



CITY OF FORT PIERCE

PLANNING DEPARTMENT

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

TO: Members of the City of Fort Pierce Planning Board

THROUGH: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Senior Planner

SUBJECT: Application for Conditional Use
Dwelling Rental
1144 S Ocean Drive

DATE: February 1, 2016

STAFF REPORT

Owner: Landmark Real Estate Solutions LLC
11501 Ellison Wilson Rd
North Palm Beach, FL 33408

Applicant: Mark Frederick
1156D S Ocean Drive
Fort Pierce, FL 34949

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

Location: 1144 S Ocean Drive

Parcel ID: 2401-810-0006-000-6

Current Zoning: Hutchinson Island Medium Density Residential Zone (R-4A)

Future Land Use: Hutchinson Island Residential (HIR)

Surrounding Zoning:

North	East	South	West
R-4A	Beach/A-2	R-4A	R-4A

Site Size: .29 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 1144 South Ocean Drive, offering transient lodging with minimum stays of one (1) week. The subject two-story structure contains four (4) units, with an overall finished floor area of 3,968 square feet. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A).

The property is located on the east side of South Ocean Drive, a few hundred feet north of Kimberly Bergalis Park. A single unit structure is situated to the north, the beach to the east, a mix of residential structures across S. Ocean Drive to the west, and a quadraplex, owned by the applicant, to the south. This site features a concrete driveway and three (3) denoted parking spaces.

A broad sidewalk runs along S. Ocean Drive in front of the complex; however a connection to the building entrance is required. A bicycle rack is required to facilitate multimodal options for guests.

The application presents operational guidelines such as screening of potential renters, a designated manager, and minimum stays of one (1) week. The application does not detail specific limits on the maximum vehicles permitted on-site, or limitations on boats or similar recreational vehicles, or 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 is 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. 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.

Vacation rentals have the capacity result in incompatible adverse impacts on neighborhoods including, but not limited to, increased noise, litter, traffic, and the uncertainty or instability of the identity of occupants of neighboring properties. The short-term vacation rental use and longer term residential use may be incompatible, due to the rapid turnover associated with short-term vacation rental use, therefore provisions such as maximum guests, parking restrictions, property manager registration, and guide booklets for renters regarding local rules and resources should be considered to minimize conflicts.

Zoning & Land Use

The subject site is located within the Hutchinson Island Medium Density Residential Zone (R-4A) which is designed to facilitate residential and compatible development on Hutchinson which account for the unique characteristics of Hutchinson Island and concerns of environmental fragility, beach erosion, and hurricane evacuation. Furthermore, the site has a land use designation of Hutchinson Island Residential (HIR).

The Hutchinson Island Residential (HIR) designation is intended for parcels that are best suited for residential development on Hutchinson Island. This future land use category allows single-family detached and attached units, duplexes and multifamily residences at densities ranging up to 8 dwelling units per acre. Limited public uses and commercial uses that are compatible with the surrounding development shall also be allowed.

The presented use of the property represents a limited commercial use, with some undefined parameters of intensity or impact. The absence of guest capacity for each unit may present numerous

vehicles, and generate additional traffic and noise. The use is limited in comparison to a typical commercial use, or hotel/motel, however specific parameters are necessary to ensure continued compatibility with the neighborhood.

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 traditional residential units suggest an insignificant effect overall evaluation; however the absence of maximum occupancy present a variable that increase trips due to a specific guest.

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 specific use is not delineated by our parking requirements for specific levels; however implementation of 3-4 additional vehicular parking spaces, including a handicap parking space is requested based upon comparable use and scale.

Technical Review Committee

All affected departments have reviewed the proposed Conditional Use with regards requirements of the City Code, and conditionally approved the request. The Building Official affirmed the request will require a change in occupancy from Florid Building Code classification R-2 to R-1, necessitating fire sprinklers, fire alarms, and compliance with Florida Accessibility Code. Findings from the review by corresponding departments are provided for viewing by the Planning Board.

Staff Recommendation:

The proposed use presents the provision of limited transient lodging accommodations to the general public, representing a limited commercial use that is compatible with the surrounding neighborhood of this location, and is generally consistent with the City's Land Development Code and Comprehensive Plan with appropriate restriction therefore; Staff recommends the Planning Board forward a recommendation to approve the request with the following conditions:

- 1) Maximum occupancy of each unit by one (1) family, or four (4) guests based upon City Code Section 8.5-43. - Required space in dwelling units, and the size of each unit;
- 2) Limitation of two passenger vehicles per unit;
- 3) Registration of a property manager accessible at all times, to resolve complaints or violations of City Code;
- 4) Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;
- 5) Installation of a sidewalk connection from the building entrance to the S. Ocean Drive Sidewalk;
- 6) Installation of a bicycle rack for guests;
- 7) Implementation of 3 additional vehicular parking spaces, including a handicap parking space;
- 8) Infill of landscaping in compliance with City Code; and

9) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.