

**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 UNASSIGNED STATUS TO PROPERTY LOCATED AT 508 VIRGINIA STREET (RE # 00027740-000000) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET OCEANSIDE (HRCC-3) ZONING DISTRICT PURSUANT TO SECTIONS 122-1338 AND 122-1339 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 one transient license in unassigned status to an eligible receiver site on property located at 508 Virginia Street (RE # 00027740-000000, AK # 1028517) in the HRCC-3 zoning district with a total of three bedrooms; 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.

_____Chairman

_____Planning Director

Section 2. That a transfer on one transient unit and one transient license, pursuant to Section 122-1338 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 license from unassigned status subject to the following conditions:

1. The existing non-transient residential unit at 508 Virginia Street will be recaptured by the City through a waiver and release of building permit allocation and shall be recorded and dedicated for beneficial use 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 508 Virginia Street.
3. The structure 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 structures may not undergo a renovation or remodel that would increase the number of bedrooms to more than three (3).
4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division I. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.
5. The individual rooms of the 2-story pool house/cottage shall not be held out for rent, barter, or lease separately as to not establish a lock out unit per Section 86-9 of the Land Development Regulations.

_____Chairman

_____Planning Director

6. The maximum occupancy for overnight guests shall not exceed nine (9) persons on any given night.

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. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. This transfer of a transient unit and 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 6. 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 7. 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

_____ Chairman

_____ Planning Director

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 21st day of February 2019.

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

Sam Holland, Chairman, Key West Planning Board

Date

Attest:

Patrick Wright, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director

_____ Chairman

_____ Planning Director

_____ Chairman

_____ Planning Director