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**TO:** Nicholas Mimms, PE, City Manager  
**THROUGH:** Rebecca Grohall, AICP, Planning Director  
**FROM:** Kori Benton, Senior Planner  
**SUBJECT:** **Ordinance 16-018**  
**Correcting Scrivener's Error within Ordinance L-295 – Use Table**  
**Dwelling Rental Classification Corrections**  
**DATE:** August 26, 2016

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### STAFF REPORT

**Requested Action:** Approval of Ordinance 16-018; Amending Ordinance L-295 to correct Scrivener's error in the classification of Dwelling Rentals in the E-2, E-3, R-3, R-4, R-4A, and R-5 districts, assigning the accurate classification within the adopted use table of Section 22-22 of the City Code of Ordinances.

**Location(s):** E-3, R-3, R-4, R-4A, and R-5 Zoning Districts

#### Staff Analysis:

The City of Fort Pierce Commission, on November 4th, 2013, adopted Ordinance L-295 to create a Use Table to relocate all of the "permitted" and "conditional" uses for each zoning district into one combined table. The Use Table presented the collection of uses identified within the land development code as Permitted, Conditional, or Prohibited through identification with a "P", "C", or "-", respectively, to classify each use for the corresponding district.

The Use Table created by Ordinance L-295 either through scrivener's error inadvertently omitted the proper use classification of Dwelling Rentals within certain zoning districts; E-2, E-3, R-3, R-4, R-4A, & R-5 for which previous versions of the document accurately contained and reflected the established and intended classification as Conditional Use within said districts, based upon longstanding ordinance with no intention of amendment, abandonment, or change.

Ordinance L-295 presented Dwelling Rentals as a prohibited use within these noted zoning districts; E-2, E-3, R-3, R-4, R-4A, & R-5, as opposed to the intended identification with a "C", as eligible Conditional uses within said districts, as previously established within the City's land development regulations and within versions of the Use Table reviewed by the Planning Board, and City Commission at First Reading of Ordinance L-295.

The origin or cause for the Scrivener’s error is unknown; however staff has affirmed the Scrivener’s error as unintended and unrecognized in the final execution of Ordinance L-295, the associated reports, and minutes of the City Commission pertaining to this action.

It is appropriate to amend Ordinance No. L-295 via Ordinance 16-018, and acknowledge of the Scrivener’s error subsequently contained within Ordinances 14-017, 15-009, 15-054, and 16-013, by setting forward a corrected distribution of P / C / - classification for the use category of Dwelling Rentals, identifying the use as a Conditional Use within the E-2, E-3, R-3, R-4, R-4A, & R-5 zoning districts.

*Dwelling Rental Ordinance History*

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.

The regulations adopted, and further amended by the enactment of South Beach Overlay affirmed this established classification and procedure for review and consideration of Dwelling Rentals within various zoning districts. The preparation and review of Ordinance L-295 for the creation of a designated Use Table intended to retain and carry forward the classifications established and maintained since 2002, however through Scrivener’s error, the classifications were inaccurately adopted. Ordinance 16-018 corrects this error to appropriately reinstate the long-standing classification as Conditional Use within the E-3, R-3, R-4, R-4A, and R-5 districts.

**Staff Recommendation:**

**Approval** of Ordinance 16-018; Amending Ordinance L-295 to correct Scrivener’s error in the classification of Dwelling Rentals in the E-2, E-3, R-3, R-4, R-4A, and R-5 districts, assigning the accurate classification within the adopted use table of Section 22-22 of the City Code of Ordinances as follows:

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4	C5	C6	CP	I1	I2	I3	OS1	OS2	A1	A2
<b>COMMERCIAL</b>																							
Overnight Accommodations																							
-Dwelling Rental	-	C	C	C	C	C	C	C	C	-	-	-	P	P	-	-	-	-	-	-	-	-	-