

**PLANNING BOARD
RESOLUTION No. 2018**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
GRANTING THE TRANSFER OF TWO TRANSIENT
LICENSES FROM PROPERTY LOCATED AT
UNASSIGNED WITHIN THE HISTORIC MEDIUM
DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT TO
PROPERTY LOCATED AT 601 DUVAL/505-506
SOUTHARD STREET (RE # 00012290-000000) IN THE
HISTORIC RESIDENTIAL COMMERCIAL CORE –
DUVAL STREET GULFSIDE (HRCC-1) ZONING
DISTRICT PURSUANT TO SECTION 122-1339 OF THE
LAND DEVELOPMENT REGULATIONS OF THE CODE
OF ORDINANCES OF THE CITY OF KEY WEST,
FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Section 122-1339 of the Land Development Regulations (“LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) allows a business tax receipt (or “transient license”) to be transferred from an area where transient uses are prohibited to a receiver site where transient use is permitted; and

WHEREAS, the transient use at the sender site was a legal non-conforming use and transient uses at the receiver site are permitted; and

WHEREAS, the applicant proposes a transfer of two transient licenses from a sender site with a total of two units with two bedrooms each with 180 and 228 square-feet of floor area to a receiver site of two units with one-bedroom and living space and a total of 780 square-feet of floor area.

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 a transfer of one transient license, pursuant to Section 122-1339 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: ALLOWING A TRANSFER OF TWO TRANSIENT LICENSES FROM UNASSIGNED TO 601 DUVAL/504-506 SOUTHARD STREET (RE # 00012290-000000) SUBJECT TO THE FOLLOWING CONDITIONS:

1. All requirements of City Code Section 122-1371 shall be met for the transient use of the residential dwelling at 219 Ann Street.

2. The structure proposed to be used on a transient basis shall comply with all applicable codes and requirements of the Building Department, Fire Department and all other regulatory agencies.

3. The transfer of the two licenses are confined to Units 201 & 205, and the room configuration shall not be altered in any manner that results in more than a single sleeping room per unit while the transient licenses, that are subject to this transfer, are associated with the receiver units.

4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.

Section 3. Full, complete, and final application for all licenses and permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This transfer of two transient licenses does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 6. 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 7. 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 it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in 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 or order.

Read and passed on first reading at a regularly scheduled meeting held this 19th day of April, 2018.

Authenticated by the Chair of the Planning Board and the Planning Director.

Sam Holland, Chair Key West Planning Board

Date

Attest:

Patrick Wright, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chair

_____ Planning Director