



**THE CITY OF KEY WEST  
PLANNING BOARD  
Staff Report**

**To:** Chairman and Planning Board members

**From:** Brendon Cunningham, Senior Planner

**Through:** Donald Leland Craig, AICP, Planning Director

**Sponsor:** Mayor Craig Cates

**Meeting Date:** April 23, 2012

**Agenda Item:** **Storage of Certain Recreational Vehicles** - Consideration of an ordinance of the City of Key West amending Chapter 108 of the Code of Ordinances titled "Planning and Development" of Article VII, Division 3 by amending Sections 108-680 through 108-683 of the City of Key West Land Development Regulations of the City of Key West to allow for the storage of recreational vehicles, boats and trailers to be stored on the owner's property without the current screening requirements; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.

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**Request**

The approval to an amendment of an ordinance to permit the storage of certain recreational vehicles on private property in the Single Family (SF) zoning district.

**Background**

Section 108-680 of the Land Development Regulations (LDR's) of the City of Key West requires that "recreational vehicles (RV's), boats, trailers and the like shall be parked within an enclosed structure, within a carport behind the front setback, within the required minimum rear yard or in the minimum side-yard behind the front structure line of the main dwelling. If not located within an enclosed structure, the recreational vehicle, boat, trailer or similar equipment shall be screened by a fence and/or plant vegetation of sufficient height and opaqueness so that the vehicle, boat, trailer and similar equipment cannot be seen from a location off the site."

**Analysis**

This amendment to the LDR's will only affect the SF zoning district. This zoning district is one in which the most residents possess some form of recreational vehicles, typically power boats and other water craft. Due to the configuration of the platted lots, particularly their overall sizes, it is rare for an individual to meet the criteria for the storage of these "certain vehicles" with required screening, at the side or rear of their property. As a result, boats are typically left in the street as this is no more illegal than placing them in a driveway. In an effort to increase public safety, RV's, boats and trailers would now be allowed on an individual's property without

screening. The prohibition of parking them in the street will remain as this is the hazard to public safety.

The proposed ordinance amendment would allow the storage of RV's, boats and trailers on individual single family lots with the requirement that no part of any such vehicle, boat or trailer extend onto City right-of-way or any adjoining property. Existing regulations remain in place throughout the remainder of the city.

### **Review Criteria**

Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

#### **Sec. 90-522. Planning Board review of proposed changes in land development regulations.**

**(a) The Planning Board, regardless of the source of the proposed change in the land development regulations, 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 change of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.**

The City Attorney's Office, Parking Official and City Planner have worked together to review guideline modifications proposed and to recommend changes to the Land Development Regulations. The Planning Department report dated April 23, 2012 was prepared in support of procedural review criteria in the code and in support of Planning Board consideration.

#### **Sec. 90-521. Criteria for approving amendments to official zoning map.**

**In evaluating proposed changes to the official zoning map, the city shall consider the following criteria:**

**(1) *Consistency with plan.* Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

Because the proposed amendments do not impact density or intensity, they will have no impact on minimum levels of service or concurrency determinations as established by the Comprehensive Plan.

**(2) *Conformance with requirements.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.**

The proposed amendments are in conformance with the Code and the procedures for amending the Land Development Regulations will be followed and are supported by this report.

**(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.**

This is not applicable. The development patterns have not changed.

**(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.**

Not applicable. While there is a proposed change in the way an owner might use their property, there is no material change in land use classifications.

**(5) *Adequate public facilities.* Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.**

No zoning designation changes are proposed with the amendment. Excessive demands on public facilities will not result in these amendments as no increase in density or intensity is intended.

**(6) *Natural environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.**

Not applicable. While some portions of the zoning district may abut environmentally sensitive lands, this amendment affects the location of where certain vehicles may be stored.

**(7) *Economic effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.**

These proposed amendments are not expected to have an adverse effect on the property values in the area or the general welfare. In fact, property values may well increase as these certain vehicles are stored in a more orderly fashion.

**(8) *Orderly development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.**

The proposed amendments will not have a negative effect on the existing land use pattern as no change of use or intensity is proposed.

**(9) *Public interest; enabling act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.**

The proposed amendments do not appear to be in conflict with the public interest. It will enhance the ability to operate normal vehicles within the City's Right-of-Way.

**(10) *Other matters.* Other matters which the Planning Board and the City Commission may deem appropriate.**

Other matters have not been identified at this time.

**Recommendation**

Planning Staff recommends the Planning Board forward a recommendation of **approval** of the ordinance amending Sections 108-680, 108-681, 108-682 and 108-683 of the Land Development Regulations to allow the storage of recreational vehicles, boats and trailers on the owner's property without screening within the Single-Family zoning districts.

**Draft  
Resolution**

**PLANNING BOARD  
RESOLUTION NO. 2012-**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
RECOMMENDING APPROVAL OF AN ORDINANCE OF  
THE CITY OF KEY WEST, FLORIDA, AMENDING  
CHAPTER 108 OF THE CODE OF ORDINANCES  
ENTITLED "PLANNING AND DEVELOPMENT" BY  
AMENDING SECTIONS 108-680 THROUGH 108-683 TO  
PROVIDE RELIEF FOR INDIVIDUALS NEEDING TO  
STORE CERTAIN VEHICLES WHEN NOT IN USE;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
REPEAL OF INCONSISTENT PROVISIONS; PROVIDING  
FOR AN EFFECTIVE DATE**

**WHEREAS**, the Planning Department initiated the proposed amendments to the ordinance as a result of changes requested by the City Mayor; and

**WHEREAS**, the Planning Board held a noticed public hearing on April 23, 2012, where based on the consideration of recommendations by the City Planner, Parking Official and City Attorney, the Planning Board recommended approval of the proposed amendments; and

**WHEREAS**, the Planning Board determined that the proposed amendment is consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional public demand on public facilities; will have no impact on the built environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use

patterns; and are in the public interest.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** Amending Chapter 108 of the Code of Ordinances entitled "Planning and Development" by amending Sections 108-680 through 108-683 is hereby recommended for approval; a copy of the recommended modifications to the Code is attached.

**Section 3.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a special meeting held this 23<sup>rd</sup> day of April, 2012.

Authenticated by the Chairman of the Planning Board and the Planning Director;

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Richard Klitenick, Chairman  
Key West Planning Board

\_\_\_\_\_ Date

**Attest:**

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

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Donald Leland Craig, AICP  
Planning Director

\_\_\_\_\_ Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

\_\_\_\_\_ Date

draft

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director



# **Proposed Amendments**

**Sec. 108-676. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boat* means every description of watercraft, barge and air boat other than a seaplane, used or capable of being used as a means of transportation on or under the water.

*Boat trailer* means a trailer used for or designed for carrying boats.

*Bus* means any motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

*Pole trailer* means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

*Recreational vehicle* means an item of tangible personal property designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

*Road tractor* means any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

*Semitrailer* means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

*Straight truck* means any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.

*Tandem trailer truck* means any combination of a truck tractor, semitrailer and trailer coupled together so as to operate as a complete unit.

*Trailer* means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(Ord. No. 97-10, § 1(3-15.7(A)), 7-3-1997)

Cross reference— Definitions generally, § 1-2.

**Sec. 108-677. - Parking and storage of certain vehicles.**

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(Ord. No. 97-10, § 1(3-15.6), 7-3-1997)

**Sec. 108-678. - Scope.**

\*(Coding: Added language is underlined, in italics and highlighted; deleted language is ~~struck through~~.)

The parking of commercial vehicles (i.e., any vehicle licensed by the state as a commercial vehicle, including but not limited to trucks and tractor trucks, tandem trailer trucks, straight trucks, semitrailer trucks, road tractors, pole trucks, trailers, buses) and recreational vehicles, boats, trailers, and camping vehicles in residential districts shall be regulated as provided in this division.

(Ord. No. 97-10, § 1(3-15.7(B)), 7-3-1997)

#### **Sec. 108-679. - Commercial vehicles.**

No commercial vehicles and accessory equipment, including trailers and the like, shall be parked at any time in any residential district unless actually engaged in temporary work or service on the premises. No commercial vehicle of more than 8,000 pounds gross vehicle weight or 20 feet in length shall be parked in any residential district overnight. There shall be no more than one commercial vehicle of any type parked overnight at any one residence in any residential district. Advertising signs with letters more than six inches in height on commercial vehicles parked within residential districts shall not be visible to the public from the property.

(Ord. No. 97-10, § 1(3-15.7(B)(1)), 7-3-1997)

#### **Sec. 108-680. - Recreational vehicles and boats.**

With the exception to properties located in a Single-Family zoning district, recreational vehicles, boats, trailers, and the like shall be parked within an enclosed structure, within a carport behind the front setback, within the required minimum rear yard or in the minimum side yard behind the front structure line of the main dwelling. If not located within an enclosed structure, the recreational vehicle, boat and/or trailer ~~or similar equipment~~ shall be screened by a fence and/or plant vegetation of sufficient height and opaqueness so that the vehicle, boat and/or trailer ~~or similar equipment~~ cannot be seen from a location off the site. A recreational vehicle, boat, trailer, and the like must be for the resident's individual use or related to employment.

(Ord. No. 97-10, § 1(3-15.7(B)(2)), 7-3-1997)

#### **Sec. 108-681. - Camping vehicles and equipment.**

(a)

With the exception to properties located in a Single-Family zoning district, no vehicle or equipment primarily designed as temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, camping trailers or self-propelled motor homes, ~~or tents~~ shall be parked forward of the front building line.

(b)

All automobile trailers, recreational vehicles and the like occupied for living quarters in the city shall be parked in a regularly licensed trailer park. ~~or areas appropriately zoned for trailers.~~

(Ord. No. 97-10, § 1(3-15.7(B)(3)), 7-3-1997)

#### **Sec. 108-682. - Parking and storage of recreational vehicles, boats and camping vehicles in multifamily developments.**

In addition to the general requirements in sections 108-678 through 108-681, multifamily residential developments, excluding two-family residences, shall be regulated as follows:

(1)

\*(Coding: Added language is underlined, in italics and highlighted; deleted language is ~~struck through~~.)

Recreational vehicles, boats, and camping vehicles in multifamily residential areas of 25 dwelling units or more (i.e., apartment and condominium structures) shall be parked only in areas specifically designated for such parking purposes.

(2)

Any multifamily development with 25 dwelling units or more shall provide a minimum of one space per 25 units for the purpose of parking and storing of recreational vehicles ~~and equipment boats and/or trailers~~. Any fraction of 25 shall require spaces rounded up to the next whole number.

(3)

The designated area for storing recreational vehicles identified in this section shall be at a distance most remote from the dwelling units. The parking area shall be screened with plant material, decorative walls, fences, berms or any combination thereof, in an effort to diminish any visual impact the area may have on the rest of the site.

(4)

The designated area for storing recreational vehicles, boats, and ~~or equipment trailers~~ shall be a paved surface consistent with the rest of the parking area within the development and shall provide ample ingress and egress and space for easy maneuverability for the type of vehicles and equipment using the area.

(Ord. No. 97-10, § 1(3-15.7(C)), 7-3-1997)

#### **Sec. 108-683. - Exceptions.**

Exceptions to this division shall be as follows:

(1)

*Commercial vehicles and equipment on residential property.* Commercial vehicles and equipment driven home as a job requirement by employees of the government, private utility companies, or for emergency use may be parked on residential property. Further, vehicles being used for routine deliveries or construction services may be parked on residential property while in the routine course of business.

(2)

*Commercial vehicles and equipment in nonresidential districts.* Commercial vehicles and equipment may be parked on a lot in a district zoned other than residential so long as the vehicles are in regular use by the business located upon the premises. Further, vehicles being used for routine deliveries or construction services may be parked on nonresidential property while in the routine course of business.

(3)

~~Recreational vehicles and equipment.~~ *Recreational vehicles and equipment in districts other than Single Family (SF) zoning districts* may be parked on a residential premises for a period not to exceed 24 hours during loading and unloading. No such vehicle ~~or equipment~~ shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

(4)

~~Recreational vehicle, boats and/or trailers and equipment in Single Family (SF) zoning districts.~~ *Recreational vehicles, boats and/or trailers and equipment may be parked and/or stored on the property without the requirement for structural or vegetative screening or storage within an enclosed structure with the provision that no part of the recreational vehicle, boat and/or trailer or equipment extends into a public right of way or an adjoining property.*

(Ord. No. 97-10, § 1(3-15.7(D)), 7-3-1997)

\*(Coding: Added language is underlined, in italics and highlighted; deleted language is ~~struck through~~.)