

**Planning Board
Staff Report**



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

From: Amy Kimball-Murley, AICP

Meeting Date: June 10, 2010

Agenda Item: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO CHAPTER 18, BUSINESSES, OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST TO INCLUDE A CONDITIONAL APPROVAL PERMIT; AND PROVIDING AN EFFECTIVE DATE.

Background

In November of last year the Planning Board recommended approval of a draft ordinance that encouraged better monitoring and enforcement of conditions associated with Conditional Use Approvals, Minor and Major Development Plans, Variances and Transient Units Transfers (see attached draft). The draft ordinance was initially scheduled for consideration by the City Commission in February 2010; however, the City Attorney requested additional time to review potential legal concerns associated with language in the ordinance. Several administrative issues also arose, and over the last month staff has worked with the City Manager's office and the Legal Department to resolve concerns and redraft sections of the ordinance.

Substantive changes from the November draft ordinance include the following: strengthening of provisions relating to revocation or suspension; removal of language pertaining to site access; and, deletion of variances from the types of approvals subject to the ordinance. These changes appear to address issues raised by the Legal Department as well as administrative concerns about the financial impacts of annual monitoring and licensing on single family home owners.

The draft ordinance is not a Land Development Regulation modification; therefore, procedural requirements in the code do not require a Planning Board recommendation. However, because the ordinance is generating from the Board, staff believes that a resolution recommending approval to the City Commission is important. Therefore, the Planning Department requests that the Planning Board, as the sponsor for the request, considers passing a resolution recommending approval by the City Commission.

PROCESS

After the Planning Board formulates a recommendation to the City Commission, the ordinance will require two City Commission readings for adoption.

RECOMMENDATION

Staff recommends that the Planning Board support the proposed revised ordinance.

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