

**CHAPTER 5A: PORT FACILITIES GOALS, OBJECTIVES, AND POLICIES
(PORT MASTER PLAN)**

(Reference §9J-5.009(1)&(2), F.A.C.)

GOAL 5A-1: PORT FACILITIES AND ECONOMIC DEVELOPMENT. The City of Key West shall stimulate the local economy by providing port-of-call facilities to meet existing and future demand.

OBJECTIVE 5A-1.1: MAINTAIN PORT CONTRIBUTION TO LOCAL ECONOMY. The Key West Port shall maintain port-of-call facilities to accommodate cruise ships which generate an average of sixty dollars per passenger per day (\$60.00/passenger/day) in retail sales to the City's economic base.

Policy 5A-1.1.1: Scheduled Port Improvements to Meet Service Demand. Table 5A-1.1.1 denotes planned capital improvements to the City of Key West Port, including estimated costs and funding sources to meet port and economic development needs. These improvements are scheduled in order to: meet projected service demands identified in the Data Inventory and Analysis; satisfy maintenance and safety needs; and to accommodate land acquisition, ferry dock facilities and parking facilities required to implement the Federal DOT multimodal transportation hurricane evacuation program.

GOAL 5A-2: PORT FACILITY IMPROVEMENTS AND HURRICANE EVACUATION. Consistent with hurricane evacuation planning action as identified in the Coastal Management Element, the City of Key West shall identify and use hurricane preparedness program resources which are made available to the City by the Federal government.

Objective 5A-2.1: MULTIMODAL TRANSPORTATION HURRICANE EVACUATION PROGRAM. The City of Key West shall participate in the Federal DOT multimodal transportation hurricane evacuation program. This program is designed to diversify available evacuation options and facilitate hurricane evacuation preparedness by making rapid speed ferries available for hurricane evacuation while developing necessary multimodal transportation linkages to implement the system.

Policy 5A-2.1.1: Local Port Improvement Initiatives. The City of Key West shall file an application to use available Federal DOT Multimodal Transportation Hurricane Evacuation Program funds to acquire the Chevron fueling site and to develop a rapid speed ferry terminal, necessary related port facilities and a three story parking structure (reference Policy 5A-1.1.1: Scheduled Port Improvements to Meet Service Demand).

GOAL 5A-3: MINIMIZE POTENTIAL ADVERSE LAND USE AND ENVIRONMENTAL IMPACTS. The expansion and siting of existing and new port facilities as well as the operation of the Key West Port shall be consistent with all elements of the Comprehensive Plan and in a manner which minimizes the potential adverse environmental impacts as well as conflicts between the port and areas surrounding the port.

Objective 5A-3.1: PORT DEVELOPMENT/EXPANSION CONSISTENCY. The City shall manage port development and expansion consistent with the Future Land Use, Coastal Management, and Conservation Elements of this Comprehensive Plan. The City shall adopt land development regulations which include a site plan review process for managing port development. The site plan review process shall ensure that plans for port improvements are consistent with all elements of the Comprehensive Plan. Furthermore, the site plan review process shall include performance criteria that ensures land use compatibility, efficient delivery of any required public services, protection of natural resources, and sound fiscal management. The intergovernmental coordination activities shall be directed toward protecting and preserving natural resources and toward achieving and maintaining efficient intermodal transportation and delivery of public services.

No wetlands, rare or endangered plant communities or plant species of special concern shall be impacted by construction of landward port facilities. All port facilities construction shall be undertaken in compliance with applicable Federal and state permitting procedures and shall include required mitigation measures where potential adverse land use or environmental impacts are identified in pre-construction planning.

