



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Kori Benton, Senior Planner

SUBJECT: Application for Conditional Use - Dwelling Rental  
 Golden Rentals  
 608 S. Ocean Drive

DATE: January 6, 2017

STAFF REPORT

Owner/Applicant: Kelly Patricia Golden  
 608 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. The identified minimum rental period is identified as one (1) week.

Location: 608 S. Ocean Drive

Parcel ID: 240150300080007

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: .32 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 608 S. Ocean Drive, offering transient lodging with minimum stays of one (1) week. The subject two-story structure contains five (5) units, with an overall finished floor area of 3,109 square feet. Of the units, one (1) unit is typically owner-occupied. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A). The structure present was constructed in 1977.

The property is located on the east side of South Ocean Drive, a couple hundred feet north of the Gulfstream public beach access. The property to the west and north is currently vacant; the beach is to the east, and a single-family unit is to the south (owner of said structure has provided a letter of support). This site features a concrete driveway and the improvement plan denotes the intended striping of seven (7) parking spaces.

A broad sidewalk runs along S. Ocean Drive in front of the complex; however a connection to the building entrance is proposed by the applicant, as required by City code. Additionally, a bicycle rack would be integrated to provide access for guests.

The application presents operational guidelines such as screening of potential renters, on-site management, use restrictions by guests, maximum occupancies, and minimum stays of one (1) week. The application details specific limits on the maximum vehicles permitted on-site, and limitations on boats, smoking, and 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 to 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 placement of guest limitations and use guidelines will limit vehicles, traffic, and noise. The use is limited in comparison to a typical commercial use, or hotel/motel, however such 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 seven (7) vehicular parking spaces, including a handicap parking space is presented 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. Findings from the review by corresponding departments are provided for viewing by the Commission.

### Property Owner Response Summary:

A total of 42 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. A tally of the garnered responses will be provided to the City Commission at the public hearing.

### Planning Board Recommendation:

The Planning Board, at their December 13<sup>th</sup>, 2016 meeting, voted unanimously to recommend approval of the request with the conditions presented by staff.

### 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 approval of the request with the following conditions:

- 1) The applicant provides specificity to the guided maximum occupancy of each unit, ensuring compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit;
- 2) Registration of the property manager, to be accessible at all times to resolve complaints or violations of City Code;
- 3) Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;
- 4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval; and
- 5) Adherence to the use limitations presented with the application proposal.