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DIVISION 3. - COMPREHENSIVE PLAN AMENDMENTS

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Sec. 90-551. - Purpose.

The purpose of this division is provide a means for changing the boundaries of the future land use map of the comprehensive plan future land use map (i.e., specific comprehensive plan amendment) consistent with F.S. ch. 163. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the city commission shall consider, in addition to the factors set forth in this division, the consistency of the proposed amendment with the intent of the comprehensive plan.

(Ord. No. 97-10, § 1(1-2.12(A)), 7-3-1997)

Sec. 90-552. - Authority.

The city commission may amend the boundaries of the future land use map upon compliance with F.S. ch. 163 and this division.

(Ord. No. 97-10, § 1(1-2.12(B)), 7-3-1997; Ord. No. 98-14, § 4, 5-5-1998)

Sec. 90-553. - Initiation.

Pursuant to this division, site-specific comprehensive plan amendments may be proposed by the city commission, the planning board, the city manager or the owner of real property within the city affected by the proposed amendment or the agent of such owner. In addition to site-specific amendments, the city commission, the planning board, or the city manager may initiate general amendments to the comprehensive plan. Comprehensive plan amendments shall only occur two times each calendar year. The schedule for such amendments shall be established by resolution of the city commission.

(Ord. No. 97-10, § 1(1-2.12(C)), 7-3-1997)

Sec. 90-554. - Application and fee.

The application for a comprehensive plan amendment shall be submitted in a form established by the planning director together with a nonrefundable application fee which from time to time shall be established by resolution of the city commission for purposes of defraying the actual cost of processing the application. The application shall contain the following information:

- (1) *Property description.* The application shall describe by legal description and by street address, where possible, the property to be affected by the proposed comprehensive plan amendment.
- (2) *Current and proposed comprehensive plan land use map designation.* The current and proposed comprehensive plan land use map designation for the subject property shall be identified.
- (3) *Current and proposed zoning.* The current and proposed zoning for the subject property shall be identified.
- (4) *Existing and proposed use.* The existing and proposed use of the subject property shall be stated.

- (5) *Disclosure of ownership.* The application shall include a verified statement showing each and every individual person having a legal and/or equitable ownership interest in the property upon which the application for amendment is sought, except publicly held corporations, in which case the names and addresses of the corporate officers shall be sufficient.
- (6) *Justification.* The need and justification for the proposed change. The evaluation shall address but shall not be limited to the following issues:
- a. *Comprehensive plan consistency.* Identifying impacts of the proposed change in the comprehensive plan future land use map on the overall purpose of the comprehensive plan and consistency with applicable policies within the comprehensive plan.
 - b. *Impact on surrounding properties and infrastructure.* The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure.
 - c. *Avoidance of special treatment.* The proposed change shall not:
 1. Single out a small piece of land and confer special and privileged treatment not provided to abutting properties with similar characteristics and land use relationships; and
 2. Provide for land use activities which are not in the overall public interest but only for the benefit of the landowner.
 - d. *Undeveloped land with similar comprehensive plan future land use map designation.* The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested shall be stated.

(Ord. No. 97-10, § 1(1-2.12(D)), 7-3-1997)

Sec. 90-555. - Criteria for approving amendments to comprehensive plan future land use map.

In evaluating proposed changes to the comprehensive plan future land use map, the city shall consider the following criteria:

- (1) *Consistency with plan.* Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.
- (2) *Conformance with ordinances.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.
- (3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the comprehensive plan's effective date and whether such conditions support or work against the proposed change.
- (4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.
- (5) *Adequate public facilities.* Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to a concurrency determination pursuant to chapter 94.
- (6) *Natural environment.* Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.
- (7) *Economic effects.* Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.
- (8) *Orderly development.* Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.
- (9) *Public interest; enabling act.* Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this subpart B and its enabling legislation.
- (10) *Other matters.* Other matters which the planning board and the city commission may deem appropriate.

(Ord. No. 97-10, § 1(1-2.12(F)), 7-3-1997)

Sec. 90-556. - Planning board review of proposed changes in comprehensive plan future land use map.

- (a) The planning board, regardless of the source of the proposed change in the comprehensive plan, shall hold a public hearing thereon with due public notice as described in this division. The planning board shall consider recommendations of the city planner, city attorney, building official and other information submitted at the scheduled public hearing. The planning board shall transmit a written report and recommendation concerning the proposed change in the comprehensive plan to the city commission for official action. In its deliberations the planning board shall consider the criteria in [section 90-555](#)

- (b) Whenever the secretary to the planning board has received a written request for a continuance, delay, or postponement of a public hearing from an applicant after the public hearing has been duly advertised, the planning board may grant the applicant's request for continuance, delay, or postponement. As a condition of the continuance, delay, or postponement, the planning board shall require a fee, as may be established by the city commission, for purposes of covering all expenses resulting from the continuance, delay, or postponement. The planning board shall reschedule the hearing as soon as practicable, but within the following 180 days. Another request for continuance, delay, or postponement shall result in denial of the application, and the application shall be subject to [section 90-557\(c\)\(4\)](#).

(Ord. No. 97-10, § 1(1-2.12(G)), 7-3-1997)

Sec. 90-557. - Review by city commission.

- (a) *Action by city commission.* The city commission shall review and act upon all proposed amendments to the comprehensive plan.
- (b) *Planning board approval.* Upon approval by the planning board, action by the city commission shall be as follows:
- (1) If the city planning board approves a request to amend the comprehensive plan, the city commission shall schedule a public hearing on the proposed amendment. The city clerk shall transmit copies of the proposed amendment, all comments and the minutes of the planning board meeting to each member of the city commission at least seven days before the city commission shall consider the amendment.
 - (2) The city commission shall hold a public hearing on the requested change, petition, or amendment, with due public notice, and shall then act on the proposed change. In its deliberations the city commission shall consider the criteria identified in [section 90-555](#) together with the findings and recommendations of the planning board. Any modifications or revisions to the planning board recommendation which impact a greater land area than impacted by the planning board recommendation or which include a more intensive future land use map designation shall be the subject of an additional public hearing before the city commission with due notice prior to action by the city commission.
- (c) *Planning board denial.* City commission actions upon planning board denial shall be as follows:
- (1) If the planning board denies the requested change or amendment to the comprehensive plan, this action shall be deemed final unless such action is appealed to the city commission within ten calendar days following the oral decision announced by the planning board at its final hearing on the issue. The applicant shall file such notice of appeal with the city clerk.
 - (2) If an appeal to a decision of the planning board is filed, the city clerk shall transmit copies of the petition, the comments and the minutes of the planning board meeting to each member of the city commission at least seven days before the commission shall consider the appeal. The city clerk shall notify the applicant of the time and place of the meeting at which the commission will hear the appeal.
 - (3) The city commission's consideration of the appeal shall be conducted after a public hearing with due public notice. However, where the planning board's recommendation is adverse to the proposed amendment, the change shall not become effective except by an affirmative vote of a majority of the city commission.
 - (4) When the city commission has taken final action regarding an amendment to the comprehensive plan future land use map, the planning board and city commission shall not reconsider any petition for the same amendment or any part or all of the same property affected for a period of two years from the date of the final consideration by the city commission. However, after one year, an applicant may request that the city commission waive this subsection for proper cause based on changed conditions and/or the advent of new information which substantially impacts material issues. If a request for such waiver is filed by the applicant, the city commission shall determine if the changed conditions and/or the new information is sufficient to convene a new hearing on the applicant's appeal. The time limit may be waived by the affirmative vote of five members of the city commission when such action is deemed necessary to prevent injustice or to facilitate the proper development of the city. If the city commission determines that a hearing should be held on the applicant's proposed change in the comprehensive plan future land use map, the city manager shall direct the planning board to provide due public notice of the scheduled public hearing in the same manner as required for the original requested amendment to the comprehensive plan future land use map.

(Ord. No. 97-10, § 1(1-2.12(H)), 7-3-1997)

Sec. 90-558. - Public hearings on amendments to comprehensive plan future land use map.

- (a) *Generally.* Ordinances which amend land use classification on specific parcels of land on the comprehensive plan future land use map shall be enacted, scheduled and noticed according to division 2 of article VIII of chapter 90 unless otherwise specified in state statutes.
- (b) *Use plan amendments.* The planning board shall hold one public hearing and recommend action to the city commission. Upon receipt of the planning board recommendations the city commission shall hold two public hearings.

(Ord. No. 97-10, § 1(1-2.12(I)), 7-3-1997; Ord. No. 00-04, § 8, 2-1-2000)

Secs. 90-559—90-585. - Reserved.