

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF KEY WEST CITY COMMISSION INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO ADOPT CRITERIA PERMITTING AND REGULATING THE LOCATION OF PAIN MANAGEMENT CLINICS; DIRECTING BUILDING AND PLANNING DEPARTMENT STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF APPLICATIONS REQUIRING THE ISSUANCE OF PERMITTING THE LOCATION OF PAIN MANAGEMENT CLINICS; CONTINUING THIS POLICY UNTIL NEW PERMIT REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 180 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 desires to review existing land development regulations (the "LDRs") to determine whether there is a need to adopt criteria permitting and regulating the location of pain management clinics within the City of Key West; and

WHEREAS, the City Commission has directed planning staff to continue developing proposed criteria for City Commission review and adoption; and

WHEREAS, the City Planner began documented efforts concerning the subject on at least March 5, 2012; 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 staff are preparing and processing ordinances (the "Pending Ordinances") that would adopt the Criteria. The Pending Ordinances, if adopted, will amend the City's LDRs. All affected property and business owners are placed on notice with respect to the Pending Ordinances and the action being taken by the appropriate departments within the City.

Section 2: That this policy shall be in effect until new land development regulations or amended land development regulations are adopted by the City Commission or until the passage of 180 days, whichever occurs first. This policy may be extended by Resolution of the City Commission for additional 180 day periods to complete the tasks outlined herein.

Section 3: **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 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 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 and approval by the State Department of Economic Opportunity pursuant to Chapter 380, Florida Statutes, however City staff shall continue to utilize the March 5, 2012 date as the commencement of implementation of the pending ordinance doctrine.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2012.

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

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

Filed with the Clerk _____, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK