

ORDINANCE NO. 06-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTION 90-51 TO FIND A PUBLIC PURPOSE IN COORDINATING LOCAL PLANNING WITH THE MONROE COUNTY SCHOOL BOARD AND THE U.S. MILITARY; AMENDING SECTION 90-54 TO ADD NON-VOTING EX-OFFICIO MEMBERS TO THE KEY WEST PLANNING BOARD AND AMENDING SECTIONS 90-58 AND 90-62 TO BE CONSISTENT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes section 163.3175(5) and 163.3177(1) give local military installations and the School Board authority to appoint non-voting representatives to the Planning Board; and

WHEREAS, at its meeting of March 16, 2006, the Key West Planning Board recommended approval, finding consistency with the Key West Comprehensive Plan; and

WHEREAS, the City Commission finds that this ordinance amendment would 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. That section 90-51 of the Code of Ordinances is hereby amended as follows*:

Sec. 90-51. Established; designated as local planning agency; authority and responsibilities generally.

(a) Pursuant to and in accordance with F.S. § 163.3174 of the Local Government Comprehensive Planning and Land Development Regulation Act, the city commission finds that planning of land use and continuing growth management evaluation within the city is a public purpose benefit~~ing~~ the safety, economic and cultural welfare of the citizens of the city. The city commission further finds that this public purpose can best be achieved by establishing the planning board, which is established and designated as the local planning agency (LPA) for the city.

(b) Pursuant to and in accordance with F.S. §163.3175(5) and F.S. §163.3177(1) of the Local Government Comprehensive Planning and Land Development Regulation Act, the city commission finds that there is a public purpose in coordinating the planning of the city with the Monroe County School Board and the U.S. Military in Key West and adjacent areas.

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

~~(b)~~ (c) The planning board shall have the authority and responsibility to review land use in the city and evaluate planning and regulatory techniques for resolving physical, economic, social, environmental and fiscal issues. The city commission directs the planning board to carry out functions and powers identified in the land development regulations. The planning board shall use the power and authority conferred upon it by the land development regulations to further its stated public purpose.

Section 2. That section 90-54 of the Code of Ordinances is hereby amended as follows:

Sec. 90-54. ~~City commission~~ Liaisons.

(a) The city commission shall appoint one of its members to maintain a liaison with the planning board.

(b) There shall be a nonvoting ex-officio member of the Planning Board appointed by the Monroe County School District.

(c) The Base Commander of the Naval Air Station Key West or designee shall be a nonvoting ex-officio member of the Planning Board.

Section 3. That section 90-58 of the Code of Ordinances is hereby amended as follows:

Sec. 90-58. Officers.

From among its voting members the planning board annually shall elect a chairperson and a vice-chairperson.

Section 4. That section 90-62 of the Code of Ordinances is hereby amended as follows:

Sec. 90-62. Quorum.

Three voting members of the planning board shall constitute a quorum for the transaction of business, but a smaller number may act only to adjourn meetings for lack of a quorum. The affirmative vote of a majority of the quorum shall be required to pass any action of the planning board.

Section 5. 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 6. 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.

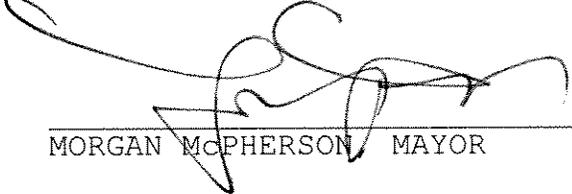
Section 7. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 4th day of April, 2006.

Read and passed on final reading at a regular meeting held this 2nd day of May, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 3rd day of May, 2006.

Filed with the Clerk May 3, 2006.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

**Memorandum
Key West Planning Department**

To: Key West Planning Board
From: Ty Symroski, City Planner 
Date: January 25, 2006
RE: Planning Board Membership

The Florida Statutes were recently amended to require that local military installations and the School Board have the authority to appoint representatives to the Planning Board (F.S. § 163.3175 (5) and F.S. § 163.3177 (1)). These members are not required to be voting members.

The following revision is the Planning Staff's attempt to propose revisions to the Land Development Regulations that are consistent with the new statutes. These changes have been reviewed by representatives of the Florida Department of Community Affairs and found to be acceptable.

DIVISION 2. PLANNING BOARD*



*Cross references: Committees, boards and commissions, § 2-251 et seq.

Sec. 90-51. Established; designated as local planning agency; authority and responsibilities generally.

(a) Pursuant to and in accordance with F.S. § 163.3174 of the Local Government Comprehensive Planning and Land Development Regulation Act, the city commission finds that planning of land use and continuing growth management evaluation within the city is a public purpose benefiting the safety, economic and cultural welfare of the citizens of the city. The city commission further finds that this public purpose can best be achieved by establishing the planning board, which is established and designated as the local planning agency (LPA) for the city.

(b) Pursuant to and in accordance with F.S. § 163.3175 (5) and F.S. § 163.3177 (1) of the Local Government Comprehensive Planning and Land Development Regulation Act, the city commission finds that there is a public purpose in coordinating the planning of the city with the Monroe County School Board and the U.S. Military in Key West and the adjacent areas.

(bc) The planning board shall have the authority and responsibility to review land use in the city and evaluate planning and regulatory techniques for resolving physical, economic, social, environmental and fiscal issues. The city commission directs the planning board to carry out functions and powers identified in the land development regulations. The planning board shall use the power and authority conferred upon it by the land development regulations to further its stated public purpose.

Sec. 90-52. Membership, terms and removal.

(a) The planning board shall consist of five members. All planning board members must be residents of the city and shall remain city residents for the duration of their memberships on the board.

(b) Members shall be appointed by the mayor with the advice and consent of the city commission. Appointments shall be for a term of three years and shall be made on a staggered basis with no more than two appointments per year, except that appointments to replace a vacating member, who is vacating midterm, shall be for the unexpired term of the member. The terms of all appointments to the planning board shall expire on the last day of February of the applicable year. The terms of board members sitting as of January 1, 2004, shall be extended to the last day of February following the normal expiration date.

(c) All planning board members shall serve at the pleasure of the city commission and may be removed by majority vote of its full membership. If a member is absent from two of three consecutive regular meetings without cause and without prior approval of the chairperson, the planning board shall declare the member's office vacant, and the chairperson shall notify the city commission that the member's office is vacant.

Sec. 90-53. Compensation.

All members of the planning board shall serve without compensation but, as authorized by the city commission, may be reimbursed for actual expenses incurred in connection with their duties.

Sec. 90-54. ~~City commission~~ Liaisons.

(a) The city commission shall appoint one of its members to maintain a liaison with the planning board.

(b) There shall be a nonvoting exofficio member of the Planning Board appointed by the Monroe County School District.

- (c) The Base Commander of the Naval Air Station Key West or designee shall be a nonvoting exofficio member of the Planning Board.

Sec. 90-55. Functions and powers.

(a) The planning board shall have the power and authority to carry out the duties and responsibilities conferred upon it by the land development regulations consistent with F.S. § 163.3174 and shall perform these duties in the best interests of the health, safety, and welfare of the citizens of the city. The planning board shall have the following functions:

- (1) Be responsible for preparation and review of the comprehensive plan. During preparation of the plan prior to any recommendations to the city commission, the planning board shall hold at least one public hearing with due public notice on the proposed plan or element or portion thereof, pursuant to F.S. § 163.3174(4)(a), and make recommendations to the city commission concerning enactment;
- (2) Monitor and oversee the effectiveness and status of the comprehensive plan, review any proposed amendments to the comprehensive plan, prepare periodic reports required pursuant to F.S. § 163.3191, and make recommendations to the city commission concerning enactment;
- (3) Review proposed land development regulations and amendments thereto and make recommendations to the city commission as to the consistency of proposed land development regulations with the adopted comprehensive plan or element or portion thereof, pursuant to F.S. § 163.3174(4)(c);
- (4) Review major development plans submitted pursuant to article II of chapter 108 and make recommendations to the city commission regarding such plans;
- (5) Review minor development plans submitted pursuant to article II of chapter 108;
- (6) Review conditional uses as provided in article III of chapter 122, which may be part of a minor or major development plan;
- (7) Review subdivision proposals submitted pursuant to chapter 118 and street dedication and reconfiguration proposals and make recommendations to the city commission regarding compliance with applicable laws and ordinances;

- (8) Conduct such public hearings as may be required to carry out the functions set forth in this subsection; and
- (9) Pursuant to F.S. § 163.3174(4)(d), perform any other duties which are assigned to the planning board by the city commission or by general or special law.

(b) In performing functions set forth in subsections (a)(1) through (5) and (8) of this section, the planning board shall act only in an advisory capacity to the city commission and shall not render final determinations. When the planning board reviews and recommends actions regarding a conditional use which is part of a major development plan as referenced in subsection (a)(7) of this section, the recommendation of the planning board is advisory only, and the city commission shall render the final determination. Any appeal available by provisions of the land development regulations, where the planning board is acting only in an advisory capacity, shall be taken from the final determination of the city commission, and not from the recommendation of the planning board. For minor development plan review and conditional uses under subsections (a)(6) and (7) of this section, the decision of the planning board shall be final, unless the decision is appealed to the city commission within ten days of the decision.

Sec. 90-56. Appropriation of funds.

The city commission shall appropriate funds necessary for expenses incurred by the planning board in its performance of the functions listed in section 90-55. The planning board shall not have the power to contract with private or governmental persons or entities or to commit or expend city funds.

Sec. 90-57. Rules of procedure.

