

ORDINANCE NO. 15-05

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 AND BICYCLE SUBSTITUTIONS; 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 and bicycle substitutions shall be deferred by Planning Department staff upon passage of this Ordinance on first reading and ending as set forth in Section 3 below. Complete applications for parking variances submitted prior to the passage on first reading of this Ordinance shall be processed normally pursuant to the LDRs currently in effect.

Section 3: That this Zoning-In-Progress 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 Florida Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes, however the City shall utilize March 3, 2015 as the date of commencement of the Zoning-in-Progress doctrine.

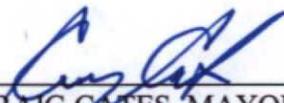
Read and passed on first reading at a regular meeting held this 3 day of March, 2015.

Read and passed on final reading at a regular meeting held this 17 day of March, 2015.

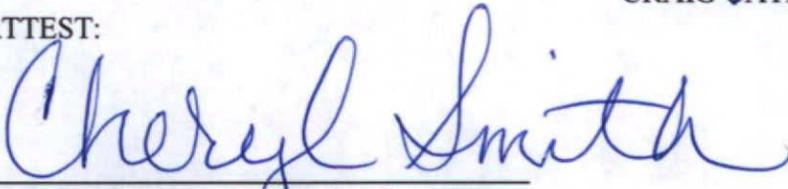
Authenticated by the presiding officer and Clerk of the Commission on 18 day of March, 2015.

Filed with the Clerk March 18, 2015.

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: Jim Scholl, City Manager

Through: Sarah Hannah Spurlock, Assistant City Manager

From: Kevin Bond, AICP, Acting Planning Director / Senior Planner

Meeting Date: March 3, 2015

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 and bicycle substitutions; 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.

ACTION STATEMENT

Request: Consider invoking Zoning-in-Progress to amend the Land Development Regulations as needed to reduce the need for parking variances.

Location: Citywide

BACKGROUND:

On January 7, 2015, Commissioner Teri Johnston requested that the City Manager prepare an ordinance invoking a second Zoning-in-Progress (ZIP) doctrine to address the proliferation of parking variance requests in Key West. Previously, the City Commission invoked a 360-day ZIP through the passage of Ordinance No. 13-20, which started November 6, 2013 and ended November 1, 2014. During that time, the City was unable to accept or process any variance applications that would have involved a reduction in required parking or substituting vehicular parking spaces for bicycle parking.

While the ZIP was in effect, the City took several steps to alleviate the demand on available parking. Last fall, the City initiated its new residential parking program, which requires proof that vehicles are registered to City residents or business owners, rather than any Monroe County resident. The City is currently investigating the potential construction of two new parking

garages in Old Town near the central business area. And the City is beginning a comprehensive update to its land development regulations (LDRs), including looking at innovative techniques to reduce the number of parking variances required by the City Code.

ANALYSIS:

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 or expanded uses, and changes of use to uses with higher parking requirements (i.e., restaurants, bars and lounges) trigger full compliance the minimum off-street parking requirements of the LDRs. 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. With a ZIP in place, property and businesses owners would have little choice but to defer their development plans or would be limited to the existing amount of development on their properties.

The purpose of a ZIP 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 a ZIP 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.

The ZIP would begin as of the first reading of the ordinance on March 3, 2015 and would remain in effect for 360 days, or until new or amended LDRs are adopted, whichever occurs first.

PLANNING BOARD RECOMMENDATION:

The Planning Board reviewed the proposed ordinance on February 4, 2015 and by a unanimous 7-0 vote passed Resolution No. 2015-07 recommending that the City Commission not pass or adopt a second Zoning-in-Progress for parking variances and bicycle substitutions. The Board's preference would be to allow property owners to apply for parking variances as currently provided by the LDRs, rather than re-impose another Zoning-in-Progress.