**TABLE 5A-5
PORT CAPITAL IMPROVEMENTS PROGRAM 1993-1998**

CAPITAL IMPROVEMENTS PROJECT		PROPOSED FY	Estimated Cost	ANTICIPATED FUNDING SOURCES			
				Federal	State	City	Other
MALLORY DOCK CRUISEPORT		FY 93-95	477,160	---	ED Grant? FSTED	477,160	---
a)	Construction of two additional breasting dolphins.	(FY 94-95)	(330,000)	---	(Grant?)	(330,000)	---
b)	Handicap/504 public restroom facility	(FY 93-94)	(148,000)	---	(Grant)	148,000	---
INTERMODAL TERMINAL/DOCK FACILITY		FY 94-96	9,395,000	2,450,000	1,747,500	5,197,500	---
a)	Acquisition of Chevron Property	(FY 94-96)	(2,200,000)	---	(Grant?)	5,197,500	---
b)	Design, legal, development phase	(FY 94-95)	(500,000)	---	(250,000)	(250,000)	---
c)	Construction of terminal dock facility	(FY 94-95)	(2,795,000)	---	(1,397,500) (FSTED Grant)	(1,397,500)	---
d)	Construction 3-story parking complex	(FY 94-95)	(3,500,000)	(2,450,000)	(100,000) (state grant)	(950,000)	---
e)	Resurfacing/associated drainage Grinnell St. adjacent to terminal/dock area	(FY 94-95)	(400,000)	---	---	(400,000)	---
PIER B CRUISE SHIP EXPANSION FACILITY		FY 95-97	4,000,000	---	600,000 (ED Grant?)	1,700,000	1,700,000
Second cruise ship dock facility including a T-pier and 4 additional breasting dolphins.		---	---	---	---	---	---
MAINTENANCE DREDGING		(FY determined by Corps of Engineers)	---	---	---	---	---
a)	Maintenance dredging of the Main Ship Channel	---	Corps of Engineers	Corps of Engineers	---	---	---
b)	Dredging of the Safe Harbor Channel	---	Corps of Engineers	Corps of Engineers	---	---	---

Source: City of Key West Port and Transit Authority, 1993
 Prepared By: Solin and Associates, Inc., 1993

Policy 5A-3.1.1: Site Plan Review. Upon Plan adoption, the City shall adopt objectives and policies of the Comprehensive Plan into the Land Development Regulations which require that site plans shall be prepared for all port facility improvements. Such plans shall be reviewed by the City to ensure compliance with Land Use, Conservation and Coastal Management elements of the Comprehensive Plan as well as compliance with land development regulations governing potential adverse environmental, land use, and public facility impacts.

Policy 5A-3.1.2: Port Protection From Incompatible Land Uses. The Key West port shall be protected from the encroachment of incompatible land uses through the implementation of the Comprehensive Plan Future Land Use Map and application of the Plan's implementing Land Development Regulations.

GOAL 5A-4: INTERGOVERNMENTAL COORDINATION. Operation and expansion of the Key West Port shall be coordinated with all appropriate Federal and state agencies and other entities having jurisdiction over impacted resources including, but not limited to, the U.S. Army Corps of Engineers, the U.S. Navy, the U.S. Coast Guard, the State and Federal Departments of Transportation, the State Department of Community Affairs, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, the South Florida Water Management District, the South Florida Regional Planning Council, the Metropolitan Planning Organization, the Monroe County Office of Emergency Preparedness, and the resource planning and management plan prepared pursuant to CH 380, F.S.

Objective 5A-4.1: COORDINATING FISCAL MANAGEMENT. The port improvements, as well as related parking and road improvements contained in Table 5A-1.1.1 shall be coordinated with appropriate public entities to ensure consistent fiscal programming among public agencies active in port facility development and related infrastructure. These agencies shall include but not limited to: the U.S. Corps of Engineers, the State and Federal Departments of Transportation, the Monroe County Emergency Preparedness Committee, and other appropriate entities.

Policy 5A-4.1.1: Port Authority and Transit (PATA) Initiatives. The executive director of the City of Key West Port and Transit Authority shall submit respective port expansion projects cited in the port master plan to the appropriate funding agencies for approval and inclusion in their respective budgets.

Policy 5A-4.1.2: City Commission Initiatives. The City Commission shall meet with its legislative and congressional delegations to enlist the delegations' support for port improvements cited in the port master plan and in the capital improvements program.

Objective 5A-5.1: TRAFFIC CIRCULATION COORDINATION. The surface transportation access to ports shall be consistent with the Comprehensive Plan Traffic Circulation Element.

Policy 5A-5.2: Integration of Ports with Intermodal Transportation. The City shall ensure that access routes to ports are properly integrated with other modes of surface or water transportation.

Policy 5A-5.3: Coordinate Port Improvements with Needed Road and Parking Improvements. Expansions of the rapid ferry terminal shall be concurrent with needed improvements to Grinnell Street and construction of the parking structure referenced in the capital improvement plan.

GOAL 5B: Integrate the City of Key West's deep water port facilities at the Truman Waterfront Parcel into the community and maximize their benefit to the city through consideration of quality of life as well as economic issues in all decisions about operation or expansion of existing facilities, or siting of new facilities within the Truman Waterfront Parcel.

