

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING LAND DEVELOPMENT REGULATIONS CHAPTER 90, ENTITLED "ADMINISTRATION", ARTICLE II, ENTITLED "BOARDS, COMMITTEES, COMMISSIONS", DIVISION 2, ENTITLED "PLANNING BOARD", SECTION 90-55, ENTITLED "FUNCTIONS AND POWERS"; CHAPTER 108, ENTITLED "PLANNING AND DEVELOPMENT", ARTICLE II, ENTITLED "DEVELOPMENT PLAN", DIVISION 2, ENTITLED "DEVELOPMENT REVIEW COMMITTEE", SECTION 108-61 ENTITLED "ESTABLISHED AND MEMBERSHIP." AND SECTION 108-63, ENTITLED "POWERS AND DUTIES."; AND CHAPTER 118, ENTITLED "SUBDIVISIONS", ARTICLE III, ENTITLED "PLATS AND PLANS", DIVISION 2 ENTITLED "LOT SPLIT AND MINOR SUBDIVISION PROCEDURES", SECTION 118-169, ENTITLED "LOT SPLITS.", TO AMEND THE MEMBERSHIP OF THE DEVELOPMENT REVIEW COMMITTEE (DRC), AND TO TRANSFER THE RESPONSIBILITY TO APPROVE LOT SPLITS FROM THE DEVELOPMENT REVIEW COMMITTEE TO THE PLANNING BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Key West finds that it is necessary to amend the membership of the Development Review Committee (DRC) to maximize the use of staff resources; and

**WHEREAS**, the City of Key West finds that it is necessary to transfer the responsibility to approve lot splits from the DRC to the Planning Board to ensure consistency within the quasi-judicial development review process,

**WHEREAS**, the Planning Board held a noticed public hearing on February 16, 2023, where based on the consideration of recommendations by the city planner and other information, the Board recommended approval of the proposed Land Development Regulations amendments through Planning Board Resolution 2023-003; and

**WHEREAS**, the City Commission of the City of Key West finds that all aforementioned changes to referenced Land Development Regulations serve the City's interests in promoting the health, safety and welfare of the citizens and visitors of the City of Key West.

**WHEREAS**, the City Commission has also determined, in accordance with the criteria of Code Section 90-520(6) that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in

the public interest;

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

Section 1: That Section 90-55 of the Code of Ordinances is hereby added/amended as follows\*:

**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:

[...]

9) Review lot split proposals submitted pursuant to article III of chapter 118;

~~9~~ 10) Conduct such public hearings as may be required to carry out the functions set forth in this subsection; and

~~10~~ 11) 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.

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

[...]

Section 2: That Section 108-61 of the Code of Ordinances is hereby added/amended as follows\*:

**Sec. 108-61. - Established and membership.**

[...]

(c) The development review committee shall be comprised of the directors of the following departments and divisions, or their designee: ~~the following personnel and/or designated staff:~~

~~(1) City planner;~~

~~(2) Recreation director;~~

~~(3) Fire chief;~~

~~(4) Engineering services director;~~

~~(5) City engineer;~~

~~(6) Police chief;~~

~~(7) Building official;~~

~~(8) Landscape coordinator;~~

~~(9) HARC planner;~~

~~(10) Utilities director;~~

~~(11) ADA/bicycle-pedestrian coordinator, and~~

~~(12) Any other staff designated by the city manager.~~

(1) Planning Department;

(2) Fire Department;

(3) Engineering Department

(4) Building Department;

(5) Urban Forestry Division

(6) Historic Preservation Division

(7) Utilities Department;

(8) Geographic Information Systems Division

(d) In addition, the city manager may appoint additional members to serve on the development review committee. Additional appointments shall be documented in memorandum submitted to the chair of the DRC.

(e) Unless additional members are appointed by the City Manager, five (5) members of the development review committee 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 development review committee.

(Ord. No. 97-10, § 1(4-18.6(A)), 7-3-1997; Ord. No. 02-26, § 1, 11-6-2002)

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

Section 3: That Section 118-169 of the Code of Ordinances is hereby added/amended as follows\*:

**Sec. 118-169. - Lot splits.**

Any applicant desiring to create a lot split as defined in section 118-3 shall submit to the Planning Department a letter of intent with an existing and proposed signed and sealed boundary survey of all pertinent properties. ~~submit to the administrative official copies of a final plat in conformance with the regulations identified in sections 118-256 through 118-260, as prepared by a land surveyor and any other requirements of F.S. ch. 177. The submitted boundary surveys shall be reviewed approved by the development review committee, and approved by the Planning Board~~

pursuant to procedures outlined in sections 90-51 through 90-68.  
Once voted upon, all submitted boundary surveys shall be included  
as exhibits with the Planning Board resolution and each approved  
boundary survey shall be signed and dated by the City Clerk and  
Planning Director. Within ninety (90) days of Planning Board  
approval the applicant shall submit the signed resolution, including  
the signed boundary surveys, ~~Upon approval, the plat of record shall~~  
~~be filed to the Monroe County Clerk of the Courts for recording;~~  
following recordation the applicant shall return the resolution and  
recorded boundary surveys to the Planning Department. ~~by the~~  
~~applicant with the administrative official within a required time~~  
~~period from the date of approval.~~ Failure to file within the required  
ninety (90) day time period shall void such lot split approval.

(Ord. No. 97-10, § 1(4-19.5(D)), 7-3-1997)

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

Section 4: 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 5: 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 6: 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 day of \_\_\_\_\_, 2023.

Read and passed on final reading at a regular meeting held this day of \_\_\_\_\_, 2023.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Filed with the Clerk \_\_\_\_\_, 2023.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____



ATTEST:

TERI JOHNSTON, MAYOR

CHERYL SMITH, CITY CLERK