



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Kori Benton, Senior Planner

RE: Application for Conditional Use
 Dwelling Rental
 1138 Hernando Street

DATE: January 27, 2017

STAFF REPORT

Owner/Applicant: Shawn Dufault
 1138 Hernando St
 Fort Pierce, FL 34949

Representative: James H. (Mac) McCarty, Jr., Esq.
 McCarty, Naim & Keeter, P.A.
 4131 NW 28th Lane, Suite 7
 Gainesville, Florida 32606

Requested Action: Approval of a Conditional Use to operate a Dwelling Rental, offering lodging for less than six months.

Location: 1138 Hernando Street

Parcel ID: 2401-810-0017-000-6

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	R-4A	R-4A	R-4A

Site Size: .27 acres

Utilities: Located within the FPUA Retail Service Area

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 1138 Hernando Street, offering non-transient lodging with minimum stays of one (1) month. The subject two-story duplex features a finished floor area of 2,032 square feet, and contains one owner occupied unit. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A).

The property is located one street west of South Ocean Drive, a few hundred feet north of Mariner Bay. A duplex is situated to the north, a seven (7) unit apartment complex to the east, a mix of single and two unit structures to the west, and a triplex to the south. This site features a concrete driveway with parking designated for each unit.

Hernando Street does not feature any sidewalk connections along this segment of the roadway; therefore the applicant has guided the option of providing payment in-lieu of installation along the subject property line. A bicycle securing system is required to be placed on-site, pursuant to City Code, to facilitate multimodal options for guests.

The application presents operational guidelines such as screening of potential renters, an on-site manager (owner), and minimum stays of one (1) month. The application details specific limits on the maximum vehicles permitted on-site, limitations on boats or similar recreational vehicles. No restriction of pets is noted. Prevention of noise and nuisances is emphasized by the applicant with the filed package.

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. The applicant is requesting approval of a dwelling

rental, with minimum rental periods of one (1) month, therefore the use avoids classification as a Vacation Rental, as delineated and detailed below.

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. The applicant is seeking to offer non-transient lodging, with safeguarding parameters to further assimilation with the surrounding medium density residential neighborhood.

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 defined parameters of intensity or impact. The presentation of guest capacity for the single (1) unit limits the quantity of vehicles, additional traffic and noise from the proposal. The use is limited in comparison to a typical commercial use, or hotel/motel, especially with parameters in place to advance compatibility with the neighborhood. The minimum rental period proposed seeks to avoid many of the incompatible characteristics of shorter term stays provided by vacation rentals (less than 30 day stays).

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.

Planning Board

The Planning Board, at their January 10th meeting, voted unanimously to recommend approval of the request with the conditions guided by staff.

Property Owner Response Summary:

A total of 84 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. The responses received will be reported to the City Commission at the public hearing.

Staff Recommendation:

The proposed use presents the provision of non-transient lodging accommodation on a limited scale, with provision of on-site management, that presents provisions for compatibility with the surrounding neighborhood of this location, and is generally consistent with the City's Land Development Code and Comprehensive Plan with appropriate implementation therefore; Staff recommends approval of the request with the following conditions:

- 1) Registration of the property manager accessible at all times to resolve complaints or violations of City Code;
- 2) Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;
- 3) Installation of a sidewalk connection, or payment in-lieu of construction, along the Hernando Property line;

- 4) Installation of a bicycle rack for guests; and
- 5) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.