**PLANNING BOARD
RESOLUTION NO. 2015-07**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
RECOMMENDING THAT THE CITY COMMISSION NOT
PASS OR ADOPT AN ORDINANCE INVOKING THE
ZONING-IN-PROGRESS DOCTRINE THAT WOULD DEFER
THE ACCEPTANCE AND PROCESSING OF APPLICATIONS
FOR PARKING VARIANCES AND BICYCLE
SUBSTITUTIONS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, on January 7, 2015, Commissioner Johnston requested that the City Manager prepare an ordinance invoking a second Zoning-in-Progress (ZIP) doctrine to address the proliferation of parking variance requests in Key West; and

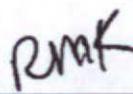
WHEREAS, previously, the City Commission invoked a 360-day ZIP through the passage of Ordinance No. 13-20, which started on November 6, 2013 and ended November 1, 2014; and

WHEREAS, during the invocation of such a ZIP, the City is unable to accept or process any variance applications involving a reduction in required parking or substituting vehicular spaces for bicycle parking; and

WHEREAS, the new ZIP would begin as of the first reading of the ordinance by City Commission on February 18, 2015 and would remain in effect for 360 days, or until new or amended LDRs are adopted, whichever occurs first.

WHEREAS, the Planning Board conducted a public hearing on February 4, 2015 regarding the proposed ordinance and by a unanimous 7-0 vote recommended that the City Commission not pass or adopt a second ZIP for parking variances and bicycle substitutions.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE



Chairman


Planning Director

CITY OF KEY WEST, FLORIDA:

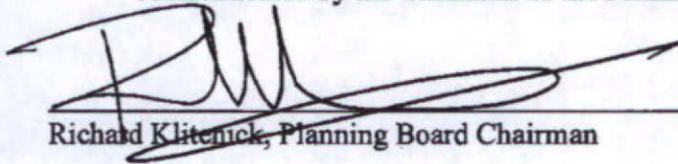
Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. The Planning Board, by a unanimous 7-0 vote, recommended that the City Commission not pass or adopt an ordinance invoking a second ZIP doctrine for parking variances and bicycle substitutions.

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Board.

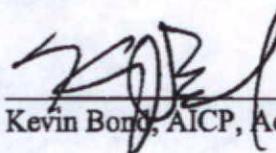
Read and passed on first reading at a regularly scheduled meeting held this 4th day of February, 2015.

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


Richard Klitenick, Planning Board Chairman

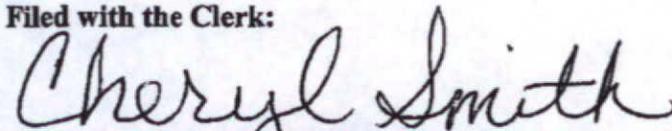
2/18/2015
Date

Attest:

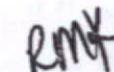

Kevin Bond, AICP, Acting Planning Director

2/16/2015
Date

Filed with the Clerk:


Cheryl Smith, City Clerk

2-19-15
Date

 Chairman
 Planning Director



PHONE: (305) 809-3770
FAX: (305) 809-3771

Office of the City Attorney

POST OFFICE BOX 1409
KEY WEST, FL 33041-1409

Memorandum

TO: Mayor & Commissioners
FROM: Shawn D. Smith, City Attorney
RE: Additional Language for Second Reading -
DATE: March 10, 2015

Mayor and Commissioners,

At the last Commission meeting, I was directed to include a hardship provision in the proposed Zoning in Progress ordinance regarding parking variances. I suggest the following language:

"An applicant may seek a waiver of the conditions imposed herein.

To be eligible for a waiver, the applicant must demonstrate to the Planning Board that the amount of parking required by the code of ordinances is not necessary given the particular conditions of the proposed development. The Planning Board must make specific findings concerning the lack of need for vehicular parking based upon the use and occupancy of the proposed development."

Please contact me with any questions or comments you may have.

A handwritten signature in blue ink, appearing to be "S. D. Smith", is located at the bottom right of the page.