

**PLANNING BOARD
RESOLUTION NO. 2019-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS THE TRANSFER OF ONE TRANSIENT UNIT AND LICENSE FROM 307 ELIZABETH STREET UNIT 2 (RE # 00003690-000000) AND THE TRANSFER OF ONE TRANSIENT LICENSE FROM 1213 GEORGIA STREET UNIT 1 (RE # 00035240-000000) IN THE HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICT TO PROPERTY LOCATED AT 7 KEY COVE DRIVE 7 (RE # 00002410-000507) IN THE COMMERCIAL GENERAL (CG) ZONING DISTRICT PURSUANT TO CHAPTER 122, ARTICLE V, DIVISION 6 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, Section 122-1338 of the Land Development Regulations (“LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) allows a transient unit accompanied by a business tax receipt (or “transient license”) to be transferred to a receiver site where transient use is an allowed use; and

WHEREAS, the applicant proposes a transfer of one transient unit and license from 307 Elizabeth Street Unit 2 (RE # 00003690-000000; AK # 1003859) to an eligible receiver site on property located at 7 Key Cove Drive 7 (RE # 00002410-000507; AK # 9090797) in the CG zoning district; and

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 for transient use of a unit to be transferred from an area where transient uses are

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prohibited to a receiver site without the accompanying transfer of the unit; and

WHEREAS, where a license alone is transferred, the planning board shall consider whether the receiver site is suitable for transient use in the zoning district, shall consider the relative size of the unit from which the license is transferred, and shall consider the room configuration of both sites to maintain approximately the same or less net number of occupants; and

WHEREAS, the applicant proposes a transfer of one transient license from 1213 Georgia Street Unit 1 (RE # 00035240-000000; AK # 1036099) to an eligible receiver site on property located at 7 Key Cove Drive 7 (RE # 00002410-000507; AK # 9090797) in the CG zoning district;

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 unit and license, pursuant to Section 122-1338, and 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 one transient unit and license from 307 Elizabeth Street Unit 2 and a transfer of one transient license from 1213 Georgia Street Unit 1 to 7 Key Cove Drive 7 subject to the following conditions:

1. The existing non-transient residential unit at 7 Key Cove Drive #7 will be recaptured by the City through a waiver and release of building permit allocations and shall be recorded and dedicated for beneficial uses only, pursuant to Section 122-999.

2. All requirements of City Code Section 122-1371 shall be met for the transient use of the residential dwelling unit at 7 Key Cove Drive #7. A contact person must be available 24-hours per day, seven days per week for the purpose of responding promptly to complaints regarding the conduct of the occupants of the residential dwelling transient lodging. The name and phone number of the contact person must be posted on the exterior of the dwelling in a place accessible to the public.
3. The unit 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. The unit may not undergo a renovation or remodel that would increase the number of bedrooms.
4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The Code Compliance Department shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.
5. The owner shall obtain and maintain a Conditional Approval Permit for Planning Board Resolution no. 2003-042 (approving an application for a minor development plan to construct 10 new single-family dwellings), pursuant to City Code Chapter 18, Article XII, Division 1. The Code Compliance Department shall inspect the property on an annual basis upon reasonable notice to determine compliance with the 10 conditions of the Planning Board resolution.

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6. Automobile parking shall be restricted to the garages and the driveways. On-street parking and sidewalk parking shall be prohibited.
7. Occupancy shall be limited to 2 persons per bedroom or up to 8 persons per residential unit.

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. This transfer of one transient unit and license and one transient license 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 5. 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 6. 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 17th day of October 2019.

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

Sam Holland, Chairman, Key West Planning Board

Date

Attest:

Roy Bishop, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

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_____Planning Director