



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebeca A. Guerra, AICP, LEED-AP, CPD, Interim Planning Director

FROM: Vennis Gilmore, Planner

RE: **Robbins Dwelling Rental**
1014 South 7th Street

BOARD DATE: July 15, 2019

STAFF REPORT

Owner/Applicant: Michael Robbins
1014 South 7th Street
Fort Pierce, FL 34950

Applicant's Request: Approval of a Conditional Use to operate a Dwelling Rental, offering lodging for less than six months. The minimum rental period is identified as thirty-one days.

Location(s): 1014 South 7th Street

Parcel ID: 2415-601-0254-000-0

Current Zoning: Single-Family Intermediate Density 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

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 1014 South 7th Street to offer lodging of less than six months with a minimum stay of thirty-one days to guests. The subject property contains a single-family residence with three bedrooms and two bathrooms. The subject single-family home has a standard residential home driveway, with parking for up to two vehicles.

The property is located at the northeast corner Wendell Road and South 7th Street. The subject site is surrounded by single-family homes to the north, west, and south, and to the east. The property is zoned Single-Family Intermediate Density Zone (R-2).

Dwelling Rentals

Pursuant to City Code Section 22-3. – Definitions - Generally, the rental of any dwelling unit for less than six 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 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 days. The rental of a dwelling for periods at a minimum of thirty-one days, but less than six 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
<i>Length of Stay</i>	Less than 6 months	30 days or less
<i>Lodging Type(s)</i>	Non-Transient (more than 30 days)	Transient Lodging
<i>State License Requirement</i>	If rented 30 days or less (Vacation Rental)	Division of Hotels & Restaurants – Vacation Rental License
<i>Public lodging establishment (ADA & Misc. Regulations)</i>	If rented 30 days or less (Vacation Rental)	Public lodging establishment

Zoning & Land Use

The subject site is located within the Single-Family Intermediate Density Zone (R-2) district which is designed mainly for areas of single-family dwellings with an average net density of less than five units per acre for conventional developments.

The Low Density Residential (RL) Future Land Use 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 (RI) zoning categories.

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 standard single-family home driveway with parking for two vehicles.

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 a 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 months, but greater than thirty-one 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.

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.

Previous Planning Board Action & Planning Board Recommendation

At the May 14th, 2019 meeting, a motion to approve the subject application with conditions failed. After further review, the City Attorney has remanded the item back to the Planning Board for a re-consideration of the item with a subsequent new motion. A re-hearing was established for the Planning Board's June 11th, 2019 meeting.

The Planning Board, at their June 11th, 2019 meeting, voted 5-1 to recommend disapproval of the request.

Property Owner Response Summary:

A total of 73 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.

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 restrictions. Therefore, Staff recommends **APPROVAL** with the following five (5) conditions:

- 1) The property manager for the site shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
- 2) Guide booklets (available from Code Enforcement) shall be provided for all renters regarding local rules and public service resources, to minimize conflicts.
- 3) The applicant shall file for and obtain St. Lucie County & City of Fort Pierce Business Tax Licenses within thirty (30) days of Conditional Use approval.
- 4) There shall be a limitation of no more than no two (2) vehicles at the site.
- 5) The City of Fort Pierce Business Tax License number shall be included on all advertising.