderate, medium and high density residential areas as well as the Hutchinson Island medium density area. The purpose of this draft proposal is to finish work begun with Ordinance K-114. Please let me know of any staff comment. Otherwise, it is anticipated that this draft will be submitted to the Planning Board at its next meeting.



---

James T. Walker, Esquire  
Assistant City Attorney

JTW/eml

cc: John T. Brennan, Esq., City Attorney  
Robert V. Schwerer, Esq., Asst. City Attorney

ORDINANCE NO. K-148

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING SECTIONS 22-26(c)(10), 22-27(c)(12), 22-27.1(c)(6), AND 22-28(c)(12); PROVIDING FOR DWELLING RENTALS AS CONDITIONAL USES IN MODERATE DENSITY, MEDIUM DENSITY, HIGH DENSITY RESIDENTIAL AREAS AND HUTCHINSON ISLAND MEDIUM DENSITY RESIDENTIAL AREAS; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

**SECTION 1.** Section 22-26(c)(10) (Single family moderate density zone) is hereby created so as to provide for the following as an additional, permitted conditional use:

(10) Dwelling rentals.

**SECTION 2.** Section 22-27(c)(12) (medium density residential zone) is hereby created so as to provide for the following additional, permitted conditional use:

(12) Dwelling rentals.

**SECTION 3.** Section 22-27.1(c)(6) (Hutchinson Island medium density residential zone) is hereby created so as to provide for the following additional, permitted conditional use:

(6) Dwelling rentals.

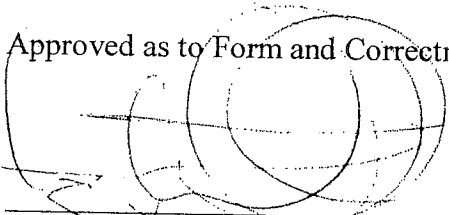
**SECTION 4.** Section 22-28(c)(12) (high density residential zone) is hereby created so as to provide for the following additional, permitted conditional use:

(12) Dwelling rentals.

**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 6.** This Ordinance is and the same shall become effective immediately upon final passage hereof.

Approved as to Form and Correctness:

  
James F. Walker, Esquire  
Assistant City Attorney

## Discussions/Reports

### Ordinance K-114 - "Dwelling Rentals"

Mr. Walker stated that we may have adopted an anomaly. He wanted to bring it to the Board's attention and get some guidance from the Board on how to proceed in terms of conforming the code with the intent. "If the Board will recall, we had a concern come up some few months back where a single family house on the beach was being used for weekly even daily rentals. That was permissible under the code because a dwelling unit could be rented out for any period of time. So upon motion of Tom Knott, it was moved that the definition of a dwelling be changed to allow for rentals of periods of 6 months or longer but not less than 6 months. We split out a separate definition for rentals for lesser periods of time as conditional uses. That meant that if you wanted a short term rental situation you had to come to the Board for a Conditional Use. All of the attention at that time was focused on the zone that was at issue and that was single family low density. The ordinance that was adopted did not address the other zones, moderate density, medium density and high density. The definition of dwelling applies to all residential zones. What that means that in no residential zone can you rent a single family residence for less than 6 months. But the Conditional Use for a rental was only put in R-2, the low density zone. What that means that in the low density zone you can ask for a short term rental on a Conditional Use but you can't do that in a high density residential area. The rules for rentals ironically, for single family dwellings are much more restrictive for the high density, because you can't even ask for a Conditional Use approval for a short term rental that you can in a lower density R2 area. I need to know how this is to be handled if at all", stated Mr. Walker. Mr. Bergman wanted to know what would be an easy fix for this problem. Mr. Walker stated that there are policy questions about where you want to go with this. If the idea of a short term rental is not offensive in a higher density area then we could limit the six month requirement to the same as the lower density. Or we can make the Conditional Use process uniform across the board for all residential areas including high density so that no one can rent a single family residence for a week or two weeks or a month in any residential area without Conditional Use approval. There are several ways to go with this." Mr. Bergman wanted to know if the Conditional Use would keep them from renting it out for the short term. There are still going to be people who are going to do it regardless of whether there is Conditional Use or not. Mr. Walker stated that there are enforcement concerns over every part of the code. That is an enforcement issue. We are addressing a legislative issue. Mr. Nunn stated that he thought that issue had been addressed and that everyone agreed that would be a possibility. But usually what happens when someone is concerned with this is that it's a neighbor who is concerned. They bring it to the City's attention. That's the main way of enforcing it. Then Code Enforcement gets involved. Where before they could bring it to their attention but there wasn't much that could be done about it. This ordinance was supposed to make it so that the City could actually enforce this. Mr. Nunn felt the thing to do would be just to open the Conditional Use up to all residential zones. Then you won't be limiting them. He felt that this was limited accidentally, they just weren't considered when we discussed this before. Mr. Walker stated that there were one of two things that he could do. He can either draft an ordinance bringing it back to the

Planning Board next month, which adds short term rentals as Conditional Uses to each of the other higher density residential zones. Or, the Board can simply recommend that an ordinance to such effect be submitted to the Commission without further review. It all depends on whether you want to review the actual draft or not. Mr. Bergman stated that he thought it wouldn't be necessary to review because Mr. Walker himself brought up the inconsistency that was in this ordinance. He didn't think anyone else would have picked up on it. I don't necessarily think we need to review it. Ms. Brenner stated that she had read the ordinance several times through and that she still doesn't understand it. Section 22-3 it talks about the dwelling, dwelling unit. Then the next paragraph it has some things struck through and underlined. Then it has dwelling unit in the next paragraph, everything is underlined and she wasn't sure whether it all ran together or if one thing change for the other. If she wanted to rent a room of her house to someone, would that be included in this ordinance, like a bed and breakfast, or like a rooming house such as a college student? Mr. Walker stated that he wasn't sure if it would apply in that situation. The acid test would be whether or not the code enforcement people brought a charge, and what the Code Enforcement Board thought of it. That would be the acid test and in looking at the definition, it says one or more rooms, but there is a second requirement, that it constitute an independent housekeeping establishment for a family. It seems to him that in your hypothetical, you are not describing a situation where you have an independent housekeeping establishment with that room. Mr. Walker stated that he thought this definition might not apply to that one room rental situation described by Ms. Brenner. Ms. Brenner stated that there would be trouble with the Code Enforcement Board because code states that two or more unrelated people living in a single family dwelling is in code violation. Will this mesh with the Code Enforcement Board or will there be problems with it? Ms. Brenner stated that suppose she had 5 rooms and she rented each of those rooms out to individuals, then what. Mr. Walker stated that then you would have a boarding house situation. That might be a problem. Ms. Brenner stated that she finds the Ordinance confusing. She is concerned that it might conflict with the Code Enforcement Board. Mr. Walker stated that if the Board wants to see a draft Ordinance at the next meeting he would provide one. If they do not then he would solicit a motion instructing Staff to submit an Ordinance directly to the Commission amending the Code by adding dwelling units as permitted Conditional Uses to Sections 22-26, 22-27, and 22-28 as the recommendation of the Board.

**MOTION WAS MADE BY MS. BRENNER TO HAVE THE DRAFT BROUGHT BACK BEFORE THE BOARD FOR RECOMMENDATION TO THE COMMISSION.**

**Seconded by Mr. Poitier.** Motion was approved by unanimous voice vote.

**Consideration of Absences:** Mr. Bergman asked what the Board wished to do concerning the absences. Board decided to wait until the next meeting and have the absent members explain their absences.

Ms. Brenner stated that she at the last meeting she raised the concern about why Congressman Graham did not address the Port issue for security. She stated that she spoke with someone

earlier today who was in a news conference that he conducted in which he talked about the Port extensively. But it didn't make any of the newspapers. Mr. Nunn stated that they had actually been talking about all of the Ports. He stated that he thought he thought they were letting the States handle things individually.

At this point Site Plan Review checklists were passed around to all members present. Mr. Nunn stated that he wanted the Board members to look it over and maybe put it in with their materials that they bring to each meeting. He stated that it gives the Board something to work with as far as what to look for when Site Plans are submitted. This is something that has been talked about for two years, what we should and shouldn't have according to Mr. Nunn. He stated that he didn't know if everyone knew exactly what is supposed to be included. He stated that there were things that he thought should be included, but he had been corrected on that were not supposed to be included at this point. He felt it would be a good thing if the Board members were to bring this with them to all of the meetings and start to use it.

Meeting was adjourned at 8:32 p.m.

Mayor Enns declared a Public Hearing on Ordinance No. K-114 in session and asked if anyone in the audience wished to be heard.

**Mr. Richard Bancroft**, 1667 Thumb Point Drive, said he has been there for 24 years. What happened next to him is probably the reason this is before them tonight. In October the house next to him sold, a private residence, to a couple who turned it into weekly rentals. They also bought another second home in the neighborhood and turned that into weekly rentals. He is opposed to this for several reasons. Number one, it changes the character of a private residence. The neighborhood was all single family dwelling. Now they don't know who is going to be next to them from one week to the next. There are people walking around they don't know if they belong there or not. The second reason is there is no regulation for health or proper business practices. A couple of weeks ago a renter came to his house asking if they knew how to get in touch with the owners. There were two different groups that had rented the same house for the same week, so they didn't know how to resolve the problem. The phone numbers they had been given were unanswered. She told him the pool is green, they have dirty linens, and the houses haven't been cleaned.

Mayor Enns said let him interrupt. Mr. Bancroft has stated he is opposed to it. He thinks what this ordinance is trying to do is to prevent what is happening.

Mr. Bancroft said yes. He is opposed to the practice of what is going on, but he is for the ordinance. He wants to be very clear about that because it has been a long fight.

Mayor Enns said they are glad to have someone here for something they are doing right.

Mr. Bancroft said the third reason is there are already areas that are zoned for motel and hotels that are regulated by the proper authorities which are paying their dues and taxes and whatever it covers. They don't need competition from operations like what is going on here now. His passed a petition throughout the neighborhood and it went throughout South Beach. Without exception, everybody they asked to sign it was against that type of operation. They brought it before the Code Enforcement Board. They were very good in handling it but they were limited by the zoning as it is. So the South Beach Property Association would urge them to pass this zoning change as it is being proposed.

**Mr. Clive Daem** said he is a board member of the South Beach Property Association; and speaking for them, they would like to see this amendment passed. As the owner of the Dockside Harborlight Inn Resort and as an owner and operator of a hotel, he reiterates the gentleman preceding him, his feeling about this competition. They pay taxes according to the use of their property. There is a sales tax question here. Any properties under six months are considered transient rentals and are obliged to pay sales tax as well as the bed tax. And he is pretty sure these rentals are not doing that.

Seeing no one further need hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Motion was made by Commissioner Benton, seconded by Commissioner Bryan, that Ordinance No. K-114 be passed on first reading.

Ordinance No. K-114 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE; AMENDING SECTION 22-3; AMENDING DEFINITION OF "DWELLING" SO AS TO EXCLUDE RENTALS FOR DESIGNATED PERIOD; PROVIDING DEFINITION FOR "DWELLING RENTAL"; AMENDING SECTION 22-24; PROVIDING FOR DWELLING RENTAL AS CONDITIONAL USE; AMENDING SECTION 22-25; PROVIDING FOR DWELLING RENTAL AS CONDITIONAL USE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Enns declared a Public Hearing on Ordinance No. K-114 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Motion was made by Commissioner Sessions, seconded by Commissioner Bryan, that Ordinance No. K-114 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-114 on second and final reading were: Commissioners Benton, Bryan, Nelson, Sessions, and Enns. Those opposed: None.

-----  
Ordinance No. K-115 entitled, "AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, PROVIDING FOR AND CLARIFYING MINIMUM **FEES FOR BUILDING INSPECTIONS** INCIDENT TO THE ISSUANCE OF OCCUPATIONAL LICENSES; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Enns declared a Public Hearing on Ordinance No. K-115 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Motion was made by Commissioner Benton, seconded by Commissioner Bryan, that Ordinance No. K-115 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-115 on second and final reading were: Commissioners Benton, Bryan, Sessions, and Enns. Those opposed: Commissioner Nelson.

-----  
Ordinance No. K-116 entitled, "AN ORDINANCE AMENDING THE CITY CHARTER, SECTION 14(2) ENTITLED "**BORROW MONEY**", PROVIDING FOR AN INCREASED DEBT LIMIT NOT EXCEEDING TWENTY-TWO MILLION DOLLARS (\$22,000,000); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Enns declared a Public Hearing on Ordinance No. K-116 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Commissioner Sessions asked someone mentioned it last meeting, but at any rate, what is the objective insofar as an increase? He thinks they had an objective in terms of acquiring bonds.

ORDINANCE NO. K-148

2002

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE; FLORIDA; CREATING SECTIONS 22-26(c)(10), 22-27(c)(12), 22-27.1(c)(6), AND 22-28(c)(12); PROVIDING FOR DWELLING RENTALS AS CONDITIONAL USES IN MODERATE DENSITY, MEDIUM DENSITY, HIGH DENSITY RESIDENTIAL AREAS AND HUTCHINSON ISLAND MEDIUM DENSITY RESIDENTIAL AREAS; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

**SECTION 1.** Section 22-26(c)(10) (Single family moderate density zone) is hereby created so as to provide for the following as an additional, permitted conditional use:

(10) Dwelling rentals.

**SECTION 2.** Section 22-27(c)(12) (Medium density residential zone) is hereby created so as to provide for the following additional, permitted conditional use:

(12) Dwelling rentals.

**SECTION 3.** Section 22-27.1(c)(6) (Hutchinson Island medium density residential zone) is hereby created so as to provide for the following additional, permitted conditional use:

(6) Dwelling rentals.

**SECTION 4.** Section 22-28(c)(12) (High density residential zone) is hereby created so as to provide for the following additional, permitted conditional use:

(12) Dwelling rentals.

**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 6.** This Ordinance is and the same shall become effective immediately upon final passage hereof.

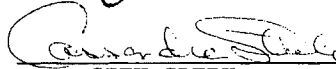
STATE OF FLORIDA)  
ST. LUCIE COUNTY) <sup>SS</sup>

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. K-148 was duly advertised in accordance with F.S. 166.041(3)(c)(2) in the Fort Pierce Tribune on March 22, 2002 and on April 6, 2002; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on April 1, 2002; and was duly introduced, read by title only, and passed on second and final reading on April 15, 2002, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 16th day of April, 2002.



\_\_\_\_\_  
MAYOR COMMISSIONER



\_\_\_\_\_  
CITY CLERK

(CITY SEAL)

Those voting in favor of the passage of Ordinance No. K-147 on second and final reading were: Commissioners Alexander, Benton, Nelson, and Enns. Those opposed: Commissioner Coke.

-----  
Ordinance No. K-148 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING SECTIONS 22-26(c)(10), 22-27(c)(12), 22-27.1(c)(6), and 22-28(c)(12); PROVIDING FOR **DWELLING RENTALS** AS CONDITIONAL USES IN MODERATE DENSITY, MEDIUM DENSITY, HIGH DENSITY RESIDENTIAL AREAS AND HUTCHINSON ISLAND MEDIUM DENSITY RESIDENTIAL AREAS; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Enns declared a Public Hearing on Ordinance No. K-148 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Motion was made by Commissioner Benton, seconded by Commissioner Coke, that Ordinance No. K-148 be passed on first reading.

Those voting in favor of the passage of Ordinance No. K-148 on first reading were: Commissioners Alexander, Benton, Coke, Nelson, and Enns. Those opposed: None.

-----  
Ordinance No. K-149 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING SECTION 22-31(c)(16); PROVIDING FOR CERTAIN **INDUSTRIAL USES** AS PERMITTED CONDITIONAL USES IN **GENERAL COMMERCIAL ZONE** (C-3); REPEALING ORDINANCES AND PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only.

Mayor Enns declared a Public Hearing on Ordinance No. K-149 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Mayor Enns asked do they have a staff recommendation on that?

Mr. Ramon Trias, Director of Development, said staff recommends approval and also the Planning Board recommended approval.

Commissioner Benton said he has some concerns in a couple of areas on this one. That would be Section 22-34(b)(6) allowing wholesale trade, warehouses and distribution establishments, including trucking and railroad terminals and also Section 22-34(b)(7) allowing bulk storage yards, including bulk storage of flammable liquids and other hazardous materials and so on. He would like to see those two left out. He doesn't feel it should be in a commercial area.

Mr. Trias said they can change and tailor the language as they choose. He thinks the intent of this amendment was to allow for some expanded use in C-3, but not for every possible industrial use. Clearly that was the intent. They thought the easiest way to address this was to say the uses allowed under light industrial could be a conditional use because the conditional use process allows the Commission to say "yes" or "no". However, if he feels it has to be more detail, they could definitely re-write it.

overall they will have at complete build out about 25,000 to 26,000 square feet.

Seeing no one further and hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Mayor Enns asked what was the recommendation of Planning Board and staff?

Ms. Clark said the recommendation from Staff and Planning Board was for approval.

Motion was made by Commissioner Benton, seconded by Commissioner Alexander, to approve Site Plan submitted for St. Lucie Habitat for Humanity retail building on the north side of Okeechobee Road, east of South 31st Street.

Those voting in favor of the motion were: Commissioners Alexander, Benton, Coke, Nelson, and Enns. Those opposed: None.

-----  
Ordinance No. K-148 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING SECTIONS 22-26(c)(10), 22-27(c)(12), 22-27.1(c)(6), and 22-28(c)(12); PROVIDING FOR **DWELLING RENTALS** AS CONDITIONAL USES IN MODERATE DENSITY, MEDIUM DENSITY, HIGH DENSITY RESIDENTIAL AREAS AND HUTCHINSON ISLAND MEDIUM DENSITY RESIDENTIAL AREAS; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading and read by title only.

Mayor Enns declared a Public Hearing on Ordinance No. K-148 in session and asked if anyone in the audience wished to be heard.

**Ms. Karen Bancroft** said she just wanted a more thorough explanation on this. She thought this was already approved in October that if somebody did want to rent they could go before - she does not know who they go before exactly - but get a conditional approval.

Mayor Enns said the first reading was two weeks ago and was passed. They have to have two readings. When this one is completed tonight then the ordinance will be in effect and it will require conditional use for rental.

Ms. Bancroft asked this is put before somebody and are the neighbors notified? What happens with this?

Mayor Enns asked can Ms. Clark answer the question of notification and who the conditional use goes before?

Ms. Wendy Clark, Planning Coordinator, said the conditional use is an application that would be filed through the Planning Department and that would require notification of surrounding property owners within 500 feet. The actual ordinance, it is her understanding there is no public notification other than an ad in the newspaper. Is that correct?

City Clerk Steele said there is a legal ad in the newspaper.

Ms. Bancroft said if two neighbors say they don't want this, then what happens?

Mayor Enns declared a Public Hearing on Ordinance No. K-114 in session and asked if anyone in the audience wished to be heard.

**Mr. Richard Bancroft**, 1667 Thumb Point Drive, said he has been there for 24 years. What happened next to him is probably the reason this is before them tonight. In October the house next to him sold, a private residence, to a couple who turned it into weekly rentals. They also bought another second home in the neighborhood and turned that into weekly rentals. He is opposed to this for several reasons. Number one, it changes the character of a private residence. The neighborhood was all single family dwelling. Now they don't know who is going to be next to them from one week to the next. There are people walking around they don't know if they belong there or not. The second reason is there is no regulation for health or proper business practices. A couple of weeks ago a renter came to his house asking if they knew how to get in touch with the owners. There were two different groups that had rented the same house for the same week, so they didn't know how to resolve the problem. The phone numbers they had been given were unanswered. She told him the pool is green, they have dirty linens, and the houses haven't been cleaned.

Mayor Enns said let him interrupt. Mr. Bancroft has stated he is opposed to it. He thinks what this ordinance is trying to do is to prevent what is happening.

Mr. Bancroft said yes. He is opposed to the practice of what is going on, but he is for the ordinance. He wants to be very clear about that because it has been a long fight.

Mayor Enns said they are glad to have someone here for something they are doing right.

Mr. Bancroft said the third reason is there are already areas that are zoned for motel and hotels that are regulated by the proper authorities which are paying their dues and taxes and whatever it covers. They don't need competition from operations like what is going on here now. His passed a petition throughout the neighborhood and it went throughout South Beach. Without exception, everybody they asked to sign it was against that type of operation. They brought it before the Code Enforcement Board. They were very good in handling it but they were limited by the zoning as it is. So the South Beach Property Association would urge them to pass this zoning change as it is being proposed.

**Mr. Clive Daem** said he is a board member of the South Beach Property Association; and speaking for them, they would like to see this amendment passed. As the owner of the Dockside Harborlight Inn Resort and as an owner and operator of a hotel, he reiterates the gentleman preceding him, his feeling about this competition. They pay taxes according to the use of their property. There is a sales tax question here. Any properties under six months are considered transient rentals and are obliged to pay sales tax as well as the bed tax. And he is pretty sure these rentals are not doing that.

Seeing no one further and hearing no one wishing to be heard, Mayor Enns declared the Public Hearing closed.

Motion was made by Commissioner Benton, seconded by Commissioner Bryan, that Ordinance No. K-114 be passed on first reading.



(2) Delineation of the District.

The South Beach Overlay District includes all parcels designated in the shaded area as indicated in Figure 1. The boundary of the South Beach Overlay District shall be deemed to automatically adjust pursuant to any annexation approval on South Hutchinson Island.

(3) District Regulations.

a. Density.

1. Residential

Residential density shall be based on the requirements of the underlying zoning district except that in no instance shall residential density in the South Beach Overlay District exceed 8 units per acre.

2. Non- Residential

Non-residential density shall be based on the requirements of the underlying zoning district.

3. Mixed Use

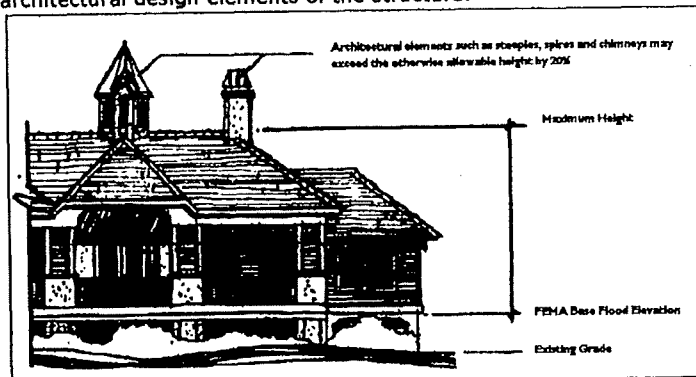
The residential component of a Mixed Use development shall not exceed 8 units per acre. The non-residential component of a Mixed Use development shall be based on the requirements of the underlying zoning district while factoring the affect and impacts of the residential component on the site.

b. Height.

	OS-1	R-1	R-2	R-3	R-4A	C-3	C-5
<b>Maximum Height</b>							
- Single family	-	28'	28'	28'	45'	-	-
- Duplex	-	-	-	28'	45'	-	-
- Triplex	-	-	-	-	45'	-	-
- Quadraplex	-	-	-	-	45'	-	-
- Multifamily	-	-	-	-	45'	45'	45'
- Other	35'	28'	28'	28'	45'	45'	45'
1. Maximum Height may be extended up to 35' in the R-1, R-2 and R-3 zoning districts subject to Conditional Use approval. 2. No habitable space is permitted above the Maximum Height specified in the zoning district.							
<b>Not to Exceed</b>							
- Single family	-	-	-	-	-	-	-
- Duplex	-	-	-	-	-	-	-
- Triplex	-	-	-	-	-	-	-
- Quadraplex	-	-	-	-	-	-	-
- Multifamily	-	-	-	-	4 stories	4 stories	4 stories
- Other	-	-	-	-	4 stories	4 stories	4 stories

c. Calculation of Height.

- Maximum structure height shall be calculated from the established FEMA Base Flood Elevation to the highest point of the roof excluding non-habitable architectural design elements of the structure.



2. The height of fences shall be measured from preconstruction grade.

d. Height in Excess of Maximum

1. Equipment including, but not limited to, satellite dishes and heating and air conditioning equipment may be installed on top of buildings provided that the equipment is screened from horizontal view.
2. Non-habitable architectural elements that contribute stylistically to the building including, but not limited to, bulkheads, parapet walls, false fronts, cupolas, steeples, spires, and chimneys may exceed the maximum height requirement by 20 percent.

e. Design Standards.

	Standards
1. Single-Family Residential	None.
2. Multifamily and Non-Residential	<ol style="list-style-type: none"><li>a) Architectural integrity and compatibility with nearby existing buildings both on- and off-site shall be demonstrated. Architectural considerations shall include building siting, massing, proportion, scale, materials, colors, details, façade treatments, fenestration, parapets, site features, lighting and signage. The openness of ground floor facades and view corridors which face pedestrian utilized roadways, circulation routes or waterways shall be maximized to promote pedestrian activity and increase visibility of activity from the interior of the buildings.</li><li>b) The form of buildings and its architectural details should be designed to create visual interest at the street level using techniques such as incorporating porches, staggering the frontage of the buildings, recessing doors and windows, providing display windows, providing awnings and canopies for weather protection and scale, and visually extending interior spaces outside through paving and glazing.</li><li>c) Site and architectural design features shall substantially advance design standards reflected in local precedents or regional buildings. These may include traditional Mediterranean, Key West, Mission, Prairie, Streamlined Art Deco or Mid-Century Modern architecture or other appropriate architectural design compatible with the Florida tropical climate. Materials and colors should be selected to unify the building appearance and fit into the pedestrian realm.</li><li>d) Development along the City's waterfront shall maximize opportunities for public access to the water and facilitate connectivity with adjoining waterfront properties to establish an improved public promenade.</li></ol>

f. Nonconforming Situations.

Nonconforming uses and structures that have been damaged or destroyed by natural disaster or other catastrophic event, i.e., fire or other calamity, may be replaced or reconstructed provided that:

1. The significance of the property owner's hardship is more compelling than, and reasonably overbalances, the public benefit resulting from not allowing the use or structure to be reestablished.
2. Replacement or reconstruction of the use or structure is compatible with the character of the neighborhood and will not jeopardize future development of the area in compliance with the provisions and intent of the City's Land Development Regulations.
3. The value of properties in the vicinity of the replacement or reconstruction will not be adversely affected;
4. No expansion of gross floor area occurs;
5. The degree of nonconformity is not increased;
6. The replacement structure is in compliance with the City's adopted Building Code, Coastal Construction Control Line and FEMA regulations; and
7. A Building permit is issued within 24 months after the date of destruction and the construction is diligently pursued to completion.

g. Supplemental Use Regulations.

1. Condominium Hotels.

a. General Requirements.

- i. Condo-hotel facilities shall be created, sold and maintained under documentation, including condominium declaration, bylaws, sales brochures, and pre-construction agreements, with form and content approved by the City Attorney, which adequately disclose and ensure that the condo-hotel facility will, in all respects, be permanently and exclusively operated as a transient accommodations facility and will not be occupied as a multi-family dwelling.
- ii. Condo-hotel facilities must be permanently dedicated in their entirety to the complete control and management of a single hotel or resort hotel operator for operation as a transient accommodations facility.
- iii. Condo-hotel facilities shall contain no dwelling units. Only individual sleeping units that are permanently dedicated for rental to the general public for transient occupancy for periods of less than 28 days on a fulltime basis by the hotel or resort hotel operator shall be permitted; provided, however, that an owner of an individual sleeping unit in a condo-hotel may be permitted to occupy the owned sleeping unit without rental charge for up to 28 days in any calendar year.
- iv. Condo-hotel sleeping units shall not be used for homesteading purposes or home occupational licensing, time share or fractional interests.
- v. Condo-hotel facilities shall be licensed by all applicable state and local agencies that license traditional motels, hotels and/or resort hotels prior to the issuance of any Certificate of Occupancy. All required licenses must be kept current.
- vi. Rental of condo-hotel sleeping units shall be subject to all applicable state and local tourist tax collections.
- vii. Condo-hotel facilities shall be served by singly metered utility services and with a central telephone system and central cable television system installed in all individual sleeping units.
- viii. Individual sleeping units shall not contain any lockable storage closet or cabinet unless access to such closet or cabinet is automatically and uniformly provided to each member of the public who rents the sleeping unit.
- ix. Condo-hotel facilities shall provide an internally-oriented lobby/front desk area.

- x. Condo-hotel facilities shall utilize a uniform key entry system managed by the hotel or resort hotel operator to receive and disburse keys for each condo-hotel sleeping unit.
- xi. All condo-hotel facilities shall offer daily maid service, concierge as well as other customary hospitality services.
- xii. The City may require affidavits of compliance with the criteria from the developer, management entity, and/or each condo-hotel sleeping unit purchaser/owner concurrent with annual renewal of any required occupational license.

b. Conditions of Approval.

The City Commission may impose limitations on condo-hotel facilities, including but not limited to, the size and number of sleeping units and sleeping areas as well as the types of utility fixtures to ensure the viability of hospitality and transient accommodations and to limit impacts on local services including transportation, potable water, sanitary sewer and hurricane evacuation.

**Section 2.** Chapter 22, Zoning, of the Code of Ordinances, is further amended as follows:

**Existing Definitions to be Deleted and Replaced by New Definitions**

~~*Dwelling (dwelling unit)*—One or more rooms connected together in a building, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental for 6 months or longer in R-1 or R-2 residential zones, physically separated from any other rooms or dwelling units which may be in the building, and containing sleeping and sanitary facilities and one kitchen.~~

~~*Motel/Hotel*—A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with a daily charge, as distinguished from dwellings, where rentals are for a period of a week or longer and occupancy is generally by residents rather than transients. Where more than twenty five (25) percent of the units have cooking facilities, such living quarters shall be considered as dwellings and shall be subject to the regulations governing dwellings. This definition shall not include adult motels or adult hotels.~~

~~*Resort Hotel*—A place of lodging providing sleeping accommodations that are offered to the public in conjunction with the operation of marine or marina facilities or other tourist-related recreational amenities, and that are intended primarily for rental to transients with a daily or weekly charge, but in any event in which the maximum stay per transient/tenant is limited to thirty (30) days in any twelve month period. Limited kitchen facilities may be provided in the suite. Guest recreational amenities, such as marina facilities, swimming pools, tennis or recreation courts or similar facilities, are to be provided and located on-site.~~

**New Definitions**

*Condo hotel* – A building constructed, maintained, operated and managed as a hotel or resort hotel in which each sleeping unit in the facility is individually owned and in which all sleeping units are available for transient occupancy, i.e., daily, weekly or monthly rent and where the structure, common areas and facilities are owned by all owners on a proportional individual basis.

*Sleeping unit* – One or more rooms designed, occupied, or intended for occupancy as transient lodging accommodations with one or more sleeping areas, limited cooking, and sanitary facilities provided within the sleeping unit for the exclusive use as transient lodging accommodations.

*Limited Cooking Facilities* – A collection of customary appliances which may include sinks, wet bar areas, refrigerators and microwave ovens provided in transient lodging accommodations for the use, enjoyment and convenience of transient occupants but specifically excluding dish washers, stoves and ovens.

*Dwelling unit* – One or more rooms, designed, occupied, or intended for owner occupancy, or rental for six months or longer in R-1 and R-2 residential zoning districts, used as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

*Hotel* – A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting spaces, entertainment, and recreational facilities.

*Motel* – A facility offering transient lodging accommodations to the general public with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

*Resort Hotel* – A tourist-oriented destination resort facility offering transient lodging accommodations with sleeping units available to the general public in conjunction with marine, aquatic, golf or other recreational amenities including but not limited to organized programs, activities, camps and excursions for both adults and/or children, fitness and spa facilities, as well as other services and amenities including restaurants, meeting, conference and/or banquet facilities as well as entertainment where such sleeping units are intended for the exclusive use as transient lodging accommodations.

**Section 3.** Chapter 22, Zoning, of the Code of Ordinances, is further amended as follows:

**Other Amendments to the Land Development Regulations**

- 1) Add new parking standard for Motels, Hotels and Resort Hotels in Section 22-60(d)(2), Off-street Parking and Loading, to require 1.0 parking space for the first sleeping area within a sleeping unit plus .5 parking spaces for each additional sleeping area within a sleeping unit plus 1 parking space per 250 square feet of gross floor area for accessory uses open to the general public.
- 2) Add Motels, Hotels and Resort Hotels As Semi-restricted uses permitted in Section 22-33(b), C-5, Tourist Commercial, zoning district.

**Section 4.** Chapter 22, Zoning, of the Code of Ordinances, is hereby amended so that the following sections are renumbered as follows:

Section 22-~~16~~17. Location of Zoning Districts.

Section 22-~~17~~18. Zoning Atlas Generally.

Section 22-~~18~~19. Reserved

Section 22-~~19~~20. Comprehensive Plan.



**Section 5.** All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**Section 6.** This ordinance is and the same shall become effective immediately upon final passage hereof.

STATE OF FLORIDA)  
ST. LUCIE COUNTY)<sup>SS</sup>

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. K-441 was duly advertised by Legal Advertising in the Fort Pierce Tribune on November 15, 2006 and on December 11, 2006; and was duly advertised by Display Advertising in the Fort Pierce Tribune on August 14 & August 30, 2006, and on September 11 & September 27, 2006, and on November 22 & December 11, 2006; copy of said ordinance was made available at the office of the City Clerk to the public upon request; Public Hearings were held on Ordinance No. K-441 on August 21, 2006, December 4, 2006, and December 18, 2006; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on January 2, 2007; and was duly introduced, read by title only, and passed on second and final reading on January 16, 2007, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 17th day of January, 2007.

  
\_\_\_\_\_  
MAYOR COMMISSIONER  
  
\_\_\_\_\_  
CITY CLERK

(CITY SEAL)

# **SOUTH BEACH ASSOCIATION RECOMMENDATION REGARDING RENTAL PROPERTIES IN THE R4A ZONING DISTRICT**

November 12, 2015

## **BASELINE**

**1, According to the City – A Shared Ownership/HOA/Condo Association can be more stringent than a City Ordinance but cannot supersede or bypass municipal codes *unless* specifically exempted by city ordinance.**

**2. According to State law – As of 6/1/2011, no new city ordinance can be more restrictive than a current ordinance.**

**3. Per Ordinances K114 and K148 – All properties in all zones are currently minimum 6 month – to be less requires Conditional Use – per City Legal Interpretation July 2015.**

## **SBA RECOMMENDATIONS**

- 1. Shared Ownership properties to include HOAs and Condo Associations in R4A be exempted from 6 month minimum and any necessity for Conditional Use as an amendment to K148 Section 3 Section 22-27.1(c)(6).**
- 2. Single Family Homes in R4A (total 121properties?) remain as is with 6-month restriction – less with conditional use. This was the original intent of K148.**
- 3. Non HOA Multifamily properties in R4A (total 129 properties?) While a case can be made for a rental period of less than 6 months this is where the “real” purpose of conditional use can be used. Each “neighborhood” (not the SBA) could decide what they want and each could be different. Currently, there are less being advertised than we would have expected although that doesn’t mean they are not occurring. However we doubt that the City will be flooded with 129 applications for conditional use. We simply recommend that these properties remain the same with a 6-month restriction with conditional use.**

**Note: There is just one recommended change – item 1 above.**



**FLORIDA**

## COUNTY LOCAL OPTION TRANSIENT RENTAL TAX RATES GROUPED BY ADMINISTRATION

### (Tourist Development Tax Rates)

State sales and use tax, discretionary sales surtax, and local option transient rental taxes are all imposed on rentals or leases of accommodations in hotels, motels, apartments, rooming houses, mobile home parks, RV parks, condominiums, or timeshare resorts for a term of six months or less. Counties may levy a new local option transient rental tax or change the local option tax rate at any time throughout the year.

COUNTY	ADMINISTERED BY	TOURIST DEVELOPMENT	TOURIST IMPACT	CONVENTION DEVELOPMENT	TOTAL TRANSIENT RENTAL RATE*	KNOWN FUTURE CHANGES
CALHOUN	N/A	NONE	NONE	NONE	NONE	
HARDEE	N/A	NONE	NONE	NONE	NONE	
LAFAYETTE	N/A	NONE	NONE	NONE	NONE	
LIBERTY	N/A	NONE	NONE	NONE	NONE	
UNION	N/A	NONE	NONE	NONE	NONE	
BRADFORD	Fl Dept of Revenue	4.0%	0.0%	0.0%	4.0%	
CITRUS	Fl Dept of Revenue	3.0%	0.0%	0.0%	3.0%	
COLUMBIA	Fl Dept of Revenue	5.0%	0.0%	0.0%	5.0%	
DESOTO	Fl Dept of Revenue	3.0%	0.0%	0.0%	3.0%	
DIXIE	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
FLAGLER	Fl Dept of Revenue	4.0%	0.0%	0.0%	4.0%	
FRANKLIN	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
GADSDEN	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
GILCHRIST	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
GLADES	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
HAMILTON	Fl Dept of Revenue	3.0%	0.0%	0.0%	3.0%	
HENDRY	Fl Dept of Revenue	3.0%	0.0%	0.0%	3.0%	
HOLMES	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
JACKSON	Fl Dept of Revenue	4.0%	0.0%	0.0%	4.0%	
JEFFERSON	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
LEVY	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
MADISON	Fl Dept of Revenue	3.0%	0.0%	0.0%	3.0%	
OKEECHOBEE	Fl Dept of Revenue	3.0%	0.0%	0.0%	3.0%	
PASCO	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
SUMTER	Fl Dept of Revenue	2.0%	0.0%	0.0%	2.0%	
WAKULLA	Fl Dept of Revenue	4.0%	0.0%	0.0%	4.0%	
WASHINGTON	Fl Dept of Revenue	3.0%	0.0%	0.0%	3.0%	
ALACHUA	Countv Since 7/01	5.0%	0.0%	0.0%	5.0%	
BAKER	Countv Since 5/00	3.0%	0.0%	0.0%	3.0%	
BAY (1)	Countv Since 1/94	5.0%	0.0%	0.0%	5.0%	
BREVARD	Countv Since 10/92	5.0%	0.0%	0.0%	5.0%	
BROWARD **	Countv Since 3/94	5.0%	0.0%	0.0%	5.0%	
CHARLOTTE	Countv Since 9/90	5.0%	0.0%	0.0%	5.0%	
CLAY	Countv Since 1/89	3.0%	0.0%	0.0%	3.0%	
COLLIER	Countv Since 1/93	4.0%	0.0%	0.0%	4.0%	
DUVAL	Countv Since 12/90	4.0%	0.0%	2.0%	6.0%	
ESCAMBIA	Countv Since 6/89	4.0%	0.0%	0.0%	4.0%	
GULF	Countv Since 6/01	5.0%	0.0%	0.0%	5.0%	Rate will return to 4% on 1/01/20
HERNANDO	Countv Since 1/93	5.0%	0.0%	0.0%	5.0%	
HIGHLANDS	Countv Since 1/14	2.0%	0.0%	0.0%	2.0%	
HILLSBOROUGH	Countv Since 1/92	5.0%	0.0%	0.0%	5.0%	
INDIAN RIVER	Countv Since 10/00	4.0%	0.0%	0.0%	4.0%	
LAKE	Countv Since 11/98	4.0%	0.0%	0.0%	4.0%	
LEE	Countv Since 5/88	5.0%	0.0%	0.0%	5.0%	
LEON	Countv Since 10/94	5.0%	0.0%	0.0%	5.0%	
MANATEE	Countv Since 10/89	5.0%	0.0%	0.0%	5.0%	
MARION	Countv Since 4/08	4.0%	0.0%	0.0%	4.0%	
MARTIN	Countv Since 11/02	5.0%	0.0%	0.0%	5.0%	
MIAMI-DADE ** (2)	Countv Since 4/88	3.0%	0.0%	3.0%	6.0%	
MONROE	Countv Since 1/91	4.0%	1.0%	0.0%	5.0%	
NASSAU (3)	Countv Since 5/89	4.0%	0.0%	0.0%	4.0%	
OKALOOSA (4)	Countv Since 7/92	5.0%	0.0%	0.0%	5.0%	
ORANGE	Countv Since 1/92	6.0%	0.0%	0.0%	6.0%	
OSCEOLA	Countv Since 5/92	6.0%	0.0%	0.0%	6.0%	
PALM BEACH	Countv Since 1/93	6.0%	0.0%	0.0%	6.0%	
PINELLAS	Countv Since 10/90	5.0%	0.0%	0.0%	5.0%	Rate will increase to 6% on 1/1/16
POLK	Countv Since 1/94	5.0%	0.0%	0.0%	5.0%	
PUTNAM	Countv Since 4/99	4.0%	0.0%	0.0%	4.0%	
ST JOHNS	Countv Since 8/88	4.0%	0.0%	0.0%	4.0%	
ST LUCIE	Countv Since 5/91	5.0%	0.0%	0.0%	5.0%	Rate will return to 3% on 2/01/18
SANTA ROSA	Countv Since 5/94	5.0%	0.0%	0.0%	5.0%	
SARASOTA	Countv Since 6/92	5.0%	0.0%	0.0%	5.0%	
SEMINOLE	Countv Since 9/93	5.0%	0.0%	0.0%	5.0%	
SUWANNEE	Countv Since 11/01	3.0%	0.0%	0.0%	3.0%	Rate will return to 2% on 7/01/21
TAYLOR	Countv Since 7/06	3.0%	0.0%	0.0%	3.0%	
VOLUSIA (5)	Countv Since 4/90	3.0%	0.0%	3.0%	6.0%	
WALTON (6)	County Since 10/91	4.0%	0.0%	0.0%	4.0%	

These counties currently do not levy a local option transient rental tax.

Call 800-352-3671 if you have questions about local option transient rental rates administered by the Department of Revenue.

Contact your local county taxing authority to verify tax rates and to find information about collecting and paying locally administered taxes. Counties who self-administer the transient rental rate are not required by law to notify the Department of local tax rate changes; therefore, the tax rates in this chart may not be current. The tax rates for certain jurisdictions within a county may vary. See the information following this chart. The date in the "administered by" column is the date that the county began to administer the local transient rental tax (not the date that the tax was imposed).

\*The total transient rental rate includes the local option taxes levied on: tourist development tax authorized by section (.s.) 125.0104, Florida Statutes (F.S.), tourist impact tax authorized by s. 125.0108, F.S., and convention development tax authorized by s. 212.0305, F.S.

\*\*In addition to county-wide transient rental tax rates listed in this table, Florida law authorizes certain cities in Broward and Miami-Dade counties to impose a local option municipal resort tax on transient rental transactions and on the sale of food and beverages consumed in restaurants and bars. For complete information and definitions, see Chapter 67-930, Laws of Florida, as amended by Chapters 82-142, 83-363, 93-286, and 94-344, Laws of Florida.

- (1) Bay: 11.5% rate only applies to Zip Codes 32401 (Panama City), 32404 (Panama City), 32405 (Panama City), 32407, 32408, 32410 (Mexico Beach), and Bay's part of 32413.
- (2) Miami-Dade: Surfside & Bal Harbour Tax Rate is 11%; Miami Beach is 14% and the rest of Miami-Dade County is 13%.
- (3) Nassau: 11% rate applies to Amelia Island only (zip code 32034).
- (4) Okaloosa: 11% rate only applies to Voting Precincts 19, 20, 21, 22, 24, 27, 30, 33, 35, 38, 41, 42 and 44.
- (5) Volusia: Halifax and West Volusia Advertising Districts, and Southeast Volusia Advertising District is 12.5%. All areas outside these Districts is 9.5%.
- (6) Walton: 11.5% rate only applies to zip codes 32459, 32550, 32454, 32461 and Walton's part of 32413.

**Transient rentals** are leases or rentals of living accommodations, such as hotels, motels, single-family dwellings, multi-unit dwellings, apartments, rooming houses, condominiums, timeshare resorts, vacation houses, beach houses, mobile homes, recreational vehicle parks, or any other living, sleeping, or housekeeping accommodations for a term of six months or less. See Rule 12A-1.061, Florida Administrative Code, for more information on what constitutes a "rental charge" and which rental charges are specifically exempt.

**Counties may levy local option taxes on transient rentals by vote of the county's governing body or by referendum. Local option taxes are collected in addition to the 6% state sales and use tax and any county discretionary sales surtax.** Generally, the taxes paid on transient rentals may be used by the county for capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance; however, the authorized uses vary according to the particular levy.

**Many counties self-administer their local option transient rental taxes. Contact your county taxing agency** to determine if your county imposes one or more of these taxes and if you are required to report and pay the taxes directly to your county taxing agency or to the Department of Revenue.

- **If your county self-administers the local option transient rental taxes, you will need to file two tax returns and make two separate tax payments:** (1) the local option transient rental taxes will be remitted to the county; and (2) the state 6% sales and use tax and the applicable discretionary sales surtax will be remitted to the Department using Form DR-15, *Sales and Use Tax Return*.
- **If the Department of Revenue administers the local option transient rental taxes, you will file one tax return and make one payment** including the state 6% sales and use tax, the applicable discretionary sales surtax, and the local option transient rental taxes to the Department using Form DR-15, *Sales and Use Tax Return*.

The Local Government Financial Information Handbook, posted online at: <http://edr.state.fl.us> includes detailed information about all of Florida's local option taxes.

# ATTENTION

## RENTAL PROPERTY OWNERS

### WHAT IS THE TOURIST DEVELOPMENT TAX?

A five percent tourist development tax is imposed on anyone who rents or leases any living quarters or accommodations for a period of six months or less. Living quarters are accommodations in any house, hotel, motel, apartment, rooming house, mobile home park, recreational vehicle park or condominium.

### WHERE DOES THE TAX MONEY GO?

Revenue from the tourist tax benefits you. The funds are used to promote St. Lucie as a tourist destination, which brings more visitors to the county. The tax has a positive economic impact on the area.

### REGISTER TODAY

Register and obtain a sales tax identification number with the Florida Department of Revenue by calling 772-429-2900. Call the St. Lucie County tax collector's office at 772-462-1650 to setup a tourist development tax account. Failure to register may result in a tax audit, assessment of penalties and interest, and notification of the violation to the Internal Revenue Service (IRS) and the Florida Department of Revenue.

### EASY ONLINE PAYMENT

Save time and money by paying tourist development taxes online via TouristExpress at [www.tcslc.com](http://www.tcslc.com). TouristExpress is an online filing and payment system for tourist development.



772-462-1650  
[WWW.TCSLC.COM](http://WWW.TCSLC.COM)



Monroe County – The Florida Keys

<http://www.monroecounty-fl.gov/>

Upper Keys 305.453.8806

Middle Keys 305.289.2810

Lower Keys 305.292.4495

### Filing a Complaint?

Follow the link to our online complaint form

<http://www.monroecounty-fl.gov/forms.aspx?fid=74>

Information that we may need:

- You may remain anonymous
- Physical Address or Parcel Number
- Owner Name of the Property
- When did renters arrive and/or depart?
- How often are renters seen at the property?
- Have you had any contact with the renters?
- Vehicle TAG#'s, Boat Registrations #'s for renters

Code Compliance  
Department  
Division of Growth  
Management



2798 Overseas Hwy  
Suite 330  
Marathon, FL 33050  
Phone: 305.289.2810  
Fax: 305.289.2858  
[www.monroecounty-fl.gov](http://www.monroecounty-fl.gov)



County of Monroe  
*The Florida Keys*

Vacation Rental Program

**Vacation  
RENTAL**



### Responsibilities

The purpose of the Code Compliance Department is to promote, protect, and improve the health, safety, and welfare of the citizens of Monroe County and the environment by providing equitable, expeditious, and effective enforcement of all County Codes while establishing a working partnership with Monroe County neighborhoods.

### Mission Statement

The mission of the Code Compliance Department is to enhance and sustain the quality of life of citizens and the environment through effective, expeditious, and equitable enforcement and compliance with building, zoning, land development, environmental, and other codes and ordinances that protect public health, life, safety, welfare, and natural resources.

# Information to know before you open your doors as a Vacation Rental



## Overview of Vacation Rental Codes

### Does your zoning and/or land use district allow vacation rentals?

If your home is located in an Improved Subdivision (IS) or Urban Residential Mobile Home (URM) land use district: It is unlawful to rent or use a home as a short term (less than 28 days) rental.

### Does your advertising comply with the county codes?

All advertising should reflect 28 day minimum stay requirement and monthly rates for rental or lease. All rentals should be for 28+ consecutive days and to the same tenant.

*\* It is unlawful for any landlord, tenant, agent or other representative of a landowner to rent, lease, advertise or hold out (offer out) for rent any dwelling unit for vacation rental use in any district where a vacation rental use (less than 28 days) is prohibited.*

### Do you have a business tax license?

All rentals (long-term and short-term, where allowed) require a business tax license. Call 305.295.5010 for more information or visit online at <http://www.monroetaxcollector.com/>

## Working Together to Improve Our Lives.

Vacation Rentals *may* be allowed in the following Land Use Districts and require a Special Vacation Rental Permit:

SR (Suburban Residential)  
MU (Mixed Use)  
UR (Urban Residential)  
IS-V (Improved Subdivision Vacation Rental)  
OS (Offshore Islands)

Vacation Rentals are not allowed in the following Land Use Districts:

IS (Improved Subdivision)  
URM (Urban Residential Mobile Home)  
IS-M (Improved Subdivision Masonry)

## CALL BEFORE YOU RENT your home

Please call if you have any questions with regards to the allowable uses in your land use district/zoning district.

### Upper Keys

Code Compliance 305.453.8806  
Planning 305.453.8800

### Middle Keys

Code Compliance 305.289.2810  
Planning 305.289.2500

### Lower Keys

Code Compliance 305.292.4495  
Planning 305.289.2500

**Noise/Disturbance Issues** please contact the Sheriff's Office:

Upper Keys 305.853.3211  
Middle Keys 305.289.2430  
Lower Keys 305.745.3184

## Special Vacation Rental Permit Information

You may obtain the information to apply for a Special Vacation Rental Permit by calling the Planning Department at 305.289.2500 or accessing the county website <http://www.monroecounty-fl.gov>

## Helpful Hints

An Owner or Agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting unit as a vacation rental.

A vacation rental permit is not required if a vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental use.

*Please Note: If your dwelling is in a gated community, it does not mean that you are exempt from the county codes. For example: licensing, noise, vacation rentals, etc.*

Multifamily vacation rentals located in a multifamily district must have 24 hour on-site supervision that has received an exemption from the planning director. Please contact the Planning Department for specific requirements.

**City Commission Conference Agenda**

**Agenda Item # 4. D.**

**Meeting Date:** 12/14/2015

**Re:** Melody Lane Fishing Pier

**Submitted For:** John Andrews, City Engineer, Engineering

---

**SUBJECT:**

Discussion of Fishing Activities along Melody Lane - City Engineer

---

**Attachments**

Melody Lane Fishing Pier Aerial

---

**Form Review**

Form Started By: Jennifer Robinson  
Final Approval Date: 12/09/2015

Started On: 12/09/2015 12:27 PM



Melody Lane Aerial View



Fort Pierce Engineering Department  
 100 N. US 1 Fort Pierce, FL 34950  
 (772) 467 - 3773

Permitted Fishing Area

REVISIONS		
	MM/DD/YY	REMARKS
1	--/--/--	...
2	--/--/--	...
3	--/--/--	...
4	--/--/--	...
5	--/--/--	...



Construction Photos



Fort Pierce Engineering Department  
 100 N. US 1 Fort Pierce, FL 34950  
 (772) 467 - 3773

Melody Lane Fishing Pier

REVISIONS	
MM/DD/YY	REMARKS
1	---/---/--- ...
2	---/---/--- ...
3	---/---/--- ...
4	---/---/--- ...
5	---/---/--- ...

**City Commission Conference Agenda**

**Agenda Item # 4. E.**

**Meeting Date:** 12/14/2015

**Re:** Tethering Discussion

**Submitted For:** Peggy Arraiz, Code Compliance Manager, Code Enforcement

---

**SUBJECT:**

Unattended Dogs - Discussion of the current ordinance and any proposed amendments - Code Compliance Manager

---

**Attachments**

Memo to Commission  
Letter from Charlie Crowe  
Relevant Newspaper Articles  
News article on Martin Cty  
MC Amended Ordinance  
SLC tethering law  
PSL Tethering law  
COFP Tethering law

---

**Form Review**

**Inbox**

City Manager

Form Started By: Peggy Arraiz

**Reviewed By**

**Date**

Started On: 12/07/2015 02:36 PM



# CITY OF FORT PIERCE

## COMMUNITY RESPONSE DIVISIONS CODE ENFORCEMENT & ANIMAL CONTROL

*Protecting the health, safety and welfare of our community*

MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

---

TO: The Honorable Mayor Hudson and City Commissioners  
THROUGH: Nicholas Mimms, City Manager  
FROM: Peggy Arraiz, Code Compliance Manager  
RE: Tethering of Dogs  
DATE: December 7, 2015

---

This past summer, a tragic incident occurred that resulted in the death of an 8 month old puppy named Baby. Baby had been tied up in her backyard (tethered) when she was attacked by a swarm of yellow jackets. The swarm was so severe that neither the owner nor the responding officers could intervene for almost two hours. Because the puppy was tied up, she had no means of escape and ultimately suffered severe trauma that resulted in her death.

The issue of tethering has become a "hot" topic recently, with both Martin and St. Lucie Counties adopting ordinances that prohibit residents from tethering their dogs outside unattended as well as adopting ordinances that highly regulate the conditions in which an animal (cat, dog, guinea pigs, etc.) may be kept when outdoors.

Mr. Charlie Crowe was deeply affected by the incident with Baby and has asked that the Commission consider amending our ordinance to prohibit tethering of dogs, similar to those made by our neighboring communities.

#### FORT PIERCE

- Allows tethering with restrictions as to length of tether and prohibits prong and choke collars.

#### PORT ST. LUCIE:

- Allows tethering with restrictions as to length of tether, placement and type. It prohibits prong or choke collars.
- Requires animals to be brought inside if the heat index reaches 100° F or a wind chill factor of 35° F.

#### ST. LUCIE COUNTY

- Prohibits animals under 6 months and over 7 years from being tethered at all.
- Prohibits unattended tethering.
- Provides restrictions for tethering as to length of tether, placement and type.
- Requires animals to be brought inside if the temperature reaches 85° with a heat index of 100° or below 40° with a wind chill factor of 35°.
- Prohibits keeping any animal outside in any type of crate (metal, wood, plastic, etc.)

#### MARTIN COUNTY

- Prohibits animals under 6 months and over 7 years from being tethered at all.
- Prohibits unattended tethering.
- Provides restrictions for tethering as to length of tether, placement and type.
- Requires animals to be brought inside under weather conditions which endanger the health, safety or welfare of the animal.
- Prohibits keeping any animal outside in any type of crate (metal, wood, plastic, etc.)

