



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

SUBJECT: Application for Conditional Use
Dwelling Rental
1916 Rio Vista Drive

DATE: January 8, 2016

STAFF REPORT

Owner/Applicant: James & Margery P Foster
450 River Rd
Eliot, ME 03903

Applicant's Request: Approval of a Conditional Use to operate a Dwelling Rental, offering lodging for less than six months (undefined minimum stays).

Location: 1916 Rio Vista Drive

Parcel ID: 2412-503-0039-000-7

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	R-2	R-2

Site Size: .23 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 1916 Rio Vista Drive, offering transient lodging with no minimum stay identified. The subject single-story home has a finished floor area of 2,108 square feet, containing three (3) bedrooms, four (4) bathrooms, a cabana room, attached single car garage, and traditional support rooms. The property is zoned Single-Family Intermediate Density (R-2).

The property is located on the north side of Rio Vista Drive, surrounded by single-family. This site features a concrete driveway. No sidewalk connections are present to this home. The rear yard features a 6 ft. vinyl privacy fence.

The application presents operational guidelines such as screening of potential renters, a maximum of eight (8) guests, and prohibition on smoking. The applicants have designated the application representative as a point of contact, in case of violation of designated rules set forth by the applicants, or the City of Fort Pierce.

The application does not detail specific limits on the maximum vehicles permitted on-site, or limitations on boats or similar recreational vehicles, or an allowance for pets.

Dwelling Rentals

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.

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 (more than 30 days) & Transient Lodging (Vacation Rental)	Transient Lodging
State License Requirement	If rented 30 days or less (Vacation Rental)	Division of Hotels & Restaurants – Vacation Rental License
Public lodging establishment (ADA & Misc. Regulations)	If rented 30 days or less (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.

Vacation 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 presented use of the property represents a limited commercial use, with many undefined parameters of intensity or impact. The allowance of up to eight (8) guests has the capacity to present numerous vehicles, and generate additional traffic and noise. The use, although limited in comparison to a typical commercial use, or hotel/motel, is not intended to serve the neighborhood, but rather tourists for purposes of public lodging. The proliferation of vacation rentals within single-family districts the City of Fort Pierce 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 evaluation; however the absence of maximum occupancy, occurrence of short lengths of stay, and frequency of cleaning services are variables that may concentrate trips during seasonal months and weekends, causing elevated traffic impacts during such times.

Pursuant to City Code Section 22-60 (d), b. Motels, hotels and resort hotels shall provide 1.6 spaces for each unit 500 square feet or larger. The subject site features a garage capable of serving single compact car, and driveway space for approximately two (2) to (3) vehicles. A handicap parking space is required, if stays for periods less than thirty (30) days are sought, as the operation would be classified as a public lodging establishment.

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.

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 Planning Board.

Property Owner Response Summary:

A total of 74 notifications of the proposed Conditional Use were mailed to the owners of property located within 500 feet of the subject property. As of January 8, 2016, 0 responses have been received. An update will be provided to the City Commission at the public hearing.

Planning Board Recommendation:

The Planning Board, at their November 10th, 2015 meeting, voted unanimously to recommend denial of the request.

Staff Recommendation:

The proposed use presents the provision of transient lodging accommodations to the general public, representing a commercial use of the property not intended to serve the neighborhood, inconsistent with the City's Land Development Code and Comprehensive Plan. Based upon the Code and Comprehensive Plan restriction of commercial uses within the subject districts, Staff recommends the City Commission forward a recommendation to deny the request.