

ORDINANCE NO. 13-13

A ORDINANCE OF THE CITY OF KEY WEST, FLORIDA AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT" BY ADDING DEFINITIONS TO SECTION 6-116; AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY DELETING "MOPED AND SCOOTER RENTALS," AND ADDING "RECREATIONAL RENTAL VEHICLES"; BY ADDING SECTION 18-354 ESTABLISHING THAT PERMITS REQUIRED, APPLICATION, FRANCHISE FEES; BY ADDING SECTION 18-355 ESTABLISHING RECREATIONAL RENTAL VEHICLES DEEMED A CONDITIONAL USE; BY ADDING SECTION 18-356 ESTABLISHING A 30-DAY PERIOD TO ESTABLISH NUMBERS OF RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-357 ESTABLISHING RESTRICTIONS ON BICYCLE TOUR COMPANIES; BY ADDING SECTION 18-358 ESTABLISHING REQUIREMENT OF CONCURRENCY TRAFFIC ANALYSIS FOR THE ESTABLISHMENT OF NEW OR RELOCATED RECREATIONAL RENTAL BUSINESSES; BY ADDING SECTION 18-359 ESTABLISHING IDENTIFICATION BY DECAL OF ALL RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-360 ESTABLISHING AN ANNUAL INSPECTION OF EACH RECREATIONAL RENTAL VEHICLE FACILITY; BY ADDING SECTION 18-361 ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Key West Planning Department has recommended changes to the Code of Ordinances for Recreational Rental Vehicles, Moped and Scooter Rentals, Bike Tours, and Electric Cars; and

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 whose primary use is of city streets; and

WHEREAS, the City of Key West has experienced an increase in the level of street traffic from commercial recreational rental vehicles such as mopeds, electric cars, trolleys, bicycle tours, 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 traffic congestion has adversely affected the health, safety and welfare of the City, its residents and visitors; and

WHEREAS, the City Commission found that a comprehensive traffic study was 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 purpose of the Key West Carrying Capacity Traffic Study 2011 authorized by the City Commission (the Study) evaluated the capacity of city streets and related transportation infrastructure; and

WHEREAS, the Study concludes the overall transportation network will not support additional traffic without capacity improvements; and

WHEREAS, roadway capacity improvements within the historic district and other locations in the City cannot be made without compromising the historic quality of the district and negatively impacting other streets, and at great expense; and

WHEREAS, the Study concluded that ongoing analysis of the traffic generating land uses will aid the City in regulating the size and location of such uses as a feasible alternative to constructing roadway expansions; and

WHEREAS, the Planning Board at its meeting of April 18, 2013 determined that the proposed ordinance is consistent with the Key West Comprehensive Plan; and

WHEREAS, the City Commission finds that the changes to the Amusements and Entertainment, Moped and Scooter Rental sections of the Code of Ordinances promotes the health, safety and welfare of the citizens of Key West.

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

Section 1: That Section 6-116 of the Code of Ordinances is hereby amended as follows:

Sec. 6-116. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal-driven vehicle means a vehicle used for transporting passengers and which is propelled by animal power.

Bicycle tour means an organized group of people traveling on bicycles guided by a tour leader for the purpose of sightseeing.

Driver means the person who possesses a valid state driver's license, or chauffeur's license if required by state law, and who propels, drives, or directs an entertainment vehicle.

Driver permit means the permit which each driver must obtain under division 3 of article II of chapter 78.

Entertainment equipment means sporting goods rented or leased to customers for the purpose of locomotion, excluding bicycles, mopeds, motorcycles, motorscooters equipped with a saddle and all water sports equipment. This definition includes but is not limited to roller skates, roller blades, scooters without a saddle (whether or not motorized), and skateboards.

Motorized entertainment vehicle means a motorized vehicle other than a taxicab, moped, motorcycle, motorscooter with a saddle, tour bus, sightseeing vehicle, city bus, or city-franchised vehicle, used in a business for the purpose of transporting passengers and for which a fare or fee is paid as consideration for such transportation.

Multi-person Human Powered Entertainment Vehicle shall mean a three or four wheel human powered vehicle with or without a driver capable of carrying three or more persons used for commercial purposes. Such a vehicle shall be considered an Entertainment Vehicle for the purpose of regulation under this Chapter and Chapter 18 of the Code of Ordinances.

Nonmotorized entertainment vehicle means a vehicle other than a city-franchised vehicle or two-wheeled bicycle used in a business for the purpose of transporting passengers and which is propelled by human power.

Operator means the owner operator of the entertainment vehicle or equipment business.

Owner means one who has legal title or right to an entertainment vehicle or equipment business.

Permit means the entertainment vehicle or equipment permit which is required for operation of the business.

Recreational Rental Vehicle shall mean a moped, motorized scooter, an “Animal-driven Vehicle,” a “Bicycle Tour,” a “Motorized Entertainment Vehicle,” a “Multi-person Human Powered Entertainment Vehicle,” or a “Non-motorized Entertainment Vehicle” as defined by the Code of Ordinances, for which a permit is required.

Vehicle means any wheeled device by which any person may be transported or drawn upon any public road.

Vehicle Identification Number shall mean either the Vehicle Identification Number assigned to a motorized vehicle by the State of Florida, or in the case of a non-motorized vehicle, a multi-number symbol, indicated on a decal or sticker provided by and assigned by the City of Key West to the owner of the Entertainment Vehicle or equipment business.

Vehicle Identification Decal shall mean a plastic or paper backed decal or sticker provided by the City of Key West, with Assigned Vehicle Identification Number required for each Recreational Rental Vehicle licensed to a particular site. The Vehicle Identification Decal shall be permanently affixed to the front of the vehicle for easy identification by City Licensing and Code Compliance personnel.

Section 2: That Article VII of Chapter 18 Moped and Scooter Rentals of the Code of Ordinances is hereby amended as follows:

Article VII. ~~Moped and Scooter Rentals~~ Recreational Rental Vehicles

Division 1. Generally

Sec. 18-351 Registration of rental units.

Sec. 18-352 Obedience to laws.

Sec. 18-353 Annual record of traffic accidents; license suspension.

Sec. 18-354. Permit required; application; franchise fees.

Sec. 18-355 Recreational rental vehicle deemed conditional use.

Sec. 18-356. 30-day period to establish numbers of recreational rental vehicles.

Sec. 18-357. Restrictions: bicycle tour companies

Sec. 18-358. Concurrency traffic modeling.

Sec. 18-359. Identification by decal.

Sec. 18-360. Annual inspection.

Sec. 18-361. Penalty.

Section 3: That Section 18-351 of the Code of Ordinances is hereby created as follows:

Sec. 18-351. –Registration of rental units.

- (a) Every person in the business of renting recreational rental vehicles to the public annually shall submit to the licensing division a list of recreational rental vehicles identified by serial number, that are available for rental. These registration lists shall be submitted and shall be updated annually at the time of business tax receipt renewal. No person shall rent or provide for rental a number of recreational rental vehicles in excess of that permitted under the business tax receipt.
- (b) Within 90 days after the submission of registration lists, the city manager shall report

the number of recreational rental vehicles to the city commission and recommend whether further regulation is necessary.

Section 4: That Section 18-352 of the Code of Ordinances is hereby created as follows:

Sec. 18-352. – Obedience to laws.

Every person in the business of renting recreational rental vehicles to the public and every person who rents and operates a recreational rental vehicle on the city streets shall abide by state traffic, motor vehicle, motor vehicle operator and insurance laws. No person in the business of renting recreational rental vehicles to the public shall so rent or otherwise provide a recreational rental vehicle to a person who appears to be or for whom the business personnel have reason to believe is incompetent to operate a recreational rental vehicle whether due to drunkenness, incapacity by drugs, age or physical or mental infirmity. This article shall not be applicable to the rental of automobiles.

Section 5: That Section 18-353 of the Code of Ordinances is hereby created as follows:

Sec. 18-353. – Annual record of traffic accidents; license suspension.

The licensing division, in cooperation with the police department, shall maintain an annual record of all reported traffic accidents involving recreational rental vehicles. The record shall include the registered owner of the vehicle, the cause of the accident, the injuries sustained, and the traffic citations issued. If, in the opinion of the city manager, a substantial or disproportionate number of accidents are attributable to a rental business, the city manager may make the rebuttable presumption that its instruction and training are inadequate and take action to suspend the business tax receipt in accordance with

section 66-105.

Section 6: That Section 18-354 of the Code of Ordinances is hereby created as follows:

Sec. 18-354. –Permit required; application; franchise fees.

- (a) A permit system for recreational rental vehicle and bicycle tours is hereby established. It shall be unlawful for any business to operate in the City of Key West without first obtaining a permit as required by this article.
- (b) The City through its licensing division shall issue Recreational Rental Vehicle and bicycle tour permits. Each permit shall be valid for one year; beginning June 1 and ending May 30.
- (c) The licensing division shall establish a standard application that shall include, but not be limited to, the following information:
 - (1) Business Name
 - (2) Business Address and telephone of the applicant
 - (3) For rental vehicles; vehicle identification number and proof of valid registration
 - (4) For Recreational Rental Vehicles; fee of \$50.00 plus \$1.00 per vehicle; for bicycle tours \$100.00
- (d) The holder of a Recreational Rental Vehicle permit may obtain a renewal of the permit each year on or prior to May 30 by applying to the licensing office and submitting the following information:
 - (1) Vehicle identification number for each permitted unit;
 - (2) A renewal fee of \$50.00 per moped/scooter and electric car business plus

\$1.00 per unit; \$100.00 per bike tour business if paid prior to June 1, with a penalty of \$25.00 if paid after June 1.

