



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 - Barsotti Dwelling Rental
 1040 Windward Drive, Unit 3402**

BOARD DATE: September 8, 2020

STAFF REPORT

Owner: Nancy Barsotti
 32 Edgecliff Road
 Carnegie, PA 15106

Applicant: Nancy Barsotti
 32 Edgecliff Road
 Carnegie, PA 15106

Applicant's Request: Approval of a Conditional Use with No New Construction to operate a Dwelling Rental, offering lodging for less than six (6) months. The minimum rental period is identified as 31 days.

Location(s): 1040 Windward Drive, Unit 3402

Parcel ID: 2507-888-0068-000-4

Future Land Use: Hutchinson Island Medium Density Residential (HIR)

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

Surrounding FLU:

North	East	South	West
HIR	Atlantic Ocean	COS	HIR

Surrounding Zoning:

North	East	South	West
R-4A	Atlantic Ocean	OS-1/OS-2	R-4A

Utilities: FPUA

Staff Analysis:

Request

In accordance with Sections 125-187 and 125-237 of the City Code, the applicant is requesting review and approval of a Conditional Use to operate a Dwelling Rental located at 1040 Windward Drive, Unit 3402. The subject condo unit is approximately 1,659 gross square feet with two (2) bedrooms and two (2) bathrooms. The condo unit is within Ocean House Condominiums which is located within the Ocean Village Community. Ocean Village is a gated and planned community that is nestled on approximately 120 acres with approximately 3,500 feet of beach frontage. Ocean Village offers 24-hour security; a Par-3 9-Hole Executive Golf Course; Tennis Courts; Heated Swimming Pools; Jacuzzi; Sauna; Fitness Center; Card Room; Library with wi-fi; and clubhouses. The proposed Conditional Use will offer lodging of less than six (6) months with a minimum stay of 31 days to guests.

The property is located near the northeast corner of South Ocean Drive and Blue Heron Boulevard., south of Coconut Drive. The site is surrounded by single family residences to the north, vacant property to the south and west, and the Atlantic Ocean to the east. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A).

Dwelling Rentals

Pursuant to City Code Section 125-3. – 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 that is rented for periods of less than one (1) 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 (3) times in a calendar year for periods of less than 31 days or one (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 31 days.

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 six (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

Public lodging establishment (ADA & Misc. Regulations)	If rented 30 days or less (Vacation Rental)	Public lodging establishment
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Future Land Use & Zoning

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 eight (8) dwelling units per acre. Limited public uses and commercial uses that are compatible with the surrounding development shall also be allowed. The HIR district was previously referred to as “Medium Density Residential Hutchinson Island (Rmhi).”

The subject site is located within the Hutchinson Island Medium Density Residential Zone district (R-4A), which was established due to Hutchinson Island being a sensitive barrier island that 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 125-315 (d)(2)b, motels, hotels and resort hotels shall provide 1.6 spaces for each unit 500 square feet or larger. Ocean House Condominiums have one (1) designated parking spot per home along with designated guest parking.

Conditional Use

As stated in City Code Section 125-235, 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 for short-term 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 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 dwelling 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 per unit.
- 5) The City of Fort Pierce Business Tax License number shall be included on all advertising.