


EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Through: Donald Leland Craig, AICP, Interim Planning Director

From: Ashley Monnier, Planner II 

Meeting Date: March 1, 2011

RE: Transient Transfer Ordinance – An ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances entitled “Zoning” by amending Section 122-1338, and 122-1346 to provide for clarification to the Transfer of Transient Units Ordinance; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT:

Request: A request to propose modifications to the transient transfer ordinance.

Location: City-wide

Background:

In 1999 the City of Key West adopted a Transient Unit Ordinance to allow the transfer of transient units and transient business tax receipts from non-conforming zoning areas to conforming areas throughout the City. The original ordinance had a five year “sunset” date. In February of 2002, the ordinance, including the sunset date, was modified in response to implementation experience, and a new sunset date of March 15, 2005 was established. The ordinance was readopted in its entirety on April 20, 2005 with a new sunset date of May 15, 2010. On April 7, 2010, the City Commission approved an ordinance extending the May 15, 2010 sunset date for a period of 12 months, providing a new sunset date of May 15, 2011. The purpose of this extension was to allow City staff to present options regarding transient units and license transfers to the City Commission. All four ordinances were found consistent with the Comprehensive Plan and Principals for Guiding Development of the Key West Area of Critical State Concern by prior Planning Boards, City Commissions and the Department of Community Affairs.

The purpose of this request is to modify portions of the Transient Unit Ordinance, based on feedback received from the City Commission and Planning Board at two publicly held workshops. On April 20, 2010, the City Commission held a public workshop to discuss the ordinance. At that time, the City Commission provided preliminary input (which focused on a phased elimination of the ordinance or to continue it with clarification) and requested Planning Board input. On July 14, 2010, the Planning Board held a public

workshop to discuss the ordinance, and provided direction to the Planning Department to eliminate the sunset provision in the ordinance and to further clarify what happens to the licenses when they move. Specifically, the proposed ordinance indicates that when units are transferred for non-transient uses, that the licenses will be extinguished. The proposed revisions were heard and approved by the Planning Board at a regularly scheduled meeting, held on January 20, 2011.

Previous City Actions: Planning Board Approval: January 20, 2011

Planning Staff Analysis:

Section 90-522 of the City Code outlines key review criteria for any changes to the Land Development Regulations. After staff review of the criteria, the Planning Board recommended approval of the proposed ordinance to the City Commission. A complete summary of the Planning Department staff analysis can be found in the attached Planning Board staff report.

Process:

After the Planning Board recommends changes to the City Commission, the ordinance will require two City Commission readings for adoption. Absent any appeals, the ordinance will be rendered to the Department of Community Affairs (DCA), who will have 60 days to review the ordinance and issue an order of consistency.

Options / Advantages / Disadvantages:

Option 1. To approve the proposed changes to the ordinance.

- 1. Consistency with the City's Strategic Plan, Vision and Mission:**
The City's Strategic Plan, Vision and Mission do not address issues pertinent to this request.
- 2. Financial Impact:**
No financial impact is expected to be generated as a result of the proposed ordinance changes.

Option 2. To deny the proposed changes to the ordinance.

- 1. Consistency with the City's Strategic Plan, Vision and Mission:**
The City's Strategic Plan, Vision, and Mission do not address issues pertinent to this request.
- 2. Financial Impact:**
No financial impact is expected to be generated as a result of the proposed ordinance changes.

RECOMMENDATION:

The Planning Department and Planning Board recommend to the City Commission that the proposed changes to the Transient Unit Ordinance be approved.