



## EXECUTIVE SUMMARY

**To:** James K. Scholl, City Manager

**Through:** Patrick Wright, Planning Director  
Shawn Smith, City Attorney

**From:** Vanessa Sellers, Planner I

**Meeting Date:** September 5, 2018

**Re:** Amendment to the Liveaboard Vessels Ordinance

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### **Action Statement:**

This measure proposes to amend Chapter 82 titled “Waterways” in Article II, Vessels, Section 82-37, titled Liveaboard Vessels.

### **Background:**

Policy 8-1.1.3 (18) of the City of Key West Comprehensive Plan directs the City to pursue a coordinated approach to regulating liveaboards with the State of Florida and Monroe County.

Currently, section 82-37 (a) of the City of Key West Code of Ordinances subjects liveaboard vessels to the City’s Building Permit Allocation System (BPAS) ordinance. However, policy 101.3.1 of the Monroe County Comprehensive Plan expressly *excludes* vessels from the Residential Rate of Growth Ordinance (ROGO) system, as the vessels do not occupy a distinct location and therefore cannot be accounted for in the County’s hurricane evacuation model.

The proposed ordinance amendments will bring the City of Key West’s liveaboard vessel regulations closer in line with Monroe County’s liveaboard vessel regulations, pursuant to policy 8-1.1.3 (18) of the City of Key West Comprehensive Plan.

### **Options:**

Option 1: Approve the proposed ordinance amendments to bring the City of Key West’s liveaboard vessel regulations closer in line with those of Monroe County pursuant to policy 8-1.1.3 (18) of the City of Key West Comprehensive Plan.

Option 2: Do not approve the proposed ordinance amendments.

**Recommendation:**

To approve the proposed ordinance amendments.

Sec. 82-37. Liveaboard vessels.

- (a) Liveaboard vessels within the jurisdictional waters of the city are not subject to the city's ~~rate of growth~~ BPAS ordinance (~~ROGO~~) when such vessels are intended for permanent habitation by docking or mooring. Therefore, liveaboard vessels attempting to be established after the effective date of the ~~ROGO~~ BPAS ordinance shall not ~~may~~ be limited thereby. Unless otherwise provided in the land development regulations, privately owned bay bottom shall not be recognized as the same as upland property for the purposes of density, ~~and ROGO units.~~ Liveaboard vessels shall only be located in marinas duly approved for liveaboards and the number of liveaboard vessels shall not exceed the number of approved slips per any City, State, or Federal approvals.
- (b) Liveaboard vessels shall be docked or moored consistent with sections 82-31 and 82-33. No liveaboard shall be kept on public or private property in violation of the city zoning laws.
- (c) No private or public utility shall provide water, electricity or other utility service to a liveaboard vessel that is in violation of this article.