

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO REDUCE THE NEED FOR PARKING VARIANCES; DIRECTING PLANNING DEPARTMENT STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PARKING VARIANCES; CONTINUING THIS POLICY UNTIL NEW OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 360 DAYS FROM THE DATE OF THIS ORDINANCE, WHICHEVER OCCURS FIRST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West City Commission is concerned about the increasing number of requests for variances to the City's off-street parking requirements and the cumulative effects of the approval of these requests on the public welfare; and

WHEREAS, the City Commission desires to review existing Land Development Regulations (the "LDRs") to determine whether there is a need to adopt amended off-street parking requirements and other relevant LDRs within the City of Key West; and

WHEREAS, the City Commission has directed Planning Department staff to develop any necessary proposed LDR amendments for City Commission review and adoption; and

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

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

**Section 1:** Zoning in Progress. The City hereby recognizes that City Planning and

Legal Department staff are researching the issue and preparing any necessary ordinances (the "Pending Ordinances") that would, if adopted, amend the LDRs. All affected property and business owners are placed on notice with respect to the Pending Ordinances and the action being taken by the appropriate departments within the City.

**Section 2:** The acceptance and processing of new applications for parking variances shall be deferred by Planning Department staff beginning on the effective date of this Ordinance and ending as set forth in Section 3 below. Complete applications for parking variances submitted prior to the effective date of this Ordinance shall be processed normally pursuant to the LDRs currently in effect.

**Section 3:** That this policy shall be in effect until new or amended LDRs are adopted by the City Commission or until the passage of 360 days, whichever occurs first. This policy may be extended by Resolution of the City Commission for additional 180 day periods to complete the tasks outlined herein.

**Section 4:** **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 Ordinance shall also be posted at City Hall for the next one hundred and eighty (180) days.

**Section 5:** 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 6:** All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

**Section 7:** 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 and approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes, however City staff shall continue to utilize the Nov. 6, 2013 date as the commencement of implementation of the pending ordinance doctrine.

Read and passed on first reading at a regular meeting held this 6 day of November, 2013.

Read and passed on final reading at a regular meeting held this 19 day of November, 2013.

Authenticated by the presiding officer and Clerk of the Commission on 20 day of November, 2013.

Filed with the Clerk November 20, 2013.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Yes</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>

  
CRAIG CATES, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK



## EXECUTIVE SUMMARY

**To:** Bogdan Vitas, City Manager

**Through:** Donald Leland Craig, AICP, Planning Director

**From:** Kevin Bond, AICP, LEED Green Associate, Planner II

**Meeting Date:** November 6, 2013

**RE:** Consideration of an ordinance to invoke the Zoning in Progress doctrine; declaring that the City is considering amendments to its Land Development Regulations to reduce the need for parking variances; directing Planning Department staff to defer the acceptance and processing of applications for parking variances; continuing this policy until new or amended Land Development Regulations are adopted by the City Commission or until the passage of 360 days from the date of this resolution, whichever occurs first; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

### ACTION STATEMENT

**Request:** Approval of Zoning in Progress to amend the Land Development Regulations as needed to reduce the need for parking variances.

**Location:** Citywide

### BACKGROUND

At the October 2, 2013 City Commission meeting, Commissioner Teri Johnston requested that the City Manager prepare an ordinance invoking the Zoning in Progress doctrine to address the proliferation of parking variance requests in Key West.

Over the last few years, requests for variances to the City's off-street parking requirements have become more frequent as the local economy has recovered from the national recession. As properties have proposed new development or redevelopment, particularly within the Old Town historic district, property owners have frequently needed to apply for parking variances. This is because new commercial floor area and changes of use to uses with higher parking requirements (i.e., restaurants, bars and lounges) trigger an increase the minimum off-street parking

requirement. Often times, there is already inadequate space to provide additional on-site parking, especially on built-out properties in Old Town. As a result, property owners have opted to apply for a parking variance.

The purpose of a Zoning in Progress declaration is to give the City Commission and City staff up to 360 days to explore potential solutions and possible LDR amendments. Parking is a complex issue in Key West and there are many potential ways to alleviate the problem. Staff has identified the following issues that should be considered if the City Commission wishes to invoke Zoning in Progress for parking variances:

1. How to overcome the already limited space available for on-street and off-street parking, particularly on built-out property in Old Town;
2. The availability and proximity of private and public parking lots to attractions and services;
3. Modifying the historic commercial pedestrian-oriented area, either by expanding the boundaries and/or amending the applicability and exceptions;
4. Modifying existing or creating new parking programs for residents, employees, etc.;
5. Consider transportation demand management techniques to encourage alternative modes;
6. Consider allowing shared use parking calculations and parking demand studies to substitute for the standard parking requirements and encourage mixed uses and reduced parking need;
7. Adequacy and convenience of public transit service for different types of riders (e.g., residents, tourists, commuters, etc.);
8. Review Zoning Maps and district standards to ensure that mixed-use, pedestrian-oriented and transit-oriented development are effectively encouraged through the allowed uses and maximum density and intensities.

#### **RECOMMENDATION**

##### **Options / Advantages / Disadvantages:**

**Option 1.** To invoke the proposed Zoning in Progress to amend the Land Development Regulations as needed to reduce the need for parking variances:

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The City's Strategic Plan contains goals and objectives pertinent to this issue.
2. **Financial Impact:** There is no direct financial impact to the City if the Ordinance is approved.

**Option 2.** To not invoke the proposed Zoning in Progress:

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The City's Strategic Plan contains goals and objectives pertinent to this issue.
2. **Financial Impact:** There is no direct financial impact to the City if the Ordinance is approved.

Planning Staff recommends **Option 1.**