

## **ORDINANCE 2021-468**

**AN ORDINANCE OF KEY COLONY BEACH, FLORIDA, AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE FUTURE LAND USE, TRANSPORTATION, HOUSING, INFRASTRUCTURE, COASTAL MANAGEMENT, CONSERVATION, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, AND CAPITAL IMPROVEMENTS, ELEMENTS OF THE COMPREHENSIVE PLAN; ADDING A PROPERTY RIGHTS ELEMENT AND ACCOMPANYING GOAL, OBJECTIVE AND POLICIES; AS MANDATED BY FLORIDA STATUTES 163.3177; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3184, Florida Statutes, establishes a process for adoption of Comprehensive Plans and Plan Amendments, and the City of Key Colony Beach adopted its Comprehensive Plan in 1992; and

**WHEREAS**, the City Commission desires to adopt said Amendments to the current Comprehensive Plan to guide and control the future development of the City and to preserve, promote and protect the public's health, safety, and welfare.

**WHEREAS**, Florida Statutes, requires Comprehensive Plans Amendments in areas of critical state concern to be adopted under the State Coordinated Review Process; and

**WHEREAS**, the City recognizes the passage of House Bill 59 requires adoption of a Property Rights Element into the City's Comprehensive Plan; and

**WHEREAS**, the City Commission desires to add a Plan Element, Goal, Objective, and Policies of the Comprehensive Plan to address property rights; and

**WHEREAS**, the Planning & Zoning Committee of Key Colony Beach acting as the Local Planning Agency held its duly advertised "special set" public hearing on November 3, 2021, reviewed the proposed Amendments and forwarded its recommendation to the City Commission for transmittal to the State Land Planning Agency; and

**WHEREAS**, the City Commission has agreed with the recommendations of the Local Planning Agency that the proposed amendments comply with the requirements of Chapter 163, Florida Statutes, and that the proposed amendments are consistent with the Comprehensive Plan; and

**WHEREAS**, the City Commission held its duly advertised public hearing for the transmittal of the proposed amendments on November 8, 2021; and

**WHEREAS**, the City has received and responded to timely comments from certain review agencies which have been granted such authority under Florida Statute 163.3184(3)(b)3; and

**WHEREAS**, the City Commission held its duly advertised second public hearing for Adoption of this Ordinance on this 9<sup>th</sup> day of June, 2022.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, that:

- Section 1.** The City of Key Colony Beach City Commission hereby adopts Amendments to its current Comprehensive Plan dated July 9, 2015, which Amendments consist of the pages which are identified as Exhibit “A” attached, and which are incorporated into the current Comprehensive Plan. A copy of the Comprehensive Plan, as amended, is on file in the office of the City Clerk of Key Colony Beach, Florida.
- Section 2.** The City Clerk is hereby directed to transmit the amendments of the current Comprehensive Plan to the State Land Planning Agency, along with copies to the South Florida Regional Planning Council; Florida Department of Environmental Protection; Florida Department of State, Division of Historic Resources; Florida Department of Transportation; South Florida Water Management District; the Monroe County Planning & Environmental Resources Department; and to any other unit of local government which has filed a written request for a copy.
- Section 3.** All ordinances or parts of ordinances in conflict are hereby repealed.
- Section 4.** In the event any section, subsection, sentence, clause, phrase, or word this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions.
- Section 5.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Key Colony Beach Code of Ordinances, and the sections of this Ordinance may be renumbered to accomplish such intention.
- Section 6.** The effective date of this plan amendment, if amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

**FIRST READING** by the City of Key Colony Beach City Commission this 8th day of November 2021.

Mayor Ron Sutton	NO_____	YES___X___
Vice-Mayor Patricia Trefry	NO_____	YES___X___
Commissioner Kathryn McCullough	NO_____	YES___X___
Commissioner John DeNeale	NO_____	YES_____ (excused)
Commissioner Tom Harding	NO_____	YES___X___

**SECOND READING AND DULY ADOPTED** by the City of Key Colony Beach City Commission on this 9<sup>th</sup> day of June 2022.

Mayor Patricia Trefry	NO_____	YES_____
Vice-Mayor Tom Harding	NO_____	YES_____
Commissioner John DeNeale	NO_____	YES_____
Commissioner Ron Sutton	NO_____	YES_____
Commissioner Beth Ramsay-Vickrey	NO_____	YES_____

**DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, this - - - - - 9<sup>th</sup> day of June 2022.

\_\_\_\_\_  
Patricia Trefry, Mayor

\_\_\_\_\_  
Silvia Gransee, City Clerk

(City Seal)

Approved as to form and legal sufficiency.

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Dirk Smits, City Attorney