**ORDINANCE NO. 10-07**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, DECLARING A ONE HUNDRED AND EIGHTY (180) DAY MORATORIUM ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATION RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING AN EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Key West is a small and extremely dense island comprised of approximately 4.2 square miles, plus an additional 1.5 square miles within the city boundries on the northern part of neighboring Stock Island.

WHEREAS, the City of Key West regulates permits, licenses, franchises, other authorizations and land uses under the provisions of its Code of Ordinances and Comprehensive Plan for vehicle based businesses which make primary use of city streets.

WHEREAS, the City of Key West has seen an increase in the level of traffic from commercial vehicles such as mopeds, electric cars, trolleys, bicycle tours, vehicles for hire and other motorized and non-motorized modes of transportation; and

WHEREAS, this increase in vehicles is especially apparent in Key West's dense nationally recognized historic district; and

WHEREAS the City Commission is concerned that the increase in

such vehicles and related congestion has adversely affected the health, safety and welfare of the City, its residents and visitors; and

WHEREAS, the City Commission finds that a comprehensive traffic study is necessary to determine traffic capacity, volume, circulation, conflicts between vehicular and non-vehicular traffic for shared space, methods for reducing impacts of traffic in residential neighborhoods, and similar issues; and

WHEREAS, the City Commission wishes to authorize a study of these issues as previously expressed at prior City Commission meetings; and

WHEREAS, City staff first began documented efforts to undertake such a study to recognize, address and resolve the existing problems on November 17, 2009 in order to develop new and revised regulations for its Code of Ordinances and Comprehensive Plan; and

WHEREAS, the City Commission finds that the imposition of a temporary moratorium on the issuance of any additional licenses, business tax receipts, permits, franchises or similar authorizations for motorized and non-motorized vehicles that make primary use of City streets in the operation of their businesses serves a valid public purpose and protects the health, safety and welfare of the public, while maintaining the status quo; and

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

FLORIDA:

Section 1: A moratorium is hereby declared on issuance of any new or additional licenses, business tax receipts, permits, franchises or similar authorizations for motorized and non-motorized vehicles that make primary use of City streets in the operation of their businesses. In order to encourage less motor vehicles and reduce congestion on City streets, the individual rental of bicycles is exempted from this temporary moratorium.

Section 2: This moratorium shall be in effect for a period of one hundred and eighty (180) days from the effective date of this Ordinance. This moratorium may be extended by Resolution of the city Commission for additional 180 day periods to complete the tasks outline herein. The City Manager shall provide a report to the City Commission prior to the expiration of the then existing 180 day moratorium. This report shall include draft ordinance amendments to address the traffic issues discussed in the proposed study.

Section 3: If prior to November 17, 2009, an application was filed or approval was otherwise sought from the City, then the applicant may not be subject to this moratorium.

Section 4: 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 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded or modified to the extent of such conflict.

Section 6: 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 2nd day of February, 2010.

Read and passed on final reading at a regular meeting held this 16th day of February, 2010.

Authenticated by the presiding officer and Clerk of the Commission on 17th day of February, 2010.

Filed with the Clerk February 17, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK