

**PLANNING BOARD  
RESOLUTION NO. 2023-003**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION TO MODIFY THE MEMBERSHIP OF THE DEVELOPMENT REVIEW COMMITTEE (DRC) AND TRANSFER THE RESPONSIBILITY TO VOTE ON LOT SPLITS FROM THE DRC TO THE PLANNING BOARD, BY AMENDING THE CITY OF KEY WEST 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."; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Development Review Committee (DRC) is a committee comprised of City staff, the purpose of which is to facilitate and coordinate technical comments by City staff on development applications; and

**WHEREAS**, Section 108-61, which provides a list of staff who shall serve on the DRC, is outdated and includes certain staff whose general duties bear little or no relation to the Land Development Regulations; and

**WHEREAS**, the City strives to utilize staff resources effectively and efficiently; and

USA Chairman

KPH Planning Director

**WHEREAS**, Section 118-169 provides that the DRC is responsible for approving or denying applications for lot splits through a formal, binding vote, which is inconsistent with the intent of the DRC; and

**WHEREAS**, the responsibility to approve or deny lot split requests through a binding vote is more consistent with the quasi-judicial and advisory responsibilities of the Planning Board; and

**WHEREAS**, these proposed amendments to the Land Development Regulations were presented to the Planning Board at its regularly scheduled meeting on February 16, 2023; and

**WHEREAS**, the Planning Board recommended approval of the proposed amendments in accordance with the criteria outlined in Section 90-520(6) of the Land Development Regulations;

**WHEREAS**, the Planning Board finds that it is in the public's interest to amend the City's Land Development Regulations as proposed herein.

**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 herein.

**Section 2.** That the proposed amendments to 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

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and plans”, Division 2 entitled “Lot split and minor subdivision procedures”, Section 118-169, entitled “Lot splits.” of the Land Development Regulations are recommended for approval; the proposed amendments are as follows:\*

\*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading

**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:

1) Be responsible for preparation and review of the comprehensive plan. During preparation of the plan prior to any recommendations to the city commission, the planning board shall hold at least one public hearing with due public notice on the proposed plan or element or portion thereof, pursuant to F.S. § 163.3174(4)(a), and make recommendations to the city commission concerning enactment;

2) Monitor and oversee the effectiveness and status of the comprehensive plan, review any proposed amendments to the comprehensive plan, prepare periodic reports required pursuant to F.S. § 163.3191, and make recommendations to the city commission concerning enactment;

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3) Review proposed land development regulations and amendments thereto and make recommendations to the city commission as to the consistency of proposed land development regulations with the adopted comprehensive plan or element or portion thereof, pursuant to F.S. § 163.3174(4)(c);

4) Review major development plans submitted pursuant to article II of chapter 108 and make recommendations to the city commission regarding such plans;

5) Review minor development plans submitted pursuant to article II of chapter 108;

6) Review conditional uses as provided in article III of chapter 122, which may be part of a minor or major development plan;

7) Review and authorize in specific cases a variance from the terms of the land development regulations where the requirements of section 90-394 are met;

8) Review subdivision proposals submitted pursuant to chapter 118 and street dedication and reconfiguration proposals and make recommendations to the city commission regarding compliance with applicable laws and ordinances;

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

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

WST Chairman

KPH Planning Director

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.

[...]

**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

CSH Chairman

KPH Planning Director

- (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 a memorandum submitted to the chairperson 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)

[...]

**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

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 Planning Director

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)

**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.

**Section 4.** This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty-five (45) days after is has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference to this approval; that within the forty-five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement order.

ASW Chairman

KPH Planning Director

Read and passed in part at a regular meeting held February 16, 2023.

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

Sam Holland 2-23-23

Sam Holland, Planning Board Chair

Date

**Attest:**

Katie P. Halloran 2/23/2023

Katie P. Halloran, Planning Director

Date

**Filed with the Clerk:**

Cheryl Smith 2-28-2023

Cheryl Smith, City Clerk

Date

WAS Chairman

KPH Planning Director