

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A CHANGE TO A CONDITION OF CITY COMMISSION RESOLUTION NO. 08-131, WHICH APPROVED A MAJOR DEVELOPMENT PLAN, TO ALLOW TRANSIENT USE OF THE 20 RESIDENTIAL DWELLING UNITS ON PROPERTY LOCATED AT 119-159 SIMONTON STREET (RE # 00000240-000000; AK # 1000230) WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE - DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT PURSUANT TO SECTION 108-91.C.4. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission previously approved a major development plan with conditions for a 20-unit, permanent (non-transient) townhouse-style residential development pursuant to Resolution No. 08-131; and

WHEREAS, condition #4 of City Commission Resolution No. 08-131 prohibited the use of transient licenses (or business tax receipts) at the property; and

WHEREAS, the property owner requests a change to condition #4 in order to allow transient use of the residential units on the property; and

WHEREAS, pursuant to Section 108-91.C.4. of the Land Development Regulations of the Code of Ordinances (the "Code") of the City of Key West (the "City"), changes to specific conditions required by the original development plan approval shall require approval by the administrative body that originally approved the

development and shall be noticed in accordance with City Code Chapter 90, Article VIII, Division 2; and

WHEREAS, this matter came before the City Commission at a duly noticed public hearing on July 7, 2015; and

WHEREAS, the granting of change to condition #4 of City Commission Resolution No. 08-131 is consistent with the criteria of the City Code; and

WHEREAS, the City Commission determined that the granting of the requested change to condition #4 of the Major Development Plan approval is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

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

Section 2. That the City Commission grants approval to a change to condition #4 of City Commission Resolution No. 08-131 pursuant to Section 108-91.A.2.(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as follows:

4) There shall be no transient licenses or use of said licenses at this location, unless transferred pursuant to Section 122-1339 of the City Code.

Section 3. This Resolution 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 4. 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 5. 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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C, F.A.C., this permit 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 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.

Passed and adopted by the City Commission at a meeting held
this ____ day of _____, 2015.

Authenticated by the presiding officer and Clerk of the
Commission on _____, 2015.

Filed with the Clerk _____, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK