

9.

**CITY OF STUART, FLORIDA  
AGENDA ITEM REQUEST  
CITY COMMISSION**

Prepared by: T. O'Neil

**Title of Item:**

**Ordinance No. 2298-2014: Proposed ordinance adopting standards for the confirmation of water and sewer services to marinas via Utility Services Agreements, as well as supplemental parking standards for "Parking Intensive Vessel Slips" (PIVS).(RC)**

**Summary Explanation/Background Information on Agenda Request:**

**(The Commission unanimously approved this item on first reading on November 10, 2014).**

**An Ordinance as been developed to promote future uses in Marinas within the city of Stuart. At the Commission's direction, in June of this year staff brought forward a draft ordinance to the Local Planning Agency (LPA) calling for the adequate provision of water, sewer and parking facilities for marinas within the City. After considering an initial draft, (copy attached), the LPA voted to continue the item to allow for staff-level meetings with Marine Industries Association (MIA) representatives, marina owners and other interested parties. As a result of the extensive discussions that followed (roughly 8 hours in total), the matter was twice more continued by the LPA and considerable changes were made to the initial draft ordinance.**

**For example, the latest draft is now: (1) shorter, (2) applies City-wide, not just within the CRA, (3) relies on coordination with state agencies and utility services agreements as the mechanisms for assuring ample parking and proper waste water disposal, (4) no longer requires a mandatory public hearing, (5) no longer includes a definition of live-aboard boats, but rather addresses "Parking Intensive Vessel Slips" (PIVS), and (6) includes a grandfathering clause.**

**LPA Action**

**The LPA considered the latest draft of Ordinance No. 2298-2104 on October 16, 2014 and recommended approval with the following comments:**

**1. Calculate parking for ordinary marina use (1 space per 5 vessel slips) and PIVS (one space PIVS) separately, rather than "double counting."**

***Staff comment: This change has been made to the ordinance.***

**2. Revise the ordinance's "grandfathering" language to reference "non-conforming use" provisions set for in Chapter 8 of the Land Development Code.**

***Staff comment: This change has been made to the ordinance..***

**3. Consider the MIA's request for a parking study of local marinas rather than relying on a survey of other jurisdictions and other industry data.**

***Staff comment: Among the issues of greatest concern raised during discussions with the MIA, etc. has been the number of parking spaces required for each PIVS. In making its recommendation of one parking space per PIVS, staff has surveyed several Florida jurisdictions and consulted (9) nine independent studies (please see attached Power Point slides). Given the exhaustive nature of materials examined, staff feels that a local area study would rely on too small a sample size to produce a better result***

**ATTACHED DOCUMENTS:****Attached documents:**

- Ordinance No. 2298-2014 (post LPA draft)
- Power Point presentation (Marina Parking Analysis)
- Matrix of parking standards elsewhere in Florida
- List of Martin County Marinas
- Marina parking studies
- LDC Chapter 8. Non-conforming uses
- List of meeting attendees
- Copy of original draft ordinance presented at the LPA's June 26, 2014 meeting
- October 16, 2014 LPA minutes

*City Manager's Note: At the LPA Meeting, which I attended, city staff was characterized as being "anti-boater" by individual boaters. Nothing could be further from the truth. The attorney for the Marine Industries Assn. (MIA), clearly stated that she would prefer "no regulation." In this case, the proposed ordinance requires developers to provide adequate water and sewer to their facilities, and provide for adequate parking for what we formerly called "live-aboard" boaters. The reason we are now using the convoluted term "PIVS," is because there are state and federal definitions of "live-aboard" neither of which fits our needs. It also provides adequate parking for the type of use being requested. Going forward, this is an important regulatory matter, and it will help developers know what is expected of them.*

**Funding Source:**

N/A

**Recommended Action:**

Approve Ordinance No. 2298-2104 on second reading.

Notice of tonight's hearing and copies of the agenda item have been provided to the participants in prior staff-level meetings, including representatives of the Marine Industries Association.

**ATTACHMENTS:**

	<b>Description</b>	<b>Upload Date</b>	<b>Type</b>
<input type="checkbox"/>	<u>Ordinance No. 2299-2014 (post LPA draft)</u>	10/30/2014	Ordinance
<input type="checkbox"/>	<u>Power Point Marina Parking Analysis</u>	10/30/2014	Cover Memo
<input type="checkbox"/>	<u>Marina Parking Matrix</u>	10/31/2014	Cover Memo
<input type="checkbox"/>	<u>Martin County Marinas</u>	10/31/2014	Cover Memo
<input type="checkbox"/>	<u>Marina Studies</u>	10/31/2014	Cover Memo
<input type="checkbox"/>	<u>Chapter 8 Non-conforming uses</u>	10/7/2014	Cover Memo
<input type="checkbox"/>	<u>List of attendees</u>	10/7/2014	Exhibit
<input type="checkbox"/>	<u>Original draft ordinance June 26</u>	10/7/2014	Cover Memo
<input type="checkbox"/>	<u>LPA 10.16.14</u>	10/31/2014	Cover Memo