

# Additional Supporting Documentation for Susan Baker Conditional Use Permit Application

1. **City Resolution for Quasi Judicial Hearings**
2. **Safety Inspection from PE**
3. **Copy of City Rules for Animals**
4. **Copy of Typical Visitor Demographics (St Lucie County Tourism)**
5. **Conditional Use Permits Around Thumb Point**
6. **Short Term Rental Graph from Florida League of Cities**
7. **Guest Activities (St Lucie County Tourism)**
8. **Taxes Paid by Vacationers (St Lucie County Tourism)**
9. **Zoning Use Table for City Of Fort Pierce**
10. **Noise Ordinance for City Of Fort Pierce**
11. **Trash Pickup on Hutchinson Island**
12. **Reporting Short Term Rental Issues**
13. **Ruling by Florida Attorney General on Vacation Rentals**
14. **Florida Court Ruling on Vacation Rentals**
15. **Steps To Get A Conditional Use Permit in Fort Pierce**



In quasi-judicial.....personal  
opinions are irrelevant!

## What does quasi-judicial mean?

In a quasi-judicial proceeding, the City Council or Planning Commission is required to apply the law (Florida Statutes, Comprehensive Plan, LDRs) to the evidence presented before them at the hearing. The decision must be supported by competent substantial evidence and, therefore, the personal opinions of the decision maker or the public related to the project are irrelevant.

Per Fort Pierce RESOLUTION NO. 17.R16 (passed June 2017)

Section IX. Rules of Evidence

Paragraph XI. Standard of Proof

Last Sentence:

Hypothetical, speculative, fear or emotion based generalized statements that do not address the relevant issues and that cannot be reasonably said to support the action advocated, are not competent substantial evidence.



## RESOLUTION NO. 17-R16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **ESTABLISHING QUASI-JUDICIAL PROCEDURES** FOR THE CITY COMMISSION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**XII. Continuances and Deferrals.** The City Commission shall consider requests for continuances made by City staff, the Applicant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the City Commission, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue

presented, then the City Commission may continue the matter to a time certain to allow for such research or review.

April 12, 2021

Ms. Susan Baker, Owner of Residence  
1577 Thumb Point Drive  
Fort Pierce FL, 34949

Re: Florida Building Code and Florida Fire Prevention Code Inspection

Dear Ms. Baker:

On April 8, 2021 I conducted a life safety and fire protection inspection in at the above referenced property to ascertain compliance with the Florida Building Code, Residential, 7<sup>th</sup> edition (FBCR) and the Florida Fire Prevention Code, 7<sup>th</sup> edition (FFPC,) as applicable. I am a licensed professional engineer with my expertise in fire protection and life safety. I have been practicing in my private sector business for three years as a fire code and building code consultant. Prior to that, I served as the Fire Chief and Fire Marshal for Palm Beach County Fire Rescue. I have been accepted as an expert witness in various civil and quasi-judicial hearings as both a citizen and as a public servant relating to fire and building code testimony.

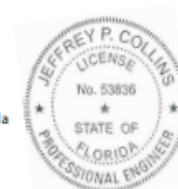
My findings after conducting the inspection of your residence as a single family dwelling is that it is my professional engineering opinion that your home is in compliance with both the FBCR and the FFPC as it relates to fire protection and life safety for existing single family dwellings. Additionally, I believe it is important to note that your home exceeds the minimum requirements found in the FFPC specifically relating to the exemption of carbon monoxide devices. However, you have chosen to install one in the living area thereby exceeding the fire code.

Please let me know if you have any questions regarding my findings.

Sincerely,

Jeffrey P.  
Collins, PE 53836  
State of Florida

Digitally signed by  
Jeffrey P. Collins, PE  
53836 State of Florida  
Date: 2021.04.12  
17:21:47 -04'00'



Jeffrey P. Collins, MS, PE

## Safety Inspection Report for property at 1577 Thumb Point Dr (from a Professional Engineer).

Commissioners mentioned they were concerned with animals.

Fort Pierce Animal Control Already has Rules for Short Term Rentals!

# Per City Website- Animal Control FAQs



WELCOME TO  
**FORT PIERCE**  
THE SUNRISE CITY

Animal Control Staff

Common Violations

Frequently Asked Questions

Microchipping

Participating Veterinary Offices

Pet Registration

Spay & Neuter Program

TNVR

Home > Departments > Code Enforcement > Animal Control Division > Animal Control Staff

## Animal Control Staff

### About Animal Control

As a division of the Community Response Department, the Animal Control Division is comprised of one Manager, three Animal Control Officers and an Administrative Assistant.

The Animal Control Division is located on the 2nd floor of City Hall at 100 N US Hwy 1, Fort Pierce, FL 34950. Our Office hours are Monday through Friday from 8 a.m. to 5 p.m.

Calls for Animal Control should all go through 911, however, you can reach our office at 772-467-3720.

Animal Control Officers work Monday through Friday and are available on Saturday and Sunday and after hours for emergency calls.

### Animal Control Manager

Peggy Arraiz

### Administrative Assistant

Colleen Greer

### Animal Control Officers

Ricardo Pellot

Kenny Nelson

Kimberly Olson

## ▼ Animal Control

[Show All Answers](#)

### 1. How many animals am I allowed to have?

You are allowed to have a total of five (5) dogs, cats or other domesticated animals.

### 2. Do I have to register/license my animal?

### 3. Am I allowed to have horses or other livestock?

### 4. I am a part-time resident, does my animal have to be registered/licensed?

If you reside within the City of Fort Pierce for six (6) months or more, you are required to obtain a license for your animals.

### 5. Am I allowed to have exotic animals?

Yes, with a special [exception permit](#). A special exception permit may be issued by the Animal Control Manager as long as the exotic animal does not create a nuisance, health hazard or danger, and if the exotic animal is not being raised for public consumption.

### 6. How can I reach Animal Control?

For general questions or concerns, you may reach the Animal Control office at (772) 467-3149 during our normal office hours of Monday through Friday from 8 a.m. to 5 p.m. Animal Control Officers may also be requested by dialing 911.

Commissioners were concerned with type of visitors/guests that would come.

Look at data from St Lucie County Tourism Study.



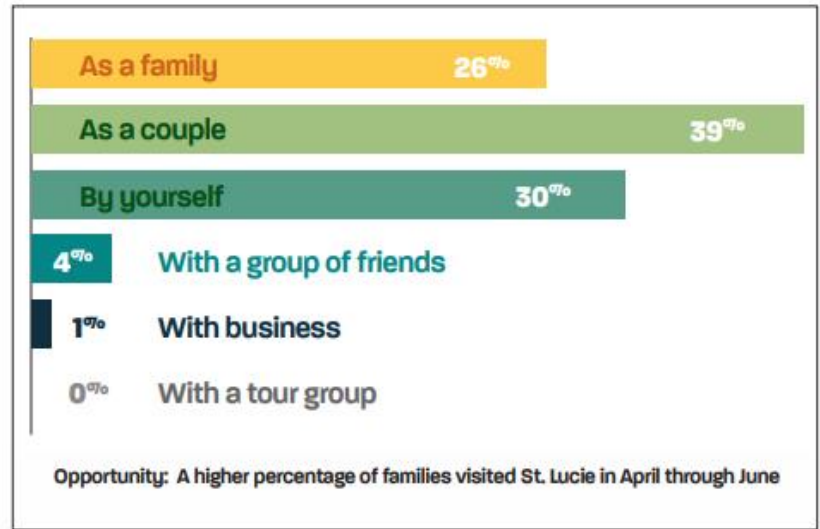
## 2018 / 2019 Annual Marketing Plan

### Demographics

The 2017 Visitor Tracking and Economic Impact Study revealed that the typical visitor to St. Lucie is **53 years old, caucasian, and has a median household income of \$72,700**. The typical visitor is female, but just slightly with females at 52% and males at 48%.

### Psychographic / Behavioral

- ▶ The typical visitor traveled in a party composed of 2.9 people
- ▶ 47% of visitors traveled with at least one person under the age of 20 in their travel party
- ▶ 65% of visitors traveled as a couple or a family

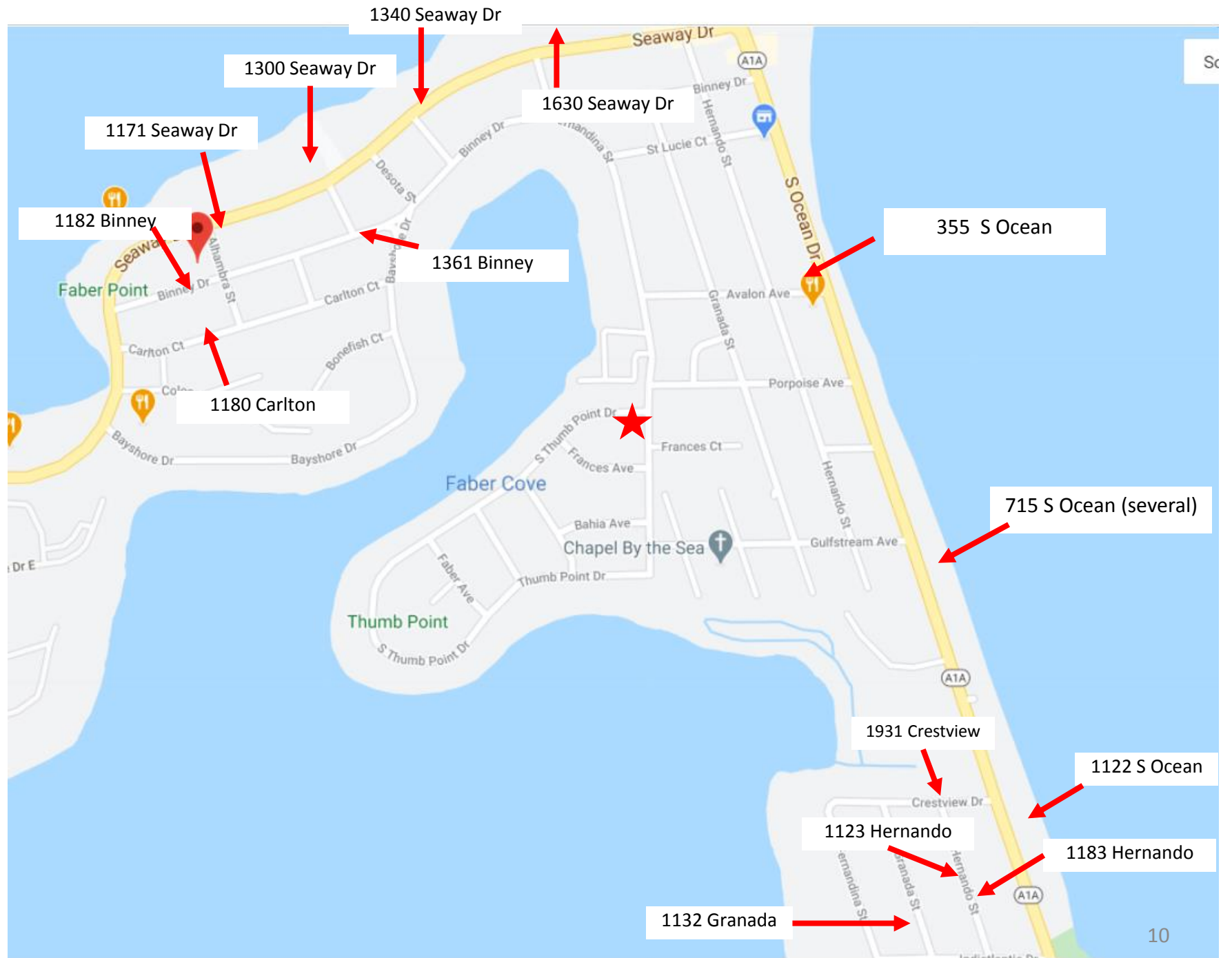


# Why is Thumb Point Different?

Look at conditional use permits already approved around Thumb Point

Approximately 20 approved “conditional use permits” already around Thumb Point

