

DRAFT



CITY OF FORT PIERCE PLANNING BOARD

Planning Board Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY PLANNING BOARD HELD ON TUESDAY, **JANUARY 10, 2017**, 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**

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

Absent: **Brian Paul**

Staff Present: **Jim Messer, City Attorney
Rebecca Grohall, Planning Director
Kori Benton, Senior Planner
Vennis Gilmore, Planning Analyst
Alicia Rosenthal, Administrative Assistant**

4. **CONSIDERATION OF ABSENCES**

Mr. Paul was unexcused.

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

Mr. Bernetti was made a voting member for the meeting.

6. **APPROVAL OF MINUTES**

- a. Minutes from the December 13, 2016 meeting

Motion was made by Robert Poitier, and seconded by John George to approve the minutes from the December 13, 2016 meeting.

AYE: **Mike Dahan, Marcia Baker, Frank Creyaufmiller, John George, Tim O'Connell, Robert Poitier, Al Bernetti, Charles Hayek, Eloise Cumings, Chairman Bob Burdge**

Passed

7. HEARING OF THE LOCAL PLANNING AGENCY

a. Comprehensive Plan Future Land Use Map Amendment - Collins Corner - 2496 Edwards Road

Mr. Benton gave an overview of the application and answered questions from the Board. No one spoke for or against the application.

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

AYE: **John George, Frank Creyaufmiller, Marcia Baker, Mike Dahan, Eloise Cumings, Charles Hayek, Al Bernetti, Robert Poitier, Tim O'Connell, Chairman Bob Burdge**

Passed

8. NEW BUSINESS

a. Conditional Use - Dufault Dwelling Rental - 1138 Hernando Street

Mr. Benton gave an overview of the application and answered questions from the Board.

Mac McCarty, Attorney for the Applicant, and Shawn Dufault, Owner, provided additional information and answered questions from the Board.

Diane Jennings, Property Manager in absence of Ms. Dufault, and Rick Ross spoke in favor of the application.

Charlene Adair provided a list of policies to adapt for all dwelling rentals.

Mr. Broderick spoke against the application.

Mr. Messer stated if policies are going to be promulgated, they should originate in the Planning department and staffed through the legal department and then turned into an ordinance and presented to the City Commission for a public hearing. Mr. Messer expounded by saying general policies cannot be developed at the meeting and the Planning Board is not a policy making Board. Mr. Messer went on to say that each case has to be decided on its own merits and the Planning Board should not put restrictions on one applicant that are not going to be put on another applicant. Mr. Messer explained that the general law is that the city cannot regulate the duration and frequency of dwelling rental situations.

Ms. Baker stated in 1991, the City of Fort Pierce passed dwelling rental regulations that are operating now. Ms. Baker proceeded to say, since then the state has passed new regulations and if any changes are made to the city code that effects dwelling rental units, the city will lose the grandfathering from 1991. In addition, Ms. Baker added, if guidelines are put as recommendations on a case by case basis, the grandfathering will not be lost.

After hearing Ms. Baker's concerns, Mr. Weaver asked Mr. Messer his opinion on making a restriction on the number of occupants, since it would place further limitations on dwelling rentals.

Mr. Messer stated the board can put any conditional use on the usage that is relevant to the health, safety and welfare of the community but putting a cap on the number of people is one of the issues that is always raised in the lawsuits.

Motion was made by Robert Poitier, and seconded by Marcia Baker to forward a recommendation of approval to the City Commission with the following conditions:

- 1. Registration of a property manager accessible at all times, to resolve complaints or violations of City Code;**
- 2. Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;**
- 3. Installation of a sidewalk connection, or payment in-lieu of construction, along the Hernando Property line;**
- 4. Installation of a bicycle rack for guests; and**
- 5. The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.**

AYE: Al Bernetti, Charles Hayek, Eloise Cumings, Mike Dahan, Marcia Baker, Frank Creyaufmiller, John George, Tim O'Connell, Robert Poitier, Chairman Bob Burdge
Passed

- b. Prior to Item 8b being presented, Mr. Messer stated he is on the Urban Administration committee for the Florida League of Cities and the Florida League of Cities is looking to change the legislation under current operation. Mr. Messer continued to say the current legislature is going to conform to previous additions of the legislature, which considers dwelling rental issues private property rights issues. Mr. Messer concluded by saying that municipalities can continue to figure out a resolution, but the reality of the matter is there is no real resolution, because when you start imposing certain restrictions on the uses of people's personal property, you are in jeopardy of losing whatever regulation you have already established, before the state preempted the field.

Conditional Use - Wood Dwelling Rental - 1123 Hernando Street

Mr. Benton gave an overview of the application and answered questions from the Board.

Tiffany Wood, Owner, provided history on the property and answered questions from the Board. Tiffany's sister, Sharon Scalone, Property Manager, provided additional information.

Jim Althaus and Michael Broderick spoke against the application. Mr. Broderick provided the Board with an advertisement from Home Away.com for the Wood dwelling rental.

Board discussion ensued.

Mr. Hayek expressed that the property abuts R-2 zoning, which is a more restrictive neighborhood with more single family homes, so it will effect a lot more people.

After the vote Mr. Messer stated in the last 7 months there have been 3 violations of the dwelling rental ordinance prosecuted in front of the Special Magistrate. Two landowners paid fines and the other one is in the circuit court.

Motion was made by Marcia Baker, and seconded by John George to forward a recommendation of approval to the City Commission with the following conditions:

- 1. Limit of occupancy guests based upon City Code Section 8.5-43; unless verification of interior renovation permits for expansion of the southern unit is provided;**
- 2. Registration of a property manager accessible at all times, to resolve complaints or violations of City Code;**
- 3. Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;**
- 4. Installation of a sidewalk connection, or payment in-lieu of construction, along the Hernando Property line;**
- 5. Installation of a bicycle rack for guests; and**
- 6. The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.**

AYE: Robert Poitier, Al Bernetti, Mike Dahan, Marcia Baker, Frank Creyaufmiller, John George, Tim O'Connell, Chairman Bob Burdge

NAY: Charles Hayek, Eloise Cumings

Passed

c. Site Plan & Design Review - Aldi Grocery Store - 1412 S US Highway 1

Mr. Benton gave an overview of the application and answered questions from the Board.

Mr. Messer asked Mr. Benton if the right-of-way, easements and sidewalks are listed on the site plan.

Jason Gunther, Representative from Thomas Engineering, provided additional information on the sidewalks, platting the parcels, entranceway and landscaping and Mr. Gunther also answered questions from the Board.

Jordan Ford, Director of Real Estate for Aldi, introduced himself and answered questions from the Board.

Motion was made by Frank Creyaufmiller, and seconded by Robert Poitier to forward a recommendation to the City Commission for approval with the following conditions:

- 1.) The applicant enhances the design and streetscape of the proposed store through the integration of additional enhancements such as shutters, metal awnings, landscape plantings, and lights to punctuate the presented elevations pursuant to City Code Section 22-59 –Design Review, (g) –Design Guidelines;**
- 2.) The applicant shall record and provide a recorded copy of a Unity of Title combining the subject parcels prior to issuance of a building permit;**
- 3.) The applicant shall provide an Owner and Encumbrances title search for the easement dedication and right-of-way presented prior to the issuance of building permit; and**
- 4.) The applicant shall record and provide a recorded copy of said dedications prior to the issuance of a Certificate of Occupancy.**

AYE: Frank Creyaufmiller, Marcia Baker, Mike Dahan, Eloise Cumings, Charles Hayek, Al Bernetti, Robert Poitier, Tim O'Connell, John George, Chairman Bob Burdge

Passed

d. **Waiver of Distance - Wingstop - 2575 S US Highway 1**

Mr. Gilmore gave an overview of the application. No one spoke for or against the application.

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

AYE: Charles Hayek, Eloise Cumings, Mike Dahan, Marcia Baker, Frank Creyaufmiller, John George, Tim O'Connell, Robert Poitier, Al Bernetti, Chairman Bob Burdge

Passed

e. **Abandonment of Right-of-Way - N 31st Street, Abutting the Pioneer Park Subdivision (Zora Neale Drive)**

Mr. Benton gave an overview of the application and answered questions from the Board.

Board discussion ensued.

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

AYE: Eloise Cumings, Mike Dahan, Marcia Baker, Frank Creyaufmiller, John George, Tim O'Connell, Robert Poitier, Al Bernetti, Charles Hayek, Chairman Bob Burdge

Passed

9. BOARD COMMENTS

Ms. Grohall stated that next months meeting will be held at the St. Lucie County Commission Chambers due to an audio visual upgrade in the City of Fort Pierce Commission Chambers.

10. ADJOURNMENT



Hello Hutchinson Island Neighbors,

As you may be aware we have been renting our home at 1123 Hernando Street, as a short-term rental since being transferred out of state due to work. We are looking to get your feedback on how you feel about short term rentals and if our guests have been as respectful towards you and our neighborhood as they have been towards our property. Your opinion matters because we love our beach home and our community and want to maintain the integrity of both.

If you would like to view the home please go to www.homeaway.com/3025396

We look forward to hearing from you and thank you for your time.

Please return your comments to:

Tiffany Wood

sirdone@msn.com

9 Curl Drive, Corona del Mar, CA 92625

352-586-9260

Name: Roger and Nancy ESTA BROOKS

Address: 1120 Granada St Fort Pierce

Rog and I have no issues with your rental. People always respectful and seem to enjoy their time.

Hope you can continue to rent. It is a great place to be.



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Tiffany Wood

sirdone@msn.com

9 Curl Drive, Corona del Mar, CA 92625

352-586-9260

Name:

Eileen & Joe Butkovic

ebutkovic@yahoo.com

1142 Hernando Street

Address:

Fort Pierce, FL 34949

We have lived here for 3 years (next month) we have never seen or heard anything from your property.

We live on the end of the block by Indian Atlantic. We are grateful that you care about how your tenants are and will hold onto your address for future reference. As for short term rentals - As long as the tenants are decent people it's ok with us.



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Tiffany Wood

sirdone@msn.com

9 Curl Drive, Corona del Mar, CA 92625

352-586-9260

Name: Bernard & Diane Jennings

Address: 1135 Hernando St., Ft. Pierce, FL

The Wood's residence has attracted
nothing but a high caliber of guests.
The property is immaculately maintained
and an asset to our street. The guests-
if seen or heard- have always been a
welcome addition to the neighborhood.

- Diane Jennings



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Please return your comments to:

Tiffany Wood

sirdone@msn.com

9 Curl Drive, Corona del Mar, CA 92625

352-586-9260

Name: GINI LEE BARTOLAC

Address: 1111 HERNANDO ST.

All of your renters have been fine as
far as I know. No problems and its nice
you have been able to rent it out so often.
I am aware there have been city
meetings to stop short term rentals.
I know nothing about them. I don't
know what to tell you.

Gini Lee Bartolac

Beach Home Sleeps 8, Pool, Putting Green & 100 Yards to Beach

Six (6) month+ lease agreement email owner

You will COMFORTABLY enjoy sleeping and "playing" in this 4 bedroom - 4 bath home. This home has everything you have been looking for to help make your next vacation a fantastic one.

Bright and open living areas offer unfettered comforts and room for up to four couples or a family of 8+

Easy access to either the life guarded ocean or to a lush fenced-in backyard with your very own pool, hot tub, outdoor kitchen and putting green all surrounded by palms offering that warm setting for a blissful getaway.

Sleeps 8 - 10: (1) king, (2) queens, (2) twin & (2) twin trundles - each room newly furnished.

New appliances - fully stocked kitchen, bath towels, and luxury bedroom linens with extras for each.

- (5) flat screen HD TV's, (2) DVD players, XBox 360
- AT&T U-verse HD Cable with 300 Channels, HBO & Cinemax & Hi-speed internet/WIFI, all included
- Heated pool with hot tub and full cabana bath with shower
- Outdoor kitchen & grill - with all outdoor supplies
- 4 hole putting green with putters & balls included
- Beach towels, chairs, and umbrellas included
- Full-size front loader washer & dryer
- Professionally landscaped
- No smoking indoors

