

**PLANNING BOARD
RESOLUTION NO. 2021-49**

TEXT AMENDMENT OF THE LAND DEVELOPMENT REGULATIONS - A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION TO AMEND CHAPTER 122 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "ZONING", ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 7, ENTITLED "TRANSIENT LIVING ACCOMMODATIONS IN RESIDENTIAL DWELLING; REGULATION; BY INCREASING THE INSPECTION AND ENFORCEMENT FEE FOR TRANSIENT RENTAL MEDALLION, TRANSIENT RENTAL MEDALLION ALLEN CASE, AND TRANSIENT RENTAL MEDALLION TRUMAN ANNEX FROM \$125 TO \$300, THROUGH A CITY COMMISSION RESOLUTION, AND ESTABLISHING A RENEWAL PERIOD, DELINQUENT FEE, AND TRANSFER FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 90, Article VI, Division 2, Section 90-522 provides criteria for Planning Board review of proposed changes to the Land Development Regulations; and

WHEREAS, Section 122-1371 of the Code of Ordinances allows the City Commission to establish fees, charges and expenses imposed by the Code of Ordinances by resolution; and

WHEREAS, the Transient Medallions associated with this City program are needed for many licensed businesses; and

WHEREAS, the Planning Board held a noticed public hearing on November 18, 2021, and reviewed this proposed text amendment in accordance with the aforementioned criteria, and the recommendation of City staff, and the Board recommended approval of the proposed amendments; and

WHEREAS, the Planning Board finds that an adjustment to the Transient Rental Living

Accommodation regulatory fee is necessary to fund a position in the code enforcement division, and to provide enforcement and processing personnel as needed to administer this City program; and

WHEREAS, the Planning Board finds the proposed fee is commensurate with anticipated costs, along with the customary annual business tax receipt fee; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA:

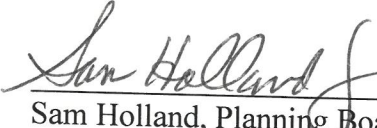
Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That an ordinance to the City Commission amending Chapter 122 of the Land Development regulations, entitled “Zoning”, Article V, entitled “Supplementary District Regulations”, Division 7, entitled “Transient Living Accommodations in residential Dwelling”; by amending Section 122-137, entitled, “Transient living accommodations in residential dwelling; regulations; by increasing the inspection and enforcement fee for Transient Medallion, Transient Rental Medallion Allen Case, and Transient Rental Medallion Truman Annex, through a City Commission Resolution, and establishing a renewal period, delinquent fee, and transfer fee is hereby recommended for approval, in accordance with executive summary dated for meeting date January 4, 2022, with attached Fee Schedule (attached “Exhibit A”). A copy of the draft ordinance is also attached.

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 City Clerk.

Read and passed on first reading at a regular scheduled meeting held this 18th day of November, 2021.


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



Sam Holland, Planning Board Chair

12/7/21
Date


Attest:



Katie P. Halloran, Planning Director

12/6/2021
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

12-7-2021
Date



EXECUTIVE SUMMARY

To: Patti McLauchlin, City Manager
Cc: Todd Stoughton, Assistant City Manager
Jim Young, Director of Code Compliance
From: Amanda Brady, Licensing Official
Date: December 6, 2021
Subject: Transient Medallion Fee Increase

Action statement:

Commission approval to increase the annual fees for Transient Rental Medallions, Transient Rental Medallion Allen Case, and Transient Rental Medallion Truman Annex for fiscal year 2022-2023 from \$125.00 to \$300.00

Background:

Per Sec. 122-1371, City of Key West Municipal Code, Transient living accommodations in residential dwellings; "commercially operated housing principally available to short-term visitors for less than twenty-eight days

A person or entity who holds a transient rental business tax receipt shall pay the customary annual business tax receipt fee, plus an annual inspection and enforcement fee of \$125.00. Fee revenues raised under this section shall be used to fund a position in the code enforcement division, and to provide enforcement and processing personnel as needed.

As of today, most properties do not carry the appropriate Transient Medallion due to supply and demand. The yearly cost of a medallion order is 8,000 for 100 plaques. The approval of the fee increase will help with the costs associated with this license and will give us the opportunity to license all transient properties appropriately.

WAL 12/7/21
KPT 12/6/2021

RECOMMENDATION:

Fifteen years have passed since the Transient Medallion fee of \$125.00 has been implemented in 2006 and this fee has never been increased. So, I propose the City Commission amend City Ordinance Sec. 122-1371 to increase the Transient Rental Medallion, Transient Rental Medallion Allen Case, and Transient Rental Medallion Truman Annex fee from \$125.00 to \$300.00 effective with the 2022-2023 fiscal year. The estimated revenue impact is \$157,000.

The Licensing Department also recommends the City Commission approve the verbiage changes which are indicated in the attached revision of sec. 122-1371, City of Key West Municipal Code, the changes reflect the additional fees for a transfer of ownership and monthly delinquency fees.

WAK 12/7/21
KPH 12/6/2021



PROPOSED TRANSIENT RENTAL FEE SCHEDULE
CITY OF KEY WEST, FLORIDA - LICENSING DEPARTMENT
1300 White Street • Key West, Florida • (305) 809-3725 •
www.cityofkeywest-fl.gov

EXHIBIT A

Application Type	Fees
Transient Rental Annual Inspection and Enforcement	\$300.00

USA 12/17/21
KPT 12/6/2021

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES, TITLED "ZONING", ARTICLE V, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 7, ENTITLED "TRANSIENT LIVING ACCOMMODATIONS IN RESIDENTIAL ZONING DISTRICTS"; BY AMENDING SEC. 122-1371 TITLED "TRANSIENT LIVING ACCOMMODATIONS IN RESIDENTIAL DWELLINGS; REGULATIONS" BY INCREASING THE INSPECTION AND ENFORCEMENT FEE THROUGH A CITY COMMISSION RESOLUTION, AND ESTABLISHING A RENEWAL PERIOD, DELINQUENT FEE, AND TRANSFER FEE; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission for the City of Key West finds that it is necessary to create an annual schedule to apply for and secure renewals of transient rental business tax receipts to streamline the renewal process, create penalties for delinquent filings, and establish a fee system for transfers to new owners; and

WHEREAS, at its meeting of November 18, 2021, the Key West Planning Board recommended approval of this proposed ordinance; and

WSH 12/7/21
KPH 12/7/2021

WHEREAS, this amendment to Chapter 122 of the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Sec. 122-1371 of the Code of Ordinances is hereby amended as follows*:

Sec. 122-1371. - Transient living accommodations in residential dwellings; regulations.

[. . .]

(e) *Fees; application schedule.*

(1) A person or entity who holds a transient rental business tax receipt shall pay the customary annual business tax receipt fee, plus an annual inspection and enforcement fee of ~~\$125.00~~ upon the filing of the application set forth in subsection (c). Annual inspection and enforcement fees associated with this program are hereby established by City Commission Resolution and may be amended from time to time. All transient medallion licenses are due and payable on or before September 30th of the succeeding year. If September 30th falls on a weekend or holiday, the tax is due and payable on or before the first working day following

USM 12/7/21
KPH 12/7/2021

September 30th. Transient medallion licenses that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the annual fee for the delinquent establishment.

(2) Fee revenues raised under this section shall be used to fund a position in the code enforcement division, and to provide enforcement and processing personnel as needed. The officer holding this position shall have as his or her primary responsibility the enforcement of the terms and conditions of this ordinance, and other city regulations relating to the transient use of properties.

(3) For a period of 90 days after the effective date of this section [September 22, 2003], the licensing division will receive initial applications pursuant to subsection (c), and related fees. There shall be a \$25.00 per dwelling unit late fee payable to the city upon application filing. In all subsequent years after the initial application, annual processing fees shall be paid at the same time as the business tax receipt. The city manager may determine to pro-rate the initial processing fee.

(4) Upon sale of a property which holds a transient medallion license, the transient medallion license may be transferred to the new owner of the property upon payment of a

KPT 12/7/2021
WHL 12/7/21

transfer fee of ten percent of the annual license tax and presentation of evidence of the sale and the original license upon the filing of the application set forth in subsection (c).

(f) *Enforcement; penalties.* A violation of this section shall be punishable as a misdemeanor and by a fine of up to \$500.00 per day, per unit, per violation. The code enforcement division may also enforce the terms of this section by bringing a case to the code enforcement special master pursuant to its authority under law and ordinance. In addition, any license or permission granted hereunder may be revoked for cause, upon notice and opportunity to be heard, by the city commission. In addition to any other remedy available to the city, the city or any adversely affected party may enforce the terms of this section in law or equity. Any citizen of Key West may seek injunctive relief in a court of competent jurisdiction to prevent a violation of this section. The city, by and through its code enforcement division, may apply for an administrative search warrant to enter upon the premises of any residence subject to this section.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable

WJM 12/7/21
KPH 12/7/2021

therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

WHL 12/7/21
KPH 12/7/2021

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2021.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2021.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2021.

Filed with the Clerk _____, 2021.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

ATTEST:

TERI JOHNSTON, MAYOR

CHERYL SMITH, CITY CLERK

Walt
12/7/21
CPH
12/7/2021