November 2, 2015

*Hudson*  
Mayor and City Commissioners

RE: August 15, 2015, "Baby" a eight month old pup was tethered in her back yard and died a horrific, long and agonizing death. I found this news to be heart wrenching and want so much for each of you to know someone cared!

I have been emailing each of you since August, 17th, with hopes of much needed change. Tethering is cruel and unnecessary, please take a stand for those with no voice and please do what is humane and right.

I hope with hand delivering this information that change is on the horizon.

Thank you for your time and I look forward to hearing from you.

Sincerely,

*Charlie Crowe and Jenna II*  
Charlie Crowe and Jenna II

772-577-1950

cucrowe@comcast.net

**RECEIVED**  
NOV 20 2015  
THE CITY OF FORT PIERCE  
ANIMAL CONTROL DIVISION

**RECEIVE**  
NOV 02 2015

The Stuart News and St. Lucie News Tribune are published daily by Scripps NP Operating, LLC, 760 N.W. Enterprise Drive, Port St. Lucie, FL 34986.

#### HOME DELIVERY

Contact us at:  
subscriberservices@tcpalm.com  
Subscribe and manage your account at:  
TCPalm.com/Subscribe  
Call 1-866-707-6397  
Monday-Friday 6 a.m.-3 p.m.,  
Mon-Fri redelivery 6-10:30 a.m.,  
Saturday 6:30-10:30 a.m.,  
Sunday 7-11 a.m.

#### PRESS JOURNAL

Offices • 562-2315  
Display ads • 978-2247  
Address: 2066 14th Ave., Suite 200,  
Vero Beach, FL 32960

#### THE STUART NEWS

Offices • 287-1550  
Display ads • 221-4257  
Address: 1939 S. Federal Highway,  
Stuart, FL 34994

#### NEWS TRIBUNE

Offices • 461-2050  
Display ads • 409-1361  
Address: 760 N.W. Enterprise Drive,  
Port St. Lucie, FL 34986

#### ADVERTISING

Classified ads • 877-247-2407  
Indian River County • 978-2248  
Martin County • 221-4257  
St. Lucie County • 409-1361

#### OBITUARIES

Call 692-8954 or email  
tcpaidobits@tcpalm.com

#### PHOTO REPRINTS

Call 221-4164 or email  
subscriberservices@tcpalm.com

#### MONTHLY SUBSCRIPTION RATES

All Premium subscriptions include print delivery and digital access. When print delivery is temporarily suspended, digital access continues for up to 16 days and the account is charged. Subscribers can also choose to have the printed newspapers held and delivered upon return.

Premium 7-day: \$33.68\*

Premium Wednesday through

Sunday: \$26.07\*

Premium Friday, Saturday,

Sunday, Monday: \$26.07\*

Premium Wednesday & Sunday:

\$18.90\*

Premium Sunday only: \$17.38\*

Seven-day digital only: \$14.99.

\*Plus tax; transportation costs included.

All premium subscriptions include the following holidays: New Year's Day,

Martin Luther King Day, Memorial Day,

Fourth of July, Labor Day, Thanksgiving

& Christmas. All subscribers who

receive delivery on Thanksgiving will

be charged an additional \$1. To avoid

this charge contact customer service to

stop delivery on this day. TV Time book

included with Sunday home delivery

upon request for an additional 75¢ per

week charge.

# Deadly swarm invades from pit bull's owner

By Elliott Jones

elliott.jones@tcpalm.com  
772-978-2224

**FORT PIERCE**— An explosion of thousands of yellow jackets from an immense hive in a thicket of backyard palms could have been triggered by the pit bull that died of their stings, according to pest control experts.

And once a yellow jacket is killed, it releases a scent that causes the other insects to swarm and sting, said exterminator Ed Ruby with Critter Control.

On Sunday morning, Ruby applied the last of six gallons of insecticide needed to saturate the nest that blended into masses of low-growing palm fronds and stems in a central Fort Pierce neighborhood. Ruby said it was one of the largest ground-level nests he has seen.

The incident started late Saturday afternoon when a neighbor alerted Demontra Robinson that his dog was barking in the backyard on South 20th Street, south of Orange Avenue.

When Robinson came out, 8-month-old "Baby" was "screaming and crying" in a "fog" of the yellow jackets. He had left the dog tied up to a tree about 9 feet from the clump of palms.

A neighbor called 911, which alerted the city's animal control officers, who called in a pest control company to tackle the yellow jackets.

It took two hours for the swarm to calm down so people could approach. By then, the dog "was passed out," Robinson said. Animal

Control Officer William Blue took the pit bull to an emergency animal hospital. The pit bull died before making it to the hospital, according to police.

Robinson was stung twice, causing painful welts that required his treatment at the Lawnwood Regional Medical Center and Heart Institute.

Ruby got there Saturday night after another pet control company couldn't come out.

Even then, he received one sting that he said kept him up at night.

When he was first called out, he was told they were bees. If he had known they were yellow jackets, he said he would have worn boots in addition to the full-sleeved protective clothing and head gear he wore.

Robinson has lived at the house in the 300 block of South 20th Street since 1999 and said he never saw the yellow jackets in the yard he mows.

The clump of palm, with the hive inside, is along a fence between Robinson's yard and the yard of Maria James, who says she knew the yellow jackets were there but didn't have the money to hire a pest-removal company. She said her 9-year-old son was stung Saturday before the yellow jackets attacked the pit bull.

People who find a large bee or yellow jacket nest that presents a community nuisance can call 911.

Still, Ruby said, many problems fall back on the property owner to resolve and "unfortunately some of them don't have the money."

## About Us

Indian River Press Journal,  
The Stuart News and St. Lucie  
News Tribune are published  
daily by **Scripps NP  
Operating, LLC**,  
760 N.W. Enterprise Drive,  
Port St. Lucie, FL 34986.

### HOME DELIVERY

Contact us at:  
[subscriberservices@tcpalm.com](mailto:subscriberservices@tcpalm.com)  
Subscribe and manage your  
account at:  
[TCPalm.com/Subscribe](http://TCPalm.com/Subscribe)  
Call **1-866-707-6397**  
Monday-Friday 6 a.m.-3 p.m.,  
Mon-Fri redelivery 6-10:30 a.m.,  
Saturday 6:30-10:30 a.m.,  
Sunday 7-11 a.m.

### PRESS JOURNAL

Offices • 562-2315  
Display ads • 978-2247  
Address: 2066 14th Ave., Suite 200,  
Vero Beach, FL 32960

### THE STUART NEWS

Offices • 287-1550  
Display ads • 221-4257  
Address: 1939 S. Federal Highway,  
Stuart, FL 34994

### NEWS TRIBUNE

Offices • 461-2050  
Display ads • 409-1361  
Address: 760 N.W. Enterprise Drive,  
Port St. Lucie, FL 34986

### ADVERTISING

Classified ads • 877-247-2407  
Indian River County • 978-2248  
Martin County • 221-4257  
St. Lucie County • 409-1361

### OBITUARIES

Call 692-8954 or email  
[tcnpaidobits@tcpalm.com](mailto:tcnpaidobits@tcpalm.com)

### PHOTO REPRINTS

Call 221-4164 or email  
[subscriberservices@tcpalm.com](mailto:subscriberservices@tcpalm.com)

### MONTHLY SUBSCRIPTION RATES

All Premium subscriptions include  
print delivery and digital access.  
When print delivery is temporarily  
suspended, digital access continues  
for up to 16 days and the account is  
charged. Subscribers can also choose  
to have the printed newspapers held  
and delivered upon return.

Premium 7-day: \$33.68\*

Premium Wednesday through  
Sunday: \$26.07\*

Premium Friday, Saturday,

Sunday, Monday: \$26.07\*

Premium Wednesday & Sunday:  
\$18.90\*

Premium Sunday only: \$17.38\*

Seven-day digital only: \$14.99.

\*Plus tax; transportation costs included.

All premium subscriptions include the  
following holidays: New Year's Day,  
Martin Luther King Day, Memorial Day,  
Fourth of July, Labor Day, Thanksgiving  
& Christmas. All subscribers who  
receive delivery on Thanksgiving will  
be charged an additional \$1. To avoid  
this charge contact customer service to  
stop delivery on this day. TV Time book  
included with Sunday paper.

## ST. LUCIE COUNTY

# Ordinance proposed to regulate guard dogs

By Keona Gardner

[keona.gardner@tcpalm.com](mailto:keona.gardner@tcpalm.com)  
772-221-4206

**ST. LUCIE COUNTY** — County officials want to regulate the care of guard dogs and the conditions when dogs can be tied outside to a fence.

Guard dogs would have to be registered, and owners would be required to provide adequate food and water for any dog tethered to a fence or post.

Notable highlights from the ordinance include:

■ Animals younger than 6 months or that are ill cannot be tethered.

■ Tether must be at least 10 feet long or four times the length of the animal.

■ Fenced-in enclosures must be six inches above the ground and have a roof to shield a dog from the elements.

■ Tethering is prohibited in hurricanes, tropical storms or when temperatures are colder than 40 or warmer than 85, and when the wind chill is 35 or colder and the heat index is 100 or warmer.

Penalties have not been determined, said Assistant County Attorney Heather Young.

The County Commission is to vote on the revised ordinance 9 a.m. Tuesday.

County resident Danny Kresky asked for the tethering inclusion after seeing a guard dog tied to a

fence at a mechanic shop.

"Can you imagine being tied up and you can't move out of the Florida sun?" Kresky asked.

Animal Control Supervisor Karen Taylor said having a too-short tether can prevent the dog from reaching its water or food.

"Animals can get tangled up in their tether and can choke themselves," Taylor said. "I can't remember any recent cases where this happened, but we want to be proactive."

Officials with the Humane Society of St. Lucie County said the new ordinance makes sure pets have the proper care.

An injury from being tethered mostly has to do with the care a dog receives from its owner, said Dr. Michael O'Connor, veterinarian of Holy Family Veterinary Hospital in Fort Pierce.

"Tethering a dog for a half-hour or an hour is not severe, but when it goes to four hours, eight hours or more than it could become a case of neglect because the dog could not be getting the proper amount of exercise or water," O'Connor said.

Vero Beach, Fort Pierce and Martin County have no laws restricting tethering. However, Fort Pierce requires the tether to be at least 10 feet and it cannot be a choke or prong-type tether, said Peggy Arraiz city code-compliance manager.

# RGS7 protein indicated as a potential drug target

By Eric Sauter  
YourNews Contributor

Once used in the 18th century as currency to reverse the trade imbalance between China and Britain, morphine and its painkilling qualities have been misunderstood (and misused) almost continually ever since.

The drug works its euphoric effect by acting on a specific protein that has been part of vertebrate anatomy for nearly a half-billion years.

Despite that lengthy pedigree, regulation of these receptor proteins has never been well understood.

A new study led by Kirill Martemyanov, an

associate professor on the Florida campus of The Scripps Research Institute (TSRI), has shown that a specific molecule controls morphine receptor signaling in a small group of brain cells.

The findings could lead to a new drug target for developing less-addictive pain medications and even offer a clue to the genetic predisposition of patients to addiction before treatment.

The study was published recently online ahead of print by the journal *Biological Psychiatry*.

The molecule in question is known as a regulator of G protein signaling (RGS) protein, which controls the morphine recep-

tor (mu opioid receptor). We looked at the number of lever presses to determine how much they liked it and, judging from this test, mice lacking RGS7 craved the drug much more than their normal siblings.

RGS7 appears to exert its effects by regulating morphine-induced changes in excitability of neurons and plasticity of synapses — the ability of the synapse, the junction between two nerve cells, to change its function.

"This study reveals a unique modulatory role of RGS7 in a brain-region-specific action to morphine use and indicates RGS7 as a potential drug target," said research as-

sociate Laurie P. Sutton, first author of the study. "Pharmacological intervention at the level of RGS7 may reduce some of the detrimental side-effects associated with opiates."

Martemyanov believes there is a strong diagnostic future for their discovery. "If our findings hold true for human patients, you could look specifically for RGS7 levels for any disabling mutation with a simple blood test," he said.

In addition to Sutton and Martemyanov, other authors of the study, "RGS7 Regulates Reward Behavior by Controlling Opioid Signaling in the Striatum," were Olga

Kirill Martemyanov is an associate professor on the Florida campus of The Scripps Research Institute.

Ostrovskaya, Maria Dao, Kegiang Xie, Cesare Orlandi, Roy Smith and Summee Wee, all of TSRI at the time of the study.

For more information, see [http://www.biologicalpsychiatryjournal.com/article/S0006-3223\(15\)00653-8/abstract](http://www.biologicalpsychiatryjournal.com/article/S0006-3223(15)00653-8/abstract)

This work was supported by the National Institutes of Health (grants DA026405, DA036082 and DA036596) and the Canadian Institutes of Health. For more information, see [www.scripps.edu/florida](http://www.scripps.edu/florida).

# St. Lucie County approves changes to animal ordinance

By Erick Gill  
YourNews contributor

ST. LUCIE COUNTY — St. Lucie County Commissioners recently approved a variety of changes to the county's Animal Ordinance to provide better protection for household pets.

The major changes to the county's Animal Ordinance include:

- Animals tethered outside without supervision is prohibited;

- Tethers must be at least 10-foot long or four times the length of the

animal;

- Animals younger than 6 months or that are injured/fill cannot be tethered;

- Animals kept outside in fenced enclosures must have a covered shelter, which is at least six inches above the ground;

- Keeping unattended animals tethered outside is prohibited during extreme weather conditions, such as tropical storms, hurricanes and when temperatures are colder than 40 degrees or when then heat index is 100 or hotter;

- The creation of aggressive animal registration requirements to address animals who have exhibited aggression toward other animals and humans but do not meet the statutory definition of a dangerous dog;

- The creation of registration and care require-

St. Lucie County Commissioners will be approving fines associated with violations of the ordinance sometime in October.

five-member committee composed of representatives of law enforcement, animal control and a local veterinarian.