7 Night Stays Minimum

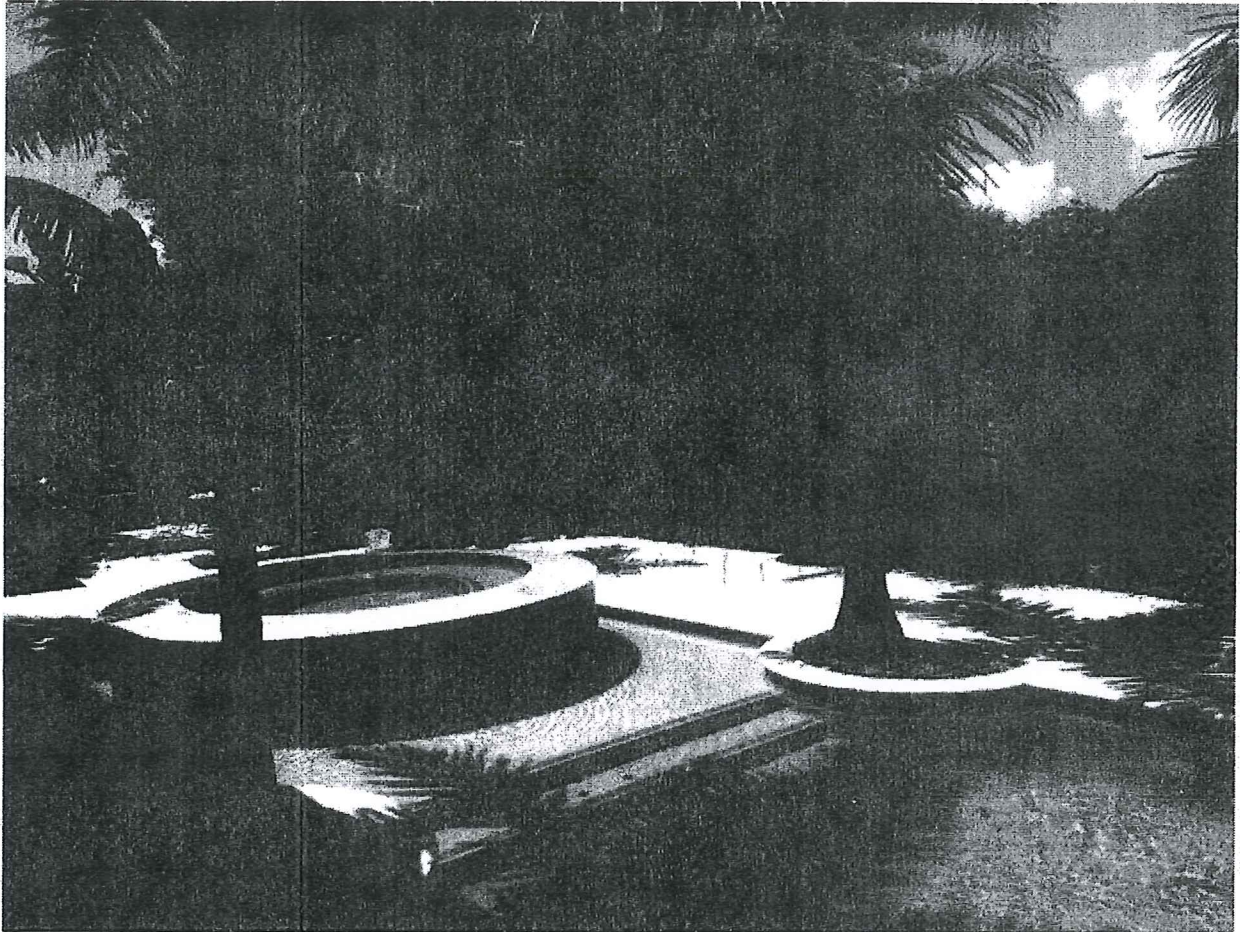
FRIDAY, SATURDAY & SUNDAY CHECK-IN ONLY

1. Ft Pierce, Florida, United States of America

2. Rental 3025396

Wonderful! 4.9/5 -
(35 traveler reviews)

Beach Home Sleeps 8, Pool, Putting Green & 100 Yards to Beach



RENTALS OF 30 DAYS TO 6 MONTHS:

- Approved City of Fort Pierce Conditional Use Permit
- St. Lucie County Tourism Development Tax Account and payment of a 5% Tourism Tax
- State of Florida Sales Tax Identification Number and payment of a 6.5% Sales Tax

RENTALS OF LESS THAN 30 DAYS:

- Approved City of Fort Pierce Conditional Use Permit
- [City of Fort Pierce Current Business Tax Receipt](#)
- St. Lucie County Tourism Development Tax Account and payment of a 5% Tourism Tax
- [St. Lucie County Business Tax Receipt](#)
- State of Florida Sales Tax Identification Number and payment of a 6.5% Sales Tax
- [State of Florida Business License](#)

CONTACT

PHONE NUMBERS:

Fort Pierce Planning Dept.: 772-467-3729
Fort Pierce Code Enforcement Division:
772-467-3149
Fort Pierce City Clerk: 772-467-3065
St. Lucie County Business Tax Receipt:
772-462-1650
St. Lucie County Tourism Dev. Tax: 772-462-1650
Florida Business License: 850-487-1395
Florida Sales Tax: 772-429-2900

WEBSITES:

City of Fort Pierce - www.cityoffortpierce.com
Property Appraiser St. Lucie County
www.paslc.org
Treasure Coast St. Lucie County Business Tax Receipts - www.tcslc.com/local-business-tax
St. Lucie County Tourism Development Tax:
www.tcslc.com/tourist-development
State of Florida Business License:
www.myfloridalicense.com
State Sales Tax: dor.myflorida.com

FORMS / BROCHURES:

Fort Pierce Conditional Use Permit Application:
www.cityoffortpierce.com/DocumentCenter/Home/View/1901
Fort Pierce Code Compliance Complaint Form:
<http://cityoffortpierce.com/FormCenter/Code-Enforcement-Division-3/Complaint-Form-43>
State Guide to Vacation Rentals:
www.myfloridalicense.com/dbpr/hr/forms/lodging-publications

SHORT TERM & VACATION RENTALS GUIDE



Our community has become a true tourist destination for people from all over the world, and offering property as a Short Term/Vacation rental has become extremely popular. However, there are a number of questions to consider before renting your property for less than 6 months.

AM I ALLOWED TO RENT MY HOME FOR LESS THAN 6 MONTHS?

Rentals of less than 6 months are called Short Term/Vacation rentals, and they are only permitted in residential zones with an approved Conditional Use Permit.

WHAT IS A CONDITIONAL USE PERMIT?

A Conditional Use permit allows uses that are typically not allowed in a particular zone. But, with conditions would not adversely affect the public health, safety, comfort, and the general welfare of the neighborhood. To learn more about this process or to obtain a Conditional Use application, go to www.cityoffortpierce.com >Your Government > Planning > Conditional Use No New Construction (under Applications & Forms) or call the Planning Department at 772-467-3729.

WHAT DO YOU MEAN BY "RENTING?"

Renting includes advertising, agreeing to rent, or the actual rental when guests are on your property.

WHY CAN'T I RENT MY PROPERTY TO WHOMEVER I WANT, WHENEVER I WANT?

The City of Fort Pierce passed an Ordinance in 2001 requiring a Conditional Use Permit to rent for less than 6 months in all residential zones, including E3, R1, R2, R3, R4, R4A, and R5, to balance preserving our neighborhoods with welcoming our visitors.

WHAT ZONE AM I IN?

Go to www.paslc.org > property search > and enter your address to access your property card. The zone for your property is in the top left corner. You can get more information by contacting the Planning Dept. at 772-467-3729.



WHAT'S THE DIFFERENCE BETWEEN SHORT TERM AND VACATION RENTALS?

A Short Term rental is less than 6 months, and a Vacation Rental is less than 30 days. The City, County, and State each have requirements for Vacation Rentals that are in addition to those for Short Term Rentals.

AM I REQUIRED TO PAY TAXES ON SHORT TERM/VACATION RENTAL INCOME?

Yes. In addition to the standard IRS Income Tax, a 5% Tourism Development Tax and a 6.5% State Sales Tax are required for ALL rentals less than 6 months. For the Tourism tax, go to www.tclsc.com/tourist-development > Application or call 772-462-1650. For the Sales Tax, go to dor.myflorida.com > Taxes > Register to Collect and Report Taxes, or call 772-429-2900.

AM I REQUIRED TO GET A PERMIT OR LICENSE TO RENT MY PROPERTY FOR LESS THAN 6 MONTHS?

A Conditional Use Permit from the City of Fort Pierce is required for all rentals of less than 6 months. The application can be obtained from www.cityoffortpierce.com >Your Government > Planning > Conditional Use - No New Construction (under Applications & Forms) or by calling the Planning Department at 772-467-3729.

ARE THERE ADDITIONAL PERMITS OR LICENSES TO RENT MY PROPERTY FOR LESS THAN 30 DAYS?

In addition to the **Conditional Use Permit** from the City of Fort Pierce, you will be required to obtain the following:

1. A **Fort Pierce Current Business Tax Receipt**. Call the City Clerk at 772-467-3065.
2. A **St. Lucie County Business Tax Receipt**. Go to www.tclsc.com/local-business-tax > Starting a Business in St. Lucie County or call 772-462-1650.
3. A **Florida Business License**. Go to www.myfloralicense.com > Apply for/Update a License > Hotels and Restaurants > Lodging, and either Vacation Rental Condo or Vacation Rental Dwelling or call 850-487-1395. You will note that the State of Florida has additional safety requirements.

WILL MY INSURANCE RATES GO UP IF I OFFER MY PROPERTY AS A SHORT TERM/ VACATION RENTAL?

In order to protect yourself and your property, we recommend that you check with your insurance company with full disclosure of your plans to offer your property as a Short Term/ Vacation Rental.

WHO MANAGES VIOLATIONS OF SHORT TERM/ VACATION RENTALS?

The Code Compliance Division. Go to www.cityoffortpierce.com > Your Government > Code Enforcement > Short Term/Vacation Rentals or call 772-467-3149. Complaints can be made by phone, in person, or online on the City Code Enforcement webpage.