

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA
AMENDING CHAPTER 82 OF THE CODE OF
ORDINANCES ENTITLED “WATERWAYS” BY
AMENDING SECTION 82-37, TO AMEND CERTAIN
PROVISIONS RELATED TO LIVEABOARD VESSELS
AND THE BUILDING PERMIT ALLOCATION SYSTEM
(BPAS); PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Key West finds that it is necessary to amend regulations from time to time to eliminate inconsistencies between the Code and the Comprehensive Plan; and

WHEREAS, 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 and Monroe County; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the City of Key West finds that the proposed amendment brings its liveaboard vessel regulations closer in line with those of Monroe County pursuant to Policy 8-1.1.3 (18) of the Comprehensive Plan; and

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

Section 1: That Section 82-37 of the Code of Ordinances is hereby amended as follows*:

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 be recognized as the same as upland property for the purposes of density, ~~and ROGO~~ ~~units.~~
- (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.

*(Coding: Added language is underlined; deleted language is struck through.)

Read and passed by the City Commission at a regular meeting held this 21st day of August, 2018.

Read and passed on final reading at a regular meeting held this 5th day of September, 2018.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2018.

Filed with the Clerk _____, 2018.

Mayor Craig Cates	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK