

CITY PLANNING BOARD

BOARD AGENDA

Planning Board Regular Meeting - Tuesday, October 13, 2015 - 6:00 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS**
6. **APPROVAL OF MINUTES**
 - a. September 15, 2015 Minutes
7. **NEW BUSINESS**
 - a. Conditional Use - Dwelling Rental - 2025 South Ocean Drive
8. **AMENDMENT TO RULE 15**
9. **ELECTION OF VICE-CHAIR**
10. **BOARD COMMENTS**
11. **ADJOURNMENT**

Any person seeking to appeal any decision by the Planning Board with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Planning Board

6. a.

Meeting Date: 10/13/2015

Information

REQUESTED ACTION

September 15, 2015 Minutes

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Planning Board Minutes 9/15/15

Form Review

Form Started By: Alicia Rosenthal

Started On: 09/28/2015 03:27 PM

Final Approval Date: 10/05/2015

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **SEPTEMBER 15, 2015**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Mr. Walker, Assistant City Attorney, joined the meeting at 7:48 PM.

Present: **Marcia Baker; Mike Dahan; Brian Paul; Tim O'Connell; Charles Hayek; John George; Eloise Cumings; Robert Poitier; Steve Weaver; Bob Burdge, Chairman**

Absent: **Erica Klevers; Eduardo Mujica**

Staff Present: **Rebecca Grohall, AICP, Planning Manager
James Walker, Assistant City Attorney (late)
Kori Benton, Senior Planner
Clarissa Davis, Planner
Alicia Rosenthal, Administrative Assistant**

4. **CONSIDERATION OF ABSENCES**

Ms. Klevers and Mr. Mujica notified staff they would not be in attendance. Ms. Klevers submitted her resignation letter from the Board and her permanent position will be replaced by Mr. Weaver, who is the senior alternate.

5. **CERTIFICATION OF ALTERNATE MEMBER VOTING STATUS**

Mr. Poitier and Mr. Weaver were made active members for the meeting.

6. **APPROVAL OF MINUTES**

- a. Minutes of the August 11, 2015 meeting

Motion was made by John George, and seconded by Charles Hayek to approve the minutes from the August 11, 2015 meeting.

AYE: Mike Dahan, Brian Paul, Tim O'Connell, Charles Hayek, John George, Eloise Cumings, Robert Poitier, Steve Weaver, Marcia Baker, Chairman Bob Burdge
Passed

7. NEW BUSINESS

Staff asked for the order of new business be changed to accommodate the applicants who want to speak.

a. Conditional Use - The Perky Puppy - 509 Georgia Avenue

Mr. Benton gave an overview of the application and answered questions from the Board. Hoyt Murphy Jr., Plaza Owner, spoke about the turf and sound barriers in the plaza and gave his support for the Perky Puppy. Debra Webb, Owner of Perky Puppy, answered questions from the Board and elaborated on the boarding space for the dogs.

Motion was made by Brian Paul, and seconded by John George to forward a recommendation to the City Commission for approval of the request.

AYE: Brian Paul, Tim O'Connell, Charles Hayek, John George, Eloise Cumings, Robert Poitier, Steve Weaver, Marcia Baker, Mike Dahan, Chairman Bob Burdge
Passed

b. Conditional Use - Tropical Recycling - 1450 Bell Avenue

Mr. Weaver recused himself because he has an ongoing business relationship with one of the property owners.

Mr. Benton gave an overview of the application and answered questions from the Board. Stef Matthes, Representative, from Culpepper and Terpening, addressed questions about the truck route, size of trucks and the trucks being covered. Brian Katz, President of Tropical Recycling, provided further information about the recycling business and answered questions from the Board.

Motion was made by John George, and seconded by Brian Paul to forward a recommendation to the City Commission for approval of the request based upon the designated truck route, approaching Oleander Avenue via Midway Road or Edwards Road.

AYE: Eloise Cumings, Robert Poitier, Steve Weaver, Marcia Baker, Mike Dahan, Brian Paul, Tim O'Connell, Charles Hayek, John George, Chairman Bob Burdge
Passed

c. Annexation - 5550 S US Hwy 1 and Smallwood Avenue (5300 S US Hwy 1)

Ms. Davis gave an overview of the annexations and explained that annexations are being handled through FPUA service agreements.

Motion was made by Charles Hayek, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission to annex the parcels into Fort Pierce city limits.

AYE: **Mike Dahan, Brian Paul, Tim O'Connell, Charles Hayek, John George, Eloise Cumings, Robert Poitier, Steve Weaver, Marcia Baker, Chairman Bob Burdge**

Passed

- d. **Zoning Text Amendment - "Multi-Dwelling Building" as a permitted use within the R-5, High Density Residential zone.**

Ms. Davis gave an overview of the Zoning Text Amendment and answered questions about Mixed-Use in the R-5 Zoning.

Motion was made by John George, and seconded by Charles Hayek to forward a recommendation of approval to the City Commission.

AYE: **Charles Hayek, John George, Eloise Cumings, Robert Poitier, Steve Weaver, Marcia Baker, Mike Dahan, Brian Paul, Tim O'Connell, Chairman Bob Burdge**

Passed

8. BOARD COMMENTS

Due to Ms. Klevers resigning, an election for Vice-Chair will be held at the next regular meeting. The Board asked Mr. Walker to present information, at the next meeting, for a suggested amendment to Rule 15 to allow for an election at the next meeting if the Secretary or Vice-Chair vacates his/her office before his/her term is complete.

Mr. Walker apologized for being late due to a family emergency.

9. ADJOURNMENT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WEAVER STEVEN M.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE FORT PIERCE PLANNING BOARD
MAILING ADDRESS 607 MALABAR AVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY FORT PIERCE FL	NAME OF POLITICAL SUBDIVISION: FORT PIERCE
DATE ON WHICH VOTE OCCURRED SEPT 15 2015.	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, STEVEN WEAVER SR., hereby disclose that on SEPT 15, 20 15:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, JOAN KATSOCK / RAILSIDE LLC.
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I HAVE WORKED AS A GENERAL CONTRACTOR. AND CONTINUE TO WORK ON OCCASION FOR THE PROPERTY OWNERS JOHN KATSOCK JR / RAILSIDE LLC.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Sept 15, 2015
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Planning Board

7. a.

Meeting Date: 10/13/2015

Information

REQUESTED ACTION

Conditional Use - Dwelling Rental - 2025 South Ocean Drive

LOCATION

2025 South Ocean Drive

RESPONSIBLE STAFF

Kori Benton, Senior Planner

RECOMMENDATION

Disapproval of rental periods of 30 days or less.

Attachments

Staff Report

Application & Project Narrative

Site Aerial

Zoning Map

Floor Plan

TRC Comments & Applicant Response

Use Table & Future Land Use Element Excerpts

Form Review

Form Started By: Kori Benton

Started On: 10/06/2015 11:09 AM

Final Approval Date: 10/07/2015



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

TO: Members of the City of Fort Pierce Planning Board

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

SUBJECT: Application for Conditional Use
Dwelling Rental
2025 South Ocean Drive

DATE: October 5, 2015

STAFF REPORT

Owner/Applicant: Ted & Kristin Hollander
6502 NW 63rd Way
Parkland, FL 33067-1487

Applicant's Request: Approval of a Conditional Use to operate a Dwelling Rental, offering transient lodging for of a minimum of three (3) night rental periods.

Location: 2025 South Ocean Drive

Parcel ID: 2412-503-0051-000-7

Current Zoning: Single-Family Intermediate Density (R-2)

Future Land Use: Low Density Residential (RL)

Surrounding Zoning:

North	East	South	West
R-2	R-2	HIRD (SLC)	R-2

Site Size: .28 acres

Utilities: FPUA

Staff Analysis:

Request

In accordance with Sections 22-22, and 22-76 of the City Code, the applicant is requesting the review and approval of a Conditional Use to operate a Dwelling Rental at 2025 S. Ocean Drive, offering transient lodging of a minimum of three (3) nights to guests. The subject two-story home has a finished floor area of 3,146 square feet, containing four (4) bedrooms, three (3) bathrooms and traditional support rooms. An attached two car garage, and rear patio supplement this residential structure. The property is zoned Single-Family Intermediate Density (R-2).

The property is located at the northwest corner of S. Ocean Drive and Coconut Drive. The site is surrounded by single-family homes to the north, west, and east. The property to the south remains undeveloped residential property which is predominantly outside of the City Limits.

This corner site features a primary driveway entrance from S. Ocean Drive, and a supplementary driveway connection on Coconut Drive. A 10 ft. wide sidewalk extends along S. Ocean Drive to the east, and a 5 ft. sidewalk extends along the eastern half of the boundary along Coconut Drive.

The application presents operational guidelines sought by the applicants in an effort to minimize adverse impacts to the adjacent homes. These restrictions include the strict screening of potential renters, requirement of substantial security deposits by guests, and prohibition of large gatherings or parties at the site. Furthermore, the applicants have presented the designation of a contact, or property manager, in case of violation of designated rules set forth by the applicants, or the City of Fort Pierce. Furthermore, the application states that the home will be professionally cleaned after each renter, and the yard will be professionally maintained.

The application does not detail specific limits on the quantity of guests, maximum vehicles permitted on-site, or limitations on boats or similar recreational vehicles. Pets are presented as an allowable amenity for renters.

Dwelling Rentals

Pursuant to City Code Section 22-3. - Definitions—Generally, the rental of any dwelling unit for less than six (6) months, is classified as a “Dwelling rental (dwelling unit)”, and defined as follows: 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.

The State of Florida provides further classification if a dwelling is rented for periods of less than thirty (30) days, declaring the use a “Vacation rental”, and defined such use as any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A dwelling rental, as locally defined, is also a Vacation Rental if the duration of stays are less than thirty (30) days. The rental of a dwelling for periods greater than thirty (30) days, but less than six (6) months is a dwelling rental, but not a Vacation Rental.

Table 1, below, presents general characteristics to clarify Dwelling Rentals, and the transitioning threshold for Vacation Rentals.

Table 1 – Dwelling & Vacation Rentals

	Dwelling Rental	Vacation Rental
Length of Stay	Less than 6 months	30 days or less
Lodging Type(s)	Non-Transient (more than 30 days) & Transient Lodging (Vacation Rental)	Transient Lodging
State License Requirement	If rented 30 days or less (Vacation Rental)	Division of Hotels & Restaurants – Vacation Rental License
Public lodging establishment (ADA & Misc. Regulations)	If rented 30 days or less (Vacation Rental)	Public lodging establishment

The rental of residential properties for short-term occupancy by tourists is a rapidly expanding sector of the hospitality industry. The traditional rental of apartments, houses, and cottages, in tourism centered towns, to travelers is evolving as new technology has furthered this niche. Websites, and mobile phone applications have been developed to advertise and process the booking of short-term rental properties. Short-term vacation rentals offer an alternative to traditional hotel or bed and breakfast accommodations, generally offering unique amenities, and a higher capacity to accommodate families or more guests than a single hotel room. The benefits of increased tourism and economic activity related to short term rentals are discernable; however the necessity to regulate and guide the location for this use is well documented.

Residential neighborhoods have the capacity to be overwhelmed by a transient population of visitors, and the potential inflation of property values due to an abundance of second homes or investment properties that are rented for short terms. Furthermore, short term rentals are occasionally considered as presenting unfair competition to traditional hotels as their function is similar to a hotels, however many are not subject to the same fire and safety standards, inspections, or tax requirements of hotels. Problems frequently reported of vacation rentals are related to noise, parking, and impacts to neighborhood stability.

Vacation rentals have the capacity result in incompatible adverse impacts on neighborhoods including, but not limited to, increased noise, garbage, litter and traffic, changes to the private residential character of the neighborhood, the uncertainty and instability of the identity of occupants of neighboring properties, and a decline in the shared sense of community. Furthermore, short-term vacation rental use and longer term residential use are generally incompatible, due to the rapid turnover associated with short-term vacation rental use and the possible disruptive effect to the peaceful use and enjoyment of single-family residential areas. Short term rental periods to transient occupants are commercial in nature, which are better suited by more intense residential districts, or accommodated by hotels, motels and resort hotels.

Zoning & Land Use

The subject site is located within the Single-Family Intermediate Density (R-2) district which is designed primarily for areas of single-family dwellings, with an average net density of less than five (5) units per acre for conventional developments. Furthermore, the site has a land use designation of Low Density Residential (RL).

The Low Density Residential (RL) designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single family detached housing but can also contain duplexes and multifamily residences. Limited commercial uses intended to serve the neighborhood shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs,

schools and daycare facilities shall also be allowed. This land use category ranges in density from 1 to 6.5 dwelling units per acre.

The presented use of the property represents a limited commercial use, with undefined parameters of intensity or impact. The finished floor area of 3,146 square feet contains four (4) bedrooms, and three (3) bathrooms. The average hotel room size in the United States is approximately 325 square feet, according to the USA Today; therefore the capacity for occupancy of this site surpasses that of a typical lodging room. The use, although limited in comparison to a typical commercial use, or hotel/motel, is not intended to serve the neighborhood, but rather tourists for purposes of public lodging. The proliferation of vacation rentals within single-family districts the City of Fort Pierce may cause externalities to both residential neighborhoods, and businesses providing traditional lodging accommodations.

Traffic & Parking

The traffic generation from the proposed use is undetermined based upon numerous variables present, and the absence of complete data by the Institute of Transportation Engineers (ITE) Trip Generation Manual. Review of similar uses of this scale, in comparison to impacts of a single-family home, suggest an insignificant effect overall evaluation; however the absence of maximum occupancy, occurrence of short lengths of stay, and frequency of cleaning services are variables that may concentrate trips during seasonal months and weekends, causing elevated traffic impacts during such times.

Pursuant to City Code Section 22-60 (d), b. Motels, hotels and resort hotels shall provide 1.6 spaces for each unit 500 square feet or larger. The subject site features a two (2) car garage, and driveway space for approximately four (4) vehicles. A handicap parking space is required pending approval of stays for periods less than thirty (30) days as the operation would be classified as a public lodging establishment.

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. The use as presented features commercial aspects that are not generally appropriate for single-family, low-density environments.

The authorization of a Conditional Use to establish a dwelling rental for periods of less than six (6) months, but greater than thirty (30) days would provide an opportunity for consistency with zoning district and land use designation as the use becomes non-transient, minimizing the commercial nature of the use and potential impacts to the surrounding residential neighborhood. The further limitation of other leading effects of the use may provide greater assimilation of the short-term rental within a single-family district.

The Planning Board is encouraged to consider parameters regarding the maximum number of occupants allowed, posting of signs, parking, and other limitations to comprehensively address the increased intensity of use and accompanying impacts of the use if approved as a vacation rental, for rental periods of less than thirty (30) days.

Technical Review Committee

All affected departments have reviewed the proposed Conditional Use with regards requirements of the City Code. Findings from the review by corresponding departments and the associated responses by the applicant are provided for viewing by the Planning Board.

Staff Recommendation:

The proposed use presents the provision of transient lodging accommodations to the general public, representing a commercial use of the property not intended to serve the neighborhood, inconsistent with the City's Land Development Code and Comprehensive Plan. Based upon the Code and Comprehensive Plan restriction of commercial uses within the subject districts, Staff recommends the Planning Board forward a recommendation to deny the request as presented.

The Planning Board may consider an alternative motion contemplating a conditional approval of a dwelling rental, limiting the Conditional Use to non-transient lodging, providing all stay durations are greater than thirty (30) days, to diminish conflicts with the Single-Family Intermediate Density (R-2) and Low Density Residential (RL) districts, and integrating safeguards from adverse impacts by approval with the following conditions:

- 1) The Dwelling Rental provides non-transient lodging, mandating all stay durations are greater than thirty (30) days;
- 2) Maximum occupancy of the unit by one (1) family;
- 3) Limitation of two external passenger vehicles; and
- 4) Assignment of a property manager to be available at all times, to resolve complaints or violations of City Code.



CITY OF FORT PIERCE

PLANNING DEPARTMENT

Rebecca Grohall, AICP, Planning Manager
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

Conditional Use – No New Construction

Property address or Location 2025 S. OCEAN DR. FORT PIERCE, FL 34949
Parcel ID #(s) 2412-503-0051-000-7
Project description VACATION RENTAL

Property Owner(s) Ted Hollander/Kristin Hollander Ted Hollander, property owner
6502 NW 63 way Applicant/Representative, Title, Company
Street Address Parkland, FL 33067 Street Address
City 954-328-7475 State Zip City State Zip
Phone Number TedHollander@theticketclinic.com Phone Number
Email Address com Email Address

Property Owner(s) Acknowledgements: - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein.

[Signature] Property Owner(s) Signature(s)

STATE OF FLORIDA -- COUNTY Broward
The foregoing instrument was acknowledged before me this 3 day of August, 2015, by
Ted Hollander and Kristin Hollander who is personally known to me or has produced

Sheila Stanley as identification
Signature of Notary Sheila Stanley
COMMISSION # FF194541 (seal)
EXPIRES: January 29, 2019
WWW.AARONNOTARY.COM

INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729

TO BE COMPLETED BY STAFF

Zoning	Future Land Use	Total Acres	Historic District	Historic Designation	
<u>R-2</u>	<u>RL</u>	<u>.28</u>	<u>N/A</u>	Contributing	Individual
				Non-Contributing	<u>None</u>

Pre-Application Meeting Date 8/7/15 Fees \$100 Control # _____ B. Permit # _____
Intake Planner KB
Planner Assigned _____
Approved By _____ Date _____
Comments _____

Intake Date Stamp

CONDITIONAL USE: NO NEW CONSTRUCTION

Submit one original, seven (7) hard copies and one (1) CD of the following for initial submittal, subsequent submittals will be required:

- If no site improvements are required:
 - As-built survey
 - Floor plan of existing building(s)
- If parking and drainage improvements are required:
 - As-built survey;
 - Site plan, to scale, including existing improvements and proposed parking, driveways, landscaping & storm drainage;
 - Lighting plan
- Complete, notarized application

Application Type:

- Conditional Use: No new construction with no site improvements
- Conditional Use: No new construction with parking and drainage improvements

Site Information:

Building Size 4,182 sq. ft. Parking Spaces: _____

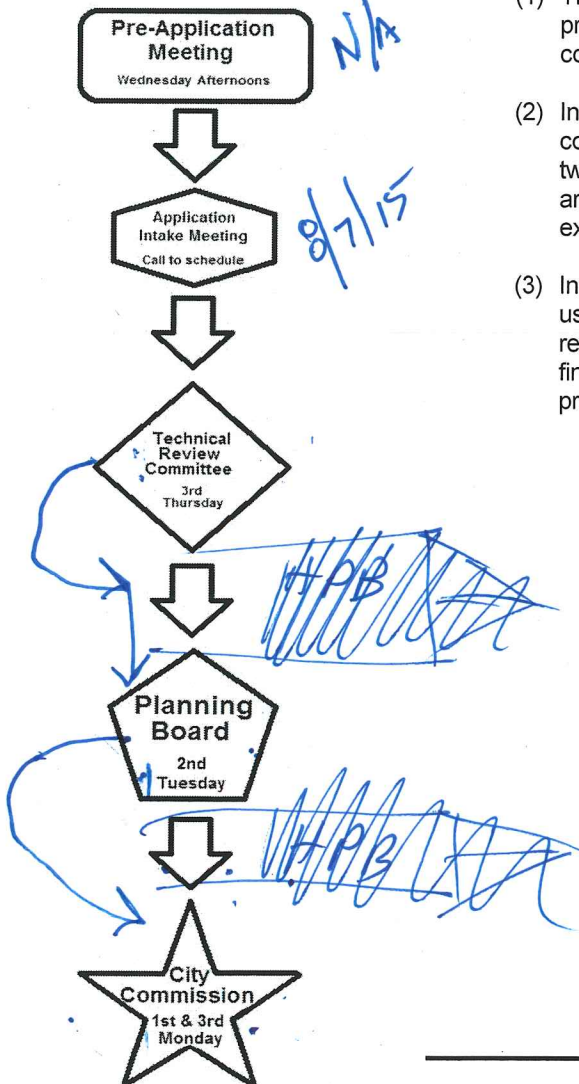
Surrounding Uses: (i.e. single family home, retail, industrial, etc.)

North	South	East	West
SF	Vacant	SF	SF

The application for conditional use with the application for site plan review, when not exempt in accordance with the requirements of section 22-75, shall be reviewed as a unit in accordance with the requirements of section 22-58 except that:

- (1) The city commission shall hold a public hearing in accordance with the provisions of section 22-143 prior to acting on the application for conditional use.
- (2) In the event the city planning board disapproved the application for conditional use or in case of a protest against said application signed by twenty (20) per cent of the owners within five hundred (500) feet of the area included in said application, such application shall not be approved except by a four-fifths vote by the city commission.
- (3) In permitting a conditional use or the modification of an existing conditional use, the city commission may impose, in addition to those standards and requirements expressly specified in this chapter, any condition which it finds to be necessary to protect the best interest of the surrounding property of the city.

Application Outlook



CONDITIONAL USE APPLICATION

Property Address:
2025 S. Ocean Drive
Fort Pierce, FL 34949

Property owners:
Ted and Kristin Hollander

Introduction:

Ted and Kristin Hollander, applicants, seek approval of a conditional use, so that their home may be rented for periods of times less than 6 months in duration. Mr. Hollander owns a local business.

The applicants' goal is provide a safe place for families to enjoy Hutchinson Island. At the same time, local business will benefit from the added income generated by people enjoying what the island has to offer.

The subject property:

The single family home is located in South Hutchinson Island (Surfside). It is adjacent to a natural preserve area to the north, without occupants. To the south, is a home that is separated by an oversized yard, leaving significant space between homes. To the rear, is the only nearby neighbor. At the time of purchase, the back yard was fenced with a rusted chain link fence. At the time of the filing of this application, a building permit is pending for a 6 foot privacy fence to replace the existing rusted chain link fence.

At the time of purchase, the home was vacant. The home had no hurricane protection, no window coverings in the rear, old/dilapidated (inoperable) garage doors, no security system, and inoperable appliances. Applicants installed new appliances, complete hurricane protection, an alarm system, window coverings, hurricane-rated garage doors, and are in the process of permitting the new fence.

The home has ample parking in the driveway and a 2 car garage.

General Project Description:

Applicants seek to rent their home to vacationers and "snow birds" for periods of time less than 6 months. Applicants would strictly screen potential renters, require substantial security deposits, prohibit smoking and large gatherings/parties. Applicants would provide contact information in case of a violation of any of these rules.

While recognizing the concerns of neighbors, Applicants feel as though their project will provide for:

- * carefully screened renters
- * 24-hour secured home (burglar and fire protection)
- * non-smoking environment

- * immaculately kept property
- * significant income for local economy
- * accountable property owners
- * pet-friendly lodging option for travelers with large pets

Younger renters, college students and "spring breakers" would not be permitted to rent the property. Renters would be limited to families and adult couples without children.

Local Properties of this sort are necessary:

Fort Pierce is an amazing undiscovered part of our State. The County/City is spending considerable efforts and funds to attract visitors to this part of the state. Pet-friendly, family homes for rent are difficult to find. These limitations will continue to keep these visitors out of the area, as they will travel to nearby cities without such limitations.

Homes like the one in question are perfect vacation destinations for families that travel with their pets. A neighborhood atmosphere can be maintained while inviting travelers to the area at the same time.

All necessary state and local taxes will be paid by Applicants.

Homes of this sort are not in direct competition with local hotels. Local hotels either are not pet-friendly or restrict the size of the pets. Further, hotels do not attract those who seek to stay on the island for extended stays during "the season".

Conclusion:

The Applicants are seeking approval from the commission for a conditional use to allow for rentals that are less than 6 months in duration. Optimally, Applicants would like to be able to rent for a minimum of 3 nights at a time. Applicants would continue to enforce all previously mentioned qualifiers, to ensure that only the most desirable renters would occupy the home.

Respectfully Submitted,

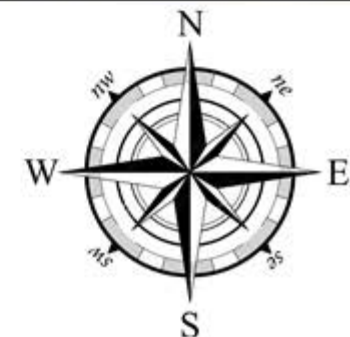


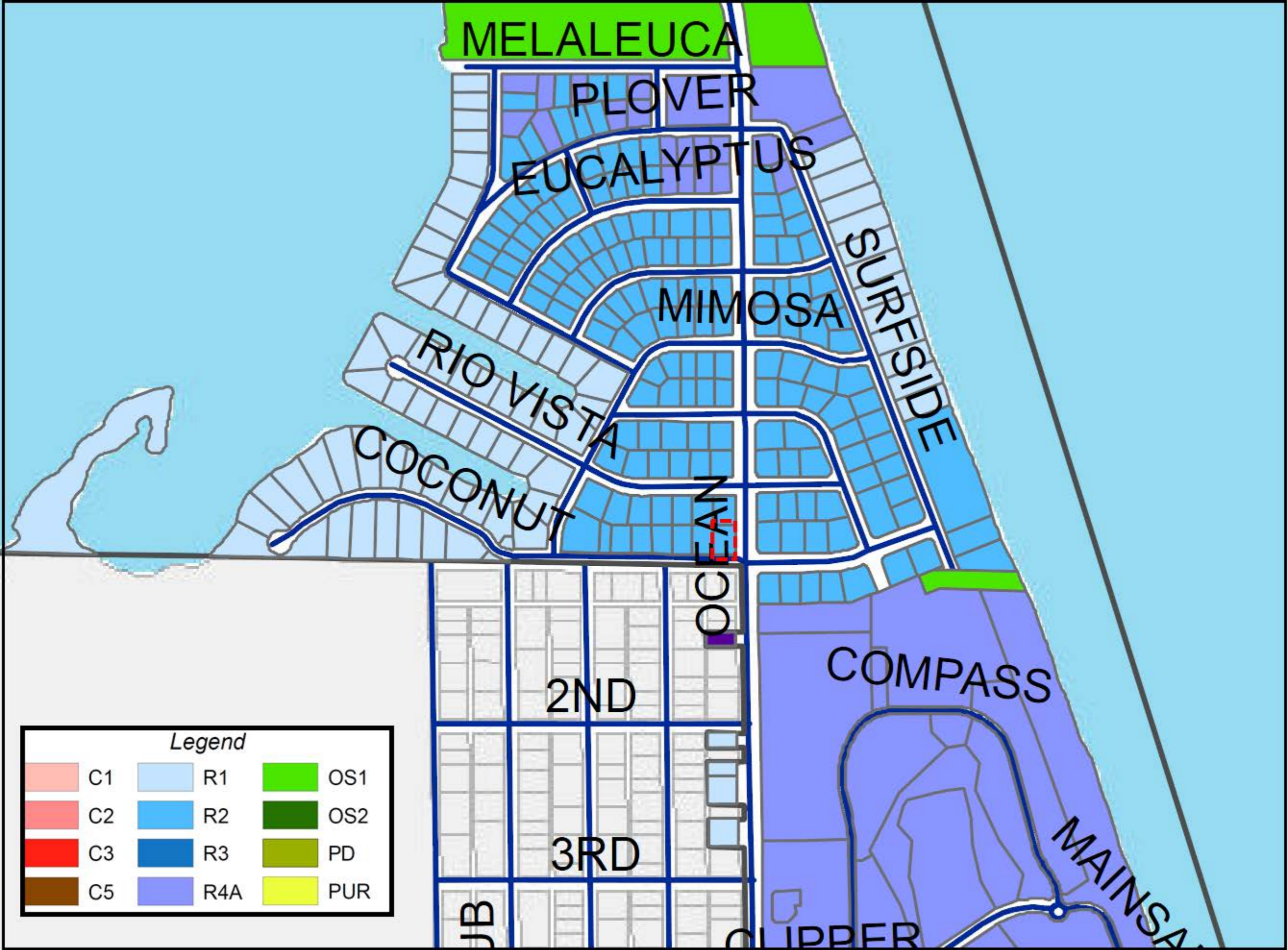
Ted Hollander
954-328-7475



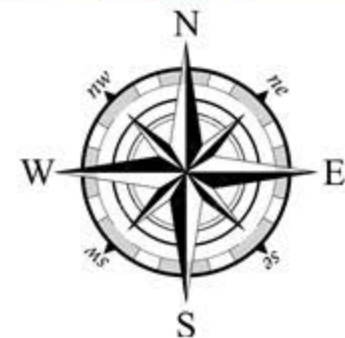
2025 S. Ocean Drive

Site Aerial



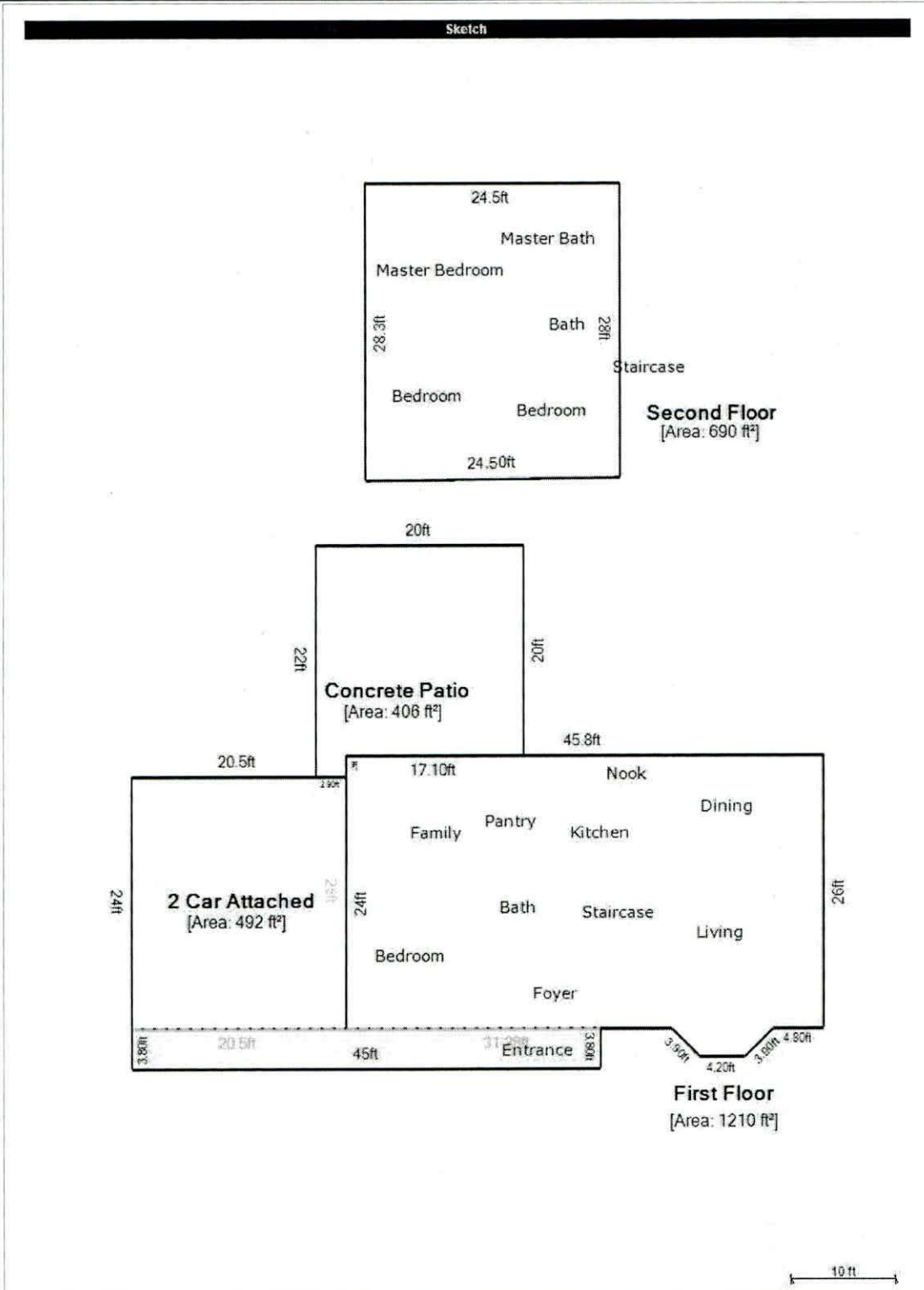


2025 S. Ocean Drive Zoning Map



FLOORPLAN SKETCH

Borrower: Ted Hollander File No.: 56691
 Property Address: 2025 S Ocean Dr Case No.: 15-001246-01-01
 City: Fort Pierce State: FL Zip: 34949-3366
 Lender: Sabadell United Bank



Living Area		Area Calculation			
First Floor	1209.99 ft²	First Floor			x 1.00 = 1209.99 ft²
Second Floor	689.88 ft²	45.8ft x	25ft x	1.00 =	1190.8 ft²
Nonliving Area		3.90ft x	2.76ft x	0.35 =	3.80 ft²
2 Car Attached	492 ft²	4.20ft x	2.76ft x	1.00 =	11.68 ft²
Concrete Patio	406.80 ft²	2.76ft x	3.90ft x	0.35 =	3.80 ft²
		Second Floor			x 1.00 = 689.88 ft²
		0.30ft x	24.50ft x	0.50 =	3.67 ft²
Total Living Area (rounded):	1900 ft²	26ft x	24.5ft x	1.00 =	686.00 ft²



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

Technical Review Comments & Applicant Response ***Hollander Vacation Rental*** ***2025 South Ocean Drive***

1. FP Planning
2. FP Code Compliance
3. FP Engineering
4. FPUA

5. Applicant Responses



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

Ted Hollander, Esq.
The Ticket Clinic
2219 Belvedere Road
West Palm Beach, FL 33406

**Re: Planning Department Review Comments
Conditional Use – Vacation Rental
2025 South Ocean Drive**

Dear Mr. Hollander, Esq.,

The following are advisory comments from the Planning Department's review of the application for Conditional Use to operate a Vacation Rental within the Single-Family Intermediate Density zone (R-2):

The City of Fort Pierce acknowledges the unregulated rental of single-family, two-family, multi-family or townhouse dwelling units by seasonal residents uniquely impacts established residential areas, and that it is therefore necessary and in the interest of the public health, safety and welfare to monitor and regulate the rental of such dwelling units.

Vacation Rentals have the capacity result in incompatible adverse impacts on neighborhoods including, but not limited to, increased noise, garbage, litter and traffic, changes to the private residential character of the neighborhood, the uncertainty and instability of the identity of occupants of neighboring properties, and a decline in the shared sense of community. Furthermore, short-term vacation rental use and longer term residential use are generally incompatible, due to the rapid turnover associated with short-term vacation rental use and the possible disruptive effect to the peaceful use and enjoyment of single-family residential areas. Short term rental periods to transient occupants are commercial in nature that is arguably best accommodated by hotels, motels and timeshares.

1) The property owner is encouraged to consider designating a Vacation Rental agent who is customarily present at a business location within the City of Fort Peirce in order to:

-Be available at the listed phone number 24 hours a day, seven days a week to handle any problems arising from the Vacation Rental use; and

-Be able and willing to come to the Vacation Rental dwelling unit within three hours following notification from the Code Enforcement Department of issues related to the Vacation Rental; and

- Monitor the Vacation Rental dwelling unit at least weekly to assure continued compliance with the requirements of this section.

2) The applicant is encouraged to review and ensure capacity to comply with Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), Florida Statutes, and Rules 69A-43 (Uniform Fire Safety Standards for Transient Public Lodging Establishments) and 69A-60 (the Florida Fire Prevention Code), Florida Administrative Code, where applicable;

3) The applicant shall provide a traffic statement, comparing the anticipated traffic impacts of the proposed use, in comparison to a traditional single-family home. According to the ITE Trip Generation Manual, 7th Edition, resort hotels generate 13.43 trips per day, per occupied room. Furthermore, According to the ITE Trip Generation Manual, 7th Edition, Single-family detached houses generate between 8-10.5 trips per day.

4) Comprehensive Plan Consistency:

Pursuant to the City of Fort Pierce Comprehensive Plan, Future Land Use element, the Low Density Residential (RL) designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single family detached housing but can also contain duplexes and multifamily residences. Limited commercial uses **intended to serve the neighborhood** shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed. This land use category ranges in density from 1 to 6.5 dwelling units per acre. This category combines the previously allowed Residential Suburban (RS), Residential Urban (RU) and Low Density Residential (RI) categories.

1.1.10 Policy:

The City shall maintain the South Beach Overlay District in the Land Development Regulations for northern South Hutchinson Island to **protect the existing neighborhoods and maintain a low-density**, "Tropical Village by the Sea" character. The City will promote opportunities for tourism-related development and require the developments to be consistent with the provisions of the overlay district and the neighborhood character.

The presented use provides transient lodging, at a commercial capacity, however the use does not offer services or products to the neighborhood, therefore it is not deemed to be consistent with the land use designation. Consideration of a non-transient proposal, which offers lodging of 30 days or greater, may be a more appropriate alternative to ensure consistency this land use designation.

If deemed necessary, please provide a written response to each comment in order to expedite the review of any subsequent submittals. Please contact me should you have any questions regarding the project at (772) 467-3739 or by e-mail: kbenton@city-ftpierce.com.

Sincerely,



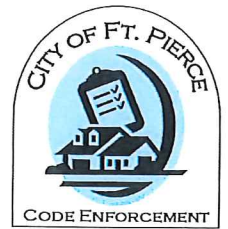
Kori Benton
Senior Planner



CITY OF FORT PIERCE

COMMUNITY RESPONSE DIVISIONS
MARGARET M. ARRAIZ, CODE COMPLIANCE MANAGER

Protecting the health, safety and welfare of our community



TO: Kori Benton, Senior Planner
FROM: Peggy Arraiz, Code Compliance Manager
RE: Technical Review Project: # 15-04000005
2025 S. Ocean Drive – Hollander Vacation Rental
DATE: August 10, 2015

Code Enforcement has reviewed the above project and has the following comments:

- In the General Project Description, the applicant has indicated that they will provide contact information in case of any violation. I think this should be a condition of approval and that if the contact information is not kept current, it become cause for revoking the Conditional Use.
- Vacation Rentals are regulated by the State of Florida, Division of Business & Professional Regulation – Division of Hotels & Restaurants. An approved state license is required.
- A City of Fort Pierce Business Tax Receipt is also required.
- The most common complaint our office receives regarding short term rentals is the improper use of garbage cans. I recommend that steps be taken to ensure compliance with this code as well as the codes that relate to parking, noise, outside storage, animal restraint and animal nuisance (picking up animal waste).



CITY OF FORT PIERCE

DEPARTMENT OF ENGINEERING

Roadway Design, Engineering Reviews, Stormwater Utility Management,
Project Management, Traffic Control and Maintenance

INTEROFFICE MEMORANDUM

TO: Kori Benton, Senior Planner

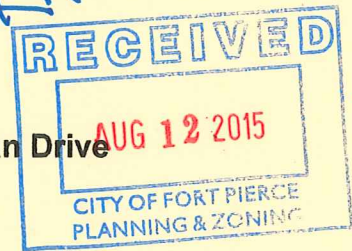
FROM: John R. Andrews, P.E., City Engineer *JRA*

DATE: August 11, 2015

PROJECT: Hollander Vacation Rental – 2025 S. Ocean Drive
Conditional Use Request

cc:

Attachment(s): None



This is to advise you that we have completed the review of the following documents:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> P/D Drawings & Approved Site Plan |
| <input type="checkbox"/> Test Reports & Related Documents | <input type="checkbox"/> Certificate of Completion |
| <input type="checkbox"/> Record Drawings | <input type="checkbox"/> Permits from applicable Local,
State & Federal Agencies |
| <input type="checkbox"/> Clearances from all applicable Local,
State and Federal Agencies | |

Based on our reviews and appropriate site final inspection, we Recommend; Do Not Recommend

- Approval of CU Building Permit C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

See attached for recommended changes
JRA/tst



Conditional Use – Hollander Vacation Rental – 2025 S. Ocean Drive – (Kori Benton)

- **W/WW Engineering:** Approved
- **Gas and Electric Engineering:** Approved

TED L. HOLLANDER
6502 NW 63rd Way
Parkland, FL 33067
954-328-7475

August 21, 2015

Kori Benton
Senior Planner
City of Fort Pierce
PO Box 1480
Fort Pierce, FL 34954

Re: Conditional Use - Vacation Rental
Planning Department Review Comments
2025 S. Ocean Drive

Dear Mr. Benton,

Please accept this written response to the advisory comments of the planning department that I received on August 20, 2015. I appreciate the Department's review and comments relating to my application for conditional use.

While I too acknowledge the *potential* negative impact that a vacation rental may have on a residential neighborhood, I strongly believe that my conditional use will have a positive effect on the neighborhood for a number of reasons.

In recent months, the City of Fort Pierce has received unfavorable designations from various sources as "the worst place to live in Florida" and "the 9th most dangerous city in Florida." My wife, 3 kids and I have been coming to Fort Pierce for 5 years. We immediately fell in love with the area, and became frequent visitors to the local beaches, restaurants and attractions. Since then, we have constantly bragged about the city, and consequently friends and family have come to visit and some have even bought property here as well. Fort Pierce needs to continue to attract visitors who can help the city through tourism and through the acquisition of properties. Notwithstanding these designations, our family loves Fort Pierce. In fact, we have also purchased two commercial properties in the area, spent considerable resources to improve the properties and have provided nearly 30 local jobs. We strongly believe in the city of Ft. Pierce.

When we purchased the property in question (2025 S. Ocean Dr.), we impacted the neighborhood in a positive way. We took a vacant home and made significant improvements. We paid more than the appraised value, which helps all neighboring properties. We replaced 30 year old, non-working, unsightly garage doors, with hurricane rated garage doors. We completely protected the home's openings from hurricane damage, while the previous owner took no steps toward protection. We installed a 24 hour security system with burglar and fire protection. We are in the process of replacing the unsightly, rusted chain link fence with an attractive fence for the back yard. Each of these improvements will increase the property value, which helps each neighbor and the city as a whole.

Our proposed use is not intended to attract "spring breakers." Our target renter is either a couple or a family, who may have a pet. Our proposed rental rates will be significantly more expensive than a hotel. We will gladly self-impose age restrictions on renters, number of occupants in the home and allow only a certain number of vehicles to be on the property.

The remaining comments will address the Department's comments by section number:

- 1) If this conditional use is approved, we will gladly designate a vacation rental agent who will constantly be nearby. This agent will be available 24 hours a day, 7 days a week to handle any issues/problems. We live less than 2 hours away, and will be able to come to the home as needed as well. Our agent will monitor the property at least weekly to ensure continued compliance.
- 2) We will gladly comply with Ch. 212 and 509, Florida Statutes, and rule 69A-43 and 69A-60, FL. Admin Code where applicable.
- 3) We anticipate traffic to be significantly less than if the home was rented to a single family for a traditional rental period. The ITE manual's numbers provided in the Department's comments, establish this point. This home is a 4 BR, 3 Bath home. If rented to a family, the home could easily accommodate a family of 5-6 (2 parents and 3-4 kids). Using ITE's numbers, we must presume that a home of this size will generate at least 10.5 trips per day on average. Over the course of 1 year, that equals approximately 3832 trips per year. The vast majority of vacation rental inquiries come from retired couples, not large families. According to zillow.com, the average occupancy rates for vacation rentals is at 56%. That means that on average 44% of the time, the home will not be occupied. Using the numbers provided by the ITE manual, there would only be 2745 vehicle trips per year if rented as a vacation home (56% of 365 days = 204 days, 204 x 13.43 trips per day = 2745). This number is 28% less than the expected number of trips if the home was rented on an annual basis. This same analysis must be applied when considering the amount of garbage generated over the course of the year. The home would be professionally cleaned after each renter. There will be no litter on the property, and the property will be immaculately cared for. The yard will be professionally cut regularly. (There are nearby neighbors that have had the same "garage items" in their driveway for months! They have literally used their driveway for storage items since June!) I assure you, I will try to improve the area, not negatively effect it. When marketing a vacation home, it must be in immaculate condition. This home will not be an exception.
- 4) If approved, the home would be rented to families. It will not be treated as a hotel, rented by room. The anticipated use, will keep the intended "low-density" character in tact.