How/Why is 1577 Thumb Point Different?



Look at data from Florida League of Cities and Florida DBPR.....St Lucie County is way below State average.

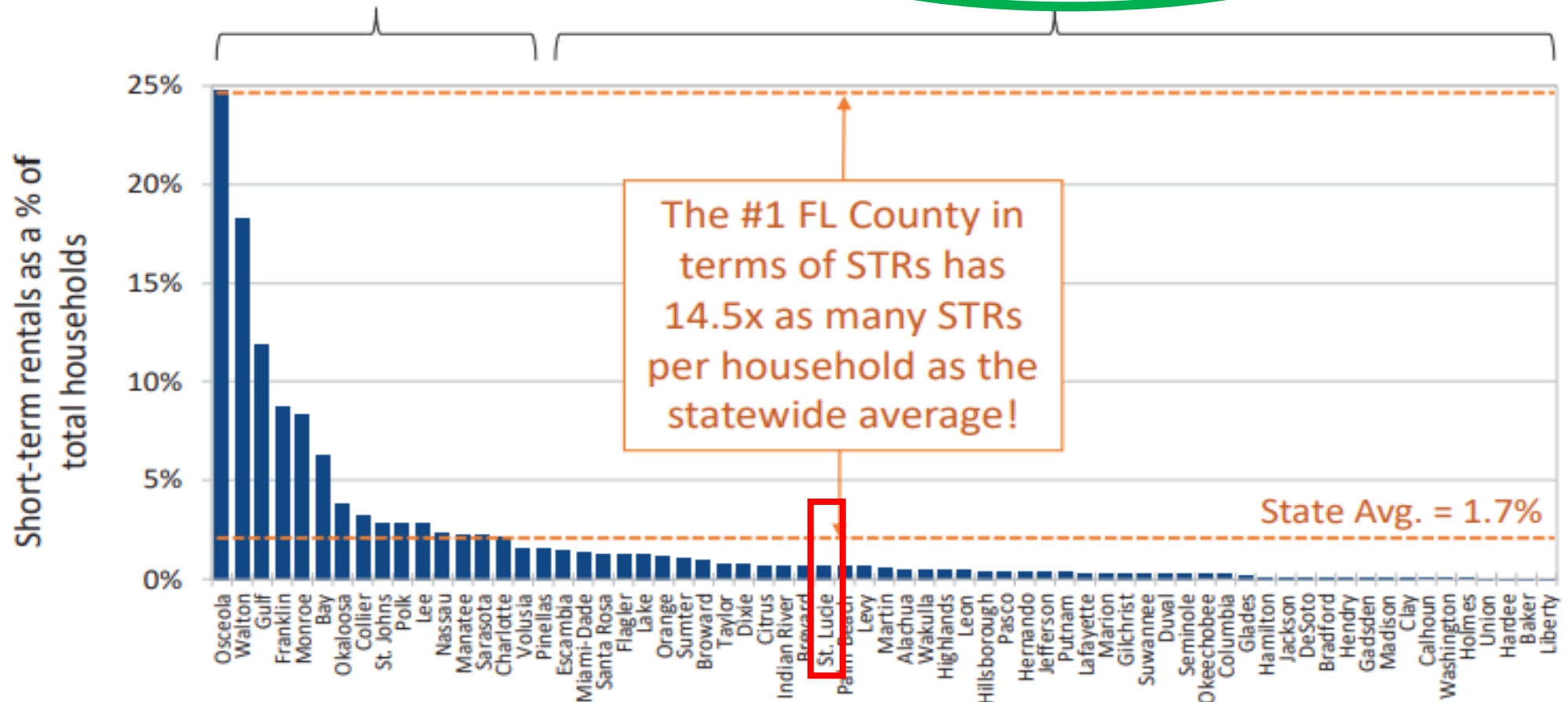
Few short term rental related issues.

# From Florida League of Cities St Lucie County is well below state average

## RATIO OF SHORT-TERM RESIDENTIAL RENTALS TO PERMANENT HOUSEHOLDS

Massive negative impact on neighborhood character, quality of life and housing affordability

Few short-term rental related issues



Source: Host Compliance; Florida Department of Business and Professional Regulation.

Commissioners were concerned with what activities guest would want to do when they visit Fort Pierce.

Look at data from St Lucie County Tourism and see what they want to do (relax, unwind, and go to beach).



## Marketing Insights

### Top 3 Reasons for Visiting





### Claim our niche

Similar to our "stories to tell," Visit St. Lucie can claim its niche of being the:

- ▶ Gem of the Treasure Coast
- ▶ The fishing capital of Florida
- ▶ Where the wild peacocks roam the streets
- ▶ Home of the New York Mets spring training for over 30 years
- ▶ One of Florida's safest cities
- ▶ Where South Florida Flavor Meets Small Town Charm
- ▶ And more!

## Visitor Activities



<sup>1</sup>Multiple responses permitted

### Niche Marketing Opportunities

Data collected on visitor activities provides insights for niche marketing opportunities

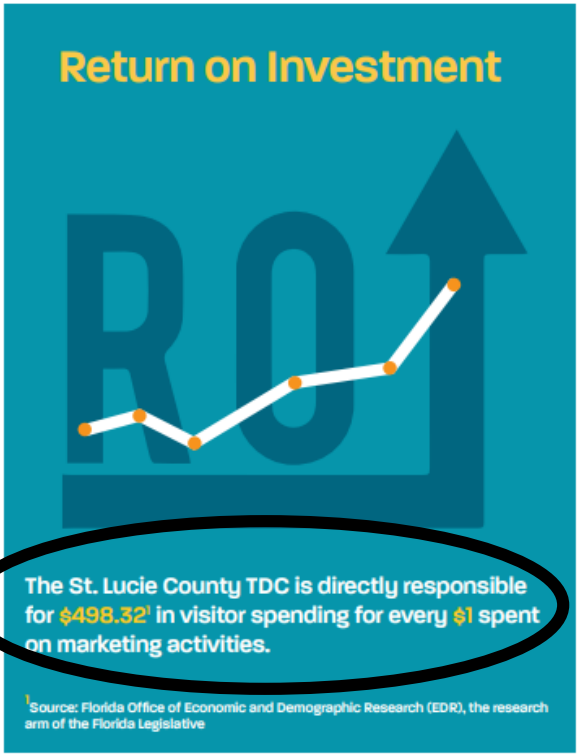
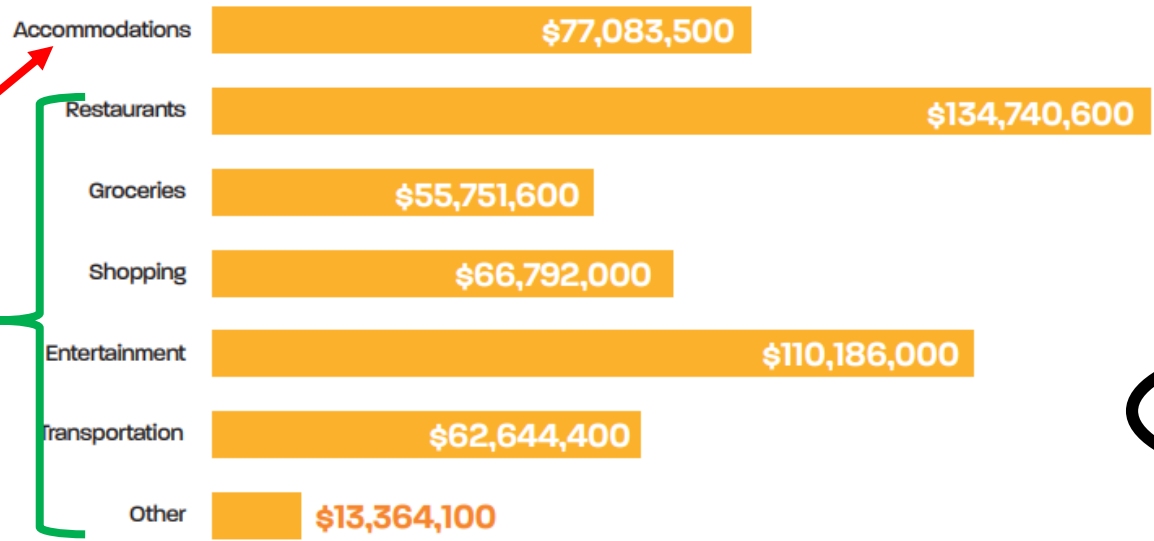
- ▶ Cultural / Experiential – history, arts, ale trail, events
- ▶ Light Adventure – fishing, biking, kayaking, boating, SUP
- ▶ Nature / Eco
- ▶ Meetings / Conferences

Commissioners were concerned the City of Fort Pierce doesn't get any tax money from Short Term Rentals.

Look at the indirect dollars that the City does get from taxes on Short Term Rentals (source St Lucie County Tourism).



# Direct Spending \$520,562,200



For every dollar spent on accommodations..... almost 7 dollars spent on other activities.



According to the city zoning and use table this is NOT running a hotel.

It is NOT zoned to be able to run a hotel.

It is zoned to be a Dwelling Rental in a residential neighborhood.

# City Zoning Information

< Secs. 125-160—125-186. - Reserved.

ARTICLE V. - CONDITIONAL USES >

## ARTICLE IV. - BASIC ZONING DISTRICTS



### Sec. 125-187. - Allowed uses.

modified



- (a) *Uses listed.* Uses listed are allowed in each zoning district in accordance with the use table.
- (b) *Permitted uses.* Uses identified with a "P" in the use table are permitted in the subject zoning district provided that the uses will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.
- (c) *Conditional uses.* Uses identified with a "C" in the use table are permitted in the subject zoning district, if the city commission, after a public hearing, determines that the location and development plans comply with applicable standards and will not violate basic use standards specified in each zoning district, other applicable use standards, additional zoning ordinance provisions and other city laws.
- (d) *Prohibited uses.* Uses identified with a "-" in the use table are expressly prohibited.
- (e) *Planned development zone (PD) and planned unit redevelopment zone (PUR).* Permitted and conditional uses are identified during the review for all proposed PD and PUR districts.
- (f) *Edgartown Settlement (ES) zoning district.* Permitted, conditional, and accessory uses shall be allowed in the ES district consistent with [section 125-197](#).

(g) Use table.

EXPAND

ZONING DISTRICT	E1	E2	E3	R1	R2	R3	R4	R4A	R5	C1	C2	C3	C4
<i>RESIDENTIAL</i>													
<i>Household Living</i>													
-Detached House	P	P	P	P	P	P	P	P	C	C	C	-	C
-Duplex	-	-	-	-	-	C	P	P	C	C	C	-	C
-Townhouse	-	-	-	-	-	C	P	P	P	C	C	-	C
-Multi-Dwelling Building	-	-	-	-	-	C	P	P	P	C	C	C	-
<i>Overnight Accommodations</i>													
-Bed and Breakfast	-	-	-	-	-	-	C	C	C	C	P	P	P
-Dwelling Rental	-	C	C	C	C	C	C	C	C	-	-	-	P
-Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	P	P
-Recreational Vehicle Park	-	-	-	-	-	-	-	-	-	-	-	C	-
-Resort Hotel	-	-	-	-	-	-	-	-	-	-	-	P	P

Commissioners were concerned Short Term Renters will make a lot of noise.

Fort Pierce already has noise ordinances to handle this.

# City of Fort Pierce-Noise Ordinance



## Sec. 26-40. - Sound level limitations.

No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1 when measured from the real property line of the nearest receiving property, using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

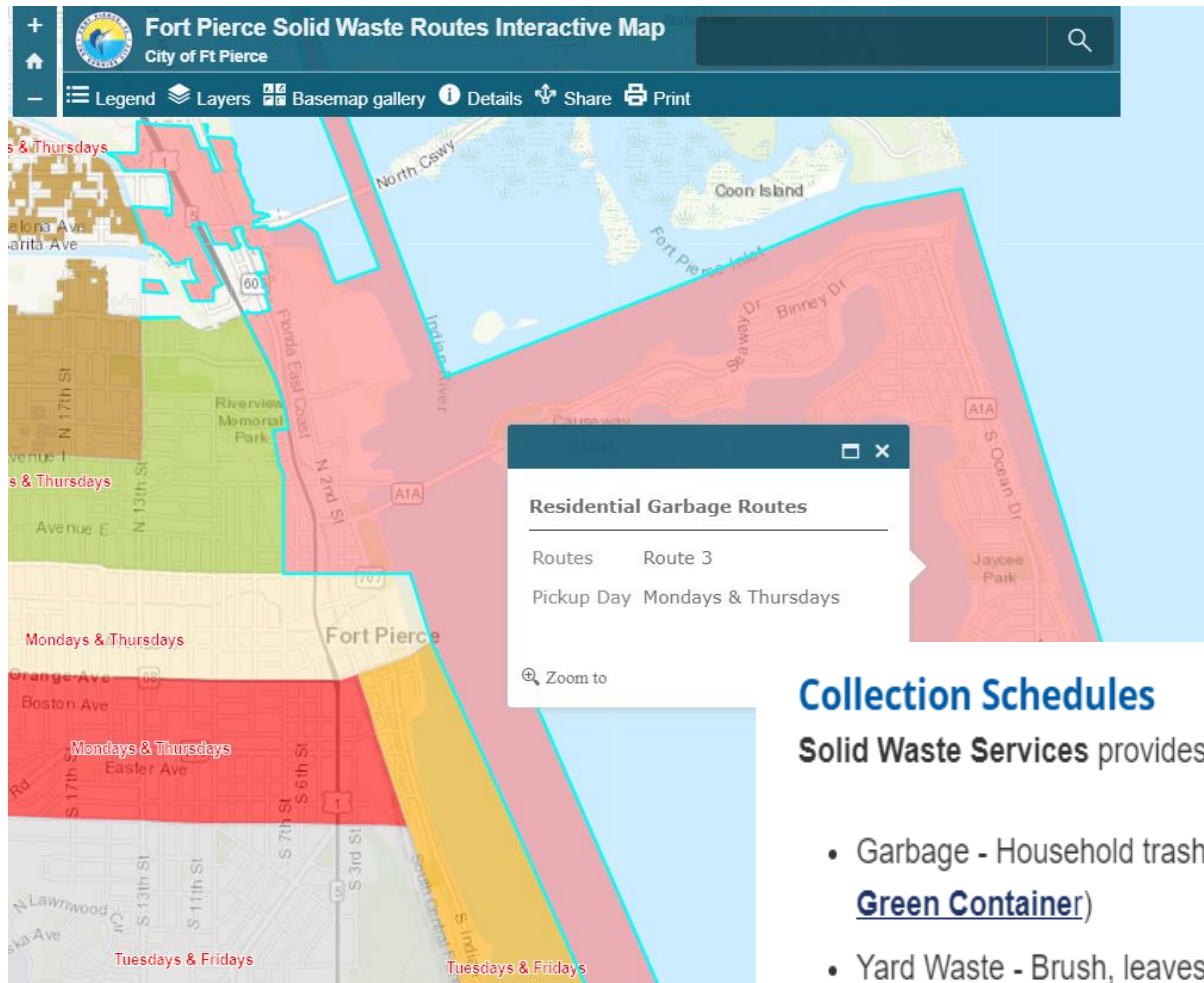
Table 1. Sound Level Limits by Receiving Property

[EXPAND](#)

<i>Receiving Property Category</i>	<i>Time</i>	<i>Sound Level Limit (dBA)</i>	<i>Sound Level Limit (dBC)</i>	<i>Sound Level Limit (dBZ)</i>
Residential	Monday through Saturday, 7:00 a.m.—11:00 p.m.	60	60	60
Residential	Sunday, 7:00 a.m.—1:00 p.m.	See subsection (1) of this section.	See subsection (1) of this section.	See subsection (1) of this section.
Residential	Sunday through Saturday, 11:00 p.m.—7:00 a.m.	See subsection (1) of this section.	See subsection (1) of this section.	See subsection (1) of this section.

Commissioners were concerned Short Term Renters will make a lot of trash.

Fort Pierce already has trash services (several times a week) to handle this.



# On Hutchinson Island Trash Collection-Twice a week Mondays and Thursdays

## Collection Schedules

**Solid Waste Services** provides four primary curbside collection services for:

- Garbage - Household trash includes food waste, packaging, and non-recyclable products found in your home. (Twice per week - **Green Container**)
- Yard Waste - Brush, leaves, grass clippings, small shrubs (Once per week - **Black Container**)
- Recycling - (Once per week - **Blue Container**)
- Heavy Brush and Bulky Items - Tree and shrub limbs (under 6') and trimmings (Once per week)

## Eligibility for Service

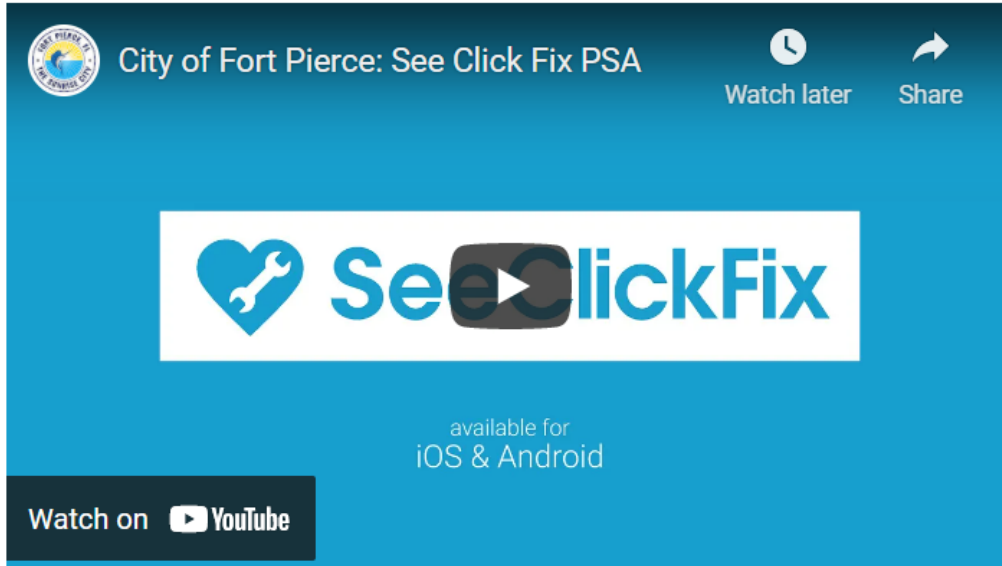
Garbage and bulk waste collection service are provided to all residential single family homes & duplexes. A Solid Waste Fee will be charged on the premises utilities bill through Fort Pierce Utilities Authority (FPUA).

Commissioners were concerned  
...how will neighbors report any short  
term rental issues?

They will have several options.

# To Report an Issue....Several Options

## Report an Issue (See Click Fix)



- Property Manager Name and Contact Information on file w/Planning Department

With free SeeClickFix mobile app and web tools, Fort Pierce citizens will now be able to provide city staff with pictures, videos, specific descriptions, and more — valuable information needed to get the job done efficiently. In addition, the SeeClickFix platform provides officials with a centralized issue management system to manage issues from creation to resolution — engaging Fort Pierce citizens throughout the process.

The Fort Pierce Works mobile app is available for download on Android (<http://bit.ly/1SFITP3>) and iPhone (<http://apple.co/1kvaEJk>). In addition to the mobile app, citizens can send reports to the City of Fort Pierce's website.

Look at what the Florida Attorney General has ruled.... “zoning may not be used to prohibit vacation rentals”.

# Florida Attorney General



## Search Results

1-13 of 13 results for 'wilton AND manors'

- 92% Public Records - reports to domestic violence center
- 87% Lemon Law Vehicle Resale - VIN: YV4A22PK0G102
- 86% Victim Services Directory (Sunshine Social Services
- 86% Vacation Rentals -- Municipalities -- Land Use

## Florida Attorney General Advisory Legal Opinion

Number: AGO 2014-09  
Date: November 13, 2014  
Subject: Vacation Rentals -- Municipalities -- Land Use

Mr. Kerry L. Ezrol  
City Attorney  
City of Wilton Manors  
3099 East Commercial Boulevard  
Suite 200  
Fort Lauderdale, Florida 33308

RE: VACATION RENTALS - MUNICIPALITIES - LOCAL GOVERNMENTS - LAND USE -  
regulation of vacation rentals by municipalities. s. 509.032, Fla. Stat.

Dear Mr. Ezrol:

You ask the following questions:

1. Does section 509.032(7)(b), Florida Statutes, permit the city to regulate the location of vacation rentals through zoning?
2. May the city prohibit vacation rentals which fail to comply with the registration and licensing requirements in section 509.241, Florida Statutes?

In sum:

1. Section 509.032(7)(b), Florida Statutes, as amended by Chapter 2014-71, Laws of Florida, allows a local government to regulate vacation rentals, but continues to preclude any local law, ordinance or regulation which would prohibit vacation rentals or restrict the duration or frequency of vacation rentals. [1] It would appear therefore, that zoning may not be used to prohibit vacation rentals in a particular area where residential use is otherwise allowed.

2. Section 509.032(1), Florida Statutes, makes the Division of Hotels and Restaurants of the Department of Business and Professional Regulation the regulatory agency for transient lodging facilities. Section 509.241(1), Florida Statutes, makes operation of such facilities without a license a misdemeanor of the second degree. The statute specifically recognizes that local law enforcement may provide immediate assistance in pursuing an illegally operating facility, but does not otherwise authorize a local government to prohibit the operation of a vacation rental without proper licensure by the state.

Question One

Section 509.032(7), Florida Statutes, as amended by Ch. 2014-71, Laws of Florida, provides:



Look at what the Florida Courts Have Ruled.... “It is the use not the frequency”.

# Residential is Residential

SANTA MONICA BEACH  
PROPERTY OWNERS  
ASSOCIATION,  
INCORPORATED, JOE  
BAILEY, LEW JAMES, CINDY  
DOOD, JANET DICK-GRACE,  
ADRIAN HOLMAN, JOYCE  
HOSKINS, JOHN HUNTER,  
MARK JAMISON, BARBARA  
RAMLOW, GARY SALTER,  
STEVE SANDERS, AND BOB  
WHITSON,

Appellants,

v.

DAVID ACORD AND WIFE,  
VIRGINIA ACORD, AND  
WILLIAM C. ALFORD,

Appellees.

Opinion filed April 28, 2017.

An appeal from the Circuit Court for 1  
Michael C. Overstreet, Judge.

Jeffrey P. Whitton, Panama City, for /


Robert L. Kauffman of Dunlap & Shi

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D16-4782

properties for residential purposes: “Critically, the [Association] ha[s] not alleged that the properties are being rented for any purpose other than residential use by residential tenants. . . . [T]he fact that this use is residential in character, and not a commercial or ‘business’ use, is conclusively established by the fact that [the Association] repeatedly refer[s] to Florida’s statute concerning ‘public lodging,’ lodging being an inherently residential use of a dwelling” (emphasis in original).

 The trial court agreed and dismissed the complaint.<sup>4</sup> The court reasoned that “[t]he critical inquiry is not the duration of the tenancy, but the character of the actual use of the property by those residing thereon.” Additionally, the court explained that because the proper focus is on “the actual use which is undertaken on the property,” the nature of the properties’ use is not transformed from residential to business simply because the properties may be subject to a regulatory scheme that requires licensure and Appellees may earn income from the rentals.

Finally, the court noted that because the restrictive covenants are silent on the issue

<sup>4</sup> The complaint was dismissed with prejudice because, as explained in the dismissal order, “[c]ounsel for the [Association] indicated that he could not amend the Complaint to allege additional uses of the subject properties which would support the [Association’s] claim of prohibited use.”

Look at the steps (and reviews) the applicant has already gone through to get the conditional use permit.

# Short Term Rentals/“Conditional Use” with No New Construction Permit



## 5 Step Process:

1. Application at [www.cityoffortpierce.com](http://www.cityoffortpierce.com)
  - Needed for rentals of less than 6 months
2. Takes approximately 4 to 5 months to complete
3. Needs 50% positive vote by City Commission

## Property is still subject to normal City Ordinances, Rules, and Services:

1. Animal Control
2. Nuisance and Noise Control
3. Trash Services
4. Code Enforcement

## Reviewed by 10 City & County Groups:

1. Engineering Department
2. Code Enforcement
3. Building Department
4. St Lucie County Fire Department
5. Fort Pierce Police Department
6. Public Works Department
7. FPUA
8. Planning Department
9. Planning Board (with public hearing)
10. City Commission (quasi judicial with public hearing)

## If Passed must adhere to conditions approved by City Commission Vote:

1. Registered Property Manager
2. Guide Booklets
3. FDPBR, City, County Licenses
4. FP Business Tax License On Ads
5. Parking Limitations

## Public Notices:

1. Written Notice to Other Homeowners within 500 Ft (after Planning Board and before City Commission)
2. Print ad/notice in Treasure Coast Newspapers
3. Sign in Yard before City Commission Meeting