OBJECTIVE 5B-1.A EXISTING PORT FACILITIES AT THE TRUMAN WATERFRONT PARCEL. The operation of the Key West Port shall be consistent with all elements of the Comprehensive Plan. Only one cruise ship berth will be allowed at the Truman Waterfront Parcel. Expansion of other port facilities, including ferry facilities, at the Truman Waterfront Parcel must meet the objectives and policies in 5B-1.B.

Policy 5B-1.A.1.: Definition of City Port Facilities. The Truman Waterfront (including Mole Pier) shall be defined as one of the city's deep water port facilities.

Policy 5B-1.A.2.: Port Protection from Incompatible Land Uses. The Key West port at the Truman Waterfront Parcel shall be protected from the encroachment of incompatible land uses through the implementation of the Comprehensive Plan Future Land Use Map and application of the Plan's implementing Land Development Regulations.

Policy 5B-1.A.3.: Operational Guidelines. Within 180 days of conveyance of Mole Pier to the City of Key West, the Port Director will implement operational guidelines to ease impacts which may be created by cruise ships berthing at North Mole Pier. The Port Advisory Board shall conduct a public review of the proposed operational guidelines prior to their implementation.

Policy 5B-1.A.4.: Applicable State Coordination, State and Federal Permits. Upon becoming the property owner of the Truman Waterfront Port, the City of Key West shall apply for necessary submerged land leases and necessary related permits from the State of Florida in order to address the Outer Mole Pier cruise ship berth. The city will request the U.S. Navy to cooperate with the city for joint applications prior to the transfer of the property to the city. The City shall obtain all necessary submerged land leases from the State of Florida within one year of becoming the property owner. The one year limitation will be tolled if issues identified in the study process set out in Policy 5B-4.4 become issues in the submerged land lease process, if issues raised by the Department of Environmental Regulation during the submerged land lease process require studies that cannot reasonably be completed within one year, or if the submerged land lease is challenged in judicial or administrative proceedings. The City shall proceed with diligence to obtain any other permits that it is responsible for obtaining from the State of Florida or the United States.

Policy 5B-1.A.5.: Quality of Life Study. Within two years of becoming the property owner, the City will complete a comprehensive study of the impacts of the cruise ship berth at the Outer Mole on quality of life, environmentally sensitive resources, public amenities (including public access and recreation), waterfront access and transportation/traffic. The study shall make specific recommendations on how to eliminate, mitigate or minimize adverse impacts. The study shall be submitted for public review and comment to a joint session of the Key West Planning Board and the Key West Port Advisory Board. They shall make a joint recommendation to the City Commission. The cruise ship berth at the Outer Mole may remain in operation in order to allow the City to study such impacts, under the following conditions until the completion and implementation of the study.

During the pendency of the Quality of Life Study, the Outer Mole Pier shall have a limit on the number of cruise ships of 230 cruise ships between October 1, 1999, and September 30, 2000; 240 cruise ships between October 1, 2000, and September 30, 2001; 250 cruise ships between October 1, 2001, and September 30, 2002; 260 cruise ships between October 1, 2002, and September 30, 2003

The study shall analyze the need and desirability for limits, requirements and restrictions concerning the amount (in terms of port calls and passengers), location, timing, standards, mitigation measures and other actions necessary to ensure that the use of the Outer Mole Pier as a destination for cruise ships maintains the City's unique quality of life, does not exceed the capacity of the City's infrastructure, protects the environment and is in the best long term socio-economic interests of the City's residents.

Within one year of receipt of the study, or as otherwise recommended in the study, the City will react positively to the data, analysis and recommendations of the study through any necessary plan amendments, land development regulations and/or other actions.

The study shall be completed within two years from the date of conveyance.

The study shall be based upon the best available data and analysis and shall specifically identify, analyze and assess the following impacts, if any, of existing and increased cruise ship activity, including that of future, larger ships:

1. The economic impact (both positive and negative) on existing businesses and attractions in the City.

2. The City's costs of construction, maintenance and operation of all relevant public facilities, services and amenities which are reasonably attributable to the cruise ship industry.
3. The impact on the marine environment, including an assessment of impacts on sediment and water quality, the resuspension of sediments, turbidity, seagrass beds and all living marine resources.
4. Any adverse economic impacts resulting from any environmental degradation found to exist, to businesses dependant upon the resources identified in subsection 3.
5. The impacts on the need for affordable housing units, and how any increased demand can be met.
6. The impact to the character of and quality of life in the city.