In recent years, the city of Fort Pierce has made great strides to improve the South Beach area. From improved roads, new street light poles, a renovated jetty area, major renovations to the marina and the announcement of new eating establishments that will be coming soon, tourism will continue to increase. I have even seen billboards at the Fort Lauderdale airport inviting people to visit Hutchinson Island. The City obviously wants more visitors. However, lodging is significantly lacking. Families (with or without pets) have very few options. Should they stay at the hotel by the jetty, that has constant live music (and recent violence) or should they stay on the other side of the bridge? What should they do if they travel with a dog? There are virtually no options. Without adequate lodging, tourists will choose other destinations. The economic impact from tourism to the local community could be tremendous. The City should take a fresh look at this issue and lower the strict regulations in the city's ordinance. Respectful tourists, who are eager to spend money and learn what the city has to offer should be welcomed and not shunned. Prohibiting rentals of this sort will drive them to neighboring cities. If allowed, they will continue to come back year after year, which in turn will help Ft. Pierce be a destination of choice for travelers for many years to come.

I look forward to your further comments.

Sincerely,

Ted Hollander

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

GOP Table 1-1: Future Land Use Density/Intensity Summary Table

<i>Land Use Category</i>	<i>Residential Density (dwelling units per gross acre)* (Also refer density bonus outlined in Policy 1.1.5)*</i>	<i>Non-Residential Floor Area Ratio (FAR)*</i>	<i>Land Use Breakdown</i>
RESIDENTIAL			
Low Density Residential (RL)	1-6.5 du/ac	-	
Hutchinson Island Residential (HIR)	8 du/ac	-	
Medium Density Residential (RM)	6.5-12 du/ac	-	
High Density Residential (RH)	12-18 du/ac	-	
COMMERCIAL			
Boundary Commercial (BC)	N/A	1.0	N/A
Neighborhood Commercial (NC)	10du/ac	0.5	Residential uses may comprise up to 20% of the total floor area of the Neighborhood Commercial future land use designation.
General Commercial (GC)	15 du/ac	1.0	Residential uses may comprise up to 20% of the total floor area of the General Commercial future land use designation.

- 1.1.3 Policy:
The City shall ensure that future land use designations are compatible with adjacent land uses both within and outside the City boundary.
- 1.1.4 Policy:
The City shall administer Land Development Regulations consistent with the future land uses in this Element. The general description of each land use category is as follows:

A. Residential

Low Density Residential (RL): The Low Density Residential (RL) designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single family detached housing but can also contain duplexes and multifamily residences. Limited commercial uses intended to serve the neighborhood shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed. This land use category ranges in density from 1 to 6.5 dwelling units per acre. This category combines the previously allowed Residential Suburban (RS), Residential Urban (RU) and Low Density Residential (RI) categories.

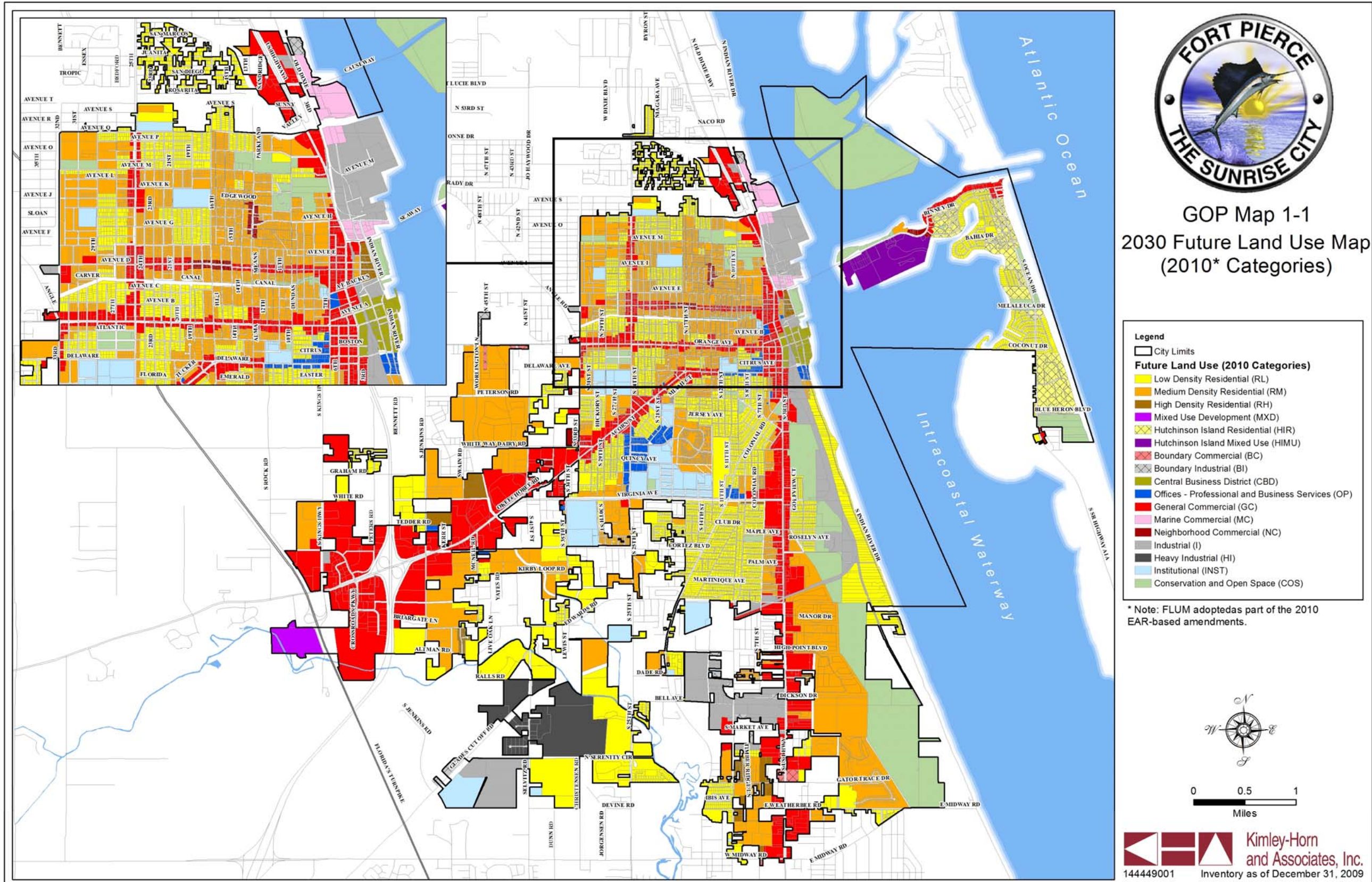
Hutchinson Island Residential (HIR): The Hutchinson Island Residential (HIR) designation is intended for parcels that are best suited for residential development on Hutchinson Island. This future land use category allows single-family detached and attached units, duplexes and multifamily residences at densities ranging up to 8 dwelling units per acre. Limited public uses and commercial uses that are compatible with the surrounding development shall also be allowed. The previous "Medium Density Residential Hutchinson Island (Rmhi)" has been renamed.

Medium Density Residential (RM): The Medium Density Residential (RM) designation is intended for parcels that are best suited for multifamily residential uses ranging in density from 6.5 to 12 dwelling units per acre. This category allows small-lot single family units and multifamily dwellings including duplexes, condominiums and townhomes. Limited commercial uses intended to serve the residential uses shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed. This category combines the previously allowed Medium Density Residential (Rme) and Moderate Density Residential (Rmo) categories.

High Density Residential (RH): The High Density Residential (RH) designation is intended for parcels that are best suited for medium to high density multifamily residential uses ranging in density from 12 to 18 dwelling units per acre. This category allows multifamily dwellings including apartments, condominiums and townhomes. Limited commercial uses intended to serve the residential uses shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed.

Hutchinson Island Mixed Use (HIMU): The Hutchinson Island Mixed Use (HIMU) designation is intended for parcels that are best suited for medium to high density and intensity mixed use developments on Hutchinson Island. The maximum residential density allowed within this category is 8 dwelling units per acre and the maximum floor area ratio (FAR) is 1.0. Non-residential uses may comprise no more than 20% of the total floor area of the Hutchinson Island Mixed Use future land use designation. The previous Medium Density Residential Hutchinson

GOP Map 1-1 - Future Land Use Map (2030)



Planning Board

8.

Meeting Date: 10/13/2015

Information

REQUESTED ACTION

AMENDMENT TO RULE 15

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Attachments

Current Rules & Regulations

Proposed Amendment to Rule 15

Form Review

Form Started By: Alicia Rosenthal

Started On: 10/05/2015 03:47 PM

Final Approval Date: 10/07/2015

CITY OF FORT PIERCE
PLANNING BOARD

RULES AND REGULATIONS

1. The City of Fort Pierce Planning Board will meet the second Tuesday in each month at 6:00 pm in the Fort Pierce City Hall Commission Chambers.
2. Additional meetings may be held at any time upon the call of the chairman, or by a majority of the voting members of the Board, or upon request of the Mayor-Commission, following at least twenty-four (24) hours notice to each member of the Board.
3. The Board at its first regular meeting in March of each year shall elect a chairman, vice-chairman, and a secretary.
4. The duties and powers of the officers of the Planning Board shall be as follows:
 - a. Chairman:
 - (1) Preside at all meetings of the Board.
 - (2) Call special meetings of the Board in accordance with these rules and regulations.
 - (3) Sign documents of the Board.
 - (4) See that all actions of the Board are properly taken.
 - b. Vice-Chairman:
 - (1) During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all the duties and be subject to all the responsibilities of the chairman.
 - c. Secretary:
 - (1) Be custodian of Board records, as required.
 - (2) During the absence, disability, or disqualification of the chairman and vice-chairman, the secretary shall exercise or perform all the duties and be subject to all the responsibilities of the chairman.
5. A majority of the members of the Board entitled to vote shall constitute a quorum for the transaction of business. All recommendations from the Board for either approval or disapproval of any agenda item shall be by a majority vote of the members of the Board entitled to vote.
6. Robert's Rules of Order are hereby adopted for the government of the Board in all cases not otherwise provided for in these rules.
7. These rules may be amended at any meeting by a vote of the majority of the entire membership of the Board, provided five days' notice has been given to each member of the Board.

8. Deadline for Agenda: the deadline for placement on the agenda, for applications for conditional use involving site plans, PUR, PUD, and site plan review shall be fifteen (15) working days prior to the meeting. The deadline for other items shall be ten (10) working days prior to the meeting.
9. The following order will normally be observed; however, it may be rearranged by the chairman for individual items if necessary for the expeditious conduct of the business:
 - a. Pledge of Allegiance
 - b. Roll Call
 - c. Consideration of Absences
 - d. Certification of Alternate Member voting status
 - e. Approval of Minutes
 - f. Annexations
 - g. Ordinance amendments
 - h. Comprehensive Plan amendments
 - i. Rezoning
 - j. Conditional Uses
 - k. Site Plans
 - l. Other Business
10. Procedures for discussion. The following procedure will normally be observed:
 - a. Committee and staff presents report and makes recommendation
 - b. The Board may ask questions regarding the committee or staff report.
 - c. Proponents of the agenda item make presentation.
 - d. Opponents make presentation.
 - e. Applicant makes rebuttal of any point not previously covered.
 - f. Board asks any questions it may have of the proponents, opponents, or staff and then take a vote.
11. Deadline for consideration of non-agenda items:

No non-agenda item shall be taken after 10:00 pm, except that the chairman may waive this rule at his discretion.
12. Designation of voting order:

Voting to be by verbal vote; and the order of voting is to be rotated each vote, except that the chairman shall vote last.
13. Each member, including alternates, of the Planning Board who has knowledge of the fact that he will not be able to attend a scheduled meeting of the Planning Board shall notify the Planning Department at City Hall at the earliest possible opportunity, and in any event, prior to 12:00 pm the date of the meeting. An explanation for the absence shall be provided. The Planning Director shall notify the chairman of the Board in the event that projected absences will produce the lack of a quorum. In case of absences, the alternates will be the first to fill

absences. If a quorum is not met, then ex officio members will be contacted to fill absences. Upon their selection by the Chairman, alternates and ex officio members will have full voting privileges and count toward quorum requirements as long as the total sum of the resident appointees and participating alternates and ex officio members does not exceed ten (10).

14. The chairman shall be an ex-officio member of all committees, with voice but no vote.
15. The vice-chairman shall succeed the chairman if he vacates his office before his term is completed; the vice-chairman to serve the unexpired term of the vacated office. A new vice-chairman shall be elected at the next regular meeting.
16. Any decision or recommendation of the Planning Board may be rescinded or reconsidered at or during the same meeting the decision was taken or the recommendation was made. If, for good cause, the Board wishes thereafter to reconsider or rescind a measure, it may at any time recommends to the City Commission that it be given leave to reconsider as appropriate any earlier recommendation.
17. Any agenda for regular meetings of the Planning Board shall include the Following as a final order of business: "Discussion by Individual Board Members".

(Adopted 4/13/1982; Revised 05/08/2007; Revised 6/8/2010; Revised 6/12/2012, Revised 12/11/2012)

To: Robert Burdge
Chair, Fort Pierce Planning Board

From: James T. Walker, Esq.
Assistant City Atty, Fort Pierce

Date: October 5, 2015

Subject: Amendment to Rule 15, Rules of Procedure, Planning Board

This memorandum serves as brief response to request made by the Planning Board at its September meeting for a suggested amendment to Rule 15. As was pointed out at the meeting, the Rule provides for replacement of the Chair. It does not in so many words apply in equal fashion to the other officers. The proposed draft would clarify intent that the procedure for replacement is to be the same for each.

Language to be eliminated by the amendment is denoted by ~~strike out~~. Words to be added are denoted by underlining:

~~15. The vice chairman shall succeed the chairman if he vacates his office before his term is completed; the vice chairman to serve the unexpired term of the vacated office. A new vice chairman shall be elected at the next regular meeting.~~

15. In the event any office of the Board becomes vacant before the March meeting, a special election to fill the vacancy shall be held at the meeting next following the date the office became vacant, with the term of such office to end at the time of the March meeting.

Planning Board

9.

Meeting Date: 10/13/2015

Information

REQUESTED ACTION

ELECTION OF VICE-CHAIR

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

Form Review

Form Started By: Alicia Rosenthal

Started On: 10/02/2015 03:29 PM

Final Approval Date: 10/07/2015