



TO: Nicholas Mimms, PE, City Manager

THROUGH: Rebecca Grohall, AICP, Planning Director

FROM: Kori Benton, Senior Planner

RE: Wood Rental - Application for Conditional Use
Dwelling Rental
1123 Hernando Street

DATE: February 10, 2017

STAFF REPORT

Owner/Applicant: David & Tiffany Wood
1123 Hernando St
Fort Pierce, FL 34949

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

Location: 1123 Hernando Street

Parcel ID: 2401-811-0018-000-6

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-2

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 1123 Hernando Street, offering non-transient lodging with minimum stays of one (1) month. The subject single-story duplex features a finished floor area of 2,509 square feet, and contains one owner occupiable 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 single-family home and duplex to the east, single-family homes to the west, and a single-family home to the south. This site features a circular concrete driveway with parking designated for each unit.

Hernando Street does not feature any sidewalk connections along this segment of the roadway. A bicycle rack is required to facilitate multimodal options for guests.

The application presents operational guidelines such as screening of potential renters, a near-site manager (owner's relative), and minimum stays of one (1) month. The application details specific limits on vehicle parking locations on-site. There are notification requirements for pets on premises. The provided documents note a maximum occupancy of six (6) guests, with a notable surcharge for any additional guests. The applicant has been advised that the current floor plan acknowledged by the City would limit the occupancy of the unit for rental to 5 guests, based upon the finished floor area and minimum occupancy requirements per City Code Section 8.5-43. Such limitation should be accounted for by the applicant in operational guidelines, or until said time that an expanded floor plan is verified with the Building Department.

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 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.

The applicant has verified that the operation would strictly limit stays to a minimum period of one (1) month. This operational approach ensures that the lodging provided is “non-transient”, seeking to provide a more compatible use for the surrounding neighborhood. Input garnered from neighboring property owners has described adverse impacts from short term, weekly rentals at the subject site.

In addition to the provision of greater stability, and less frequent turn over in occupants, the enactment of minimum stays of one (1) month, or more, helps to diversify the use to provide a complementary lodging

option which does not overlap with offerings of local hotels or commercial venues of public accommodation. Longer term stays, with a base line of one month, seek to not only reduce the potential conflict of a high turnover, commercial use, but also reduce competition to established hotels and motels.

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. Limitation of guests is necessary to comply with City Code section 8.5-43.

Technical Review Committee

All affected departments have reviewed the proposed Conditional Use with regards requirements of the City Code, and conditionally approved the request.

Planning Board

The Planning Board, at their January 10th meeting, voted 8-2 to recommend approval of the request with the conditions guided by staff.

Staff Recommendation:

The proposed use presents the provision of non-transient lodging accommodation to the general public, on a limited scale, 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 approval with the following conditions:

1. Strict adherence to minimum rental periods of one (1) month.
2. Limitation of occupancy to 5 guests based upon City Code Section 8.5-43, unless verification of interior renovation permits for expansion of the southern unit is provided by the Building Department;

3. Registration of a local property manager, and secondary property manager, accessible at all times to resolve complaints or violations of City Code;
4. Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;
5. Installation of a sidewalk connection, or payment in-lieu of construction, along the Hernando Property line;
6. Installation of a bicycle rack for guests; and
7. The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.