

Ordinance History & Progression
- Dwelling Rentals -

Ordinance K-114 - 2001

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)^{SS}

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.

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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.

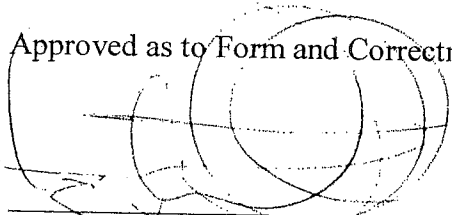
SECTION 4. Section 22-28(c)(12) (high density residential zone) is hereby created so as to provide for the following additional, permitted conditional use:

(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 K-148 - 2002

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.

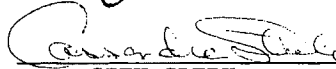
STATE OF FLORIDA)
ST. LUCIE COUNTY) ^{SS}

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.

South Beach Overlay Adoption
Minor Amendment to Definitions

ORDINANCE NO. K - 441

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING ARTICLE I, CHAPTER 22, IN GENERAL, AND ARTICLE II, CHAPTER 22, ESTABLISHMENT OF ZONES, TO AMEND SECTION 22-3 BY UPDATING DEFINITIONS, AND AMEND SECTION 22-16 BY DESIGNATING THE SOUTH BEACH OVERLAY ZONING DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has been some time since the Zoning chapter has been revised; and

WHEREAS, recent proposed development in the South Beach area of the City of Fort Pierce necessitates this revisions; and

WHEREAS, this revision is found to be in compliance with the Comprehensive Plan of the City of Fort Pierce; and

WHEREAS, the Planning Board of the City of Fort Pierce reviewed this matter on October 10, 2006:

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

Section 1. Chapter 22, Zoning, of the Code of Ordinances, is hereby amended to read as follows:

Sec. 22-16. Designation of Overlay Districts.

The City's overlay zoning districts stipulate special provisions that, along with the provisions of the basic zoning district and other ordinance regulations, govern the use of property within the City limits.

(a) South Beach Overlay District.

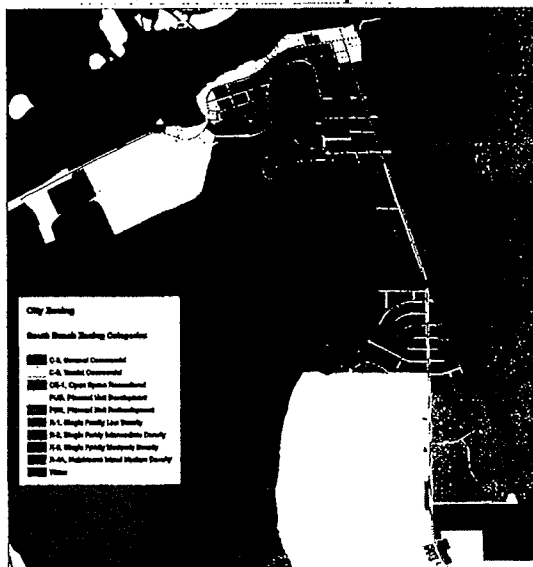
(1) Applicability and Purpose.

The purpose of the South Beach Overlay District is to promote good planning and site design that produces quality development that is functional, an asset to the community and in keeping with the general character of South Hutchinson Island. By way of this Overlay District, the City seeks to preserve, protect and enhance the unique barrier island environment through regulation of development and redevelopment of lots within the district.

The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. All new development and changes to existing development in the district that require site plan or building permit approval are subject to the overlay district requirements in addition to other applicable regulations in the City's Code of Ordinances.

Due to ever-accumulating knowledge about the dynamics of a barrier island community, and new and better information about site design, the City's land development regulations will be monitored and reviewed on an on-going basis in order to assess their reasonability and effectiveness in promoting these purposes.

South Beach Overlay District



(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

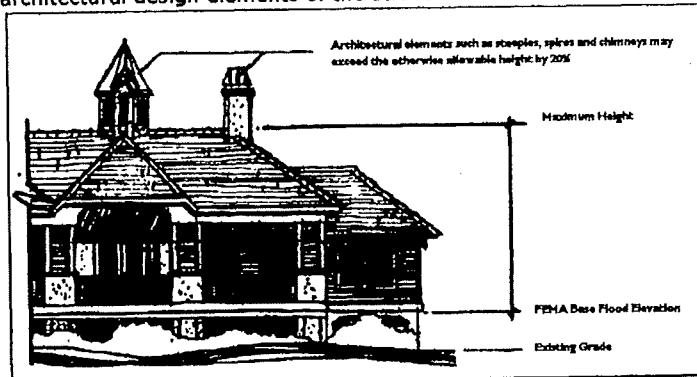
The residential component of a Mixed Use development shall not exceed 8 units per acre. The non-residential component of a Mixed Use development shall be based on the requirements of the underlying zoning district while factoring the affect and impacts of the residential component on the site.

b. Height.

	OS-1	R-1	R-2	R-3	R-4A	C-3	C-5
Maximum Height							
- 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'
<p>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.</p> <p>2. No habitable space is permitted above the Maximum Height specified in the zoning district.</p>							
Not to Exceed							
- 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">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.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.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.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.

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)^{SS}

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)