



**TO:** Nicholas Mimms, PE, City Manager

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Application for Conditional Use  
 Kimberly Jones Dwelling Rental  
 355 S. Ocean Drive #601**

**DATE:** February 7, 2019

**STAFF REPORT**

**Owner/Applicant:** Kimberly Jones  
 355 S. Ocean Drive #601  
 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 thirty-one (31) days.

**Location(s):** 355 S. Ocean Drive #601

**Parcel ID:** 2401-522-0023-000-7

**Current Zoning:** Hutchinson Island Medium Density Residential Zone (R4-A)

**Future Land Use:** Hutchinson Island Residential (HIR)

**Surrounding Zoning:**

North	East	South	West
R-4A	R-4A	R4-A/C-5	R-4A

**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 355 S. Ocean Drive #304 to offer lodging of less than six (6) months and a minimum of thirty-one (31) days to guests. The subject property is a part of the Avalon Beach Club Condominiums. The subject condo apartment contains (3) bedrooms and two and a half (2 1/2) bathrooms. The subject condo apartment has two (2) designated and paved parking spaces for the unit. The property is zoned Hutchinson Island Medium Density Residential Zone (R4-A).

The property is located at the northeast corner Hernando Street and Avalon Avenue. The subject site is surrounded by multi-family housing to the north, west, and south, and the Atlantic Ocean to the east.

**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.

The State of Florida provides further classification of a dwelling is rented for periods of less than one (1) month, declaring the use a “Vacation rental”, and defined such use as any 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 31 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-one (31) days. The rental of a dwelling for periods at a minimum of thirty-one (31) 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 Rental Definitions**

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

### **Zoning & Land Use**

The subject site is located within the Hutchinson Island Medium Density Residential Zone (R4-A) district which is designed to establish height and density regulations for lands located within the city which are situated east of the Indian River. The R-4A zone is compatible with the Medium Density Residential Hutchinson Island designation in the comprehensive plan. Permitted gross residential densities in this district may not generally exceed eight (8) units per acre. Bonus density of up to one additional unit per acre is available as provided for in this section. This district is established because Hutchinson Island is a sensitive barrier island which presents development considerations which are either unique to the area or are of added concern, such as environmental fragility, beach erosion, and hurricane evacuation.

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.

### **Parking**

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 condo features two (2) parking spaces for the unit.

### **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-one (31) days would provide an opportunity for consistency with zoning district and land use designation as the use becomes non-transient, minimizing the commercial nature of the use and potential impacts to the surrounding residential neighborhood. The further limitation of other leading effects of the use may provide greater assimilation of the short-term rental within a single-family district.

According to the HOA documents of the Avalon Beach Club; No trade, business, profession or other type of commercial activity may be conducted in any unit. No Unit may be leased more than two (2) times in any twelve (12) month period. There has been three (3) approved conditional use applications for dwelling rentals with the Avalon Beach Club Condominiums as of January 2019.

### **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 82 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. An update will be provided to the City Commission at the public hearing.

### **Planning Board Recommendation:**

The Planning Board, at their January 8<sup>th</sup>, 2019 meeting, voted to recommend **approval** of the request.

### **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 City Commission **approve** the request with the following conditions:

- 1) The maximum occupancy ensures 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 accessible at all times, to resolve complaints or violations of City Code;
- 3) Issuance of guide booklets (available from Code Enforcement) for renters regarding local rules and public service resources to minimize conflicts; and
- 4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within thirty (30) days of Conditional Use approval.
- 5) Limit no more than 2 vehicles.
- 6) Include the City of Fort Pierce Business Tax License number on all advertising.