(e) Any Recreational Rental Vehicle permit not renewed within 30 days of its expiration on May 30 shall be void and of no use or effect whatsoever.

(f) Violations of this section shall be penalized as provided in section 1-15 and subject to prosecution and fine under civil citation procedures of sections 2-676 through 2-680.

Section 7. That Section 18-355 of the Code of Ordinances is hereby created as follows:

Sec. 18-355. Recreational Rental Vehicle Deemed Conditional Use.

As of the effective date of this ordinance, all moped/scooter, electric car, bike tour and other recreation rental establishments are considered deemed to have a valid conditional use approval as required by section 122-61, with the number of legally established registered rental units according to section 18-351 and 18-356 for which the number has been recorded in City records. The establishment of any new or relocation of a Recreational Rental Vehicle use shall require a conditional use approval, and may be established only within the zoning districts which allow small recreational power-driven equipment rentals as a conditional use.

Section 8: That Section 18-356 of the Code of Ordinances is hereby created as follows:

Sec. 18-356. 30-Day Period to Establish Numbers of Recreational Rental Vehicles.

As of the effective date of this ordinance, a period of 30 days is created to correctly establish the number of rental mopeds/scooters, bike tours, electric cars and other recreational rental vehicles in use during the creation and publication of the Key West Carrying Capacity Traffic Study in 2011, and also to establish the number of current and active business tax receipt holders of recreational rental vehicle businesses that were in place on January 1, 2013 in order establish the maximum number of Recreational Rental Vehicle units operating on City streets. The City shall during the 30-day period establish a method for registration of businesses and rental units and publish notice of the process.

Section 9: That Section 18-357 of the Code of Ordinances is hereby created as follows:

Sec. 18-357. Restrictions: Bicycle Tour Companies

As of the effective date of this ordinance, owners and operators of bicycle tour companies shall meet clients and exchange money at the business address; shall not block or obstruct traffic in any manner; shall not solicit prospective clients while on public property; and shall take no more than fifteen (15) clients per tour guide.

Section 10: That Section 18-358 of the Code of Ordinances is hereby created as follows:

Sec. 18-358. – Traffic Impacts on Level of Service.

Any new or relocated non-motorized and/or motorized recreational rental vehicle rental permit applicant shall be required to complete a traffic impact analysis to demonstrate that the size, location and operation of the facility does not degrade the existing traffic Level of Service (LOS) of City streets, corridors and intersections determined by the City staff to be affected by the proposed use. If the traffic analysis, in the opinion of City staff and its consultants, demonstrates an increase

of average daily or peak hour traffic of 3% or more, impacting City streets and intersections, the applicant shall mitigate the impact by constructing a capital improvement for that section impacted or a transportation mitigation program, which may include, at City's sole discretion, payment of traffic impact fees appropriate to the impacts created. The identification of a significant (as described above) traffic impact, as determined by the Planning Board may serve as one reason to deny the application.

Section 11: That Section 18-359 of the Code of Ordinances is hereby created as follows:

Sec. 18-359. – Identification by Decal.

Within ninety (90) days of the effective date of this ordinance, the City shall provide to each licensee of each Recreational Rental Vehicle establishment, a vehicle Identification Decal for each of the Recreational Vehicles licensed to the licensed site. During this 90-day period, City Code Compliance staff shall inspect each licensed site, to establish that the decals are permanently and properly affixed to the specific vehicle corresponding to the Vehicle Identification number registered to that site or sites when a business licensee operates from multiple sites.

Section 12: That Section 18-360 of the Code of Ordinances is hereby created as follows:

Sec. 18-360. – Annual Inspection.

The code compliance department shall inspect each facility on an annual basis prior to the issuance of a recreational vehicle permit to determine compliance with the conditions of this article.

Section 13: That Section 18-361 of the Code of Ordinances is hereby created as follows:

Sec. 18-361. – Penalty.

Violations of this article shall be subject to prosecution and fine under the civil citation procedures of sections 2-676 through 2-680, or section 1-15 of the Key West Code

Section 14: If any section, provision, clause, phase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provision of this Ordinance shall be deemed severable there from and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 15: All Ordinances or parts of Ordinances of said City in conflict with the provision of this Ordinance are hereby superseded to the extent of such conflict.

Section 16: This Ordinance shall be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380. (F.S.).

Section 17: This Ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

Section 18: The numbering of the forgoing amendment may be renumbered to conform to

the numbering of the City of Key West Comprehensive Plan and shall be incorporated in the City of Key West Comprehensive Plan.

Read and passed on first reading at a regular meeting held this 18th day of June, 2013.

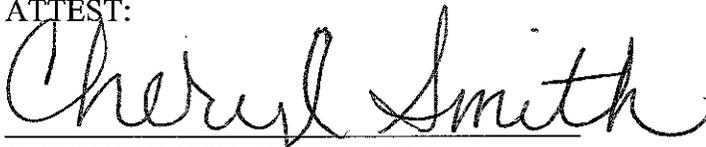
Read and passed on second reading at a regular meeting held this 20th day of August, 2013.

Authenticated by the presiding officer and Clerk of the Commission on 21st day of August, 2013.

Filed with the Clerk August 21, 2013.


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



EXECUTIVE SUMMARY

To: Bob Vitas, City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Ginny Haller, Planner II

Date: June 18, 2013

RE: Consideration of an ordinance of the City of Key West recommending an ordinance to the City Commission amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding definitions to Section 6-166; amending Chapter 18 of the Code of Ordinances entitled "Businesses" by deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; by adding Section 18-354 establishing that permits required, application, franchise fees; by adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; by adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; by adding Section 18-357 establishing restrictions on bicycle tour companies; by adding Section 18-358 establishing requirement of concurrency traffic analysis for the establishment of new recreational rental businesses; by adding Section 18-359 establishing identification by decal of all Recreational Rental Vehicles; by adding Section 18-360 establishing an annual inspection of each Recreational Rental Vehicle facility; by adding Section 18-561 establishing penalties for violations; providing for severability; providing for repeal of inconsistent provisions; and providing for an effective date.

ACTION STATEMENT:

Request: Approval of a resolution for an ordinance to amend Chapter 6 and Chapter 18 of the City's Code of Ordinances concerning Recreational Rental Vehicles that make primary use of city streets in the operation of their businesses.

Location: Citywide

BACKGROUND:

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, and other motorized and non-motorized modes of transportation; and this increase in vehicles is especially apparent in Key West's dense, nationally recognized historic district.

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. In Ordinance No. 10-07, the Commission declared a 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. The moratorium became effective on February 17, 2010 and was extended in Resolution Nos. 10-235, 11-203, 11-204, 11-340, and 12-226 each for 180 days.

The City Commission found that a comprehensive traffic study was 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. The purpose of the Key West Carrying Capacity Traffic Study 2011 (the Study) was to evaluate the capacity of city streets and related transportation infrastructure. The Study concluded the overall transportation network will not support additional traffic without capacity improvements; and recommended that the City concentrate on operational improvements, since infrastructure improvements such as road widening are not feasible. The Study also recommended that if additional and/or new roadway capacity is generated, the City monitor the availability of the excess capacity created through a Transportation Concurrency Management System. Concurrency Management Systems arise out of Florida Statutes relating to growth management, which require that facilities needed to support new development are in place 'concurrent' with the new development.

City Actions:

Planning Board:	April 18, 2013
City Commission:	June 18, 2013 (First reading)
	July 2, 2013 (Second reading)

PLANNING STAFF ANALYSIS:

The Planning Department proposes an amendment to Section 6 of the Code to provide new definitions, and the establishment of Sections 18-354 through 18-361. Based on input from the public and licensed bicycle tour companies the Planning Department recommends the number of clients per bike tour from ten to fifteen. The changes are as follows:

Sec. 18-354. Permit required; application; franchise fees. The City's Licensing Division shall establish a standard application for the permitting of recreational rental vehicles and bicycle tours; the permit will be valid for one year. It shall be unlawful for any business to operate in the City without obtaining this permit.

Sec. 18-355 Recreational rental vehicle deemed conditional use. Any existing moped/scooter, electric car and bicycle tour establishments are declared to have a conditional use approval; all new establishments shall need conditional use approval.

Sec. 18-356. 30-day period to establish numbers of recreational rental vehicles. An amnesty period of 30 days to establish the number of current and active business tax receipts that were in place on January 1, 2013.

Sec. 18-357. Restrictions: bicycle tour companies. Owners and operators of bicycle tour companies shall: meet clients and exchange money at business; not obstruct traffic; not solicit prospective clients on public property; and take no more than fifteen clients per tour.

Sec. 18-358. Traffic Impacts on Level of Service. All new and relocated non-motorized and/or motorized recreational rental vehicle permit applicants required to complete traffic impact analysis to show size, location and operation of the facility does not degrade existing Level of Service of city streets.

Sec. 18-359. Identification by decal. Within 90 days of ordinance, the City shall provide to each licensee of each recreational rental vehicle an identification decal.

Sec. 18-360. Annual inspection. City Code Compliance will inspect each facility annually.

Sec. 18-361. Penalty. Violations subject to civil citation procedures.

The City Commission is required to consider the criteria in Section 90-521 in evaluating the proposed changes to the Code for recreational rental vehicles:

1. *Consistency with the Comprehensive Plan.* The Key West Carrying Capacity Traffic Study 2011 evaluated the City's streets and found that several roadway corridors and intersections (Duval Street and Truman Avenue) are operating below acceptable Level of Service (LOS) thresholds established by the Comprehensive Plan. LOS standards are used to determine the serviceability of roadways. They primarily measure the effectiveness that jurisdictions use to evaluate their roadways. Each jurisdiction establishes the minimum LOS a roadway must meet to be deemed acceptable. Generally, a LOS E or F is considered to be a failing roadway. Duval Street at peak hours has a LOS F and Truman Avenue south/westbound in the evening has a LOS F.
2. *Conformance with requirements of Code.* The proposal is in conformance with all applicable requirements of the Code.

3. *Changed conditions.* The Study found several roadways are over capacity or operating at a LOS not within acceptable standards. The Study concludes that the overall transportation network will not support additional traffic unless capacity improvements are implemented.
4. *Land use compatibility.* This proposal would not result in any incompatible land uses.
5. *Adequate public facilities.* This proposal would not result in demands on public facilities and services.
6. *Natural environment.* This proposal would not adversely affect the natural environment.
7. *Economic effects.* This proposal would not adversely affect the property values in the areas. There is no anticipated negative financial impact to the City related to this request.
8. *Orderly development.* This proposal would have no negative effects on an orderly land use pattern.
9. *Public interest; enabling act.* This proposal would not conflict with the public interest, and will be in harmony with the purpose and interest of the land development regulations.
10. *Other matters.* The existing roadway infrastructure within the City is not generally conducive to traditional capacity improvements such as road widening, so the focus should be on operational improvements.

RECOMMENDATION

Options / Advantages / Disadvantages:

- Option 1.** To approve the proposed ordinance.
1. **Consistency with the City's Strategic Plan, Vision and Mission:** The proposed ordinance provides for the protection of the community's health, safety, and welfare. The proposed regulations are in compliance with the City's Comprehensive Plan. The Traffic Study concluded the City's overall transportation network will not support additional traffic without capacity improvement. The Study also recommended that if additional and/or new roadway capacity is generated, the City will monitor the availability of the excess capacity created through a Transportation Concurrency Management System.
 2. **Financial Impact:** There is not direct financial impact to the City if the ordinance is approved.

Option 2. To deny the proposed ordinance.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** Denial of the ordinance would allow congestion to adversely affect the health, safety and welfare of the City, its residents and visitors.
2. **Financial Impact:** There is no direct financial impact to the City, however, it is in the best interest of the residents of Key West to enact an ordinance for operational improvements to roadway infrastructure.

RECOMMENDATION: Option 1

Planning Department recommends **approval** to the City Commission for the proposed changes to the ordinance, with the change to a maximum number of bicycle tour participants from 10 to 15 persons.

**PLANNING BOARD
RESOLUTION No. 2013-21**

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT" BY ADDING DEFINITIONS TO SECTION 6-166; AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY DELETING "MOPED AND SCOOTER RENTALS," AND ADDING "RECREATIONAL RENTAL VEHICLES"; BY ADDING SECTION 18-354 ESTABLISHING THAT PERMITS REQUIRED, APPLICATION, FRANCHISE FEES; BY ADDING SECTION 18-355 ESTABLISHING RECREATIONAL RENTAL VEHICLES DEEMED A CONDITIONAL USE; BY ADDING SECTION 18-356 ESTABLISHING A 30-DAY PERIOD TO ESTABLISH NUMBERS OF RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-357 ESTABLISHING RESTRICTIONS ON BICYCLE TOUR COMPANIES; BY ADDING SECTION 18-358 ESTABLISHING REQUIREMENT OF CONCURRENCY TRAFFIC ANALYSIS FOR THE ESTABLISHMENT OF NEW RECREATIONAL RENTAL BUSINESSES; BY ADDING SECTION 18-359 ESTABLISHING IDENTIFICATION BY DECAL OF ALL RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-360 ESTABLISHING AN ANNUAL INSPECTION OF EACH RECREATIONAL RENTAL VEHICLE FACILITY; BY ADDING SECTION 18-561 ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Key West Planning Department has recommended changes to the Code of Ordinances for Recreational Rental Vehicles, Moped and Scooter Rentals, Bike Tours, and Electric Cars; and

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 whose primary use is of city streets; and

WHEREAS, the City of Key West has seen an increase in the level of traffic from commercial recreational rental vehicles such as mopeds, electric cars, trolleys, bicycle tours, 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 found that a comprehensive traffic study was 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 purpose of the Key West Carrying Capacity Traffic Study 2011 (the Study)

*(Coding: Added language is underlined; deleted language is struck through.)
Resolution No. 2013-21

RWK Chairman
ec Planning Director

was to evaluate the capacity of city streets and related transportation infrastructure; and

WHEREAS, the Study concludes the overall transportation network will not support additional traffic without capacity improvements; and

WHEREAS, roadway capacity improvements within the historic district cannot be made without compromising the historic quality of the district, and at great expense; and

WHEREAS, the Study concluded that ongoing analysis of the traffic generating land uses will aid the City in regulating the size and location of such uses as a feasible alternative to constructing roadway expansions; and

WHEREAS, the Planning Board at its meeting of April 18, 2013 determined that the proposed ordinance is consistent with the Key West Comprehensive Plan; and

WHEREAS, the Planning Board wishes to definitively place on notice that it is considering amending the LDRs and City Ordinances; and

WHEREAS, the Planning Board finds that the changes to the Amusements and Entertainment, Moped and Scooter Rental Code of Ordinances promote the health, safety and welfare of the citizens of Key West.

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

Section 1: That Section 6-116 of the Code of Ordinances is hereby amended as follows:

Sec. 6-166. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal-driven vehicle means a vehicle used for transporting passengers and which is propelled by animal power.

Bicycle tour means an organized group of people traveling on bicycles guided by a tour leader for the purpose of sightseeing.

Driver means the person who possesses a valid state driver's license, or chauffeur's license if required by state law, and who propels, drives, or directs an entertainment vehicle.

Driver permit means the permit which each driver must obtain under division 3 of article II of chapter 78.

Entertainment equipment means sporting goods rented or leased to customers for the purpose of locomotion, excluding bicycles, mopeds, motorcycles, motorscooters equipped with a saddle and all water sports equipment. This definition includes but is not limited to roller skates, roller blades, scooters without a saddle (whether or not motorized), and skateboards.

Motorized entertainment vehicle means a motorized vehicle other than a taxicab, moped, motorcycle, motorscooter with a saddle, tour bus, sightseeing vehicle, city bus, or city-franchised vehicle, used in a business for the purpose of transporting passengers and for which a fare or fee is

paid as consideration for such transportation.

Multi-person Human Powered Entertainment Vehicle shall mean a three or four wheel human powered vehicle with or without a driver capable of carrying three or more persons used for commercial purposes. Such a vehicle shall be considered an Entertainment Vehicle for the purposes of regulations under this section.

Nonmotorized entertainment vehicle means a vehicle other than a city-franchised vehicle or two-wheeled bicycle used in a business for the purpose of transporting passengers and which is propelled by human power.

Operator means the ~~owner~~ operator of the entertainment vehicle or equipment business.

Owner means one who has legal title or right to an entertainment vehicle or equipment business.

Permit means the entertainment vehicle or equipment permit which is required for operation of the business.

Recreational Rental Vehicle shall mean a moped, motorized scooter, an "Animal-driven Vehicle," a "Bicycle Tour," a "Motorized Entertainment Vehicle," a "Multi-person Human Powered Entertainment Vehicle," or a "Non-motorized Entertainment Vehicle" as defined by the Code of Ordinances, for which a permit is required.

Vehicle means any wheeled device by which any person may be transported or drawn upon any public road.

Vehicle Identification Number shall mean either the Vehicle Identification Number assigned to a motorized vehicle by the State of Florida, or in the case of a non-motorized vehicle, a multi-number symbol, indicated on a decal or sticker provided by and assigned by the City of Key West to

the operator of the Entertainment Vehicle or equipment business.

Vehicle Identification Decal shall mean a plastic or paper backed decal or sticker provided by the City of Key West, with Assigned Vehicle Identification Number required for each Recreational Rental Vehicle licensed to a particular site. The Vehicle Identification Decal shall be permanently affixed to the front of the vehicle for easy identification by City Licensing and Code Compliance personnel.

Section 2: That Article VII. Moped and Scooter Rentals of the Code of Ordinances is hereby amended as follows:

Article VII. Moped and Scooter Rentals Recreational Rental Vehicles

Division 1. Generally

Sec. 18-351 Registration of rental units.

Sec. 18-352 Obedience to laws.

Sec. 18-353 Annual record of traffic accidents; license suspension.

Sec. 18-354. Permit required; application; franchise fees.

Sec. 18-355 Recreational rental vehicle deemed conditional use.

Sec. 18-356. 30-day period to establish numbers of recreational rental vehicles.

Sec. 18-357. Restrictions: bicycle tour companies

Sec. 18-358. Concurrency traffic modeling.

Sec. 18-359. Identification by decal.

Sec. 18-360. Annual inspection.

Sec. 18-361. Penalty.

Section 3: That Section 18-354 of the Code of Ordinances is hereby created as follows:

Sec. 18-354. –Permit required; application; franchise fees.

- (a) A permit system for recreational rental vehicle and bicycle tours is hereby established. It shall be unlawful for any business to operate in the City of Key West without first obtaining a permit as required by this article.
- (b) The City through its licensing division shall issue Recreational Rental Vehicle and bicycle tour permits. Each permit shall be valid for one year, beginning June 1 and ending May 30.
- (c) The licensing division shall establish a standard application that shall include, but not be limited to, the following information:
- (1) Business Name
 - (2) Business Address and telephone of the applicant
 - (3) For rental vehicles; vehicle identification number and proof of valid registration
 - (4) For Recreational Rental Vehicles; fee of \$50.00 plus \$1.00 per vehicle; for bicycle tours \$100.00
- (d) The holder of a Recreational Rental Vehicle permit may obtain a renewal of the permit each year on or prior to May 30 by applying to the licensing office and submitting the following information:
- (1) Vehicle identification number for each permitted unit;
 - (2) A renewal fee of \$50.00 per moped/scooter and electric car business plus \$1.00 per unit; \$100.00 per bike tour business if paid prior to June 1, with a penalty

of \$25.00 if paid after June 1.

Any Recreational Rental Vehicle permit not renewed within 30 days of its expiration on May 30 shall be void and of no use or effect whatsoever.

Violations of this section shall be penalized as provided in section 1-15.

Section 4. That Section 18-355 of the Code of Ordinances is hereby created as follows:

Sec. 18-355. Recreational Rental Vehicle Deemed Conditional Use.

As of the effective date of this ordinance, all moped/scooter, electric car, and bike tour establishments are considered deemed to have a valid conditional use approval as required by section 122-61, with the number of legally established registered rental units according to section 18-351 and 18-356 for which the number has been recorded in City records. The establishment of any new Recreational Rental Vehicle use shall require a conditional use approval, and may be established only within the zoning districts which allow small recreational power-driven equipment rentals as a conditional use.

Any expansion of the number of rental units at an establishment's operating location authenticated under section 18-351 greater than the standards established in section 18-358, shall require an amendment to a deemed conditional use approval.

Section 5: That Section 18-356 of the Code of Ordinances is hereby created as follows:

Sec. 18-356. 30-Day Period to Establish Numbers of Recreational Rental Vehicles.

As of the effective date of this ordinance, a period of 30 days is created to correctly establish the number of rental mopeds/scooters, bike tours, and electric cars in use during the creation and publication of the Key West Carrying Capacity Traffic Study in 2011, and also to establish the number of current and active business tax receipt holders of rental moped and electric car businesses that were in place on January 1, 2013 in order establish the maximum number of Recreational Rental Vehicle units operating on City streets. The City shall during the 30-day period establish a method for registration of businesses and rental units and publish notice of the process.

Section 6: That Section 18-357 of the Code of Ordinances is hereby created as follows:

Sec. 18-357. Restrictions: Bicycle Tour Companies

As of the effective date of this ordinance, owners and operators of bicycle tour companies shall meet clients and exchange money at the business address; shall not block or obstruct traffic in any manner; shall not solicit prospective clients while on public property; and shall take no more than ten (10) clients per tour guide.

Section 7: That Section 18-358 of the Code of Ordinances is hereby created as follows:

Sec. 18-358. – Traffic Impacts on Level of Service.

Any new non-motorized and/or motorized recreational rental vehicle rental permit applicant shall be required to complete a traffic impact analysis to demonstrate that the size, location and operation of the facility does not degrade the existing traffic Level of Service (LOS) of City streets.

corridors and intersections determined by the City staff to be affected by the proposed use. If the traffic analysis, in the opinion of City staff and its consultants, demonstrates an increase of traffic of 3% or more, impacting City streets and intersections, the applicant shall mitigate the impact by constructing a capital improvement for that section impacted or a transportation mitigation program, which may include, at City's sole discretion, payment of traffic impact fees appropriate to the impacts created. The identification of a significant (as described above) traffic impact, as determined by the Planning Board may serve as one reason to deny the application.

Section 8: That Section 18-359 of the Code of Ordinances is hereby created as follows:

Sec. 18-359. – Identification by Decal.

Within ninety (90) days of the effective date of this ordinance, the City shall provide to each licensee of each Recreational Rental Vehicle establishment, a vehicle Identification Decal for each of the Recreational Vehicles licensed to the licensed site. During this 90-day period, City Code Compliance staff shall inspect each licensed site, to establish that the decals are permanently and properly affixed to the specific vehicle corresponding to the Vehicle Identification number registered to that site or sites when a business licensee operates from multiple sites.

Section 9: That Section 18-360 of the Code of Ordinances is hereby created as follows:

Sec. 18-360. – Annual Inspection.

The code compliance department shall inspect each facility on an annual basis prior to the issuance of a recreational vehicle permit to determine compliance with the conditions of this article.

Section 10: That Section 18-361 of the Code of Ordinances is hereby created as follows:

Sec. 18-361. – Penalty.

Violations of this article shall be subject to prosecution and fine under the civil citation procedures of sections 2-676 through 2-680, or section 1-15 of the Key West Code

Section 11: **Public Notice.** The adoption of this Ordinance 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 Ordinance. A copy of this Resolution shall also be posted at City Hall for the next one hundred and eighty (180) days.

Section 12: 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.

Read and passed on first reading at a meeting held this 18TH Day of April, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

APRIL 24, 2013
Date

Attest:



Donald Leland Craig, AICP
Planning Director

4.22.13
Date

Filed with Clerk:



Cheryl Smith, City Clerk

4-25-2013
Date

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board members

From: Ginny Haller, Planner

Through: Donald Leland Craig, Planning Director

Meeting Date: April 18, 2013

RE: Consideration of an ordinance of the City of Key West recommending an ordinance to the City Commission amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding definitions to Section 6-166; amending Chapter 18 of the Code of Ordinances entitled "Businesses" by deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; by adding Section 18-354 establishing that permits required, application, franchise fees; by adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; by adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; by adding Section 18-357 establishing restrictions on bicycle tour companies; by adding Section 18-358 establishing requirement of concurrency traffic analysis for the establishment of new recreational rental businesses; by adding Section 18-359 establishing identification by decal of all Recreational Rental Vehicles; by adding Section 18-360 establishing an annual inspection of each Recreational Rental Vehicle facility; by adding Section 18-561 establishing penalties for violations; providing for severability; providing for repeal of inconsistent provisions; and providing for an effective date.

Request: Approval of a resolution for an ordinance to amend Chapter 6 and Chapter 18 of the City's Code of Ordinances concerning Recreational Rental Vehicles that make primary use of city streets in the operation of their businesses.

Location: Citywide

Background:

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, and other motorized and non-motorized modes of transportation; and this increase in vehicles is especially apparent in Key West's dense nationally recognized historic district.

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. In Ordinance No. 10-07, the Commission declared a 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. The moratorium became effective on February 17, 2010 and was extended in Resolution Nos. 10-235, 11-203, 11-204, 11-340, and 12-226 each for 180 days.

The City Commission found that a comprehensive traffic study was 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. The purpose of the Key West Carrying Capacity Traffic Study 2011 (the Study) was to evaluate the capacity of city streets and related transportation infrastructure. The Study concluded the overall transportation network will not support additional traffic without capacity improvements; and recommended that the City concentrate on operational improvements, since infrastructure improvements such as road widening are not feasible. The Study also recommended that if additional and/or new roadway capacity is generated, the City monitor the availability of the excess capacity created through a Transportation Concurrency Management System. Concurrency Management Systems arise out of Florida Statutes relating to growth management, which require that facilities needed to support new development are in place 'concurrent' with the new development.

The City Licensing Department's existing count of transportation units is shown on the following table:

Type of Vehicle	Companies	Units	Other Units		Cap in Place
Sightseeing (Cityview)	1	8	Plus 7 Ducks		Franchise
Sightseeing (Conch Tour)	2	35	Plus 7 Ducks		Franchise
Mobile Vendor	25	25			Cap
PVH (Taxi) Fleet	3	56			Cap
PVH (Taxi) Independent	8	8			Cap
CVH (Contract Van)	3	13			Cap
Limousine	8	10			No Cap
Entertainment (Pedicab)	5	20			Cap
Bike Tour	4	4			Moratorium
Tow Companies	7	Unknown			No Cap
Subtotal	66	179	14		
Rental Companies	Companies	Moped	Electric Car	Other	
Renting Moped Only	6	210			Moratorium
Renting Electric Cars Only	3		68		Moratorium
Renting Both	15	695	149		Moratorium
Renting Other Combo	2	163	2	35	Moratorium

Delivery Only from Stock Island	4	Unknown	Unknown		Moratorium
Delivery ADA from Stock Island	1	Unknown	Unknown		Moratorium
Other (Cars, U-Haul, etc)	11	Unknown	Unknown		
Subtotal	42	1,068	219	35	
Grand Total	108	1,247	233	35	

The Planning Department proposes an amendment to Section 6 of the Code to provide new definitions, and the establishment of Sections 18-354 through 18-361. The changes are as follows:

Sec. 18-354. Permit required; application; franchise fees. The City's Licensing Division shall establish a standard application for the permitting of recreational rental vehicles and bicycle tours; the permit will be valid for one year. It shall be unlawful for any business to operate in the City without obtaining this permit.

Sec. 18-355 Recreational rental vehicle deemed conditional use. Any existing moped/scooter, electric car and bicycle tour establishments are declared to have a conditional use approval; all new establishments shall need conditional use approval.

Sec. 18-356. 30-day period to establish numbers of recreational rental vehicles. An amnesty period of 30 days to establish the number of current and active business tax receipts that were in place on January 1, 2013.

Sec. 18-357. Restrictions: bicycle tour companies. Owners and operators of bicycle tour companies shall: meet clients and exchange money at business; not obstruct traffic; not solicit prospective clients on public property; and take no more than ten clients per tour.

Sec. 18-358. Traffic Impacts on Level of Service. All new and relocated non-motorized and/or motorized recreational rental vehicle permit applicants required to complete traffic impact analysis to show size, location and operation of the facility does not degrade existing Level of Service of City streets.

Sec. 18-359. Identification by decal. Within 90 days of ordinance, the City shall provide to each licensee of each recreational rental vehicle an identification decal.

Sec. 18-360. Annual inspection. City Code Compliance will inspect each facility annually.

Sec. 18-361. Penalty. Violations subject to civil citation procedures.

Analysis:

The Planning Board is required to consider the criteria in Section 90-521 in evaluating the proposed changes to the Code for recreational rental vehicles:

1. Consistency with the Comprehensive Plan. The Key West Carrying Capacity Traffic Study 2011 evaluated the City's streets and found that several roadway corridors and intersections (Duval Street and Truman Avenue) are

operating below acceptable Level of Service (LOS) thresholds established by the Comp Plan.

2. Conformance with requirements of Code. The proposal is in conformance with all applicable requirements of the Code.
3. Changed conditions. The Traffic Study found several roadways are over capacity or operating at a LOS not within acceptable standards. The Study concludes that the overall transportation network will not support additional traffic unless capacity improvements are implemented.
4. Land use compatibility. This proposal would not result in any incompatible land uses.
5. Adequate public facilities. This proposal would not result in demands on public facilities and services.
6. Natural environment. This proposal would not adversely affect the natural environment.
7. Economic effects. This proposal would not adversely affect the property values in the areas. There is no anticipated financial impact to the City related to this request.
8. Orderly development. This project would no negative effects on an orderly land use pattern.
9. Public interest; enabling act. This project would not be conflict with the public interest, and will be in harmony with the purpose and interest of the land development regulations.
10. Other matters. The existing roadway infrastructure within the City is not generally conducive to traditional capacity improvements such as road widening, so the focus should be on operational improvements.

RECOMMENDATION

Planning Staff recommends approval to the proposed changes to the ordinance.

Draft Resolution

**PLANNING BOARD
RESOLUTION No.13-**

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT" BY ADDING DEFINITIONS TO SECTION 6-166; AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY DELETING "MOPED AND SCOOTER RENTALS," AND ADDING "RECREATIONAL RENTAL VEHICLES"; BY ADDING SECTION 18-354 ESTABLISHING THAT PERMITS REQUIRED, APPLICATION, FRANCHISE FEES; BY ADDING SECTION 18-355 ESTABLISHING RECREATIONAL RENTAL VEHICLES DEEMED A CONDITIONAL USE; BY ADDING SECTION 18-356 ESTABLISHING A 30-DAY PERIOD TO ESTABLISH NUMBERS OF RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-357 ESTABLISHING RESTRICTIONS ON BICYCLE TOUR COMPANIES; BY ADDING SECTION 18-358 ESTABLISHING REQUIREMENT OF CONCURRENCY TRAFFIC ANALYSIS FOR THE ESTABLISHMENT OF NEW RECREATIONAL RENTAL BUSINESSES; BY ADDING SECTION 18-359 ESTABLISHING IDENTIFICATION BY DECAL OF ALL RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-360 ESTABLISHING AN ANNUAL INSPECTION OF EACH RECREATIONAL RENTAL VEHICLE FACILITY; BY ADDING SECTION 18-561 ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Key West Planning Department has recommended changes to the Code of Ordinances for Recreational Rental Vehicles, Moped and Scooter Rentals, Bike Tours, and Electric Cars; and

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 whose primary use is of city streets; and

WHEREAS, the City of Key West has seen an increase in the level of traffic from commercial recreational rental vehicles such as mopeds, electric cars, trolleys, bicycle tours, 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 found that a comprehensive traffic study was 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 purpose of the Key West Carrying Capacity Traffic Study 2011 (the Study) was to evaluate the capacity of city streets and related transportation infrastructure; and

WHEREAS, the Study concludes the overall transportation network will not support additional traffic without capacity improvements; and

WHEREAS, roadway capacity improvements within the historic district cannot be made without compromising the historic quality of the district, and at great expense; and

WHEREAS, the Study concluded that ongoing analysis of the traffic generating land uses will aid the City in regulating the size and location of such uses as a feasible alternative to constructing roadway expansions; and

WHEREAS, the Planning Board at its meeting of April 18, 2013 determined that the proposed ordinance is consistent with the Key West Comprehensive Plan; and

WHEREAS, the Planning Board wishes to definitively place on notice that it is considering amending the LDRs and City Ordinances; and

WHEREAS, the Planning Board finds that the changes to the Amusements and Entertainment, Moped and Scooter Rental Code of Ordinances promote the health, safety and welfare of the citizens of Key West.

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

Section 1: That Section 6-116 of the Code of Ordinances is hereby amended as follows:

Sec. 6-166. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal-driven vehicle means a vehicle used for transporting passengers and which is propelled by animal power.

Bicycle tour means an organized group of people traveling on bicycles guided by a tour leader for the purpose of sightseeing.

Driver means the person who possesses a valid state driver's license, or chauffeur's license if required by state law, and who propels, drives, or directs an entertainment vehicle.

Driver permit means the permit which each driver must obtain under division 3 of article II of chapter 78.

Entertainment equipment means sporting goods rented or leased to customers for the purpose of locomotion, excluding bicycles, mopeds, motorcycles, motorscooters equipped with a saddle and all water sports equipment. This definition includes but is not limited to roller skates, roller blades, scooters without a saddle (whether or not motorized), and skateboards.

Motorized entertainment vehicle means a motorized vehicle other than a taxicab, moped, motorcycle, motorscooter with a saddle, tour bus, sightseeing vehicle, city bus, or city-franchised vehicle, used in a business for the purpose of transporting passengers and for which a fare or fee is paid as consideration for such transportation.

Multi-person Human Powered Entertainment Vehicle shall mean a three or four wheel human powered vehicle with or without a driver capable of carrying three or more persons used for commercial purposes. Such a vehicle shall be considered an Entertainment Vehicle for the purposes

of regulations under this section.

Nonmotorized entertainment vehicle means a vehicle other than a city-franchised vehicle or two-wheeled bicycle used in a business for the purpose of transporting passengers and which is propelled by human power.

Operator means the ~~owner~~ operator of the entertainment vehicle or equipment business.

Owner means one who has legal title or right to an entertainment vehicle or equipment business.

Permit means the entertainment vehicle or equipment permit which is required for operation of the business.

Recreational Rental Vehicle shall mean a moped, motorized scooter, an “Animal-driven Vehicle,” a “Bicycle Tour,” a “Motorized Entertainment Vehicle,” a “Multi-person Human Powered Entertainment Vehicle,” or a “Non-motorized Entertainment Vehicle” as defined by the Code of Ordinances, for which a permit is required.

Vehicle means any wheeled device by which any person may be transported or drawn upon any public road.

Vehicle Identification Number shall mean either the Vehicle Identification Number assigned to a motorized vehicle by the State of Florida, or in the case of a non-motorized vehicle, a multi-number symbol, indicated on a decal or sticker provided by and assigned by the City of Key West to the operator of the Entertainment Vehicle or equipment business.

Vehicle Identification Decal shall mean a plastic or paper backed decal or sticker provided by the City of Key West, with Assigned Vehicle Identification Number required for each Recreational Rental Vehicle licensed to a particular site. The Vehicle Identification Decal shall be permanently affixed to the front of the vehicle for easy identification by City Licensing and Code Compliance

personnel.

Section 2: That Article VII. Moped and Scooter Rentals of the Code of Ordinances is hereby amended as follows:

Article VII. ~~Moped and Scooter Rentals~~ Recreational Rental Vehicles

Division 1. Generally

Sec. 18-351 Registration of rental units.

Sec. 18-352 Obedience to laws.

Sec. 18-353 Annual record of traffic accidents; license suspension.

Sec. 18-354. Permit required; application; franchise fees.

Sec. 18-355 Recreational rental vehicle deemed conditional use.

Sec. 18-356. 30-day period to establish numbers of recreational rental vehicles.

Sec. 18-357. Restrictions: bicycle tour companies

Sec. 18-358. Concurrency traffic modeling.

Sec. 18-359. Identification by decal.

Sec. 18-360. Annual inspection.

Sec. 18-361. Penalty.

Section 3: That Section 18-354 of the Code of Ordinances is hereby created as follows:

Sec. 18-354. –Permit required; application; franchise fees.

(a) A permit system for recreational rental vehicle and bicycle tours is hereby established. It shall be unlawful for any business to operate in the City of Key West without first obtaining a permit as required by this article.

(b) The City through its licensing division shall issue Recreational Rental Vehicle and

bicycle tour permits. Each permit shall be valid for one year; beginning June 1 and ending May 30.

(c) The licensing division shall establish a standard application that shall include, but not be limited to, the following information:

- (1) Business Name
- (2) Business Address and telephone of the applicant
- (3) For rental vehicles; vehicle identification number and proof of valid registration
- (4) For Recreational Rental Vehicles; fee of \$50.00 plus \$1.00 per vehicle; for bicycle tours \$100.00

(d) The holder of a Recreational Rental Vehicle permit may obtain a renewal of the permit each year on or prior to May 30 by applying to the licensing office and submitting the following information:

- (1) Vehicle identification number for each permitted unit;
- (2) A renewal fee of \$50.00 per moped/scooter and electric car business plus \$1.00 per unit; \$100.00 per bike tour business if paid prior to June 1, with a penalty of \$25.00 if paid after June 1.

Any Recreational Rental Vehicle permit not renewed within 30 days of its expiration on May 30 shall be void and of no use or effect whatsoever.

Violations of this section shall be penalized as provided in section 1-15.

Section 4. That Section 18-355 of the Code of Ordinances is hereby created as follows:

Sec. 18-355. Recreational Rental Vehicle Deemed Conditional Use.

As of the effective date of this ordinance, all moped/scooter, electric car, and bike tour establishments are considered deemed to have a valid conditional use approval as required by section 122-61, with the number of legally established registered rental units according to section 18-351 and 18-356 for which the number has been recorded in City records. The establishment of any new Recreational Rental Vehicle use shall require a conditional use approval, and may be established only within the zoning districts which allow small recreational power-driven equipment rentals as a conditional use.

Any expansion of the number of rental units at an establishment's operating location authenticated under section 18-351 greater than the standards established in section 18-358, shall require an amendment to a deemed conditional use approval.

Section 5: That Section 18-356 of the Code of Ordinances is hereby created as follows:

Sec. 18-356. 30-Day Period to Establish Numbers of Recreational Rental Vehicles.

As of the effective date of this ordinance, a period of 30 days is created to correctly establish the number of rental mopeds/scooters, bike tours, and electric cars in use during the creation and publication of the Key West Carrying Capacity Traffic Study in 2011, and also to establish the number of current and active business tax receipt holders of rental moped and electric car businesses that were in place on January 1, 2013 in order establish the maximum number of Recreational Rental

Vehicle units operating on City streets. The City shall during the 30-day period establish a method for registration of businesses and rental units and publish notice of the process.

Section 6: That Section 18-357 of the Code of Ordinances is hereby created as follows:

Sec. 18-357. Restrictions: Bicycle Tour Companies

As of the effective date of this ordinance, owners and operators of bicycle tour companies shall meet clients and exchange money at the business address; shall not block or obstruct traffic in any manner; shall not solicit prospective clients while on public property; and shall take no more than ten (10) clients per tour guide.

Section 7: That Section 18-358 of the Code of Ordinances is hereby created as follows:

Sec. 18-358. – Traffic Impacts on Level of Service.

Any new non-motorized and/or motorized recreational rental vehicle rental permit applicant shall be required to complete a traffic impact analysis to demonstrate that the size, location and operation of the facility does not degrade the existing traffic Level of Service (LOS) of City streets, corridors and intersections determined by the City staff to be affected by the proposed use. If the traffic analysis, in the opinion of City staff and its consultants, demonstrates an increase of traffic of 3% or more, impacting City streets and intersections, the applicant shall mitigate the impact by constructing a capital improvement for that section impacted or a transportation mitigation program, which may include, at City's sole discretion, payment of traffic impact fees appropriate to the impacts created. The identification of a significant (as described above) traffic impact, as determined by the Planning Board may serve as one reason to deny the application.

Section 8: That Section 18-359 of the Code of Ordinances is hereby created as follows:

Sec. 18-359. – Identification by Decal.

Within ninety (90) days of the effective date of this ordinance, the City shall provide to each licensee of each Recreational Rental Vehicle establishment, a vehicle Identification Decal for each of the Recreational Vehicles licensed to the licensed site. During this 90-day period, City Code Compliance staff shall inspect each licensed site, to establish that the decals are permanently and properly affixed to the specific vehicle corresponding to the Vehicle Identification number registered to that site or sites when a business licensee operates from multiple sites.

Section 9: That Section 18-360 of the Code of Ordinances is hereby created as follows:

Sec. 18-360. – Annual Inspection.

The code compliance department shall inspect each facility on an annual basis prior to the issuance of a recreational vehicle permit to determine compliance with the conditions of this article.

Section 10: That Section 18-361 of the Code of Ordinances is hereby created as follows:

Sec. 18-361. – Penalty.

Violations of this article shall be subject to prosecution and fine under the civil citation procedures of sections 2-676 through 2-680, or section 1-15 of the Key West Code

Section 11: **Public Notice.** The adoption of this Ordinance 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 Ordinance. A copy of this Resolution shall also be posted at City Hall for the next one hundred and eighty (180) days.

Section 12: 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.

Read and passed on first reading at a meeting held this 18TH Day of April, 2013.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP
Planning Director

Date

Filed with Clerk:

Cheryl Smith, City Clerk

Date

**Additional Information
Public Workshop**



Motorized & Non-motorized Commercial Vehicle Workshop Agenda

Wednesday, September 19, 2012

5:30PM

Old City Hall

510 Greene Street, Key West, FL 33040

Introductions

Presentation of the Key West Carrying Capacity Traffic Study by Calvin, Giordano & Associates

Discussion by Director of Key West Planning Department

Public Comment

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format. Please note that one or more City Commission, HARC and/or Bight Board members may be present at this meeting.

Traffic Workshop:

Staff Attendees: Don Craig, Ginny Haller, Caroline Walker, Doug Bradshaw, City Commissioner Tony Yaniz, Karen de Berjeois

Presenter of the Key West Carrying Capacity Traffic Study by Calvin, Giordano & Associates: Jeff Maxwell.

DC – Introduction – we are drafting an ordinance for the City Commission with a timeline before year end or early 2012 and would like to hear from the vehicle for hire industry following the presentation. He stated that they can also come to the planning department or call 809-3720 with their comments.

Jeff Maxwell gave presentation (Ginny has hard copy of presentation).

COMMENTS:

Mr. Swift: suggested we write ordinance before re-timing some of the traffic lights. He asked if trollies, scooters, taxis, bikes, pedi-cabs all under same cap? He suggested the following:

- Free shuttle, to keep tourist cars at hotels
- Create 600-1000 parking spaces
- Add additional signals
- Airline flights are increasing so less tourists will drive to Key West

Glenn Stevenson: stated Cap is not necessary.

Chris Elles: suggested audible walk signals on Greene, Duval.

Chris Elles: stated there are too many pedestrians for trollies to make left turns. Simonton and Whitehead lights are too long. Requesting permit for bike tours for 8 bikes.

DC: Ordinance will establish threshold for bike tours.

John Daelman: He would like to double his scooter rental business. Suggested trading existing permits from bikes to scooters. Suggested more parking spaces for scooters.

DC: beautification program will look into signage so tourists can find way around island.

Gerry: Suggested we create a formula for amount of rentals each company can have. If rental businesses get too large, there is a tipping point where service will degrade due to margin.

Swift: asked is city will allow private parking facilities to put up signs to direct people to parking lot.

DC: approach carefully due to private property, who maintains and monitors signs.

DC: Closing statements, write Draft Ordinance for City Commission.

Jeff: will take 2-3 years to fine tune due to construction on Roosevelt.

Yaniz: suggested 1) time the lights 2) need for off street parking 3) shuttle on Angela St.

**Prior Moratorium
Approvals**

RESOLUTION NO. 12-226

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA EXTENDING BY AN ADDITIONAL 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07, AND EXTENDED IN RESOLUTION NOS. 10-235, 11-023, 11-204, AND 11-340, ON ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in Ordinance No. 10-07, the City Commission declared a 180 day moratorium on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of City streets in the operation of their businesses; and

WHEREAS, the moratorium became effective on February 17, 2010 and was extended in Resolution Nos. 10-235 and 11-203 and 11-204 and 11-340 each for 180 days, and is due to expire July 31, 2012, if not extended; and

WHEREAS, Section 2 of Ordinance 10-07 provides that the City Commission may extend the moratorium by Resolution to complete the tasks outlined in the ordinance; and

WHEREAS, the City Commission finds that it is necessary to extend the moratorium ordinance by a period of 180 days to create comprehensive vehicle-for-hire regulations, and in recognition of the fact that reconstruction of North Roosevelt Boulevard, which is currently in progress, will negatively impact traffic throughout the City during the construction period of two and a half years; and

WHEREAS, the City has recently lowered speed limits in residential areas of the City, and further adjustments are in progress; and

WHEREAS, this moratorium will also allow staff to explore the possibility of capping or reducing the number of vehicle-for-hire licenses;

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

Section 1: That the moratorium on commercial vehicle transportation licensing is hereby extended for 180 days.

Section 2: 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 _____ day of _____, 2012.

Read and passed on final reading at a regular meeting held this 17 day of July, 2012.

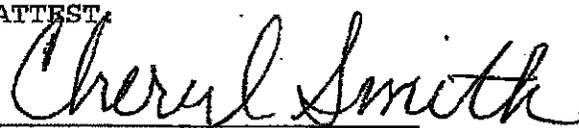
Authenticated by the presiding officer and Clerk of the Commission on 18 day of July, 2012.

Filed with the Clerk July 18, 2012.



CRAIG CATES, MAYOR

ATTEST



CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY



From: Jim Scholl
Meeting Date: December 6, 2011
RE: Extension of Commercial Vehicle Transportation Moratorium
(Ordinance 10-07)

ACTION STATEMENT:

Request: Extension of the Commercial Vehicle Transportation Moratorium per Ordinance 10-07 for an additional 180-day period
Location: Citywide

BACKGROUND:

On February 16, 2010, the City Commission approved Ordinance 10-07 establishing a moratorium on the 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. The ordinance calls for a comprehensive traffic study in order to determine traffic capacity, volume, circulation, conflicts between vehicular and non-vehicular traffic for shared space, methods for reducing impacts of traffic on residential neighborhoods, and similar issues.