The new laws have been registered at the state level and are effective immediately. The changes to the St. Lucie County Animal Ordinance only apply to residents and businesses residing in the unincorporated areas of the county.

The cities of Fort Pierce and Port St. Lucie have their own animal ordinances.

Initially, St. Lucie County's Animal Control offi-

cers will be issuing warnings, if residents are caught violating the ordinance.

However, St. Lucie County Commissioners will be approving fines associated with violations of the ordinance sometime in October.

For questions or concerns about St. Lucie County's Animal Control Ordinance call 772-462-8120.

The full ordinance can be found online at [http://www.stlucieco.gov/eoc/animal\\_control.htm](http://www.stlucieco.gov/eoc/animal_control.htm) (under Quick Links).

# Martin County approves new regulations on tethering dogs

By *Lidia Dinkova* of the TCPalm

Posted: Nov. 25, 2015

MARTIN COUNTY — New regulations prohibit leaving dogs tied outside without a "responsible party," such as the owner, present.

The County Commission Tuesday unanimously approved this and other new rules that apply countywide unless a municipality has its own, conflicting laws on animal welfare. The rules will become effective soon.

The regulations give Martin County more power to protect the welfare of dogs tethered outside.

The law was changed because the county has had difficulty enforcing tethering regulations, which made it illegal to leave an unattended dog tied outside for more than 10 hours within a 24-hour period.

That rule essentially meant that animal-control officers had to watch a dog for an entire 24-hour period to know whether there was a violation, Tanya Fender, assistant county attorney, has said.

And that's "not realistic," she told the commission last month, when the new ordinance was under review.

The issue of dogs tied up outside in bad conditions had been raised by a Palm City resident.

Keri Burgess last year saw four dogs tethered outside in the summer heat on a property along Kanner Highway. Burgess called authorities, but there was nothing they could do because the owner was within the law by providing food, water and cover for the dogs, she was told. So she contacted County Commissioner John Haddox.

Animal-control officers, Burgess said, should be empowered to do what they need to do to protect the welfare of animals.

Other new tethering regulation the commission approved are:

- A ban on tethering sick or injured dogs, puppies and dogs older than 7.
- A ban on tethering dogs in weather that endangers their health and safety, such as hurricanes, tropical storms and tornadoes.
- Requiring separate tethers if two or more dogs are tied outside.
- Requiring the tether be attached to a well-fitting collar or harness, and banning a collar that restricts the animal's airway.

The commission also approved regulations that apply to dogs, as well as to other animals, including cats and small domestic animals.

A ban was placed on leaving animals unattended in cars under circumstances that endanger their health, safety and welfare. Also, it's a violation to keep dogs, cats and small domestic animals outside in crates. They may be kept outside in a fenced enclosure as long as the shelter meets requirements, including it's clean, has enough room for the animal and has a roof and four walls.

The commission also increased fines for first-time violators of county animal regulations. The fine for attending, betting and wagering on fighting animals increased from \$100 to \$500; and for an animal involved in a biting incident, the fine increased from \$100 to \$150.

---

**Find this article at:**

<http://www.tcpalm.com/news/shaping-our-future/growth/martin-county-approves-new-regulations-on-tethering-dogs-253beb32-c17f-5310-e053-0100007f6349-353849951.html>

Check the box to include the list of links referenced in the article.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA AMENDING CHAPTER 9, ANIMALS; BY AMENDING ARTICLE 1, SECTION 9.3. ESTABLISHING PENALTIES FOR ANIMAL CONTROL VIOLATIONS; AMENDING ARTICLE 4, SECTION 9.92. ESTABLISHING REQUIREMENTS FOR TETHERING, ANIMALS UNATTENDED IN VEHICLES, AND KEEPING ANIMALS OUTSIDE IN CRATES AND FENCED ENCLOSURES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Martin County is authorized, pursuant to Sections 1 and 6, Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt ordinances; and

**WHEREAS**, the Board of County Commissioners finds it in the best interest of the health, safety and welfare of the animals and citizens of Martin County to amend Chapter 9, Animals, of the Martin County Code of Ordinances, related to animal care and treatment, and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

**PART ONE: AMENDMENT OF CHAPTER 9, ARTICLE 1, SECTION 9.3., POWER OF BOARD TO CREATE RULES AND REGULATIONS,**

**Section 9.3 is amended to read as follows:**

**Sec. 9.3. - Power of board to create rules and regulations.**

- A. Penalties or fines for violations of this chapter shall be established by a resolution of the Board of County Commissioners, which may be amended from time to time.
- B. The board may ~~make~~ establish by resolution any necessary rules and regulations for the annual inoculation of all animals in Martin County with an approved anti-rabies vaccine and rules and regulations necessary for administering animal licensing.

**PART TWO: AMENDMENT OF CHAPTER 9, ARTICLE 4, SECTION 9.92. ANIMAL CARE AND TREATMENT,**

**Section 9.92 is amended to read as follows:**

**Sec. 9.92. - Animal care and treatment.**

9.92.A. The following shall constitute violations relating to the proper care and treatment of animals:

1. Keeping or harboring an animal under unsanitary or inhumane conditions;
2. Failing to provide an animal with potable water at all times;
3. Failing to provide an animal with food daily;
4. Failing to provide an animal with shelter/housing;
5. Failing to provide prompt medical attention for any sickly, diseased or injured animal;
6. ~~Restraining an unattended animal by a fixed point chain or tether less than ten feet in length for more than ten hours in a 24-hour period.~~ No dog shall be tethered unless all of the following conditions are met.
  - a. ~~An animal may be exclusively restrained by a chain or tether provided that it is at least ten feet in length, with swivels at both ends, and is properly attached to a pulley or trolley mounted on a cable which is also at least ten feet in length and mounted at least four feet and no more than seven feet above ground level in a manner so as not to interfere or become entangled with objects on the property.~~ The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
  - b. Any tethering system employed shall not allow the animal to leave the owner's property.
  - c. ~~No chain or tether shall weigh more than one-eighth of the animal's body weight.~~ The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
  - d. ~~Any chain or tether must be attached to a properly fitting collar or harness worn by the animal.~~ The dog is not sick or injured.
  - e. "Choker" collars, as used in this section, shall mean any slip or sliding collar that restricts the animal's airway and shall not be used for animals maintained on a tether. The dog is at least six (6) months of age, and no more than seven (7) years of age.
  - f. The dog has access to water, shade, and dry ground.

- g. If there are multiple dogs, each dog is tethered separately.
  - h. The dog may not be tethered under weather conditions which endanger the health, safety or welfare of the animal; including but not limited to hurricanes, tropical storms or tornadoes.
  - i. The tether is attached to a properly fitting collar or harness worn by the dog. Prong, choke or chain collars are prohibited in the use of tethering animals. A “choke” collar as used in this section shall mean any slip or sliding collar that restricts the animal’s airway.
  - j. The length and weight of the tether shall be appropriate for the animal breed and shall be a minimum of ten (10) feet long or five (5) times the length of the animal, as measured from the tip of the nose to the base of the tail, whichever is greater.
7. Leaving any known poisonous substance mixed with food otherwise exposed in a manner that allows such substance to be made available for consumption by any animal, except rats, mice or other hazardous vermin;
8. Failing, upon injuring a domestic animal by any means, to immediately notify the owner of such animal, if known, the Division, or the Martin County Sheriff’s Department;
9. Maliciously teasing, molesting, or otherwise mistreating an animal;
10. Leaving an animal unattended in a motor vehicle, trailer, or other enclosure ~~in a manner which prevents proper air circulation and ventilation for the animal;~~ under circumstances which endanger the health, safety or welfare of the animal;
11. Transporting or carrying any animal on any public highway or roadway in a vehicle unless the animal is safely enclosed within the vehicle. If the animal is located in the bed of an open vehicle (including, but not limited to, convertibles, pickup and flatbed trucks without a topper), the animal must be confined by a secured, well ventilated container of proper size that will prevent the animal from falling or jumping from the vehicle;
12. Abandoning or disposing of an animal on the property of another or on public property or abandoning or leaving an animal in a person's former residence when that person relocates to another residence or otherwise terminates the former residence.
13. Dogs, cats and small domestic animals shall not be kept outside in crates, whether metal, wood, plastic, or other materials.

14. Dogs, cats, and small domestic animals may be kept outside in a fenced enclosure if the fenced enclosure contains a shelter/housing which meets all of the requirements for a shelter/housing under Section 9.1, Article 1, Martin County Code.

9.92.B. The owner of an animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, other public areas, or the private property of another person. A person's failure to do so will constitute grounds for "affidavit of complaint" as a nuisance animal.

9.92.C. An animal may be put to death only in accordance with recognized techniques of humane euthanasia as provided in applicable State statute, as amended from time to time.

9.92.D. All dead cats and dogs shall be disposed of by means of cremation or controlled burial. It shall be unlawful for any person(s) to dispose of a dead cat or dog by use of garbage collection, or otherwise within a landfill.

9.92.E. A person or organization, whether for profit, nonprofit, or charitable, may not offer an animal as a prize in response to participation in a game, contest, raffle, drawing of chance, or any other similar event.

### **PART THREE: APPLICABILITY**

This Ordinance shall be applicable throughout Martin County's jurisdiction, except where in conflict with a municipal ordinance and only to the extent of such conflict.

### **PART FOUR: CONFLICTING PROVISIONS**

Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

### **PART FIVE. SEVERABILITY**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

**PART SIX. FILING WITH THE DEPARTMENT OF STATE**

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

**PART SEVEN. CODIFICATION**

Provisions of this Ordinance shall be incorporated into the Martin County General Ordinances. The word “ordinance” may be changed to “article” or “section,” or other word, and the sections of this Ordinance may be renumbered or re-lettered.

**PART EIGHT. EFFECTIVE DATE**

The provisions of this Ordinance shall become effective upon filing with the Department of State.

**DULY PASSED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.**

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS,  
MARTIN COUNTY, FLORIDA**

\_\_\_\_\_  
**CAROLYN TIMMANN, CLERK  
OF THE CIRCUIT COURT AND  
COMPTROLLER**

\_\_\_\_\_  
**ANNE SCOTT, CHAIR**

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
**MICHAEL D. DURHAM  
COUNTY ATTORNEY**

Sec. 6-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Aggressive animal* means any animal that according to the county records or the records of any other governmental agency has:

- (1) When unprovoked, severely injured or killed a domestic animal while off the owner's property;
- (2) Been used primarily or in part for the purpose of dog fighting or is a dog trained for fighting, and is determined by a neutral dog trainer or licensed veterinary behaviorist to be aggressive to other domestic animals or people;
- (3) When unprovoked, been involved in an attack that does not result severe injury or death of a person; or
- (4) In the opinion of an animal control officer or law enforcement officer, posed a threat to the safety and welfare of the community.

*Animal* means any living dumb creature.

*Animal control officer* means any person employed or appointed by the board of county commissioners who is authorized to investigate, on public or private property, civil infractions relating to animal control, animal cruelty, licensure of animals, or seizure and impoundment of animals and to issue citations as provided in this act. An animal control officer is not authorized to make arrests or to bear arms. However, such officer may carry a device to chemically subdue and tranquilize an animal; provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.

*Animal rescue organization* means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals, that is duly registered with the Florida Department of State and the Florida Department of Agricultural and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction with which the organization is headquartered.

*Animal shelter* means any public or private organization existing for the purpose of rescuing and sheltering animals or a person who rescues and shelters animals, either of which places animals for adoption, whether for a fee, a donation, or for free.

*Bird* means any animal of the aves species, regardless of sex.

*Breeder* means any person other than a pet seller registered pursuant to section 6-53, as provided herein, governmental entity, or nonprofit corporation which has been granted 501.C(3) status by the Internal Revenue Service, who owns, keeps, harbors, maintains, or has custody of any dog or cat which produce a total of two or more litters during a 12-month period.

*Cat* means any animal of the feline species, regardless of sex.

*Citation* means a written notice issued to a person by an officer who has probable cause to believe that the person has committed an act in violation of this article. The citation shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The ordinance or Code section violated.
- (6) The name and authority of the officer.
- (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required pursuant to section 6-29.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, then he shall be deemed to have waived his right to contest the citation and that, in such case, he may be held in contempt of court and/or judgment may be entered against the person for an amount up to the maximum civil penalty.
- (11) A conspicuous statement that if the person is required to appear in court as mandated by section 6-29, he does not have the option of paying the fine in lieu of appearing in court.

*Control* means possession, ownership, care, and custody of animals.

*Controlled burial* means burying at least two feet below the surface of the ground and 100 feet from any water well.

*Cruelty* means any act of neglect, torture, or torment that causes the unjustifiable pain or suffering of an animal.

*Dangerous dog* means any dog that according to the county records or the records of any other local government:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury of a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property; or
- (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the division.

*Dog* means any animal of the canine species, regardless of sex.

*Domestic animal* means any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, or other domesticated beast or bird.

*Extreme weather* for the purposes of this chapter shall include but not be limited to the following conditions:

- (1) Hurricane;
- (2) Tropical storm;
- (3) Above 85 degrees Fahrenheit with a heat index of 100 degrees heat index; or
- (4) Below 40 degrees Fahrenheit with a 35 degrees wind chill factor.

In determining whether extreme weather conditions exist, an animal control officer shall consider extenuating circumstances such as shaded areas and availability of water.

*Guard dog* means any type of dog used for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment or which resides on the nonresidential property. The term "guard dog" shall exclude any stock dogs used primarily for handling and controlling livestock or farm animals.

*Guard dog service* means any person, business, or corporation that trains, sells, rents, or leases guard dogs for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in the unincorporated areas of St. Lucie County.

*Leash or lead* means a cord, rope, chain, or similar device which holds an animal under restraint and is not more than six feet in length.

*Livestock* means horses, mules, cattle, sheep, goats, swine, and other grazing animals.

*Officer* means any law enforcement officer defined in F.S. § 943.10, or any animal control officer.

*Owner* means any person, firm, partnership, corporation, organization, or two or more persons having a joint or common interest, or any other association, owning, keeping, possessing, harboring or having control or custody of one or more animals, including any custodian or person's parent or guardian. An animal shall be deemed to be harbored if it is fed or sheltered for five consecutive days or more. There shall be a rebuttable presumption that the person's name appearing on the animal's registration or radio frequency identification device (RFID), commonly known as a microchip, is the owner. This definition of the term "owner" shall not be considered as sole grounds for establishing legal ownership of an animal for purposes beyond the terms of the Code of Ordinances and Compiled Laws or the county land development code.

*Pet seller* means any person or entity, other than a registered breeder pursuant to section 6-53, governmental entity, or nonprofit corporation which has been granted 501.C(3) status by the Internal Revenue Service, who offers for sale one or more dogs or cats.

*Public nuisance* means:

- (1) Any animal which:
  - a. Attacks passersby or passing vehicles without provocation.
  - b. Attacks any other animal.
  - c. Is repeatedly at large and not under restraint.
  - d. Damages private or public property.

- e. Repetitively barks, whines, howls, chirps, caws, or whistles for a period of five minutes or more so as to disturb adjacent residents, except the following:
    - 1. Animals located on property zoned AG-1, AG-2.5, AG-5, AR-1 with agricultural classification pursuant to F.S. § 193.461, or PUD where livestock is permitted;
    - 2. Animals located on property on which livestock is permitted as a nonconforming use; or
    - 3. Birds and livestock located on property zoned AR-1.
  - f. Causes an annoyance in the neighborhood by acts such as overturning garbage cans, defecating, digging holes on other than its owner's property, or such other acts as are generally regarded to create an annoyance.
- (2) Any activity, such as, but not limited to, the feeding of wild animals or fowl which:
- a. Causes the fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to those in close proximity to the premises where the animals or fowl congregate; or
  - b. Causes a sanitary nuisance as defined in F.S. § 386.01.

Nothing in this definition shall be interpreted to contravene the provisions of the Florida Right to Farm Act, F.S. § 823.14.

*Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

*Tethering* means a rope, chain, or similar restraint for holding an animal in place, allowing a short radius in which it can move.

*Under restraint* means any animal secured by a leash or lead.

*Unprovoked* means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

*Vicious animal* means any fierce or dangerous animal that constitutes a physical threat to human beings or other animals, or any animal for which the animal control officer has documentation to establish that the animal has bitten any person or other animal on two separate occasions without provocation within a period of one year.

(Code 1982, § 1-4-16; Ord. No. 87-27, pt. A, 8-25-1987; Ord. No. 94-04, pt. A, 9-6-1994; Ord. No. 03-10, pt. A, 2-4-2003; Ord. No. 03-19, pt. A, 8-19-2003; Ord. No. 07-010, pt. B, 4-3-2007; Ord. No. 09-014, pt. B, 6-16-2009; Ord. No. 13-040, pt. A, 10-15-2013; Ord. No. 15-12, pt. A, 9-15-2015)

Sec. 6-26. - Animal care.

- (a) It shall be a violation of this article for any person to impound or confine any animal in any place without sufficient fresh food and water at all times daily, including weekends and holidays; to keep any animal in any enclosure without providing sufficient daily exercise; to fail to provide shelter from the weather, and clean quarters as further provided herein; medical attention for sickly, diseased, or injured animals; or to fail to inoculate the animal against rabies as required by this article. However this section shall not require the provision of shelter from the weather and clean quarters for livestock in open pasture. Dogs, cats, and small domestic animals shall not be

kept outside in crates, whether metal, wood, plastic or other materials. Dogs, cats and small domestic animals may be kept outside in a fenced enclosure if the enclosure contains a shelter which meets the following requirements:

- (1) Provides adequate protection from the cold and heat;
  - (2) Provides protection from the direct effect of the sun, wind and rain;
  - (3) Provides a solid roof and a wind and rain break;
  - (4) Contains clean and dry bedding material;
  - (5) Elevated a minimum of six inches from the ground;
  - (6) Provides sufficient space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down, and turn around simultaneously; and
  - (7) Provides ingress and egress for the animal to enter and exit the shelter at all times.
- (b) It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that it may be consumed by a dog or cat or livestock.
- (c) It shall be unlawful for any person injuring any dog, cat, or livestock, by any means, to fail to notify the owner of the animal, the animal control officer, or to report the incident to the county "911" system.
- (d) It shall be unlawful for any person to tease or molest an animal.
- (e) It shall be unlawful for any operator of a motor vehicle to allow an animal to ride in any unenclosed section of that vehicle without enclosing the animal in a cage that is secured to the vehicle or securing the animal with a restraining device that will not permit the animal to reach the outside perimeter of the vehicle.
- (f) The owner of any animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas, or the property of others.
- (g) All domestic animals put to death shall be done so pursuant to F.S. §§ 828.05, 828.055, 828.058, and 828.065.
- (h) All dead animals shall be disposed of by means of cremation, controlled burial, as defined herein, or disposal to rendering companies. It shall be unlawful for any person to dispose of dead animals by use of garbage collection and/or sanitary landfill except, upon notification of the landfill supervisor, arrangements may be made for controlled burial at the sanitary landfill.
- (i) Except for a nonprofit or charitable organization:
- (1) Which qualifies under Section 501(c) or (d) of the Internal Revenue Code of 1986; and
  - (2) Whose organizational documents, including bylaws, illustrate that the organization's purpose is to promote or educate the public regarding:
    - a. The importance of animals to human existence;
    - b. Better care of and for animals; and/or
    - c. The ability of humans and animals to better coexist;
- it shall be unlawful for any owner to offer an animal as a prize in response to participation in any game, contest, raffle, drawing of chance or any other similar event.

Notwithstanding the foregoing, the county administrator shall have the authority to grant a variance from this provision to any nonprofit or charitable organization that has not formally qualified for nonprofit status under Internal Revenue Code Section 501(c) or (d), but whose organizational documents, including bylaws, exhibit the same or similar attributes of such type of organization and operates for the purposes enumerated above.

- (j) No animal shall be tethered unless all of the following provisions are met:
- (1) Animals younger than six months old, older than seven years, or ill shall not be tethered.
  - (2) The length and weight of the tether shall be appropriate for the animal breed and shall be a minimum of ten feet long or four times the length of the animal (measured from tip of nose to base of tail), whichever is greater.
  - (3) The tether must have swivels at both ends of the rope, chain or similar restraint for holding an animal in place, allowing a short radius in which it can move about and not become tangled.
  - (4) Prong, choke or chain collars are prohibited in the use of tethering animal.
  - (5) Area which the animal may reach while tethered shall be free of entanglements.
  - (6) The length and location of the tether must not allow the animal to reach a fence or neighboring property.
  - (7) Collar weight shall be appropriate for the animal as determined by a reasonable person.
  - (8) The animal must be in view of the person responsible for the animal at all times while tethered.
  - (9) A trolley system is permitted.
  - (10) An animal may not be tethered in extreme weather, including but not limited to hurricanes, tropical storms or tornados.
  - (11) The animal shall have access to a dry and raised area at all times.
- (k) Any dog left unattended in an outdoor enclosure shall be provided a minimum of open space, excluding the shelter(s) within the enclosure, based upon the dog's size as set forth below:
- (1) Twenty pounds or less (small): Thirty-two square feet.
  - (2) Twenty-one to 50 pounds (medium): Sixty square feet.
  - (3) Over 50 pounds (large): Eighty square feet.

An additional 16 square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area as set forth above in subsection 6-26(a). Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs on residentially zoned property shall not be maintained outdoors during periods of extreme weather. This subsection shall not apply to dogs on property zoned AG-1, AG-2.5 or AG-5.

- (l) The transportation of animals in vehicles shall be subject to the following requirements:
- (1) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle.
  - (2) If a person's only means to transport an animal is in an unenclosed or partially enclosed vehicle, including but not limited to convertibles, pick-up trucks, and flatbed trucks, the person shall confine the animal in a container, cage, or with a harness with double tethering that is of proper and adequate size to prevent the animal from falling from or jumping from

the motor vehicle. With the exception of trailers used to transport hooved livestock, the flooring of the vehicle shall be covered in a type of material that prevents the animal's feet from burning.

- (3) If a container or cage is used, it must be securely fastened so as to prevent the container or cage from moving in the motor vehicle.
- (4) The animal must be provided fresh water and food as deemed appropriate by a responsible person.
- (5) No person shall carry or cause to be carried in or upon any vehicle or otherwise, any domestic animal having its feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation.
- (6) The following shall be exempt from the provisions of this subsection:
  - a. Transporting livestock animals on property zoned AG-1, AG-2.5, AG-5, or AR-1 with agricultural classification pursuant to F.S. § 193.461, or PUD where livestock is permitted.
  - b. Transporting livestock on property on which livestock is permitted as a nonconforming use
- (m) A person driving or in charge of a motor vehicle shall not permit an animal to remain unattended in a vehicle when the motor vehicle is out of the person's sight and under circumstances which endanger the health, safety or welfare of the animal.
- (n) Pursuant to F.S. § 828.073, an animal control officer may take custody of an animal found neglected or cruelly treated by removing the animal from its present location, or order the owner of the animal to provide certain care to the animal at the owner's expense without removal of the animal from its present location. In the event an animal control officer takes an animal into custody or issues a care order to the animal owner pursuant to this section, the county shall file a petition seeking relief under F.S. § 828.073, in the county court in and for St. Lucie County within ten days after the animal is seized or the order to provide care is issued.

(Code 1982, § 1-4-23; Ord. No. 87-27, pt. A, 8-25-1987; Ord. No. 94-04, pt. A, 9-6-1994; Ord. No. 95-27, pt. A, 8-15-1995; Ord. No. 15-12, pt. C, 9-15-2015)

Sec. 92.14. - Animal care; manner of keeping.

It shall be unlawful for any person keeping an animal to fail to provide for and/or maintain that animal:

- (1) Clean, sanitary and humane conditions; kennels, runs and doghouses shall be kept clean of animal excrement; housing facilities must be structurally sound and in good repair and shall have no sharp points or edges.
- (2) Sufficient quantities of food and fresh water daily; food should be free from contamination. Clean fresh water must be available to the animal at all times and placed in a container that cannot be tipped over or spilled.
- (3) Proper air ventilation and circulation;
- (4) Sufficient shelter and protection from the elements and environment; the shelter must provide protection from inclement weather to ensure the animal's comfort and good health. Each animal kept outdoors must have shelter of an appropriate size for the breed;
- (5) Medical attention and/or necessary veterinary care when it is sick, diseased or injured;
- (6) Inoculations against the rabies virus in accordance with F.S. § 828.30.
- (7) Animals maintained on a tether with swivels attached must be in an area free of objects that may cause entanglements. If an animal is tethered within a fence, it must be chained or tethered far enough away from that fence as to avoid jumping and hanging over the fence. If no fence exists; the length must not allow the animal unauthorized access to adjoining properties. All tethers must be a minimum of six (6) feet in length or three (3) times the length of the animal (measured from nose to base of tail) whichever is longer. The tether must be longer if attached to anything that is above ground level which would lessen the moveable area for the animal. The tether must be an appropriate size for the breed and cannot weigh more than one-eighth (1/8) the weight of the animal. All collars, including choke or prong type collars shall be used only while the animal is under the handler's direct control.
- (8) Animals kept outdoors must be brought into the residence if the outside heat index temperature reaches one hundred (100) degrees Fahrenheit or higher or wind chill factor reaches thirty-five (35) degrees Fahrenheit or lower; or during severe inclement weather such as: severe thunderstorm, tropical storm/hurricane warning, tropical storm/hurricane; tornado or flooding.
- (9) If prior case history of three (3) or more confirmed at large or manner of keeping violations exist, a resident eighteen (18) years of age or older must be home if the animal is tethered or kept outside the residence.

(Ord. 93-51, passed 12-6-93; Am. Ord. 99-40, § 1, passed 6-28-99; Am. Ord. 06-73, § 3, 7-24-06; Am. Ord. 09-77, § 1, passed 10-12-09)

**Cross reference**— Penalty, see section 92.99.

Sec. 4-24. - Animal abuse, cruelty, or neglect.

- (a) It shall be unlawful for any person to abandon, beat, treat with cruelty, overwork, or otherwise abuse any animal.
- (b) It shall be unlawful for any person keeping an animal to fail to provide for that animal:
  - (1) Clean, sanitary and humane conditions; kennels, runs, shelters, and living areas shall be kept clean of animal excrement;
  - (2) Sufficient quantities of food and fresh water daily; food must be free from contamination and water placed in a container that cannot be tipped over or spilled;
  - (3) Proper air ventilation and circulation;
  - (4) Sufficient shelter as defined in this chapter; and,
  - (5) Medical attention and/or necessary veterinary care when it is sick, diseased or injured.
- (c) Animals maintained on a tether must be in an area free of objects that may cause entanglements. All tethers must be a minimum of ten (10) feet in length. Choke-type or prong-type collars shall be used only while the animal is under the handler's direct control.
- (d) It shall be unlawful for an owner or operator of a motor vehicle to place or confine an animal or allow it to be placed or confined within an unattended motor vehicle without sufficient ventilation or under conditions for such a period of time as may be reasonably expected to endanger the health or well being of such animal due to heat, lack of water, or such other circumstances as may be reasonably expected to cause suffering, disability, or death of an animal.
- (e) It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that it may be consumed by any animal.
- (f) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

(Ord. No. L-80, § 2, 4-20-09)

**City Commission Conference Agenda**

**Agenda Item # 4. F.**

**Meeting Date:** 12/14/2015

**Re:** Code Enforcement Lien Caps

**Submitted For:** Peggy Arraiz, Code Compliance Manager, Code Enforcement

---

**SUBJECT:**

Discussion on capping Code Enforcement fines/liens - Code Compliance Manager

---

**Attachments**

Memo to Commission

---

**Form Review**

**Inbox**

City Manager

Form Started By: Peggy Arraiz

Final Approval Date: 11/04/2015

**Reviewed By**

rbradshaw

**Date**

11/04/2015 10:28 AM

Started On: 09/29/2015 10:30 AM



# City of Fort Pierce

## Community Response Divisions Code Enforcement & Animal Control

Protecting the health, safety and welfare of our community

Margaret M. Arraiz, Code Compliance Manager

---

TO: Robert Bradshaw, City Manager  
FROM: Peggy Arraiz, Code Compliance Manager  
RE: Code Enforcement Lien Caps  
DATE: September 24, 2015

---

As requested, I have contacted our neighboring jurisdictions to ascertain if they place a cap on their fines / liens.

#### Saint Lucie County -

- Their fines are capped at \$5,000 for residential properties and \$10,000 for commercial properties.
- The cap amount has varied over time and based upon the economy.
- This is an unwritten policy.
- They still receive and process reduction requests.

#### Port St. Lucie -

- They issue fines at \$25 per violation for 100 days.
  - Ex - if found in violation of a single violation the fine is  $\$25 \times 100 = \$2500$ ; if found in violation of four violations, the fine is  $\$25 \times 4 = \$100 \times 100 = \$10,000$ .
- This is an unwritten policy.
- They still receive and process reductions requests. They have a \$350 application fee for processing the reduction request.

#### Okeechobee County -

- They do not cap their fines.
- They follow the same procedures regarding fines / liens / reduction requests that we currently follow.

#### City of Okeechobee -

- They do not cap their fines.
- They follow the same procedures regarding fines / liens / reduction requests that we currently follow.

#### Vero Beach -

- Did not respond to my request.

#### Stuart -

- Did not respond to my request.

## DISCUSSION ITEMS:

- Does the City Commission wish to impose a cap on fines and liens?
- What is a reasonable amount that can be imposed but is still enough to encourage compliance?
- What, if any, criteria should it be based on?
  - Value of the property
  - Type of property (residential / commercial / multi-unit)
  - Owner occupied / tenant occupied
  - Number and/or severity of the violations
  - A flat rate
- Will the Commission still accept reduction requests for fines that are capped?
- Does the Commission wish to put this policy in writing in our Code Enforcement Board / Special Magistrate Rules & Regulations?

**City Commission Conference Agenda**

**Agenda Item # 4. G.**

**Meeting Date:** 12/14/2015

**Re:** Proposed CPTED Resolution

**Submitted For:** Peggy Arraiz, Code Compliance Manager, Code Enforcement

---

**SUBJECT:**

Discussion on CPTED (Crime Prevention Through Environmental Design) resolution - Code Compliance Manager

---

**Attachments**

FPPD Brochure  
Sarasota Resolution  
Proposed Resolution  
Strategic Plan Action Item

---

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
City Manager	Peggy Arraiz	10/23/2015 11:37 AM
City Manager	rbradshaw	11/04/2015 10:28 AM
Form Started By: Peggy Arraiz		Started On: 10/23/2015 11:22 AM
Final Approval Date: 11/04/2015		

**Territorial Reinforcement** – is that sense of ownership that a design creates for the space. Encouraging or promoting activity that instills a sense of ownership and expanding the sphere of influence over that space. Take a look at your property's territoriality.

If you answer yes to any of these questions, your property's territoriality needs to be improved.

- Do strangers regularly trespass on my property?
- Is my property being used as a short cut?
- Does my property ever have an unlivd-in or unkempt appearance?
- Are there seldom-used sections of my property where people loiter or hang out?

To address any of the above concerns, incorporate design elements that help distinguish between public and private property. For businesses and residences, this can be done through well placed markers, flowerbeds, low fences, walls, hedges, signage and regular maintenance. Create an "illusion of occupancy" at home.

This is extremely important in deterring thieves. This can be accomplished by making sure your lawn is maintained, your driveway is shoveled and your newspapers and mail is picked up. Use timers to control your lights, and have someone check on your property.

## **CPTED STRATEGIES:**

- > Provide clear border definition of controlled space
- > Provide clearly marked transitional zones which indicate movement from public to semi-private to private space
- > Create gathering areas at locations with natural surveillance and access control
- > Redesignate the use of space to provide natural barriers to conflicting activities
- > Improve scheduling of space to allow for effective use (parking for nightshift workers closest to the building)
- > Redesign or revamp space to increase the perception or reality of natural surveillance
- > Overcome distance and isolation through improved communications
- > Place safe activities in vulnerable areas, e.g. community garden in vacant land
- > Place vulnerable activities in a safe place, e.g. kindergarten play area in school courtyard
- > Increase the perception of natural surveillance (especially around access control points)

**For more information on this or any other Crime Prevention topic, please contact FPPD's Crime Prevention Unit at (772) 461-3820.**

C  
P  
T  
E  
D

**CRIME  
PREVENTION  
THROUGH  
ENVIRONMENTAL  
DESIGN**

**Did you ever wonder how you could make your home or business less appealing to criminals? Properties become targets of crime for a variety of reasons. By practicing the strategies outlined in this pamphlet, you can reduce the risk of being victimized.**

Crime Prevention Through Environmental Design or CPTED (pronounced sep-ted) holds some of the answers to these questions. CPTED provides a common sense way to improve the safety of your living environment. CPTED is a crime prevention approach based on a theory that the built environment influences the behavior of people. The proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime, thereby improving the quality of life.

CPTED involves the design of the physical space relative to:

- the needs of the users
- the normal use of the space
- the predictable behavior of the users of the space

Crime decreases if the opportunity to commit the crime is reduced or eliminated. CPTED works by eliminating criminal opportunities in and around your property. This can result in your property being a less appealing target.

**What can I do to protect my property?**

CPTED does not have to be expensive or difficult to apply. It simply involves taking full advantage of your property's natural surveillance, access control and territorial reinforcement potential.

## **CPTED CONCEPTS**

**Natural Surveillance** – is a design concept directed primarily at keeping intruders under observation. The primary goal of a surveillance strategy is to facilitate observation; it may also help to create an increased perception of risk to the offender.

Take an objective look at your property. If you answer yes to any of these questions, your property's natural surveillance needs to be improved.

- Does landscaping or fencing obscure the view to my property from neighboring properties?
- Are there any areas around my doors or windows where a person could hide?
- Are there areas of contrast or shadow around my property where intruders can loiter without being seen?

To address any of the above concerns, consider adding motion sensitive lights, reducing or pruning trees and shrubs, or altering fencing so intruders can be seen.

**Natural Access Control** – is a design concept directed primarily at decreasing crime opportunity. The primary goal of an access control strategy is to deny access to a crime target and to create a perception of risk to the offender.

Take a look at your property. If you answer yes to any of these questions, your property's access control needs to be improved.

- Do people routinely trespass on my property and/or fence line?
- Can people trespass on my property without being seen by others?
- Do people access my property in ways other than I intended?
- Do any existing access routes lack natural surveillance?

To address any of the above concerns, consider better control of undesired movements onto and within your property. Install landscaping, fencing or barriers to increase the chances of an intruder being seen when entering or exiting your property. When selecting fencing or landscaping materials, consider the maintenance requirements and the impact that full-grown landscaping would have on your ability to see intruders trespassing on your property. Keep furniture and equipment away from inaccessible windows and doors.

RESOLUTION NO. 91R-425

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA, ADOPTING THE CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) CONCEPT AND PRINCIPLES; TO PROMOTE PARTICIPATION BY PETITIONERS IN IMPLEMENTING CPTED PRINCIPLES IN PROPOSED LAND DEVELOPMENT AND REDEVELOPMENT PROJECTS AND TO LAY THE GROUNDWORK FOR NECESSARY AMENDMENTS OF CODES AND ORDINANCES FOR CITYWIDE IMPLEMENTATION; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has adopted the goals of Community Livability/Quality of Life and Public Safety; and

WHEREAS, adoption of Crime Prevention Through Environmental Design (CPTED) would thereby promote public safety and community livability, and an improvement in the quality of life; and

WHEREAS, the City of Sarasota has formed an Administrative CPTED Task Force to implement CPTED principles to reduce crime and the perception of crime in Sarasota; and

WHEREAS, the CPTED Principles of Natural Surveillance, Natural Access Control, Territorial Reinforcement, and Maintenance will assist in creating and maintaining a crime-free environment, and

WHEREAS, the City Manager has adopted the CPTED Concept and the Principles of the Administrative CPTED Task Force; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

Section 1. To adopt the Crime Prevention Through Environmental Design (CPTED) Concept and Principles (Attachment 1) in order to promote public safety and community livability and an improvement in the quality of life within the City of Sarasota.

Section 2. To promote participation by petitioners in implementing CPTED Principles in proposed land development and redevelopment projects and to lay the groundwork for necessary amendments of Codes and Ordinances for Citywide implementation.

Section 3. This resolution shall take effect immediately upon its adoption.

ADOPTED by the City Commission at the City of Sarasota, this  
3rd day of December, 1990.



Kerry G. Kirschner, Mayor

ATTEST:

Billy E. Robinson  
Billy E. Robinson, City Auditor and Clerk

**ADMINISTRATIVE CPTED TASK FORCE**

**CPTED CONCEPT**

The proper design and effective use of the built environment can lead to a reduction in the incidence and fear of crime, and an improvement in the quality of life.

**CPTED PRINCIPLES**

The adopted principles will assist in the creation and maintenance of a built environment that increases the perception of safety for the normal user and increases the perception of risk for the would-be offender. The first three principles: natural surveillance, natural access control and territorial reinforcement are the key concepts taught by the National Crime Prevention Institute. The fourth concept has been added by the Sarasota City Administrative CPTED Task Force as a result of field surveys which indicate that lack of maintenance is contributing to a reduction in visibility and a weakening of territorial reinforcement.

1. **Natural Surveillance:** The placement of physical features, activities and people in such a way as to maximize visibility. The lighting of public spaces and walkways at night.
2. **Natural Access Control:** The physical guidance of people coming and going from a space by the judicious placement of entrances, exits, fencing, landscaping and lighting.
3. **Territorial Reinforcement:** The use of physical attributes that express ownership, such as fences, pavement treatments, art, signage and landscaping.
4. **Maintenance:** Allows for the continued use of a space for its intended purpose. Serves as an additional expression of ownership. Prevents reduction of visibility from landscaping overgrowth and obstructed or inoperative lighting.

Note: Implementation of the CPTED principles will be handled through the review and approval process, and code and police enforcement.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ADOPTING THE CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED) CONCEPT AND PRINCIPLES; TO PROMOTE USE OF CPTED CONCEPT AND PRINCIPLES IN PROPOSED LAND DEVELOPMENT AND REDEVELOPMENT PROJECTS; AND PROVIDING FOR THE IMPLEMENTATION AND ENFORCEMENT OF CPTED STANDARDS.

WHEREAS, the City Commission supports the Crime Prevention Through Environmental Design philosophy as a way to reduce crime, advance neighborhood and business environments and improve the overall quality of life for its citizens; and

WHEREAS, the adoption of a maintenance principle to support the CPTED concepts and principles will assist in maintaining a crime-free environment; and

WHEREAS, The City Commission of the City of Fort Pierce encourages all residents and businesses of the City of Fort Pierce to make necessary adaptations to their physical environments to assist revitalization efforts and reduce crime in their neighborhoods; and

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA:

Section 1. To adopt the Crime Prevention Through Environmental Design (CPTED) Concept and Principles (Attachment A) in order to promote public safety, community livability and an improvement of life within the City of Fort Pierce.

Section 2. To promote use of CPTED principles in proposed land development and redevelopment projects by providing review and recommendations through the technical review process.

Section 3. To support continued maintenance of Natural Surveillance elements such as landscaping and overgrowth through the enforcement of CPTED standards utilizing established enforcement procedures.

Section 4. This resolution shall take effect immediately upon its adoption.

ADOPTED by the City Commission of the City of Fort Pierce, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

Linda Hudson, Mayor

ATTEST:

---

Linda Cox, City Clerk

## ATTACHMENT A

### CPTED DEFINITION

CPTED is the acronym for Crime Prevention Through Environmental Design. CPTED is defined as “the proper design and effective use of the built environment that can lead to a reduction in the fear and incidence of crime and improvement in the quality of life”.

### CONCEPT AND PRINCIPLES

The adopted principles will assist in the creation of a built environment that increases the perception of safety for the normal user and increases the perception of risk for the would-be offender. The CPTED principles as taught by the National Crime Prevention Institute are:

1. **Natural Surveillance:** The placement of physical features, activities and people in such a way as to maximize visibility. Such physical features include appropriate and properly maintained landscaping and lighting to eliminate shadows.
2. **Natural Access Control:** The physical guidance of people coming and going from a space by the judicious placement of entrance, exits, fencing, landscaping and lighting.
3. **Territorial Reinforcement:** The use of physical attributes that express ownership, such as fences, pavement treatments, art, signage and landscaping.
4. **Maintenance:** Allows for the continued use of a space for its intended purpose. Proper maintenance prevents reduced visibility due to plant overgrowth and obstructed or inoperative lighting, while serving as an additional expression of territoriality and ownership.

### CPTED STANDARDS

1. **Landscaping:** Requires that trees shall be trimmed to maintain a 7' clear height, hedges and bushes should be trimmed to maintain a maximum of 2.5' in height, unless used to deter graffiti, in which the hedge height is to be determined by the protected fence or wall.
2. **Lighting:** Requires all obstructions of lighting to be removed and all inoperative lighting to be replaced in a timely manner.
3. **Graffiti:** Requires graffiti to be removed, obliterated or abated as soon as possible. All cases of graffiti should be properly documented and reported to the Police Department to help identify gang related activities.

