

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "PLANNING AND DEVELOPMENT" BY AMENDING SECTION 108-680 AND 108-681 TO PROVIDE AN EXCEPTION FOR PROPERTIES IN THE SF AND MDR ZONING DISTRICTS; AMENDING SECTION 108-682 TO CLARIFY EXCEPTIONS; AMENDING 108-683 TO CLARIFY EXCEPTIONS; ADDING SECTION 108-684 TO PROVIDE FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Planning Board recommended approval of the proposed amendments, based upon recommendations by the City Planner, Planning Official and City Attorney, at its regular meeting of April 23, 2012; and

WHEREAS, the Planning Board determined that the proposed amendments are 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 demand on public facilities; will have no impact on the natural 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; and

WHEREAS, the Key West City Commission initial consider the Planning Board recommendation at a June 19, 2012 meeting, wherein a requested modification was made by a member of the Commission; and

WHEREAS, the Key West City Commission finds that amendments to the Code of Ordinances related to recreational vehicle and boat storage would serve to promote the health, safety and welfare of the citizens of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 108-680 of the Code of Ordinances is hereby amended as follows*:

Sec. 108-680. Recreational vehicles and boats.

With the exception of properties located in a single-family zoning district or Medium Density Residential district,
rRecreational 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, and trailer, and the like must be for the resident's individual use or related to employment.

Section 2: That Section 108-681 of the Code of Ordinances is hereby amended as follows:

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

(a) With the exception of properties located in a Single-Family zoning district or Medium Density Residential district, ~~n~~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.

*(Coding: Added for language for first reading is underlined; deleted language for first reading is struck through. Language added at first reading is double underlined. Language deleted at first reading is double struck through.

(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.~~

Section 3: That Section 108-682 of the Code of Ordinances is hereby amended as follows:

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) 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, boats and/or trailers ~~and equipment~~. 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 recreation vehicles, boats, and trailers ~~equipment~~ 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.

Section 4: That Section 108-683 of the Code of Ordinances is hereby amended as follows:

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) or Medium Density Residential (MDR) zoning districts may be parked on a residential premise 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 in Single Family (SF) or Medium Density Residential (MDR) zoning districts.

(a) Properly registered and licensed ~~R~~recreational vehicles, boats and or trailers 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 extends into a public right of way or an adjoining property.

~~(b) Additionally, recreational vehicles, boats and trailers must be properly registered and licensed and any such boat located on the property may not exceed twenty-eight (28) feet in length.~~

Section 5: That Section 108-684 of the Code of Ordinances is hereby added as follows:

Sec. 108-684. - Enforcement.

The provisions of this division are not complaint driven. Such provisions shall be uniformly and indiscriminately enforced by the Key West Police Department, Key West Parking Division and Key West Code Compliance Department.

Section 6: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 6: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2012.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2012.

Filed with the Clerk _____, 2012.

CRAIG CATES, MAYOR

CHERYL SMITH, CITY CLERK