PLANNING BOARD
RESOLUTION NO. 2012-39

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF 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 Planning Department initiated the proposed amendments to the Future Land Use Element of the Comprehensive Plan as a result of changes to Chapter 163 of the

RWK Chairman

Planning Director

Florida Statutes (F.S.) requiring local governments to update their Comprehensive Plan; and

WHEREAS, at a regularly scheduled meeting held on the 30th day of August, 2012, the Planning Board of the City of Key West held a public hearing for the purpose of considering the transmittal to the State Land Planning Agency, for review and comment, a proposed amendment to the City of Key West Comprehensive Plan, as specified in Section 1 below; and

WHEREAS, the Planning Board determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances;

WHEREAS, the Planning Board makes the following findings of fact and conclusions of law:

1. The proposed amendment is internally consistent with the City of Key West Comprehensive Plan.
2. The proposed amendment is consistent with the Principles for Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code.

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

Section 1. That the above recitals are incorporated by reference as if fully set forth

_____ Chairman

_____ Planning Director

herein: RECOMMENDING APPROVAL OF 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;

Section 2. is hereby recommended for approval; a copy of the recommended modifications to the City of Key West Comprehensive Plan is attached.

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 30th day of August 2012.

RWK Chairman

Planning Director

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

September 6, 2012

Richard Klitenick, Chairman — Date
Key West Planning Board

Attest:

9.5.12

Donald Craig, AICP — Date
Planning Director

Filed with the Clerk:

9/6/12

Cheryl Smith, City Clerk — Date

_____Chairman

_____Planning Director

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.

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WHEREAS, the 2005 and 2007 Evaluation and Appraisal Reports were adopted through the state required amendment process but never updated into the Comprehensive Plan; and

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

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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 transmittal of the Comprehensive Plan Amendments based on the EAR Notification Letter by December 29, 2012 pursuant to Section 163.3191(2); and

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

WHEREAS, if a local government comprehensive plan is not amended by December 31, 2013, the State Land Planning Agency may notify the Administration Commission, which may impose sanctions pursuant to Section 163.3184(8), F.S., 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, F.S., 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

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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 the ordinance 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

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Planning Agency; Providing for the filing with Secretary of State; Providing for Severability; Providing for Repeal of Inconsistent Provisions; Providing for an Effective Date.

Section 2: 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 3: 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 4: 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 5: 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 6: 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.

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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.

_____
CRAIG CATES, MAYOR

ATTEST:

_____
CHERYL SMITH, CITY CLERK

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