

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED "PLANNING AND DEVELOPMENT" BY AMENDING SECTION 108-999 TO PROVIDE FOR THE RETROACTIVE INVOKING OF THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS AND BUILDING PERMIT ALLOCATION SYSTEM; DIRECTING BUILDING AND PLANNING DEPARTMENT STAFF TO CONTINUE THE POLICY OF DEFERRING THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS REQUIRING THE ISSUANCE OF BUILDING PERMIT ALLOCATIONS; CONTINUING THIS POLICY UNTIL NEW BUILDING PERMIT ALLOCATION REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION; PROVIDING FOR RETROACTIVE EFFECT, DIRECTING STAFF TO CONTINUE PREPARATIONS OF NEW BUILDING PERMIT ALLOCATION REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the Land Development Regulations in accordance with certain procedures and criteria;

WHEREAS, pursuant to Section 90-522, the Planning Board held a noticed public hearing on April 19, 2012; where based on the consideration of recommendations of the City Planner, City Attorney, Building Official and other information recommended approval of the proposed amendments with modifications; and

WHEREAS, the City Commission held a noticed public hearing on May 5, 2012 and a second public hearing on June 5, 2012 and in its deliberations considered the criteria identified in Section 90-521 of the Code of Ordinances; and

WHEREAS, the City determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

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

Section 1: That Section 108-999 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 108-999 Zoning in Progress.**

City staff shall defer the acceptance and processing of applications dated after November 16, 2011 for building permit

\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

allocations with exception of requests for beneficial use allocations until new land development regulations are adopted, or until the passage of 365 days, whichever occurs first. This deferment shall be extended retroactively from November 16, 2012, for an additional 365 days or until new land development regulations are adopted, whichever occurs first.

(a) This deferment may be extended by Resolution of the City Commission for additional 180 periods to complete the tasks outlined herein.

Section 2: 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 3: 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 4: 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 Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this 4th day of December, 2012.

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

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Filed with the Clerk \_\_\_\_\_, 2013.

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK