



**THE CITY OF KEY WEST
CITY ATTORNEY'S OFFICE
ORDINANCE SUMMARY**

To: Mayor Cates and City Commission

From: George B. Wallace, Assistant City Attorney

Meeting Date: January 17, 2018

Agenda Item: An ordinance revision repealing Section 122-1336 titled "Purpose" ; Amending Section 122-1338 providing for the transfer of transient units within areas where transient use is permitted, correcting incorrect reference to ROGO; correcting the equivalent unit provision to match current Land Development Regulations; Amending Section 122-1339 providing for the transfer of Business Tax Receipts for transient use; providing for severability; providing for repeal of inconsistent provisions, providing for an effective date.

Sponsor: Commissioner Weekley

Action Item / Background

Section 122-1336 of the Code of Ordinances restricts the transfer of transient BPAS units to transfers from areas where transient use is no longer permitted to areas that allow transient use. This restriction on the transfer of units prevents the transfer of transient units within a zoning district where transient use is permitted or the transfer of transient units from one zoning district to another where transient use is also allowed. This Section would be repealed by the proposed Ordinance.

The proposed Ordinance revision to Section 122-1338 would allow transfers a transient BPAS units within or between areas where transient use is otherwise permitted provided all of the conditions of 122-1338 (1) – (10) are met.

The proposed Ordinance revision to Section 122-1339 would provide a similar change to the transfer of transient business tax receipts for suitable sites in a properly zoned district.

The City Attorney's office recommends that the Commission **approve** the draft amendment to Sections 122-1338 and 122-1339 of the City Code of Ordinances together with the repeal of Section 122-1336.