



**THE CITY OF KEY WEST
CITY ATTORNEY'S OFFICE
Report**

To: Chairman and Planning Board Members

From: Shawn D. Smith, City Attorney

Meeting Date: February 23, 2017

Agenda Item: A resolution of the City of Key West recommending an ordinance to the City Commission amending Section 108-991 requiring that applicants seeking a lawful use determination must show that the existence of the unit is permissible under current or previous zoning requirements; providing for severability; providing for repeal of inconsistent provisions, providing for an effective date.

Sponsor: Commissioner Kaufman

Action Item / Background

Section 108-991 provides a mechanism for property owners to seek a determination that an existing dwelling unit is lawful under certain condition. The section also provides for the licensing of transient units found to be in existence as of April, 1, 2010.

The current provision of the code can be interpreted as requiring any unit to be determined a lawful unit if it existed on April 1, 2010 regardless of the previous failure to comply with zoning codes or previously in effect.

The submitted amendment to the code clarifies that to be entitled to a lawful determination, and therefor exempt from BPAS must comply with zoning requirements in effect for the property zoning district or a previous zoning district applicable to the site.

The City Attorney's office recommends that the Planning Board recommend **approval** of the draft amendment to Section 108-991 of the City Code of Ordinances.