

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Through: Patrick Wright, Planning Director

From: Ginny Haller, Planner II

Meeting Date: October 16, 2018

Agenda Item: **Text Amendment of Land Development Regulations -** An ordinance of the City Commission amending Chapter 122 entitled "Zoning"; Article V entitled "Supplementary District Regulations"; Division 10 entitled "Work Force Housing"; new Section 122-1473 entitled "Affordable Workforce Liveaboard Vessels " of the Land Development Regulations; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Request: To amend and add new Section 122-1473 to the Code of Ordinances.

Applicant: Trepanier and Associates, Inc.

Background:

The applicant has submitted this proposal to amend Sec. 122-1473 in order to allow liveaboard vessels in permitted marinas and docking facilities be subject to the requirements of the Workforce Housing ordinance of the Land Development Regulations. As stated, the intent of the application is to amend the language to allow affordable workforce liveaboards for duly permitted marinas/docking facilities.

The Key West Planning Board and City Commission are in the process of addressing the affordable housing shortage in the City through previous text amendments to the Land Development Regulations and Comprehensive Plan.

This proposed text amendment by the applicant is being heard by the City Commission in an effort to allow liveaboards to inhabit slips in duly approved marinas/docking facilities that will be subject to the City's Code for workforce housing regulations. The applicant states that marinas utilizing this liveaboard ordinance must adhere to deed-restricted rent/sale pricing pursuant to the workforce housing levels, and the occupancy to be restricted to income-qualified working people, among other workforce housing requirements.

Request:

To amend and add new Section 122-1473 to the Code of Ordinances:

Sec. 122-1473. – Reserved Affordable Workforce Liveboard Vessels.

Notwithstanding the permitted and conditional uses of Chap. 122, Art. IV, Land Use Districts, liveaboard vessels within duly permitted marinas/docking facilities subject to the provisions of the affordable workforce housing requirements of sections 122-1465, 122-1466, 122-1467, and 122-1469 may be allowed as a conditional use. Schedule of off-street parking requirements by use generally per Sec. 108-572 (6) Marinas and offshore activities is 1 space per liveaboard boat. Any owner or his authorized agent may submit an application for a variance to off-street parking requirements, upon which the planning board shall hold a public meeting in accordance with the procedures cited in section 90-393.

Land Development Text Amendment Process:

Planning Board:	June 21, 2018
<i>If denied, then appeal may be filed within 10 calendar days.</i>	
City Commission (1st Reading)	September 20, 2018
City Commission (2nd Reading)	October 16, 2018
Local Appeal Period:	30 days
Render to DEO	10 working days
DEO Notice of Intent (NOI)	
Effective when NOI posted to DEO website	

Planning staff analysis:

The purpose of Chapter 90, Article VI, Division 1 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) is to provide a means for changing the text of the land development regulations or the boundaries of the official zoning map. It is not intended to relieve hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the city commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the comprehensive plan.

Pursuant to Code Section 90-522(a), the Planning Board, regardless of the source of the proposed change in the LDRs, shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed text amendment to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-521.

Options/Advantages/Disadvantages:

Option 1. Approve the request with the General Condition # 1 (outlined below) as advised by the Planning Board in Resolution No. 2018-24:

Consistency with the City's Strategic Plan, Vision and Mission: This would not be inconsistent with the City's Strategic Plan, Vision, and Mission.

Financial Impact: There would be no direct financial impact to the City with the proposes change to the Land Development Regulations.

Option 2. Deny the request based on findings that the proposed development does not comply with the criteria established by the Comprehensive Plan and the Land Development Regulations.

Consistency with the City's Strategic Plan, Vision and Mission: There would be no direct financial impact to the City with the proposes change to the Land Development Regulations.

Financial Impact: There would be no cost to the City for denying the request.

RECOMMENDATION:

Staff and the Planning Board, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends **Option 1** to the City Commission approving the request with the condition outlined below as recommended by the Planning Board through Resolution 2018-24:

General Condition:

1. The proposed change to Sec. 122-1473 Affordable Workforce Liveaboard Vessels may be allowed as a conditional use. The new Sec. 122-1473 shall read:

Sec. 122-1473. – ~~Reserved~~ Affordable Workforce Liveaboard Vessels.

Notwithstanding the permitted and conditional uses of Chap. 122. Art. IV. Land Use Districts, liveaboard vessels within duly permitted marinas/docking facilities subject to the provisions of the affordable workforce housing requirements of sections 122-1465, 122-1466, 122-1467, and 122-1469 may be allowed as a conditional use. Schedule of off-street parking requirements by use generally per Sec. 108-572 (6) Marinas and offshore activities is 1 space per liveaboard boat. Any owner or his authorized agent may submit an application for a variance to off-street parking requirements, upon which the planning board shall hold a public meeting in accordance with the procedures cited in section 90-393.