

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO ADOPT REVISIONS TO ITS BUILDING PERMIT ALLOCATION SYSTEM; DIRECTING BUILDING AND PLANNING 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 OR UNTIL THE PASSAGE OF 90 DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER OCCURS FIRST; DIRECTING STAFF TO CONTINUE PREPARATIONS OF NEW BUILDING PERMIT ALLOCATION REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Building Permit Allocation system is an integral component of the City of Key West's adopted Comprehensive Plan and implementing Land Development Regulations (LDRs); and

WHEREAS, the Key West City Commission desires to adopt and finalize a Building Permit Allocation System for permitting and regulating the allocation of building permits within the City of Key West; and

WHEREAS, the Planning Department began documented efforts concerning the subject on at least February 22, 2008; and

WHEREAS, in order to provide for the orderly allocation of existing building permits, it is necessary to temporarily halt the

issuance of building permits pending the passage of a Building Permit Allocation System and clarification by ordinance of the use types; and

WHEREAS, the unregulated issuance of building permit allocations will, among other things, affect hurricane evacuation time, there is an immediate danger to the public health, safety and welfare; and

WHEREAS, the City's intention to invoke the "Zoning in Progress" or "Pending Ordinance Doctrine" was initially advertised in the Key West Citizen on the 29th day of February, 2008; and

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

WHEREAS, the Key West City Commission adopted an initial zoning in progress resolution on February 28, 2008, and subsequent resolutions, which are currently in effect; and

WHEREAS, the Planning board heard the subject revisions to the Land Development Regulations at it January 28, 2010 meeting, with subsequent hearings before the City Commission on May 18, 2010, and final approval by the Department of Community affairs to follow in future months.

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

Section 1: **Zoning in Progress.** That pursuant to the pending legislation doctrine set forth in Smith v. City of Clearwater, 383 So.2d 681 (Fla. 2nd DCA 1980), City staff shall continue the policy of deferring acceptance and processing of applications requiring building permit allocations, excepting applications for affordable housing allocations.

Section 2: That this policy shall be in effect until Ordinance 09-07 and Ordinance 10-10 become effective and new land development regulations or amended land development regulations are adopted by the City Commission and reviewed by the DCA which provide for specific allocations by type, or until the passage of 90 days from the date of this resolution, whichever occurs first.

Section 3: That until expiration of this Resolution, no building permit allocations shall be granted pursuant to a request filed with a submittal date of February 22, 2008, or later, except applications seeking affordable housing allocations.

Section 4: That City planning staff, at the direction of the City manager, and legal staff are directed to continue the monitoring of Ordinance No. 10-10 (the "Pending Ordinance") and the DCA's subsequent action and appeal periods. The Ordinance and anticipated Final Order, if adopted and effective, will amend the City's LDRs. All affected property and business owners are placed on notice with respect to the Pending Ordinance and the action

being taken by the appropriate departments within the City and the Department of Community Affairs.

Section 5: The adoption of this Resolution 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 Resolution. A copy of this Resolution shall also be posted at City Hall for the next ninety (90) days.

Section 6: That this Resolution 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.

Passed and adopted by the City Commission at a meeting held this ____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2010.

Filed with the Clerk _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK