ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE KEY WEST COMPREHENSIVE PLAN BY ADOPTING A NEW FUTURE LAND USE MAP IN ITS ENTIRETY; BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE LAND USE ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE TRAFFIC CIRCULATION ELEMENT, THE HOUSING ELEMENT, THE PUBLIC FACILITIES ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE PORT MASTER PLAN SUB ELEMENT, THE CONSERVATION ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE GENERAL MONITORING AND REVIEW CRITERIA; BY UPDATING THE APPENDICES; BY AMENDING THE DATA AND ANALYSIS SUPPORTIVE OF THE PLAN BUT NOT A PART OF THE COMPREHENSIVE PLAN; BY INSERTING THE CITY'S STRATEGIC PLAN IN THE INTRODUCTION TO THE COMPREHENSIVE PLAN; BY ADOPTING A WATER SUPPLY FACILITIES WORK PLAN, AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON RECOMMENDATIONS FROM THE CITY ADOPTED 2005 AND 2007 EVALUATION AND APPRAISAL REPORTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 2005 and 2007 Evaluation and Appraisal Reports were adopted through the state required amendment process but not incorporated into the Comprehensive Plan; and

WHEREAS, Section 163.3191, Florida Statutes, requires that local governments update their Comprehensive Plans; and

WHEREAS, the requirements of the EAR were significantly amended pursuant to House Bill 7207, and the State Land Planning Agency revised the City of Key West EAR Notification deadline to January 1, 2012 and the deadline for transmittal of the Comprehensive Plan Amendments based on the EAR Notification Letter to December 29, 2012, pursuant to Section 163.3191(2), Florida Statutes; and

WHEREAS, the Comprehensive Plan amendments are subject to the State Coordinated Review Process pursuant to Section 163.3184(4), Florida Statutes; and

WHEREAS, if a local government comprehensive plan is not amended by December 31, 2012, the State Land Planning Agency may notify the Administration Commission, which may impose sanctions pursuant to Section 163.3184(8), Florida Statutes, including the direction to state agencies to not provide funds to increase the capacity of roads, bridges, or water and sewer systems for those local governments with plan amendments determined not to be in compliance. The Administration Commission may also specify that the local government is not eligible for grants under the following programs: Florida Small Cities Community Block Grant Programs; Florida Recreation Development Assistance Program, and revenue sharing. If the local government has a Coastal Management Element, the Administration Commission may also specify that the local government is not eligible for funding pursuant to s. 161.091, Florida Statutes, regarding beach management and maintenance funding; and

WHEREAS, City staff, in conjunction with the city's consultants and members of the public have collaborated on various policies and standards to address proposed policies within the City of Key West Comprehensive Plan; and

WHEREAS, the proposed amendment is internally consistent with the City of Key West Comprehensive Plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.); and

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

Section 1: The City Key West Commission does hereby approve this ordinance amending the Key West Comprehensive Plan by adopting a new Future Land Use Map in its entirety; by amending the attached Goals, Objectives and Policies of the Land Use Element, the Historic Preservation Element, the Traffic Circulation Element, the Housing Element, the Public Facilities Element, the Coastal Management Element, the Port Master Plan Sub Element, the Conservation Element, the Recreation and Open Space Element, the Intergovernmental Coordination Element, the Capital Improvements Element, and the General Monitoring and Review Criteria; by updating the Appendices; by amending the Data and Analysis supportive of the Plan but not a part of the Comprehensive Plan; by inserting the City's Strategic Plan in the Introduction to the Comprehensive Plan; by adopting a Water Supply Facilities Work Plan, as provided for in Chapter 90 of the Code of

Ordinances of the City of Key West, Florida, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon recommendations from the City adopted 2005 and 2007 Evaluation and Appraisal reports; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State.

Section 2: This Ordinance shall be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380, (F.S.).

Section 3: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

Section 4: The numbering of the forgoing amendment may be renumbered to conform to the numbering of the City of Key West Comprehensive Plan and shall be incorporated in the City of Key West Comprehensive Plan.

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 there from 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.

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

Read and passed on final reading at a regular meeting held this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2012.

Filed with the Clerk _____, 2012.

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK