

RESOLUTION NO. 08-065

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO ADOPT A BUILDING PERMIT ALLOCATION SYSTEM; DIRECTING BUILDING AND PLANNING STAFF TO CONTINUE THE POLICY OF DEFERRING THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS REQUIRING THE ISSUANCE OF BUILDING PERMIT ALLOCATIONS; CONTINUING THIS POLICY UNTIL NEW BUILDING PERMIT ALLOCATION REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 180 DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER OCCURS FIRST; PROVIDING FOR RETROACTIVE EFFECT; DIRECTING STAFF TO CONTINUE PREPARATIONS OF NEW BUILDING PERMIT ALLOCATION REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Building Permit Allocation system is an integral component of the City of Key West's adopted Comprehensive Plan and implementing Land Development Regulations (LDRs); and

WHEREAS, the Key West City Commission desires to adopt a Building Permit Allocation System for permitting and regulating the allocation of building permits within the City of Key West; and

WHEREAS, the City Commission has directed planning staff to continuing developing a proposed Building Permit Allocation System for City Commission review and adoption; and

WHEREAS, the Planning Department began documented efforts concerning the subject on at least February 22, 2008; and

WHEREAS, in order to provide for the orderly allocation of existing building permits, it is necessary to temporarily halt the issuance of building permits pending the passage of a Building Permit Allocation System; and

WHEREAS, the unregulated issuance of building permit allocations will, among other things, affect hurricane evacuation time, there is an immediate danger to the public health, safety and welfare.

WHEREAS, the City's intention to invoke the "Zoning in Progress" or "Pending Ordinance Doctrine" was advertised in the Key West Citizen on the 27th day of February, 2008; and

WHEREAS, the City Commission wishes to definitively place all parties on notice that it is considering amending the LDRs and City ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: **Zoning in Progress.** That pursuant to the pending legislation doctrine set forth in Smith v. City of Clearwater, 383 So.2d 681 (Fla. 2nd DCA 1980), with the exception of requests involving work force housing including accessory units, City staff shall continue the policy of deferring acceptance and processing of applications requiring building permit allocations.

Section 2: That this policy shall be in effect until new land development regulations or amended land development regulations are adopted by the City Commission or until the passage of 180 days, whichever occurs first.

Section 3: That until expiration of the Resolution, no building permit allocations shall be granted pursuant to a request filed with a submittal date of February 22, 2008, or later.

Section 4: That City planning and legal staff are directed to continue the preparation and processing of ordinances (the "Pending Ordinances") that would adopt the Building Permit Allocation System. The Pending Ordinances, if adopted, will amend the City's LDRs. All affected property and business owners are placed on notice with respect to the Pending Ordinances and the action being taken by the appropriate departments within the City.

Section 5: **Public Notice.** The adoption of this Resolution shall be evidenced by placement of a notice in a newspaper of general circulation within the City, in accordance with Chapter 50, Florida Statutes, within two weeks after adoption of this Resolution. A copy of this Resolution shall also be posted at City Hall for the next one hundred and eighty (180) days.

Section 6: That this Resolution 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.

Passed and adopted by the City Commission at a meeting held this 29th day of February, 2008.

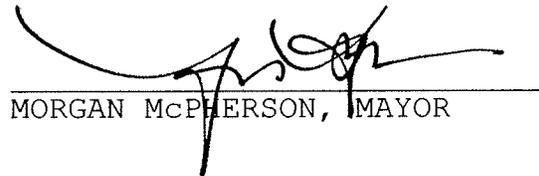
Authenticated by the presiding officer and Clerk of the Commission on March 5, 2008.

Filed with the Clerk March 5, 2008.

ATTEST:



CHERYL SMITH, CITY CLERK



MORGAN McPHERSON, MAYOR