ORDINANCE NO. 07-03

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE COMPREHENSIVE PLAN CONTAINED IN EXHIBIT "A"; AUTHORIZING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West (the "City") adopted the City Comprehensive Land Use Plan (the "Comprehensive Plan") pursuant to the 1985 Growth Management Act, as amended; and

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments periodically to assess the success or failure of the adopted comprehensive plan in adequately addressing changing conditions and state policies and rules; and

WHEREAS, Section 163.3191(1), Florida Statutes, directs local governments to adopt an Evaluation and Appraisal Report (the "EAR") assessing the progress in implementing local government's comprehensive plan; and

WHEREAS, the City Commission finds that the EAR meets all of the requirements of Section 163.3191, Florida Statutes, and Chapter 9J-5, Florida Administrative Code; and

WHEREAS, on December 18, 2006, the City of Key West Planning Board held a public hearing and recommended adoption of the EAR; and

WHEREAS, on January 17, 2007 and February 6, 2007 the City Commission held advertised public hearings on the adoption of the proposed EAR, and provided for comments and public participation in the process in accordance with the requirements of State law and the procedures adopted for public participation in the planning process; and

WHEREAS, the City Commission finds that the proposed EAR, as attached hereto, would serve to promote the health, safety and welfare of the citizens of Key West.

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

Section 1. Pursuant to Section 163.3191, Florida Statutes, the Evaluation and Appraisal Report ("EAR"), attached as Exhibit "A", is hereby adopted.

Section 2: The City Clerk is hereby authorized to transmit the EAR to the Florida Department of Community Affairs.

Section 3. 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 4. 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 5. This Ordinance shall go into effect upon its passage, adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and in accordance with the procedures specified by Florida Statute section 163.3191.

Read and passed on first reading at a regular meeting held this 17 day of January, 2007.

Read and passed on final reading at a regular meeting held this 6 day of February, 2007.

Authenticated by the presiding officer and Clerk of the Commission on 8 day of February, 2007.

Filed with the Clerk February 8, 2007.

MORGAN McPHERSON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

1. Introduction

(A) Purpose of the Evaluation and Appraisal Report (EAR):

Florida Statute (F.S. 163.3191) requires the City of Key West to complete an Evaluation and Appraisal Report (EAR) of the City's Comprehensive Plan and specifies the certain analysis necessary to be included. The EAR is intended to serve as a summary audit of the actions the City has undertaken and identify changes the City may need to make. The report is based on the City's analysis of major issues to further the community's goals consistent with statewide minimum standards. However, as FS 163.3191(1)(c) says, the report is not intended to require a comprehensive rewrite of the elements within the local plan, unless a local government decides to do so.

This is an update to the EAR adopted by the City on March 1, 2005 and found sufficient by the Department of Community Affairs (DCA) on May 6, 2005. This report will focus on major issues and circumstances and changes in the applicable Florida Statutes. The report is meant to augment the EAR adopted in 2005. Actions called for will continue unless specifically changed by this update.

(B) Major Issues:

As a result the 2005 EAR adopted identified the following as the major issues facing the city. These still remain the major issues.

- Quality of the Near Shore Marine Ecosystems
- Affordable Housing
- Hurricane Safety
- Coordinated Transportation
- The Key West Port
- Capital Improvements Planning and Concurrency Management
- Historic Preservation
- A Secure Local Economy

(C) Area of Critical State Concern:

Key West has been designated an Area of Critical State Concern (FAC 28-36). This legislation specifies Principles for Guiding Development addressing the following topics:

- Protection of marine resources
- Near shore water quality
- Scenic resources
- Tropical vegetation
- Cost-effectiveness of major public infrastructure
- Environmental resources
- Public health, safety and welfare

(D) Status of Key West Comprehensive Plan and Amendments:

There have been no amendments to the City's Comprehensive Plan since the adoption of the 2005 EAR. The City is unable to amend its comprehensive plan until ~~this~~ the 2006 EAR is adopted by the City Commission and found sufficient by DCA.

Table 1D.1 identifies Land Development Regulation (LDR) amendments since March 1, 2005.

Table 1D.1
Amendments to the Key West Land Development Regulations
March 1, 2005 - Present

Date Approved by City Commission	Ordinance Number	Amendment and Action
August 1, 2006	06-14	Amending Chapter 90 – Historic Architectural Review Committee - Approved
July 5, 2006	06-12	Amending Chapter 122 – Providing for enforcement of conditions of approval - Approved
May 2, 2006	06-10	Amending Chapter 90 – Allowing for ex-officio Planning Board members from the School Board and US military - Approved
May 2, 2006	06-09	Amending Chapter 106 – Amending the factors for approval of outdoor merchandise displays - Approved
November 2, 2005	05-28	Amending Chapter 114 to provide for temporary signs for construction projects - Approved
October 18, 2005	05-27	Amending Chapter 122 – Workforce Housing - Approved
June 7, 2005	05-13	90 day extension of remodeling and conversion of transient units - Approved
May 17, 2005	05-11	Amending Chapter 122 – Transient rental - Approved

2. Population Growth and Changes in Land Area

(A) Population Growth:

Permanent Population: The population for the City of Key West has steadily decreased since the 2000 US Census. The average annual decline has been approximately .7 percent with an approximate 2 percent decrease between October 2005 and March 2006. The October 2005 to March 2006 decrease can be attributed to the affects of Hurricane Wilma. The total decline in the permanent population since the 2000 census is approximately 6 percent

The changes in population can be attributed to high property values, increases in taxes and insurance, lack of affordable housing, and several very active hurricane seasons.

Population estimates as provided by the US Census Bureau are listed in the table below.

Table 2A.1
US Census Population Projections
City of Key West

	2005	2000
Population	23,935	25,478

(B) Changes in Land Area:
There have been no annexations or de-annexations of land to the City of Key West since the adoption of the 2005 EAR. Therefore, the land area of Key West has stayed the same.

(C) Vacant and Developable Land
There is very little vacant, developable land available in Key West although there are significant underdeveloped parcels. The vacant land that does exist falls into four major categories. These are large upland sites (over an acre), small upland sites (generally less than one acre), property in the Salt Ponds, and land owned by the Military.

The sites indicated on the 2005 EAR remain the same. There are not any additional vacant or developable sites have been identified since the 2005 EAR.

(D) Federal Property:
This information remains unchanged since the adoption of the 2005 EAR.

(E) Former Federal Property:
This information remains unchanged since the adoption of the 2005 EAR

(E) Underdeveloped Property:
This information remains unchanged since the adoption of the 2005 EAR.

(F) Conclusion:
In conclusion, there is little vacant developable land in civilian control. There is significant opportunity to redevelop existing land and to add to already developed land. However, the potential for growth will be a function of the number of ROGO units available. Non-residential growth will be a function of the expansion of customers.

3. Financial Feasibility of Comprehensive Plan and Needed Infrastructure
The infrastructure required by the Comprehensive Plan is financially feasible for the City. Major local funding sources remain the same as identified in the 2005 EAR. The City will submit a capital improvements plan; amend the capital improvements element to list the projects along with projected funding sources, and an annual review of said plan according to State statute 163.3187 or 163.3189.

4. Location of Existing Development in Relation to the Location of Development as Anticipated in the Original Comprehensive Plan

The location of existing development has occurred in the locations anticipated in the original plan and at the rate anticipated. The reason for this is that Key West is an island and it is not possible to develop anywhere else. However, as stated in the 2005 EAR, there has been a significant shift of the working population from living within Key West to living farther up the Keys. The driving force for this has been the conversion of housing into transient rentals and seasonal residences, the lower cost of land in the other Keys and the suburban lifestyle available.

5. Relevant Changes to the State Comprehensive Plan, Florida Comprehensive Planning Act and Rules, South Florida Regional Policy Plan

(A) Florida Comprehensive Planning Act, State Comprehensive Plan, and Rules:
A list of the changes to the Florida Comprehensive Planning Act since 1986 is attached to this report in Section III Evaluation of Changes to Florida Statutes and Necessary Changes to the Key West Comprehensive Plan. Each change was evaluated in the 2005 EAR to determine if an amendment to the Key West Comprehensive Plan is necessary.

(B) Area of Critical State Concern (FAC 28-36):
As stated in the 2005 EAR, there have been no changes to the designation of the City Of Key West as an Area of Critical State Concern.

(C) South Florida Regional Policy Plan:
As stated in the 2005 EAR, there have been no changes to the South Florida Regional Policy Plan for south Florida since August 1995 that warrant changes to the Key West Comprehensive Plan.

6. Summary of Public Participation

The Planning Board had a public hearing on for the 2006 EAR at a regularly scheduled Planning Board meeting on December 18, 2006. The City Commission has scheduled a public hearing on for the 2006 EAR at a regularly scheduled City Commission meeting January 3, 2007.

7. Coordination with Public Schools

As stated in the 2005 EAR, the changes in population further verify little need to make significant additions to the schools, as indicated in Table 8.1. There has been a decrease in total population and school age children. When looking at the age of children appropriate to planning schools (ages 0 to 14), there is a significant drop in population.

Table 7.1
School Age Population

Age Group	1990 Pop.	2000 Pop.	Change	% Change
Total Monroe County	78,024	79,589	1,565	2.0
Total Key West	24,832	25,478	646	2.6
Key West Children (0 to 19)	5,340	4,540	-800	-15.0
Key West School Age (6 to 19)	3,194	3,336	142	4.4
Key West School Planning Age (0 to 14)	4246	3448	-798	-18.8

9. Major Issues of Key West

(A) Vision and Mission of the City of Key West and the Comprehensive Plan:

These items were discussed at great length in the 2005 EAR. There has been no change since the adoption of the 2005 EAR. The Planning Department will work with the City Commission, Planning Board and the community to develop a vision and mission for amending the City's comprehensive plan in a manner that reflects the adopted vision, mission and core values of Key West. The vision, mission and core values are described below and are the same as the 2005 EAR.

The Vision of the City states:

> "Key West, a tropical paradise, envisions itself to be a role model city, known for the respect of our diverse people and our environment. We will strive to be a user-friendly city, establishing an atmosphere of trust and confidence by providing quality, professional services. We are a city that cares."

The Mission of the City states:

> "Our mission is to maximize services to our customers, in the most cost effective way. We will accomplish this through teamwork, high employee morale, sufficient staffing and quality training, establishing a partnership with the community and safeguarding the health, safety and welfare of our customers."

The Core Values of the City states:

> "Safety is our primary consideration in all our actions. Act with integrity for the sake of the reputation of your organization and yourself. We will recognize everyone as a customer and treat him or her with consideration and respect. We will be accountable for our actions. We will accomplish our mission and vision through teamwork."

Additionally, the City of Key West has adopted a city philosophy of "We are all one human family."

The remaining items for this section, presented below, are as written in the 2005 EAR and remain unchanged.

Assessment of Plan Objectives and Successes and Shortcomings of the Plan Elements: Although the Plan contains many goals and measurable objectives and policies consistent with the planning requirements of the State Legislation, there is no overall theme or guiding vision, sense of mission or philosophy.

Actions and Corrective Measures: The Comprehensive Plan should include the Mission and Vision statements and Core Values adopted by the City of Key West and articulate the City's philosophy. Additionally, the City should consider adopting a theme for the Comprehensive Plan: "Preserving community character in harmony with the environment."

Finally, the Comprehensive Plan should not attempt to be a highly detailed blue print for the future of the community. Instead, the Comprehensive Plan should be a description of how the community wants to be five to twenty years into the future. This description should use measurable indicators by which to evaluate progress. Some indicators may be very traditional such as the cost of living, water quality or number of cars on the road. Other indicators may be less traditional for comprehensive plans but be better indicators of the quality of life. Such indicators may be the number of children engaged in after school activities or how many people have a grocery store within a five-minute walk.

In order to proceed with such indicators, the City will need to maintain adequate statistics of the community. This will require additional staff time to collect the data on the indicators necessary to indicate changes in the quality of life. The Planning Department produced a Statistical Abstract of the City of Key West for 2003 and 2004. The 2004 Abstract is available for use by the public and City staff. The Abstract offers information and statistics on population, geography, economics, housing, utilities, transportation, environment, crime and a history of the island. It also offers color maps of Existing Land-uses, Future Land Use Map (FLUM) and the bodies of water, wetlands, habitat, vegetative communities and harbors on the island.

(B) Quality of Near Shore Marine Ecosystems:

Issue Description: This issue is as presented in the 2005 EAR and remains unchanged. This issue involves the entire marine ecosystem existing in and around Key West. This encompasses water quality impacted by storm water and sanitary sewers. Boating, boat anchoring, discharge from boats, boat and ship handling, litter, marina facilities, and maintenance of waterways and basins may also adversely affect the ecosystem.

Description of Current Conditions: As described in the 2005 EAR, the City has nearly completed the sewer improvements required in the current Comprehensive Plan.

Assessment of Plan Objectives and Successes and Shortcomings of the Plan Elements: As stated in the 2005 EAR, the Comprehensive Plan addresses near shore marine ecosystems primarily in the Coastal Management Element, Conservation, Recreation and Open Space Element, Port Facilities Element, and Land Use Element of the Comprehensive Plan. This has resulted in some confusion as to a single comprehensive strategy for the marine ecosystem and

has mixed policies related to the ecosystem with policies oriented to hurricane evacuation and hurricane mitigation strategies. Additionally, the very precise nature of the policies does not provide the flexibility to facilitate restoration projects or habitat enhancement projects that are precisely and specifically listed.

Actions and Corrective Measures: The corrective actions identified in the 2005 EAR are still valid and appropriate. Briefly stated, the City should:

- Continue with improved sewage treatment and monitoring leaks in the sewer system.
- Continue with the creation of a storm water utility.
- Encourage increased storm water management on private properties.
- The City should also continue the efforts to prevent boat sewage and other contaminants from entering the surrounding waters. By enforcing the No-Discharge zone.
- Continue to provide mooring buoys as a means to reduce anchor damage and enhance the marine habitat.
- Improve the benthic habitats along altered shorelines, within the marinas and the canals can be improved.
- Complete the acquisition of properties within the Salt Ponds will also reduce threats to the marine habitats surrounding Key West and develop a management plan and entity that respects the environmental sensitivity and neighboring residential uses.

(C) Affordable Housing:

Issue Description: As stated in the 2005 EAR housing is very expensive in Key West such that even full time employed people in skilled jobs find it difficult to find housing they can afford. This situation has made it difficult for institutions such as the School Board, hospitals, and Police Department to hire and retain employees.

The major factors contributing to the lack of affordable housing include:

- Increase in the number of part-time residents increases the number of employees to to maintain the home and property.
- Expansions in the tourist economy (new hotels, restaurants, retail businesses) requiring more employees.
- Loss of military personnel and their families who filled local jobs but were provided housing by the military.
- Increased demand by people throughout the world for second homes in Key West resulting in a bidding up of housing prices.
- Limitations on the ability to add more units due to the general build-out of Key West.
- Limits to growth based on hurricane evacuation, as established by the Comprehensive Plan and contained in the City's rate of growth ordinance (ROGO).
- High construction costs.

Description of Current Conditions: The 2005 EAR identified several trends affecting the cost of housing. Briefly these major trends include:

- Conversion of buildings with several units into guesthouses.
- Conversion of single-family houses and units in multi-family buildings and gated communities to short term rentals.
- Conversion of single-family units to short-term (vacation) rentals in the Lower and Middle Keys.
- Loss of below flood level units (illegal units) in the Lower and Middle Keys.
- Construction of transient units.
- Expiration of deed restrictions of affordable housing units constructed in the early 1990's.
- Growth in businesses adding workers to serve the increase in tourists.

Accomplishments: The 2005 EAR identified the City's accomplishments in providing affordable housing. The City has convened a new Community Housing Committee that is continuing to work with the Planning Department, the City Commission, and the community to identify and create new opportunities for the provision of affordable housing.

Assessment of Plan Objectives and Successes and Shortcomings of the Plan: The assessment provided in the 2005 EAR was accurate in its assessment of the Plan objectives, successes, shortcomings, and corrective measures. There are no modifications to this section for ~~this~~ the 2006 EAR. However, a brief list of items from the 2005 EAR is included below:

- Public private partnerships have been very few.
- Affordable Housing Ordinance and Rate of Growth Ordinance have been adopted.
- Commercial uses have not been made to provide affordable housing or pay a fee.
- The overall cost of housing has increased due to many causes such as limited supply and tropical location.
- Accessory apartments have been implemented.
- The 30 percent set aside of housing for affordable housing (policy 3-1.1.3) has been insufficient.

Actions and Corrective Measures: As stated in the 2005 EAR, the City may find it easier to completely rewrite the Housing Element rather than initiate a series of amendments to address the following:

- Preserve Housing Stock.
- Reclaim Existing Market Rate and Transient Units.
- Control Demand for Housing Stock.
- Cost of Living.
- Funding Sources
- Build More Units

(D) Hurricane Safety:

Issue Description: As discussed in the 2005 EAR, evacuation is the primary tool for preparing for major storms in the current Comprehensive Plan.

Description of Current Conditions: The current conditions remain as described in the 2005 EAR. The National Weather Service built a new forecast office at United and White Streets. A safe room capable of withstanding a force 5 hurricane will be incorporated into the building.

Assessment of Plan Objectives and Successes and Shortcomings of Plan Elements: As stated in the 2005 EAR, the policies relevant to hurricane safety are found within the Land Use, Housing, Traffic Circulation, Coastal Management and Port Elements of the Comprehensive Plan. There have been no changes in the issues since the adoption of the 2005 EAR.

Corrective Actions: The 2005 EAR listed several corrective actions that should be included in amendments to the City's Comprehensive Plan. There have been no changes to the proposed corrective actions since the adoption of the 2005 EAR.

The 2005 EAR further stated that the Comprehensive Plan should recognize the costs and dangers of evacuation. There will be many evacuations under the threat of a storm that will turn out not to have been necessary. This will be expensive. The economy will suffer due to the closed tourist accommodations. Additionally, sending approximately 50,000 people on the road to drive over one hundred and fifty miles could result in accidents. The Comprehensive Plan should also address the issue that evacuation out of the Keys without a clear safe refuge on the mainland continues to place citizens at risk. History has shown that South Florida highways and communities are not the safest places to be during a hurricane.

Thus, the Comprehensive Plan should continue with the theme of evacuating people to places of refuge. The question to be asked is, should these places of refuge be 150 miles away or should and can they be closer to home?

(E) Coordinated Transportation:

Issue Description: As stated in the 2005 EAR, state statutes previously required separate Comprehensive Plan elements for traffic and transit. However, the statutes were revised to require a combined approach addressing all modes of travel.

Description of Current Conditions: The current conditions described in the 2005 EAR remain unchanged. Traffic congestion and lack of parking are frequent sources of aggravation to many residents and visitors.

The 2005 EAR identified the several factors affecting the change in traffic volumes which remain accurate at this time.

Accomplishments: The 2005 EAR discussed the progress the City has made progress in many ways to improve personal mobility. These improvements have addressed bicycles and pedestrians, large vehicles, parking, transit, paratransit and taxis, and amendments to the Land Development Regulations. These improvements were discussed in detail in the 2005 EAR.

Assessment of Plan Objectives and Successes and Shortcomings of the Plan: The 2005 EAR identified the primary shortcoming of the Comprehensive Plan is a focus on traffic although there is a policy to consider designating Old Town as a Transportation Concurrency

Management Area (TCMA). This reflected the prescription for Comprehensive Plan specified by the Florida Statutes in effect when the plan was written. Consequently, there is a Traffic Element with a brief mention of bicycle and pedestrians and does not mention the City's transit system except for the grant for the park and ride facility. Furthermore, there is very little discussion of taxis, trucks, tour vehicles, scooters and the wide diversity of vehicles regularly traveling in Key West.

Actions and Corrective Measures: The 2005 EAR identified in a detailed manner amendments to be made to the Comprehensive Plan. These actions and corrective measures still remain appropriate.

(F) Key West Port:

Issue Description:

The 2005 EAR stated the City is required to keep an updated Port Master Plan as part of the Comprehensive Plan. The Plan is general guidance for port development, so it should be adaptable enough to respond to market changes and unforeseen future opportunities. The initial Plan was adopted in 1993 and portions were amended as part of the BRAC process in 1999. The Plan has three sections: one part consisting of supporting data and analysis, and two parts that are adopted (a five-year Capital Improvement Plan and Goals, Objectives and Polices). The Port Master Plan is being reviewed at this time for needed updates and amendments.

Description of Current Conditions: The City is in the process of reviewing the Port Master Plan for needed amendments. This effort will make recommendations as to funding the improvements to the property acquired from the Navy at the Truman Waterfront and incorporate the new area of the port.

Assessment of Plan Objectives and Successes and Shortcomings of the Plan: The existing plan has not been updated since the changes made to lands transferred to the City from the Navy.

Actions and Corrective Measures: As identified in the 2005 EAR, the Port Master Plan is in the process of being reviewed for necessary updates and will amend both the Port Master Plan and Comprehensive Plan as necessary.

(G) Capital Improvements Planning and Concurrency Management:

Issue Description: As stated in the 2005 EAR, the Comprehensive Plan is required to have a Capital Improvements Plan Element. The Capital Improvements Plan can be amended by ordinance; new projects need an amendment to the Comprehensive Plan.

The City must also continue to be concerned with changes in the levels of service and capacity of major infrastructure such as potable water, sewage handling, storm water management and traffic.

Description of Current Conditions: The City is required by state statute to have a Five-year Capital Improvement Schedule, which will outline the City's commitment of resources for capital improvements that are needed to realize the goals, objectives and policies of the

Comprehensive Plan. The City will submit a Capital Improvement plan within twelve months of adoption of the EAR and maintain it on a regular basis.

Actions and Corrective Measures: The 2005 EAR stated the City should maintain a capital improvements budget consistent with the Capital Improvements Plan contained in the Comprehensive Plan. The City will amend the Capital Improvements Element to list the projects along with projected funding sources. Additional actions and corrective measures identified in the 2005 EAR remain appropriate.

(H) Historic Preservation:

Issue Description: The City has one of the largest Historic Districts in the country as stated in the City's existing Comprehensive Plan and 2005 EAR.

Description of Current Conditions: The 2005 EAR had the following description: In 1997 an updated list of structures contributing to the Historic District was completed. New Guidelines were adopted in May 2002. A map of the cemetery is being completed.

Assessment of Plan Objectives and Successes and Shortcomings of the Plan Elements: No major changes were identified in the 2005 EAR.

Actions and Corrective Measures: No major amendments to the Comprehensive Plan were apparent in the 2005 EAR.

(I) Economy:

Issue Description: The 2005 EAR identified that the economy of Key West is currently based heavily on tourism. There is widespread interest to identify alternative industries and how to diversify the economy such that it will be better able to withstand the changing world economy and attitudes of the domestic and world tourist.

Description of Current Conditions: The description of the current economic conditions identified in the 2005 EAR is still accurate. The economy of Key West has gone through major changes throughout history. The importance of the surrounding waters contributes to the success of tourism as the current major industry.

The tourist economy, as identified in the 2005 EAR, in Key West is large and diverse with the following major categories:

- Cultural tourism such as museums, art galleries, and playhouses.
- Gay / lesbian destination.
- Local history.
- Nightlife based on the many bars and restaurants.
- Fishing, & diving and boating.
- Special events such as the Literary Seminar, Hemingway Days, Fantasy Fest, and offshore Power Boat Races.
- Cruise ship passengers.
- Yachting visitors.

A major problem associated with the tourist economy has been the preponderance of low and moderate-income employees that find it difficult to compete in the housing market. This has been compounded by the lightly regulated expansion of short-term accommodations. Additionally the diffusion of guesthouses and vacation rentals into residential neighborhoods has contributed to disturbing the quality of life of permanent and seasonal residents.

Other Economic Industries: Other major components of the local economy, identified in the 2005 EAR are:

- Retired and Seasonal Residents.
- Civilian government employees in county, state, and federal.
- Federal Uniformed Services such as the Navy and the Coast Guard.
- Shopping and professional services for rest of the Keys.

Changes in the Economy: As stated in the 2005 EAR changes in the economy are difficult to predict. However several contributing factors include the development of the East Coast Greenway and Overseas Heritage Trail and the establishment of US-1 from Key Largo to Key West as a Scenic Highway.

Assessment of Plan Objectives and Successes and Shortcomings of the Plan: The Comprehensive Plan does not have an element pertaining to the economy.

Actions and Corrective Measures: As identified in the 2005 EAR, a City summit of community leaders, the City should proceed with development of a business plan. This may then lead to amendments to the Comprehensive Plan. Participants should include but not be limited to the tourist industry, Chamber of Commerce, neighborhood groups, and employees. Such a plan will build on the contributions of the quality of life study being conducted and the Resident/Visitor Planning Committee.

PLANNING BOARD RESOLUTION
No. 2006-32

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING THAT THE CITY PLANNER PRESENT THE EVALUATION AND APPRAISAL REPORT OF THE COMPREHENSIVE PLAN FOR THE CITY OF KEY WEST TO THE CITY COMMISSION FOR ADOPTION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Key West approved its Comprehensive Plan in July, 1993 and submitted it to the Department of Community Affairs of the State of Florida; and

WHEREAS, the Department of Community Affairs (DCA) had objections to the Comprehensive Plan which resulted in a Stipulated Settlement Agreement in September 1996; and

WHEREAS, the City of Key West enacted Land Development Regulations pursuant to the Comprehensive Plan in 1997 which were effective in February 1998 after the administrative appeal period from final DCA action expired; and

WHEREAS, each municipality is to perform an Evaluation and Appraisal Report (EAR) every seven years dealing with the progress in implementing the local government's comprehensive plan pursuant to Florida Statute 163.3191; and

WHEREAS, the Planning Board is designated as the Local Planning Agency by Section 90-51(a) of the Municipal code of Ordinances; and

WHEREAS, pursuant to Section 90-55(a)(2) of the Municipal Code for the City of Key West, the Planning Board as the local planning agency under Florida Statute Section 163.3191, is to monitor and oversee the effectiveness and status of the comprehensive plan and prepare periodic reports required pursuant to Florida Statutes Section 163.3191; and

WHEREAS, the new land development regulations did not take effect until five years after the adoption of the comprehensive plan, which made it effectively impossible to evaluate the impact of the City's Comprehensive Plan;

WHEREAS, an EAR had been prepared in 2005 which was found sufficient on May 6, 2005 by the DCA;

WHEREAS, he regularly scheduled Planning Board meeting of December 18, 2006, a public hearing was held on the Evaluation and Appraisal Report; and

WHEREAS, at the public hearing the public was given an opportunity to speak and one member of the public spoke on this topic;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. Pursuant to Florida Statute Section 163.3191 to recommend to the City Commission the adoption of the proposed the Evaluation and Appraisal Report.

Section 2. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Chairman of the Planning Board and the Planning Director.

Passed at a meeting held this 18th day of December, 2006.

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

JANUARY 11, 2007

Richard Klitenick, Chairman — Date
Key West Planning Board

Attest:

11 Jan 07

Gail E. Kenson, AICP, Planning Director — Date

Filed with the Clerk Cheryl Smith 1-16-07
Date

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Julio Avael, City Manager
From: Gail Kenson, AICP, Planning Director

Meeting Date: 3 January 2007

Agenda Item: **An Ordinance** Of The City Of Key West, Florida Adopting The Evaluation And Appraisal Report (EAR) Of The Comprehensive Plan Contained In Exhibit "A"; Evaluation and Appraisal Report (EAR) of the Key West Comprehensive Plan

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ISSUE: Approval of the Evaluation and Appraisal Report (EAR) of the Key West Comprehensive Plan.

BACKGROUND: The City of Key West is required by Florida Statute Sec. 163.3191 to develop an EAR regarding the Comprehensive Plan. The intent of the EAR is to serve as a summary audit of the actions that the City has undertaken and to identify changes in the Comprehensive Plan that are needed. The report should be based on the City's analysis of major issues to further the community's goals consistent with statewide minimum standards.

The City adopted an EAR that was found in compliance by the Department of Community Affairs in May of 2005. The City is on a seven year cycle for evaluation and review of the Comprehensive Plan. The EAR approved in 2005 was originally due in February, 1998. The next EAR deadline was February of 2006. This EAR is to satisfy the February 2006 EAR submittal requirement.

Once the City Commission approves the EAR, copies must be forwarded to the DCA and other agencies prescribed by statute for a formal sufficiency determination. Within 60 days, the DCA must provide a preliminary sufficiency determination. A final sufficiency determination is required within 90 days. If deemed insufficient, the EAR will be returned with the comments and the City will have the opportunity to adopt a revised EAR. However, the DCA has been involved from the very beginning of the writing of the EAR. DCA personnel came up with the initial list of major issues, attended a meeting held with other governmental agencies, reviewed early drafts and have commented favorably on the current draft of the proposed EAR. Therefore, the Planning staff anticipates that the DCA will grant approval.

Once the EAR is fully approved, the City of Key West will be required, within eighteen months, to pursue the recommended amendments to the City's Comprehensive Plan. The City of Key West will then have one year to amend the Land Development Regulations.

It is important for the City to move forward with the EAR because of delays over the last years.

PLANNING BOARD ACTIONS: The Planning Board held a public hearing on 18 December 2006, and passed Resolution 2006-032 recommending approval.

OPTIONS:

A. Approve the Addendum to the EAR as proposed and forward to the DCA.

If the DCA finds the EAR sufficient the City of Key West will be required to initiate the amendments to the comprehensive plan recommended in the EAR. These proposed amendments will be required through the full public hearing process involving both the Planning Board and City Commission. Amendments may not be considered unless they are based in the recommendations of the EAR. There are no immediate fiscal, neighborhood, transportation or environmental impacts.

B. Deny the Addendum to the EAR. If the addendum is not approved, the City may not proceed with any amendments to the comprehensive plan until the EAR is found to be sufficient.

C. Revise the EAR based on Public Input.

Recommended action:

Option A. Approve the Addendum to the EAR and include any changes based Commission or citizen discussion.

Attachments

1. Key West Planning Board Resolution recommending 2006-032.
2. Evaluation and Appraisal Report of the Key West Comprehensive Plan, DRAFT, November 2006.