The study shall assess the feasibility and advisability of certain management strategies, including, but not limited to:

1. Limitations on port calls and "black out" days so that cruise ships would not land in Key West when tourist activities are already pronounced, such as, but not limited to, Fantasy Fest and New Years Eve. Impacts such as pedestrian and vehicular traffic amounts and patterns, among other things, shall be considered in this analysis.
2. Practices such as increasing the minimum length of stay of cruise ships, increasing passenger spending, passenger management, increasing tariffs (including docking and disembarkation fees), berthing of small cruise ships, or other appropriate measures to maintain and increase revenues while reducing impacts of cruise ships.
3. The use of best management practices regarding dockside cleaning.
4. An assessment of the impacts of cruise ship activities upon public amenities, including recreational facilities and public waterfront access.
5. An assessment of the impacts of cruise ship activities upon infrastructure including transportation, water, sewer and solid waste facilities.
6. Specific strategies to eliminate, where possible, and minimize and mitigate adverse impacts.

The study shall be performed by an entity selected in accordance with the competitive procurement process set forth in Sections 1.266 and 1.267 of the City of Key West Code of Ordinances, subject to the following additional requirements:

- A. All entities wishing to participate in the competitive procurement process shall respond to a Request for Proposals (RFP) developed pursuant to subsections B and C of this Policy.
- B. The RFP shall be disseminated on a national basis and shall include, but is not limited to, its posting on the Internet with the Natural Resource Economics News Group maintained by the University of Kentucky and the News Group maintained by the Association of Regional Economists and the advertisement of the RFP in the Journal of the Association of Environmental and Natural Resource Economists.
- C. No entity responding to the RFP which proposes to perform the study contemplated by Policy 5B-1.A.5 shall be eligible for selection by the City if such entity currently or within the past two years represented or was employed by commercial cruise ship interests. The entity selected shall also agree not to represent or be employed by commercial cruise ship interests until the study is finalized and presented to the City. The entity selected shall have expertise in the disciplines necessary to perform the analysis required to implement Policy 5B-1.A.5.

The City shall contract with a university in a collaborative effort to develop the scope of services required for the Quality of Life Study set forth in Policy 5B-1.A.5. After completion of the Quality of Life Study, the same university which participated in the development of the scope of services shall review the Quality of Life Study to determine that the study was performed in conformance with the scope of work.

OBJECTIVE 5B-1.B: EXPANSION OF PORT FACILITIES AT THE TRUMAN WATERFRONT PARCEL, MINIMIZING POTENTIAL ADVERSE LAND USE AND ENVIRONMENTAL IMPACTS. Any expansion or siting of new port facilities at the Truman Waterfront Parcel, if approved, shall be consistent with all elements of the Comprehensive Plan in a manner which first avoids to the greatest extent possible and when avoidance is not practicable, then minimizes and mitigates the potential adverse environmental impacts as well as conflicts between the port and areas around the port. Expansion of port facilities, including ferry facilities, at the Truman Waterfront Parcel must meet the following objectives and policies.

Policy 5B-1.B.1: Expansion or Siting of New Port Facilities. Any expansion or siting of existing or new port facilities at the Truman Waterfront Parcel shall take place only after a finding by the City Commission, pursuant to the review process set forth in Policy 5B-1.B.2, that such facilities and their impacts will on balance contribute rather than detract from the quality of life for residents of Key West and protection of marine resources.

Policy 5B-1.B.2: Port Development/Expansion Consistency. In addition to The Development Plan Review Procedures as set forth for a major development in the Land Development Regulations the procedures set forth below shall be used for preparation and review of applications for expansion of existing port facilities at the Truman Waterfront Parcel or siting of new facilities at the Truman Waterfront Parcel.

The information required to be included in the development plan as well as the following additional information shall be included in port related development plan applications:

1. How will the project positively or negatively impact the areas targeted for redevelopment in the community, the community as a whole, and residents on a per capita basis?
2. What specific positive or negative impacts to the quality of life in the community will result from this project? Specific areas of concern include: Increased demand for housing, particularly affordable housing; jobs and job training programs; economic diversity; environmentally sensitive resources; public amenities including recreation and waterfront access; and, transportation and traffic.

The application including this information, together with the record of the public workshop(s) described under Policy 5B-1.B.3, shall form the basis for the finding of the City Commission that the proposal does or does not on balance, contribute to rather than detract from the quality of life for the residents of Key West and protection of natural resources.

Policy 5B-1.B.3.: Public Review Process for Port Expansion or Siting of New Facilities at the Truman Waterfront Parcel. In order to ensure adequate public discussion of port expansion activities during the development review process, a workshop to encourage public discussion of issues will be held after the development plan submittal to city staff and before the Planning Board makes a recommendation regarding the plan. This process is meant to supplement the existing development approval process as outlined in the Land Development Regulations.

1. A development plan shall be submitted to the Planning Director outlining proposed expansion plans and the impacts associated with the plan per the development plan submittal requirements of the land development regulations, including the information in Policy 5B-1.B.2.
2. A joint workshop will be held between the Planning Board and the Port Advisory Board for the purposes of encouraging public discussion about the proposed expansion. The workshop will be chaired by the Planning Board Chairperson, according to the following guidelines.

- a. The meeting will be held in a workshop format designed to encourage public discussion and interaction. The applicant will be encouraged to provide responses to questions and explain aspects of the application during the workshop. Board members will also be encouraged to enter the discussion or provide information. A hearing format is discouraged.
- b. A neutral facilitation process can be used at the discretion of the Planning Director.
- c. At the end of the workshop, the following findings will be made by the members present from both boards: is additional information necessary for the Planning Board and City Commission to consider the plan? And, is additional public workshop discussion needed to clarify the plan? The findings should not include recommendations for or against the project at this time. If additional discussion is needed, further workshops can be scheduled. Additional information can be provided either at future workshops, if they are scheduled, or as an amendment to the development plan.
- d. The public workshop will be advertised in the local newspaper a minimum of seven days in advance of the meeting.

Policy 5B-1.B.4.: Prohibited Activities at the Truman Waterfront Parcel, Definition of Port Expansion at the Truman Waterfront Parcel, Procedure for Approval of Port Expansion.

1. The following port activities shall not be permitted at the Truman Waterfront Parcel:
 - a. Cruise ship home porting.
 - b. Car ferries.
2. The following activities at the Truman Waterfront Parcel shall constitute port expansion:
 - a. Any increase in cruise ship berthing capacity (other than the one existing cruise ship berth on the Outer Mole Pier, which shall be appropriately permitted by the State of Florida).
 - b. Development of new port facilities designed to accommodate ferry service, or use of the existing cruise ship berth at Outer Mole Pier to provide ferry service.
 - c. Development of new port facilities that require either new maritime related infrastructure or channel dredging.
3. No port expansion shall be permitted except through the major development review process set out in the City of Key West Land Development Regulations, as modified by Policy 5B-1.B.3.

Policy 5B-1.B.5.: Port Protection from Incompatible Land Uses. The Key West port at the Truman Waterfront Parcel shall be protected from encroachment of incompatible land uses through the implementation of the Comprehensive Plan Future Land Use Map and application of the Plan's implementing Land Development Regulations

OBJECTIVE 5B-2: PORT FACILITIES AND ECONOMIC DEVELOPMENT AT THE TRUMAN WATERFRONT PARCEL. The City of Key West shall stimulate the local economy by providing port-of-call facilities to meet existing and future demand and facilitate activation and redevelopment of adjacent base reuse areas, so long as port expansion at the Truman Waterfront Parcel meets the criteria and process described in Objective 5B-1 and the objective's implementing policies.

Policy 5B-2.1: Maintain and Expand Port Contribution to Local Economy at the Truman Waterfront Parcel. The Key West Port shall generate significant economic benefits so long as port expansion at the Truman Waterfront Parcel meets the criteria and process described in Objective 5B-1 and the objective's implementing policies.

Policy 5B-2.2: Scheduled Port Improvements at the Truman Waterfront Parcel to Meet Service Demand. The city shall schedule all port improvements for the Truman Waterfront Parcel in the annually updated Capital Improvement Plan of the City of Key West Comprehensive Plan, which shall be adopted by the City Commission. Improvements which relate to port expansion activities shall only be included in the schedule if the expansion activity has been approved per the criteria and process described in Objective 5B-1 and the objective's

implementing policies (see Table 5B-1).

OBJECTIVE 5B-3: PORT FACILITY IMPROVEMENTS AND HURRICANE EVACUATION AT THE TRUMAN WATERFRONT PARCEL. Consistent with the hurricane evacuation planning action as identified in the Coastal Management Element, the City of Key West shall identify opportunities for facilitating hurricane evacuation using high-speed ferries and other appropriate vessels at the Truman Waterfront Parcel.

Policy 5B-3.1: Multimodal Transportation Hurricane Evacuation. When negotiating new high-speed ferry operation contracts at the Truman Waterfront Parcel in Key West, identify parameters under which ferries can be used for hurricane evacuation.