



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Vennis Gilmore, Planning Analyst

RE: **Application for Conditional Use
 Kublitskiy Dwelling Rental
 2005 Mimosa Avenue**

DATE: March 12, 2019

STAFF REPORT

Owner: Igor Kublitskiy
 2005 Mimosa Avenue
 Fort Pierce, FL 34949

Applicant’s Representative: Jeff Binner, Weichert Realtors
 2361 SE Seafury
 Port St. Lucie, FL 34952

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): 2005 Mimosa Avenue

Parcel ID: 2412-503-0061-000-0

Current Zoning: Single-Family Intermediate Density Residential Zone (R-2)

Future Land Use: Low Density Residential (RL)

Surrounding Zoning:

North	East	South	West
R-2	R-2	R-2	R-2

Utilities: FPUA

Site Size: approx. 0.34 acres

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 2005 Mimosa Avenue to offer lodging of less than six (6) months and a minimum of thirty-one (31) days to guests. The subject property is a 2,970 finished sq. ft. single-family home. The subject single-family home contains four (4) bedrooms and three and a half (3 1/2) bathrooms. The subject single-family home has a garage with a paved horseshoe driveway for parking. The property is zoned Single-Family Intermediate Density Residential Zone (R-2).

The property is located between S. Ocean Drive and Surfside Drive. The subject site is surrounded by single-family homes to the north, south, east, and west.

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

	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
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 dwelling 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.

Zoning & Land Use

The subject site is located within the Single-Family Intermediate Density Residential Zone (R-2) district which is designed mainly for areas of single-family dwellings with an average net density of less than five (5) units per acre for conventional developments. In addition to housing, various public facilities and other non-residential uses are permitted. Areas in this classification should have public water and sewer service. The R-2 zone is compatible with the Low Density Residential designation in the comprehensive plan.

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. This category combines the previously allowed Residential Suburban (RS), Residential Urban (RU) and Low Density Residential (RL) categories.

It has been brought to the attention of Staff and residents of the abutting neighborhood that the applicant has been renting his property as a duplex (2 units); using the mother in law suite as a second unit. If approved, this property should only be rented as a single unit.

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 single-family home features a two car garage with a paved horseshoe driveway.

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 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.

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 City Commission.

Property Owner Response Summary:

A total of 56 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 February 12th, 2019 meeting, voted to recommend **denial** 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.
- 7) The subject property shall be rented as one (1) unit only.