



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

Susan Murphy
1200 4th Street
Key West, FL 33040

RE: LUD Application – 1213 Georgia Street, Key West, FL 33040

Dear Ms. Murphy,

Initially, on behalf of the City, please allow me to apologize for the length of time it has taken to process your lawful unit determination application. We have recently undertaken a concerted effort to review all pending applications and appreciate your patience during this period.

We have reviewed your application for 3 transient units for the real property located at 1213 Georgia Street, Key West, FL 33040, where the City recognizes 2 non-transient units. Your application was reviewed in accordance with the criteria found in Key West Code of Ordinances section 108-991. Specifically, 108-991(3) provides in part that:

Units determined to have been in existence at the time the April 1, 2010, census was prepared are presumed not to be affected by BPAS. The city planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records:

- a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- b. Building permits issued prior to April 1, 2010;
- c. Copies of city directory entries on or about April 1, 2010;
- d. Site visits which indicate that the age of the structure and associated improvements likely pre-date 2010;
- e. Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- f. Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- g. Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010;



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- h. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010, (Green Card); and
- i. Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based. Provision of documents is the responsibility of the applicant. The city planner's decision shall be rendered to the department of economic opportunity for a determination of consistency with the principals for guiding development.

After a review of your application considering these criteria, coupled with a site visit on March 27, 2017, it is my determination that you have established that 3 transient units exist on the property. This is a net change to 3 transient units where 2 non-transient units were previously recognized.

In order for your unit(s) to be legally recognized the Key West Code of Ordinances requires the following additional criteria to be met:

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. Fees: All back fee payments shall be paid current and in full, from the date determined to be the established date of the unit. All impact fees shall be paid in full for units determined to have been established after the implementation of the Impact Fee Ordinance (January 1, 1985).
- c. Occupational license with the city is updated, and street addresses are assigned commensurate with the updated unit count.

Under separate letter, you will receive a calculation of the back fee payments due. This letter should be sent to you within a maximum of 60 days of the receipt of this correspondence.

While the City of Key West recognizes the unit contingent upon fulfillment of the three additional requirements above, City Code also mandates that we render our decision to the Department of Economic Opportunity in Tallahassee for a determination of consistency with the Principals for Guiding Development. If the Department makes a finding that this determination is consistent with the Principals, you will have 180 days from the Department's finding to meet the criteria described in A, B & C above.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Wright".

Patrick Wright
Planning Director

Dated: 6-16-17

cc: Owen Trepanier