This summary constitutes a report as required by Ordinance 10-07 regarding the City's progress towards accomplishing the comprehensive traffic study (subsequently called the Carrying Capacity Traffic Study) and the need for an extension of the associated moratorium. The moratorium would otherwise expire on January 1, 2011.

Since the moratorium was passed on February 16, 2010, City staff prepared a comprehensive Request for Qualifications (RFQ) for a Carrying Capacity Traffic Study. The RFQ was issued on March 5, 2010, staff short-listed the top three submittals by May 14, 2010, and the City Commission selected a consultant on June 15, 2010 to conduct the work. The City Commission approved the contract on October 19, 2010 (through Resolution 10-310), which was signed on October 22, 2010. The consultant was given notice to proceed with work on November 18, 2010.

Since this time, the consultant has:

- Conducted 24-hour traffic counts on primary corridors throughout the study area.
- Completed peak and off-peak travel time delay studies on primary corridors throughout the study area.
- Compiled greenhouse gas emission data for existing conditions.
- Conducted a Public Open House to present the traffic study methodology.
- Completed intersection classification counts distinguishing eight different modes of transportation as well as pedestrian volumes.

- Developed city-wide, preliminary computer model simulations of existing traffic conditions.

Based on the presentation provided to the City Commission on November 1, 2011 (please see attached), as well as the forthcoming final report, a period of review, approval of recommendations, and implementation (timeframe dependent upon recommendations) will be necessary.

The ordinance provides for an extension of the moratorium in 180-day increments to complete the study and provide for regulatory implementation. It is premature to propose ordinance suggestions at this time. However, it is likely that legislative recommendations will include management and regulatory approaches to address congestion and related concerns. A 180-day extension is required to continue the conduct of the study as outlined above.

Options/Advantages/Disadvantages:

Option 1: Approve a 180-day extension of the Commercial Vehicle Transportation Moratorium.

1. Consistency with the City's Strategic Plan, Vision, and Mission:

This action would be consistent with the City's Strategic Plan, Vision, and Mission as the temporary moratorium was established to serve the public purpose and protect the health, safety, and welfare of the public while maintaining the status quo of existing motorized and non-motorized vehicles utilizing City streets.

2. Financial Impact:

No direct financial impact is anticipated as a result of this extension.

Option 2: Do not approve a 180-day extension of the Commercial Vehicle Transportation Moratorium.

1. Consistency with the City's Strategic Plan, Vision, and Mission:

This action would not be consistent with the City's Strategic Plan, Vision, and Mission, specifically in that the Mobility section of the Strategic Plan was established "to provide a transportation and land use system for all people and pleasurable choice for arriving at their destinations while protecting the historic and residential character and ambiance of Key West." The transportation moratorium was established due to the City's concern that an increase in vehicle-based businesses could cause further congestion and potentially compromise the health, safety, and welfare of the City residents and visitors.

2. Financial Impact:

No direct financial impact is anticipated as a result of this action.

Recommendation

City staff recommends approval of Option 1.

RESOLUTION NO. 11-340

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY AN ADDITIONAL 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07, AND EXTENDED IN RESOLUTION NOS. 10-235, 11-023 AND 11-204, ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 10-07, the City Commission declared a 180 day moratorium on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of City streets in the operation of their businesses; and

WHEREAS, the moratorium became effective on February 17, 2010 was extended in Resolution Nos. 10-235 and 11-023 and 11-204 each for 180 days, and is due to expire January 1, 2012, if not extended;

WHEREAS, Section 2 of Ordinance 10-07 provides that the City Commission may extend the moratorium by Resolution for additional 180 day periods to complete the tasks outlined in the ordinance; and

WHEREAS, the City Commission finds that it is necessary to extend the moratorium ordinance by a period of 180 days to continue the process of conducting a Carrying Capacity Traffic Study;

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

Section 1: That the moratorium on commercial vehicle transportation licensing is hereby extended for 180 days.

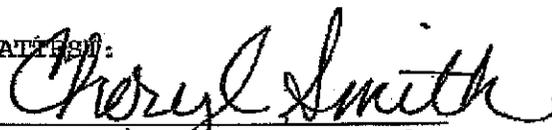
Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

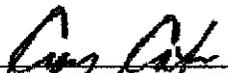
Passed and adopted by the City Commission at a meeting held this 6th day of December, 2011.

Authenticated by the presiding officer and Clerk of the Commission on December 7, 2011.

Filed with the Clerk December 7, 2011.

ATTEST:


CHERYL SMITH, CITY CLERK


CRAIG CAVES, MAYOR

RESOLUTION NO. 11-204

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY AN ADDITIONAL 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07, AND EXTENDED IN RESOLUTION NOS. 10-235 AND 11-023, ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 10-07, the City Commission declared a 180 day moratorium on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of City streets in the operation of their businesses; and

WHEREAS, the moratorium became effective on February 17, 2010 was extended in Resolution Nos. 10-235 and 11-023 each for 180 days, and is due to expire July 17, 2011, if not extended;

WHEREAS, Section 2 of Ordinance 10-07 provides that the City Commission may extend the moratorium by Resolution for additional 180 day periods to complete the tasks outlined in the ordinance; and

WHEREAS, the City Commission finds that it is necessary to extend the moratorium ordinance by a period of 180 days to continue the process of conducting a Carrying Capacity Traffic Study;

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

Section 1: That the moratorium on commercial vehicle transportation licensing is hereby extended for 180 days.

Section 2: 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.

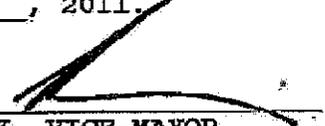
Passed and adopted by the City Commission at a meeting held this 5 day of July, 2011.

Authenticated by the presiding officer and Clerk of the Commission on July 6, 2011.

Filed with the Clerk July 6, 2011.

ATTEST


CHERYL SMITH, CITY CLERK


MARK ROSSI, VICE-MAYOR

RESOLUTION NO. 11-023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY AN ADDITIONAL 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07, AND EXTENDED IN RESOLUTION NO. 10-235, ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 10-07, the City Commission declared a 180 day moratorium on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of City streets in the operation of their businesses; and

WHEREAS, the moratorium became effective on February 17, 2010 was extended in Resolution No. 10-235 for 180 days, and is due to expire February 16, 2011, if not extended;

WHEREAS, Section 2 of Ordinance 10-07 provides that the City Commission may extend the moratorium by Resolution for additional 180 day periods to complete the tasks outlined in the ordinance; and

WHEREAS, the City Commission finds that it is necessary to extend the moratorium ordinance by a period of 180 days to continue the process of conducting a Carrying Capacity Traffic Study;

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

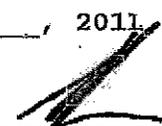
Section 1: That the moratorium on commercial vehicle transportation licensing is hereby extended for 180 days.

Section 2: 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 18 day of January, 2011.

Authenticated by the presiding officer and Clerk of the Commission on January 19, 2011.

Filed with the Clerk January 19, 2011.


MARK ROSSI, VICE MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY



From: Jim Scholl
Meeting Date: August 3, 2010
RE: Extension of Commercial Vehicle Transportation Moratorium
(Ordinance 10-07)

ACTION STATEMENT:

Request: Extension of the Commercial Vehicle Transportation Moratorium per Ordinance 10-07 for an additional 180-day period
Location: Citywide

BACKGROUND:

On February 16, 2010, the City Commission approved Ordinance 10-07 establishing a moratorium on the 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. The ordinance calls for a comprehensive traffic study in order to determine traffic capacity, volume, circulation, conflicts between vehicular and non-vehicular traffic for shared space, methods for reducing impacts of traffic residential neighborhoods, and similar issues.

This summary constitutes a report as required by Ordinance 10-07 regarding the City's progress towards accomplishing the comprehensive traffic study (subsequently called the Carrying Capacity Traffic Study) and the need for an extension of the associated moratorium. The moratorium would otherwise expire on August 16, 2010.

Since the moratorium was passed on February 16, 2010, city staff prepared a comprehensive Request for Qualifications (RFQ) for a Carrying Capacity Traffic Study. The RFQ was issued on March 5, 2010, staff short-listed the top three submittals by May 14, 2010, and the City Commission selected a consultant on June 15, 2010 to conduct the work. Contract negotiations are now underway and are expected to be complete in the 30-45 days. The following major steps and anticipated timeframes anticipated for each are outlined below:

- Contract negotiation (6 - 8 weeks)
- Contract consideration by city commission (within one month)
- Conduct of work (approximately one year, although longer timeframes necessitated by seasonal impact analysis may be required)
- Review and approval of recommendations (two months)
- Implementation (timeframe dependent upon recommendations)

The ordinance provides for an extension of the moratorium in 180-day increments to complete the study and provide for regulatory implementation. It is premature to suggest ordinance suggestions at this time. However, it is likely that the study will suggest management and regulatory approaches to address congestion and related concerns. A 180-day extension is required to continue the conduct of the study as outlined above.

Options/Advantages/Disadvantages:

Option 1: Approve an 180-day extension of the Commercial Vehicle Transportation Moratorium.

1. Consistency with the City's Strategic Plan, Vision, and Mission:

This action would be consistent with the City's Strategic Plan, Vision, and Mission as the temporary moratorium was established to serve the public purpose and protect the health, safety, and welfare of the public while maintaining the status quo of existing motorized and non-motorized vehicles utilizing City streets.

