



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.