

From: MARCIA BAKER <ms.marciabaker@att.net>
Sent: Thursday, July 9, 2020 12:09 PM
To: Jennifer Hofmeister <jhofmeister@cityoffortpierce.com>
Subject: Vacation Rental meetings

SECURITY WARNING: This email originated outside of the City of Fort Pierce systems. Please use caution when clicking links or opening attachments. For questions or concerns please contact IT immediately. .

Dear Friends,

Because of the pandemic I am avoiding personal appearances at any venue where EVERYONE is not wearing a mask.

The vacation rental workshop and the Planning Board meeting scheduled for July 14 are the subject of this letter.

The City Code clearly states the requirements and considerations for approval of a conditional use;

Sec. 22-74. - Purpose.

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.**

To date, the Planning Dept. in its staff reports has not provided the basis or explanation for its claim that any conditional use would not adversely affect the neighborhood, nor has it included any reasonable explanation for the lack of an adverse consideration of a commercial use in the midst of a purely residential zone

Sec. 22-76. - Procedure for the review and approval of conditional uses.

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.**

To date, the Planning Department has not provided the proper safeguards to implement any such standards or requirements. To correct this lack of compliance I suggest that the following provision be included in any approval of any conditional use.

Sec. 22-77. - Performance bond.

The city commission may require that the applicant for a conditional use furnish to the city a performance bond up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plans and specifications as approved by the city commission and that the standards established in granting the conditional use are observed.

Management requirements for vacation rentals in the South Beach Overlay District;

Sec. 22-16. - Designation of overlay districts

South Beach Overlay District.

Overnight accommodations and bed and breakfast.

c. Overnight accommodations, vacation rental: **A detached dwelling or apartment within a building of residential building typology which is rented out for the purposes of providing accommodations for less than six (6) months to tourists.**d. Use standards. 1. A separate entrance shall be provided for each unit to the exterior or to an interior, secure common area. 2. A business license shall be required for each vacation rental unit. 3. **Such units shall be managed by either 1) a Florida-licensed property management agent or 2) the owner-occupant residing in another unit,** and shall collect and pay all applicable taxes. 4. Current contact information for the management agency or owner-occupant shall be displayed in an accessible location outside the vacation rental.

Heretofore, this requirement has not been enforced for conditional use applications for vacation rentals contained within the South Beach Overlay District. I request that going forward the City Code be followed for any future applications.

Representation of applicants before the Planning Board;

A representative authorized to present an application before the NON judicial hearings of the planning board who is NOT a legal representative may not continue such representation before the City Commission as the proceedings before the City Commission are quasi-judicial and as such are barred as they would be practicing law without a license.

Thank you for your consideration of the above and I request that this letter be entered into the records of both the workshop and the Planning Board meetings of July 14.

Marcia Baker