2. Financial Impact:

No direct financial impact is anticipated as a result of this extension.

Option 2: Do not approve an 180-day extension of the Commercial Vehicle Transportation Moratorium.

1. Consistency with the City's Strategic Plan, Vision, and Mission:

This action would not be consistent with the City's Strategic Plan, Vision, and Mission, specifically in that the Mobility section of the Strategic Plan was established "to provide a transportation and land use system for all people and pleasurable choice for arriving at their destinations while protecting the historic and residential character and ambiance of Key West." The transportation moratorium was established due to the City's concern that an increase in vehicle-based businesses could cause further congestion and potentially compromise the health, safety, and welfare of the City residents and visitors.

2. Financial Impact:

No direct financial impact is anticipated as a result of this action.

Recommendation

City staff recommends approval of Option 1.

RESOLUTION NO. 10-235

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07 ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 10-07, the City Commission declared a 180 day moratorium on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of City streets in the operation of their businesses; and

WHEREAS, the moratorium became effective on February 17, 2010 and is due to expire August 16, 2010, if not extended;

WHEREAS, Section 2 of Ordinance 10-07 provides that the City Commission may extend the moratorium by Resolution for additional 180 day periods to complete the tasks outlined in the ordinance; and

WHEREAS, the City Commission finds that it is necessary to extend the moratorium ordinance by a period of 180 days to continue the process of conducting a Carrying Capacity Traffic Study;

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

Section 1: That the moratorium on commercial vehicle transportation licensing is hereby extended for 180 days.

Section 2: 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.

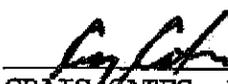
Passed and adopted by the City Commission at a meeting held this 3rd day of August, 2010.

Authenticated by the presiding officer and Clerk of the Commission on August 4, 2010.

Filed with the Clerk August 4, 2010.

ATTEST:


CHERYL SMITH, CITY CLERK


CRAIG CATES, MAYOR

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 boundaries 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.

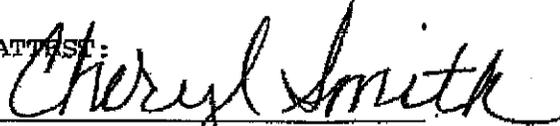
Read and passed on first reading at a regular meeting held this 2nd day of February, 2010.

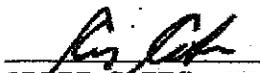
Read and passed on final reading at a regular meeting held this 16th day of February, 2010.

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

Filed with the Clerk February 17, 2010.

ATTEST:


CHERYL SMITH, CITY CLERK


CRAIG CATES, MAYOR

Noticing

The City of Key West Planning Board will be holding a Public Hearing:

Recreational Rental Vehicles - Consideration of an ordinance of the City of Key West amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding definitions to Section 6-166; by amending Chapter 18 of the Code of Ordinances entitled "Businesses" deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; by adding Section 18-354 establishing that permits required, application, franchise fees; by adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; by adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; by adding Section 18-357 establishing restrictions on bicycle tour companies; by adding Section 18-358 establishing requirement of concurrency traffic analysis for the establishment of new Recreational Rental businesses; by adding Section 18-359 establishing identification by decal of all Recreational Rental Vehicles; by adding Section 18-360 establishing an annual inspection of each Recreational Rental Vehicle facility; by adding Section 18-561 establishing penalties for violations; providing for severability; providing for repeal of inconsistent provisions; and providing for an effective date.

Date of Hearing: Thursday, April 18, 2013

Time of Hearing: 6:00 PM

Location of Hearing: Old City Hall, 510 Greene, City Commission Chambers

Interested parties may appear at the public hearing and be heard with respect to the applications/proposed ordinance. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding information is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Carlene Smith at cesmith@keywestcity.com .

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

The City of Key West Planning Board will be holding a Public Hearing:

Recreational Rental Vehicles - Consideration of an ordinance of the City of Key West amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding definitions to Section 6-166; by amending Chapter 18 of the Code of Ordinances entitled "Businesses" deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; by adding Section 18-354 establishing that permits required, application, franchise fees; by adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; by adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; by adding Section 18-357 establishing restrictions on bicycle tour companies; by adding Section 18-358 establishing requirement of concurrency traffic analysis for the establishment of new Recreational Rental businesses; by adding Section 18-359 establishing identification by decal of all Recreational Rental Vehicles; by adding Section 18-360 establishing an annual inspection of each Recreational Rental Vehicle facility; by adding Section 18-561 establishing penalties for violations; providing for severability; providing for repeal of inconsistent provisions; and providing for an effective date.

Date of Hearing: Thursday, April 18, 2013

Time of Hearing: 6:00 PM

Location of Hearing: Old City Hall, 510 Greene, City Commission Chambers

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Business Name	Mailing address	City	St	Zip
A & M Scooter of Key West	PO Box 5344	Key West	FL	33040
ABC Key West Rentals LLC	1910 N Roosevelt Blvd	Key West	FL	33040
Adventure Jet Skis and Watersports	PO Box 6526	Key West	FL	33040
Adventure Rentals LLC	PO Box6526	Key West	FL	33040
Barefoot Billy's	1908 Venetia St	Key West	FL	33040
Blue Sky Rentals	1020 Duval St	Key West	FL	33040
CAJ Scooters Inc	523 Truman Ave	Key West	FL	33040
Conch Electric Cars of Key West	2826 N Roosevelt Blvd	Key West	FL	33040
D & R of Key West Inc	3340 N Roosevelt Blvd	Key West	FL	33040
Greengo LLC	830 Caroline St	Key West	FL	33040
Honda Key West	417 Southard St	Key West	FL	33040
Island Comfort Mobility LLC	5170 US Hwy 1	Key West	FL	33040
J G Scooter Rental	PO Box 221	Key West	FL	33041
Key West Moped	3340 N Roosevelt Blvd	Key West	FL	33040
Moped Hospital Inc	601 Truman Ave	Key West	FL	33040
Paradise Rentals II Inc	PO Box 4128	Key West	FL	33041
Pirate Scooters	401 Southard St	Key West	FL	33040
Reef Mobile Inc	PO Box 6526	Key West	FL	33041
Sunshine Scooter Inc	1910 N roosevelt Blvd	Key West	FL	33040
Tropical Rent a Car	1300 Duval St	Key West	FL	33040
Truman Varela Scooters Inc	1110 Truman Ave	Key West	FL	33040

Carlene Smith

Subject: FW: Proposed Bicycle Tour Ordinance

----- Forwarded message -----

From: **Key Lime Bike Tours** <keylimebiketours@gmail.com>

Date: Mon, Apr 22, 2013 at 12:07 PM

Subject: Proposed Bicycle Tour Ordinance

To: ccates@keywestcity.com

Cc: jweekley@keywestcity.com, mrossi@keywestcity.com, bwardlow@keywestcity.com, tyaniz@keywestcity.com, tjohnston@keywestcity.com, clopez@keywestcity.com

I own the Key Lime Bike Tour, one of 4 licensed bicycle tours here in Key West. At the last planning board meeting on 4/18 the board passed a resolution on Recreational Rental Vehicles. There are provisions in section 18-357 that would greatly impact my business, and that I strongly object to.

The first part I have an issue with is "owners and operators of bicycle tour companies shall meet clients and exchange money at the business address". The bulk of my business is meeting clients at the cruise ship docks and walking them the few blocks to my business address at 119 Simonton street. If I am no longer able to meet my clients at the piers, like all of the other tour companies do, then I'm out of business. I have contracts with Royal Caribbean, Celebrity, Disney, Regent Seven Seas, Oceania, Holland America and Norwegian cruise lines. The other cruise line that comes here is Carnival, and they are serviced by Southernmost Bike Tours, and their official business address is on Whitehead, not the piers, so they would be impacted also.

The second thing I have an issue with is "shall take no more than ten (10) clients per tour guide". Currently there is no official limit on tour sizes, just the suggestion that 15 be the limit. I bought my bike tour from the previous owners on 1/1/13 and have adhered to this number, which I think is a reasonable limit. To lower this number by 33% would be detrimental to all of the bicycle tours businesses. I have talked to Don Craig in planning and he said that he and his staff will review this number. It seems that they just agreed that 10 sounded good. The traffic study did not say that bicycle tours were impacting the traffic specifically, nor did the study suggest that the tours were too big. There is no reason to change the maximum number as far as I'm concerned, 15 is a reasonable number for safety of the riders and profitability for me. I am currently licensed to do up to 45 clients, and if you limit the tours to 10 then I would go from having a maximum of 3 groups of 15 plus 3 guides to 4 groups of 10 and 1 group of 5 with a total of 5 guides. What sounds better, 48 total bikes in 3 groups, or 50 total bikes in 5 groups? This would also cost me because I'd have to pay 2 more guides, and affect my guides because they get paid on a sliding scale, with 10 guests being \$75 and 15 being \$100, not to mention the additional tips they might make from 5 more people. I think this would also affect the tourists taking the tour. In the last few weeks I had 2 separate groups of 12 people, one a group in town

for a wedding, another a group of 8 13 year old girls and 4 of their parents in town for a bat mitzvah. With the new proposed limits I'd have to spit them into smaller groups, which may have resulted in my losing those groups.

I have talked to Don Craig, and he told me that he will review the limit of 10 per guide, and hopefully once it goes to the council the number will be back to the original 15.

I would love to know your opinion on this issue, and look forward to hearing from you. If you'd like to discuss this further I can be reached at 305-340-7834, or at this email address.

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