

ORDINANCE NO. _____

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

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria;

WHEREAS, the City Commission held a workshop on April 20, 2010, to discuss potential modifications to the ordinance, and at that meeting directed city staff to consult with the Planning Board regarding potential ordinance modifications;

WHEREAS, the Planning Board held a workshop on July 14, 2010, to discuss potential modifications to the ordinance and recommended that the sunset provisions be eliminated and that the ordinance be maintained with only minor clarifications;

WHEREAS, staff prepared minor changes to the ordinance in accordance with Planning Board recommendations;

WHEREAS, the Planning Board held a noticed public hearing on _____, where based on the consideration of recommendations by the city planner, city attorney, building official and other

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

information recommended approval of the proposed amendments;

WHEREAS, the City Commission held a noticed public hearing on _____ and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances;

WHEREAS, the City Commission determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

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

Section 1: That Chapter 122 of the Code of Ordinances is hereby added/amended as follows*:

Sec. 122-1338 (2). Transfer of Transient Units.

Transient use must be an allowed zoning use on the receiver site, unless the units are to be converted into non-transient units

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

as contemplated by subsection (3) of this section. Further, no transient unit shall be recognized for transfer purposes, regardless of whether it will be used transiently or non-transiently, unless accompanied by a business tax receipt duly issued pursuant to section 66-109 (10). When units are transferred for non-transient use, the licenses will be extinguished.

Sec. 122-1346. Sunset.

~~This division shall expire on May 15, 2011.~~

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 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

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2011.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2011.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2011.

Filed with the Clerk _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK