Exhibit C

From: Jordan Mannix-Lachner <jordan.lachner@cityofkeywest-fl.gov>
Sent: Tuesday, October 31, 2023 3:20 PM
To: Katie P. Halloran <katie.halloran@cityofkeywest-fl.gov>
Subject: Zoning Districts & Walker's/Happy Landings

Hi Katie,

Realizing we still need to come to a conclusion about the zoning designation for Walker's in order to address the request for new upland uses, pursuant to 122-94(7).. After taking a closer look, here are my findings:

According to the paper version of the OZM, the upland is classified as C-OW (erroneously or otherwise) According to the GIS OZM and the FLUM, the upland is excluded because they don't depict the 600' perimeter of C-OW.

According to the pre-2015 maps, the upland was classified as GC.

Code Sec. 122-94 provides for how to interpret the OZM based on those two different scenarios.

(7) Uncertainties. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or if any other uncertainty exists, the city commission shall interpret the intent of the official zoning map as to the location of district boundaries.

(9) Excluded areas. Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner, such parcels shall be classified in conformance with the most restrictive zoning district which abuts the excluded area until or unless changed pursuant to amendment procedures contained in this division.

I initially thought the upland fell into the "Excluded" category, but going off the paper version of the OZM, I do think that it's technically C-OW, and that the issue is caused by the variance between the physical features on the ground and the zoning district classification. If the whole parcel was wetlands, tidal waters, and tidal flats, there would be no question. But since the upland is long-since developed, it's uncertain. Also, in the pre-2015 Zoning Map, the parcel was zoned Commercial.

I suggest that we advise the applicant to submit a request for the City Commission to provide an interpretation of the zoning district boundaries under 122-94(7), described above as "Uncertainties". We could argue that it's *excluded*, but it's not the strongest argument and the result is essentially the same – that the CC ultimately decides. One pathway just costs $8K, will be an uphill battle, politically unpopular, will require a full-on amendment to the OZM, and will result in the upland being zoned GC either way.

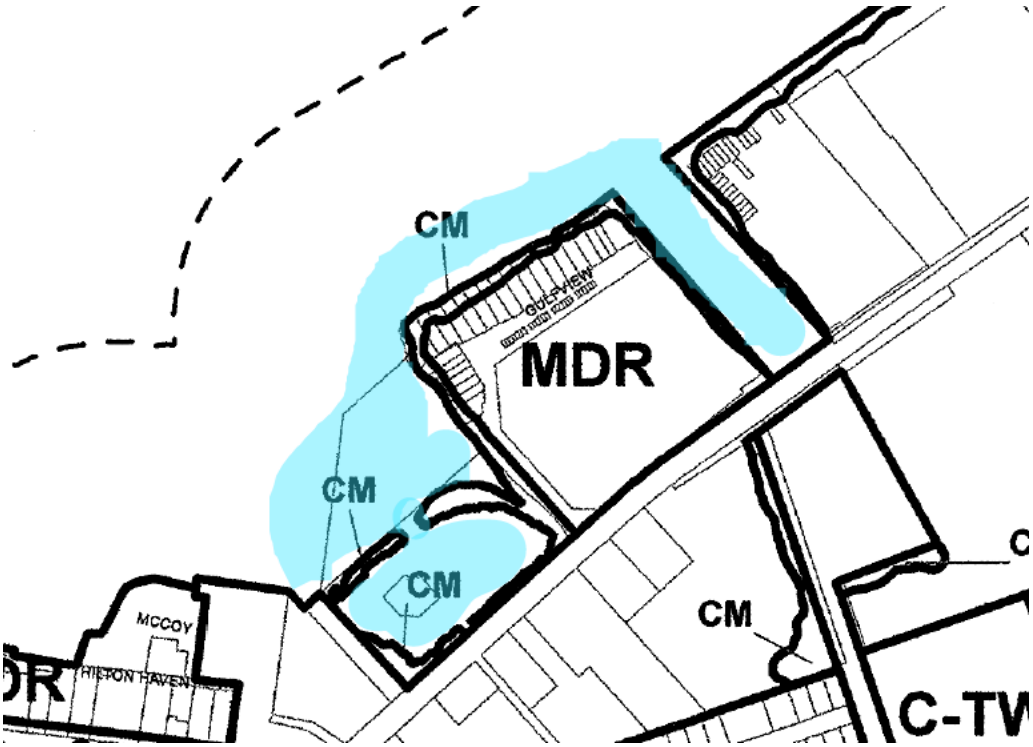
Plus, is no way CC is going to vote to zone the upland as Conservation. If you look at the map below, the red star is GC, and the blue is uncertain. Given that the upland was zoned GC in the pre-2015 zoning map, there's no way they would zone it Conservation. I do think there should be a mean MHW line and wetland boundary determination that's used determine which portion of the parcel we're dealing with. But I think it would be reasonable and efficient to go with 122-94(7).

Let me know what you think – the staff report needs to address the proposed condition about upland accessory uses. 😊

Exhibit C

(Map below included to show how the zoning is arguably C-OW.)

Exhibit C



Thank you,

Jordan Mannix-Lachner

Planner II
Planning Department
City of Key West
Josephine Parker City Hall
1300 White Street
Key West, FL 33040
(305) 809-3884 I jordan.lachner@cityofkeywest-fl.gov

From: Jordan Mannix-Lachner
Sent: Tuesday, October 31, 2023 12:13 PM
To: Matt Willman <mwillman@cityofkeywest-fl.gov>
Subject: Mapping Question

Hi Matt,

Exhibit C

I've got a question for you about the Walker's Marina zoning. Feel free to call me if you want, but I wanted to send an email to give you background with the Code sections. .

As you know, there is a lack of clear zoning for 2407 N. Roosevelt. According to the GIS map, there is simply no zoning. According to the paper OZM, one could theoretically argue that it is erroneously labelled Conservation – Outstanding Waters

Code Sec. 122-94 provides for how to interpret the map based on those two different scenarios. Based on your understanding of how the maps were created, which category do you think it best belongs to?

Uncertainties. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or if any other uncertainty exists, the city commission shall interpret the intent of the official zoning map as to the location of district boundaries.

Excluded areas. Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner, such parcels shall be classified in conformance with the most restrictive zoning district which abuts the excluded area until or unless changed pursuant to amendment procedures contained in this division.

Thank you,

Jordan Mannix-Lachner

Planner II
Planning Department
City of Key West
Josephine Parker City Hall
1300 White Street
Key West, FL 33040
(305) 809-3884 I jordan.lachner@cityofkeywest-fl.gov