



TO: Members of the City of Fort Pierce Planning Board

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director *JH*

FROM: Vennis Gilmore, Planner *VG*

RE: **Conditional Use Approval - Wood Vacation Rental
 1123 Hernando Street, Apt. B**

BOARD DATE: June 9, 2020

STAFF REPORT

Owner/Applicant: **Tiffany and David Wood
 1123 Hernando Street
 Fort Pierce, FL 34949**

Applicant's Request: Approval of a Conditional Use to operate a Vacation Rental, offering lodging for less than 30 days. The minimum rental period is identified as one day.

Location(s): 1123 Hernando Street, Apt. B

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

Future Land Use: Hutchinson Island Residential (HIR)

Current Zoning: Hutchinson Island Medium Density Residential Zone (R-4A)

Surrounding FLU:

North	East	South	West
HIR	HIR	HIR	RL

Surrounding Zoning:

North	East	South	West
R-4A	R-4A	R-4A	R-2

Utilities: Fort Pierce Utility Authority (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 Vacation Rental at 1123 Hernando Street, Apt. B. The subject single-story duplex's Apartment B is a four (4)-bedroom and three (3)-bathroom unit with approximately 1,852 square feet. The total square footage of both apartments (A&B) is approximately 2,564 gross square feet. The proposed Conditional Use will offer lodging of less than six (6) months with a minimum stay of 1 day to guests. The applicant is currently approved for rentals thirty-one (31) days or more.

The property is within the South Beach neighborhood, generally situated west of South Ocean Drive and approximately 100 feet north of Mariner Bay. The subject site is surrounded by a duplex 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. The subject property has a Future Land Use designation of Hutchinson Island Residential (HIR) with a compatible zoning classification of Hutchinson Island Medium Density Residential (R-4A).

The property previously received a Conditional Use Approval to operate a dwelling unit B for over 31 days on February 21, 2017 by the City Commission. The current application is to rent dwelling unit B for less than 30 days with a minimum stay of one day.



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 that is rented for periods of less than one month. Pursuant to Florida State Statute 509.242, declaring the use a “Vacation Rental,” defines 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 30 days or one 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 30 days. The rental of a dwelling for periods at a minimum of 31 days, but less than six months, is a “Dwelling Rental,” but not a “Vacation Rental.”

Table 1 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
<i>Public lodging establishment (ADA & Misc. Regulations)</i>	If rented 30 days or less (Vacation Rental)	Public lodging establishment

Future Land Use and Zoning

The purpose and intent of the R-4A zoning district is 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.

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.

Conditional Use

As stated in City Code Section 22-74, 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.

Technical Review Committee

All affected departments have reviewed the proposed Conditional Use with regards to the requirements of the City Code. Findings from the review by corresponding departments and the associated responses by the applicant are provided.

Staff Recommendation

The proposed use presents the provision of transient lodging accommodations to the general public, representing a limited commercial use that is compatible with the surrounding neighborhood, and is generally consistent with the City's Comprehensive Plan and Land Development Code with appropriate restrictions. Therefore, Staff recommends **APPROVAL** with the following six conditions:

- 1) The property manager for the vacation rental 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 to renters regarding local rules and public service resources, to minimize conflicts.
- 3) The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of issuance of a license from the Florida Department of Business & Professional Regulation.
- 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.
- 6) Per City Code Section 22-62 Sidewalks. b) Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages, the property owner or permit applicant shall provide within thirty-one (31) days of Conditional Use approval a permit for the installation of a sidewalk along the property line that abuts Hernando Street and or a payment in lieu of construction if one of these items was not previously completed with the last Conditional Use approval from February 2017 for the dwelling rental of 31 days or more.