



# CITY OF FORT PIERCE

## PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER  
COMPREHENSIVE PLANNING ◊ DEVELOPMENT REVIEW  
HISTORIC PRESERVATION ◊ URBAN DESIGN ◊ URBAN FORESTRY ◊ ZONING

TO: Robert J. Bradshaw, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

SUBJECT: Application for Conditional Use  
Dwelling Rental  
2025 South Ocean Drive

DATE: October 23, 2015

### STAFF REPORT

Owner/Applicant: Ted & Kristin Hollander  
6502 NW 63rd Way  
Parkland, FL 33067-1487

Applicant's Request: Approval of a Conditional Use to operate a Dwelling Rental, offering transient lodging for of a minimum of thirty (30) night rental periods with additional rental restrictions.

Location: 2025 South Ocean Drive

Parcel ID: 2412-503-0051-000-7

Current Zoning: Single-Family Intermediate Density (R-2)

Future Land Use: Low Density Residential (RL)

Surrounding Zoning:

| North | East | South      | West |
|-------|------|------------|------|
| R-2   | R-2  | HIRD (SLC) | R-2  |

Site Size: .28 acres

Utilities: FPUA

## Staff Analysis:

### Request

In accordance with Sections 22-22, and 22-76 of the City Code, the applicant is requesting the review and approval of a Conditional Use to operate a Dwelling Rental at 2025 S. Ocean Drive, offering rental periods for a minimum of thirty (30) nights to guests. The subject two-story home has a finished floor area of 3,146 square feet, containing four (4) bedrooms, three (3) bathrooms and traditional support rooms. An attached two car garage, and rear patio supplement this residential structure. The property is zoned Single-Family Intermediate Density (R-2).

The property is located at the northwest corner of S. Ocean Drive and Coconut Drive. The site is surrounded by single-family homes to the north, west, and east. The property to the south remains undeveloped residential property which is predominantly outside of the City Limits.

This corner site features a primary driveway entrance from S. Ocean Drive, and a supplementary driveway connection on Coconut Drive. A 10 ft. wide sidewalk extends along S. Ocean Drive to the east, and a 5 ft. sidewalk extends along the eastern half of the boundary along Coconut Drive.

The application presents operational guidelines sought by the applicants in an effort to minimize adverse impacts to the adjacent homes. These restrictions include the strict screening of potential renters, requirement of substantial security deposits by guests, prohibition of large gatherings or parties, and parking restrictions at the site. Furthermore, the applicants have presented the designation of a contact, or property manager, in case of violation of designated rules set forth by the applicants, or the City of Fort Pierce. This component would be affirmed via a written management contract, to be filed with the City Clerk, and provided to the Fort Pierce Police and Code Enforcement Departments. Additionally, the application states that the home will be professionally cleaned after each renter, and the yard will be professionally maintained.

The application does not detail specific limits on the quantity of guests, or limitations on boats or similar recreational vehicles. Pets are presented as an allowable amenity for renters.

### Dwelling Rentals

The City Commission, on October 15th, 2001, adopted Ordinance K-114, amending Sections 22-3 of the City Code to update the definition of "Dwelling" as to exclude rentals for designated period, further providing a definition of "Dwelling rental" and allowing for application as Conditional Use in R-1 & R-2 Zones.

Ordinance K-114 originated from citizen concerns over the rental of single-family homes as on a short term basis. The action sought to provide clarity and parameters for dwelling units, while allowing the capacity for property owners, in the R-1 and R-2 zones, to pursue Conditional Use approval to rent dwelling units for less than six (6) months.

Pursuant to City Code Section 22-3. - Definitions—Generally, the rental of any dwelling unit for less than six (6) months, is classified as a "Dwelling rental (dwelling unit)", and defined as follows: 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.

The State of Florida provides further classification if a dwelling is rented for periods of less than thirty (30) days, declaring the use a "Vacation rental", and defined such use as any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-

family, or four-family house or dwelling unit that is also a transient public lodging establishment but that is not a timeshare project, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A dwelling rental, as locally defined, is also a Vacation Rental if the duration of stays are less than thirty (30) days. The rental of a dwelling for periods greater than thirty (30) days, but less than six (6) months is a dwelling rental, but not a Vacation Rental.

Initially, the applicant sought approval for rental periods with a minimum stay duration of three (3) nights, however the application has been amended to reflect minimum rental periods of thirty (30) days, to reflect the parameters of non-transient lodging.

Table 1, below, presents general characteristics to clarify Dwelling Rentals, and the transitioning threshold for Vacation Rentals.

Table 1 – Dwelling & Vacation Rentals

|   | Dwelling Rental  | Vacation Rental   |
|---|--|---|
| Length of Stay  | Less than 6 months   | 30 days or less   |
| Lodging Type(s)   | Non-Transient<br>(more than 30 days) &<br>Transient Lodging<br>(Vacation Rental) | Transient Lodging   |
| State License Requirement                                 | If rented 30 days or less<br>(Vacation Rental)                                   | Division of Hotels & Restaurants –<br>Vacation Rental License |
| Public lodging establishment<br>(ADA & Misc. Regulations) | If rented 30 days or less<br>(Vacation Rental)                                   | Public lodging establishment                                  |

The rental of residential properties for short-term occupancy by tourists is a rapidly expanding sector of the hospitality industry. The traditional rental of apartments, houses, and cottages, in tourism centered towns, to travelers is evolving as new technology has furthered this niche. Websites, and mobile phone applications have been developed to advertise and process the booking of short-term rental properties. Short-term vacation rentals offer an alternative to traditional hotel or bed and breakfast accommodations, generally offering unique amenities, and a higher capacity to accommodate families or more guests than a single hotel room. The benefits of increased tourism and economic activity related to short term rentals are discernable; however the necessity to regulate and guide the location for this use is well documented.

Residential neighborhoods have the capacity to be overwhelmed by a transient population of visitors, and the potential inflation of property values due to an abundance of second homes or investment properties that are rented for short terms. Furthermore, short term rentals are occasionally considered as presenting unfair competition to traditional hotels as their function is similar to a hotels, however many are not subject to the same fire and safety standards, inspections, or tax requirements of hotels. Problems frequently reported of vacation rentals are related to noise, parking, and impacts to neighborhood stability.

Short-term rentals have the capacity result in incompatible adverse impacts on neighborhoods including, but not limited to, increased noise, garbage, litter and traffic, changes to the private residential character of the neighborhood, the uncertainty and instability of the identity of occupants of neighboring properties, and a decline in the shared sense of community. Furthermore, short-term vacation rental use and longer term residential use are generally incompatible, due to the rapid turnover associated with short-term

vacation rental use and the possible disruptive effect to the peaceful use and enjoyment of single-family residential areas. Short term rental periods to transient occupants are commercial in nature, which are better suited by more intense residential districts, or accommodated by hotels, motels and resort hotels.

### Zoning & Land Use

The subject site is located within the Single-Family Intermediate Density (R-2) district which is designed primarily for areas of single-family dwellings, with an average net density of less than five (5) units per acre for conventional developments. Furthermore, the site has a land use designation of Low Density Residential (RL).

The Low Density Residential (RL) designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single family detached housing but can also contain duplexes and multifamily residences. Limited commercial uses intended to serve the neighborhood shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed. This land use category ranges in density from 1 to 6.5 dwelling units per acre.

The finished floor area of the home is 3,146 square feet, containing four (4) bedrooms, and three (3) bathrooms. The average hotel room size in the United States is approximately 325 square feet, according to the USA Today; therefore the capacity for occupancy of this site surpasses that of a typical lodging room. The use, although limited in comparison to a typical commercial use, or hotel/motel, maintains the intention of providing lodging for snowbirds, tourists, or temporary lodging for temporary residents. The proliferation of short-term rentals within single-family districts the City of Fort Pierce without strategic limitations may cause externalities to both residential neighborhoods, and businesses providing traditional lodging accommodations.

### Traffic & Parking

The traffic generation from the proposed use is undetermined based upon numerous variables present, and the absence of complete data by the Institute of Transportation Engineers (ITE) Trip Generation Manual. Review of similar uses of this scale, in comparison to impacts of a single-family home, suggest an insignificant effect overall; however the absence of a maximum occupancy, and frequency of cleaning services are variables that may impact trip generation.

Pursuant to City Code Section 22-60 (d) (1) a. Two parking spaces are required for a single-family dwelling unit, while Section 22-60 (d)(2) b. requires Motels, hotels and resort hotels to provide 1.6 spaces for each room 500 square feet or larger. The subject site features a two (2) car garage, and driveway space for approximately four (4) vehicles. The applicant notes that tenants will have no more than 2 cars parked in the driveway overnight, and that street parking will not be permitted.

### Conditional Use

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. The use as presented features commercial aspects that are not generally appropriate for single-family, low-density environments.

The authorization of a Conditional Use to establish a dwelling rental for periods of less than six (6) months, but greater than thirty (30) days may minimize the commercial nature of the use and potential impacts to the surrounding residential neighborhood. The further restraint of leading effects of the use may limit the adverse impacts of the short-term rental within a single-family district, including parking, noise, traffic, and compliance with other local ordinances.

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### Technical Review Committee:

All affected departments have reviewed the proposed Conditional Use with regards requirements of the City Code. Findings from the review by corresponding departments and the associated responses by the applicant are provided for viewing by the City Commission.

### Property Owner Response Summary:

A total of 64 notifications of the proposed Conditional Use were mailed to the owners of property located within 500 feet of the subject property. As of October 23, 2015, 2 responses have been received, one (1) approving and one (1) disapproving of the request. An update will be provided to the City Commission at the public hearing.

### Planning Board Recommendation:

The Planning Board, at their October 13th, 2015 meeting reviewed the application as initially presented, seeking minimum rental periods of three (3) nights. The Planning Board considered the request as previously presented, as well as an alternative recommendation of Staff to contemplate limitations to minimize impacts of the proposed use, and mandated of rental periods of greater than thirty (30) days.

After discussion, the Planning Board voted unanimously to recommend denial of the Conditional Use request, selecting not to entertain a conditional approval with limited stay durations and operational aspects of the proposed use.

### Staff Recommendation:

The proposed use presents the provision of short term rental of the property at a commercial capacity, not intended to serve the neighborhood, which is inconsistent with the City's Land Development Code and Comprehensive Plan. Based upon the inconsistency with City Code and the Comprehensive Plan, Staff recommends the denial of the request.

If the City Commission seeks to consideration of the revised application with the presented scale and operation limitations, Staff recommends the application of the following conditions:

- 1) The Dwelling Rental provides non-transient lodging, mandating all stay durations are greater than thirty (30) days;
- 2) Limitation of two external passenger vehicles;
- 3) Assignment of a local property manager to be available at all times, to resolve complaints or violations of City Code;
- 4) The applicant distributes a comprehensive bulletin to renters which provides updated detail of the City's regulations of parking, noise, animal restraint/nuisance, and garbage collection procedures; and
- 5) The dwelling rental is annually inspected by the Building Department.