

ORDINANCE 2023-484

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES RELATED TO “BOATS, BOAT TRAILERS, MARINE FACILITIES AND WATERWAYS”, ARTICLE III, “MARINE CONSTRUCTION AND IMPROVEMENTS, DOCKING OF BOATS”, DIVISION 3 “DOCKS, PIERS, AND MOORING EQUIPMENT”, SECTION 5-43, ENTITLED “ELEVATOR LIFTS” TO INCREASE THE MAXIMUM LIFTING CAPACITY FOR ELEVATOR BOAT LIFTS WITHIN THE CITY; PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for the maintenance of good relations among neighbors, the City of Key Colony Beach, Florida (the “City”) requires review and approval by the City Commission of certain boat lift installations within the City, and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the “City Commission”) desires to amend Section 5-43 of the Code of Ordinances, which sets criteria for which boat lift installations require City Commission approval; and

WHEREAS, the City Commission finds it in the best interest of the City to modify its Code of Ordinances to increase the maximum boat lift capacity; and

WHEREAS, the City Commission finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, that:

Section 1. **Recitals.** That the above declarations are true and correct and incorporated herein; and

Section 2. **Amendment.** Section 5-43 of the Code of Ordinances for the City of Key Colony Beach, Florida is amended as follows:

~~Strikethrough~~ = deletion

Bold underline = addition

Sec. 5-43. – Elevator lifts.

Elevator lifts may be installed and used in and adjacent to canals or waterways of the city subject to the following conditions:

- (1) Maximum lifting capacity published by the manufacturer is ~~sixteen~~ **thirty-one** thousand (16,000 **31,000**) pounds. Lifts with capacities greater than ~~sixteen~~ **thirty-one** thousand (16,000 **31,000**) pounds require approval of the city commission. ~~For single family residences only, permit applications for lifts with capacities greater than sixteen thousand (16,000) pounds but no greater than twenty thousand (20,000) pounds, shall not require approval of the city commission if written consent of both adjacent property owners is provided with the permit application.~~

Section 3: **Severability and Conflict.** If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: **Inclusion in the Code of Ordinances and Land Development Regulations.** The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances and Land Development Regulations of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

Section 5. **Effective Date.** This Ordinance shall become effective upon final adoption by the City Commission.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE TO FOLLOW]**


FIRST READING by the City of Key Colony Beach City Commission this 18th day of May 2023.

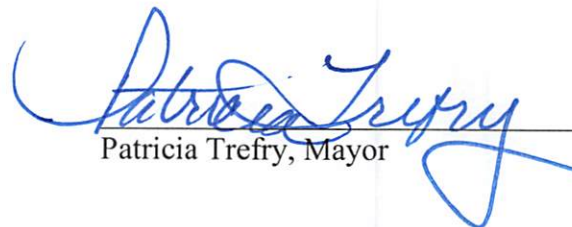
Mayor Patricia Trefry	NO _____ YES <u>X</u> _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES <u>X</u> _____
Commissioner Freddie Foster	NO _____ YES <u>X</u> _____
Commissioner Tom Harding	NO _____ YES <u>X</u> _____
Commissioner Joey Raspe	NO _____ YES <u>X</u> _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 15th day of June 2023.

Mayor Patricia Trefry	NO _____ YES <u>X</u> _____
Vice-Mayor Beth Ramsay-Vickrey	NO _____ YES <u>X</u> _____
Commissioner Freddie Foster	NO _____ YES <u>X</u> _____
Commissioner Tom Harding	NO _____ YES <u>X</u> _____
Commissioner Joey Raspe	NO _____ YES <u>X</u> _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 15th day of June 2023.


Attest: Silvia Gransee, City Clerk
(Seal)

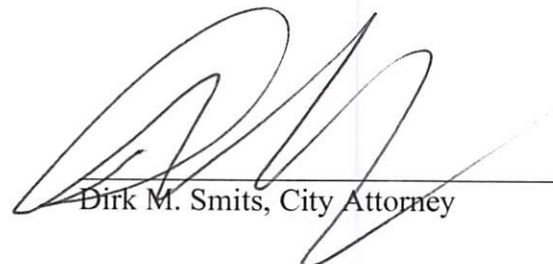

Patricia Trefry, Mayor

Approved as to form and legal sufficiency:

05-18-2023 1st Reading

06-01-2023 Date of Notice, Florida Keys Weekly

06-15-2023 Second Reading


Dirk M. Smits, City Attorney