The planning board shall establish and adopt rules of procedure, which shall include but are not limited to the following:

- (1) Election and duties of officers;
- (2) Meeting schedule, time, and place;
- (3) Establishing the order of business and the method of transaction;
- (4) Procedure for action and voting by members;
- (5) Conduct of public hearings;
- (6) Rules of conduct;
- (7) Parliamentary procedure;
- (8) Maintenance of records; and
- (9) Method of amending the rules.

Sec. 90-58. Officers.

From among its voting members the planning board annually shall elect a chairperson and a vice-chairperson.

Sec. 90-59. Regular meetings.

The planning board shall attempt to convene on a regularly scheduled basis at least once each month, or more frequently if necessary, and at a designated place to be determined by the planning board. The planning board may meet at such other times as the chairperson or planning board may determine.

Sec. 90-60. Notice of meetings.

All meetings of the planning board shall be open to the public, and notice of such meetings shall be published in a newspaper of general circulation in the city at least five days in advance thereof. At any special or regular meeting the planning board may set a future meeting date.

Sec. 90-61. Special meetings.

Special meetings of the planning board may be called by the chairperson or by written notice signed by three voting members. No official action shall be taken during any special meeting unless three members concur.

Sec. 90-62. Quorum.

Three voting members of the planning board shall constitute a quorum for the transaction of business, but a smaller number may act only to adjourn meetings for lack of a quorum. The affirmative vote of a majority of the quorum shall be required to pass any action of the planning board.

Sec. 90-63. Preparation of agenda, minutes and other records.

(a) All meetings of the planning board shall be open to the public. Except for emergencies so designated by a majority of the full membership, notice of all meetings shall be published as for a regular meeting, and an agenda shall be available to the public at city hall 48 hours in advance thereof.

(b) Minutes shall be kept of all meetings of the planning board or committees thereof.

(c) The planning board shall adopt rules for the transaction of its business and shall keep a properly indexed record of its resolutions, transactions, findings and determinations. Such record shall be a public record.

Sec. 90-64. Schedule for comprehensive plan review.

The planning board rules of procedure shall establish a schedule for the review of the comprehensive plan pursuant to F.S. § 163.3191 to determine whether comprehensive plan amendments are desirable.

Sec. 90-65. Public participation.

The planning board shall provide for effective citizen participation in the comprehensive planning process to the fullest extent possible consistent with F.S. § 163.3181. These procedures shall include but are not limited to the following:

- (1) Broad dissemination of detailed proposals and alternatives;
- (2) The opportunity for written public comments;
- (3) Public meetings after reasonable notice;
- (4) Provisions for open discussion at all meetings;
- (5) Development of communication programs;
- (6) Informational services;
- (7) Reasonable consideration of and response to public input; and
- (8) Assurance that real property owners are provided with notice of all official actions which will regulate the use of their property.

Sec. 90-66. Updates and other revision to rules of procedure.

From time to time, and by October 1 of each year, the planning board shall recommend to the city commission regulations for the conduct of its business, which recommendation shall govern the planning board upon approval or amendment by the city commission or upon the expiration of 45 days without final city commission action thereon. The rules are at all times subject to amendment by the city commission.

Sec. 90-67. Personnel.

The city manager shall provide staff support necessary to the planning functions of the planning board and shall provide secretarial support for the planning board in the execution of its duties and in order to record and transcribe in summary form, subject to planning board approval, the minutes of all planning board meetings. The city attorney shall serve as legal counsel to the planning board.

Sec. 90-68. Appeal of final actions.

Provisions for appeal of final actions of the planning board are stated in division 4 of article V of this chapter.

**PLANNING BOARD RESOLUTION
NO. 2006-009**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF PROPOSED AMENDMENTS TO SECTIONS 90-51, 90-54, 90-58 AND 90-62 OF THE CODE OF ORDINANCES PERTAINING TO THE ESTABLISHMENT OF THE PLANNING BOARD; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at its meeting of March 16, 2006, the Planning Board heard proposed amendments to the Code of Ordinances pertaining to the establishment of the Planning Board; and

WHEREAS, pursuant to Section 90-522, the Planning Board provides a recommendation to the City Commission as to the consistency of a proposed LDR amendment with the Key West Comprehensive Plan; and

WHEREAS, the Planning Board finds that the proposed amendments effectuate Sections 163.3175(5) and 163.3177(1), Florida Statutes, and are consistent with the Key West Comprehensive Plan.

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

Section 1. That approval is hereby recommended as to the proposed amendments to sections 90-51, 90-54, 90-58 and 90-62 of the LDRs.

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 City Planner.

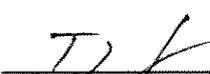
Passed at a meeting held this 16th day of March, 2006.

Authenticated by the Chairman of the Planning Board and the City Planner.


Richard M. Klitenick, Chairman
Key West Planning Board

4/11/2006
Date

Attest


Ty Symroski, City Planner

April 11, 2006
Date

Filed with the Clerk 
Cheryl Smith, City Clerk

4-12-06
Date