



Application For Lawful Unit Determination

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

Application Fee: \$1,000.00

Ordinance 13-19, Effective March 1, 2014

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

PROPERTY DESCRIPTION:

Site Address: _____

Real Estate (RE) #: _____ Alternate Key: _____

Zoning District: _____ Total Land Area (sq ft): _____

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Home/Mobile Phone: _____ Office: _____ Fax: _____

Email: _____

PROPERTY OWNER: (if different than above)

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Home/Mobile Phone: _____ Office: _____ Fax: _____

Email: _____

Is this request based on a code case? Yes No Case Number: _____

UNIT TYPE	NUMBER OF UNITS	
	EXISTING	LICENSED ¹ / RECOGNIZED
Market-Rate Residential Dwelling Units		
Affordable Residential Dwelling Units ²		
Transient Units		
Commercial Units		

¹ Please provide City Licensing Records from the Building Department

² All units allocated as affordable are subject to Section 122-1467(c), (d), (e), and (f) of the Workforce Housing Ordinance. Applicant Eligibility Requirements are subject to Section 122-1469 (2) through (15) of the Workforce Housing Ordinance. Affordable housing projects enabled by federal tax credit housing are not subject to 122-1467(c).

Sec 108-991(4) - Units determined to have been in existence at the time the April 1, 2010 census was prepared are presumed not to be affected by BPAS. The City Planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and **at least two** of the following records:

- Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;
- Building permits issued prior to April 1, 2010;
- Copies of city directory entries on or about April 1, 2010 (*City Staff will obtain*);
- Site visits which indicate that the age of the structure and associated improvements likely pre-date 2010;
- Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;
- Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;
- Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010 (*City Staff will obtain*);
- Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010 (Green Card) (*City Staff will obtain*); and
- Similar documentation as listed above.

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based. **Provision of documents is the responsibility of the applicant.** The City Planner's decision shall be rendered to the Department of Economic Opportunity (DEO) for a determination of consistency with the principals for guiding development.

Units which are determined not to be affected by the building permit allocation system per this subsection but which have not been previously acknowledged by the City Planner are presumed to be lawfully established per Chapter 122, Article II, Nonconformities, if the additional following requirements are met:

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. Fees: All back fee payments shall be paid current and in full, from the date determined to be the established date of the unit. All impact fees shall be paid in full for units determined to have been established after the implementation of the Impact Fee Ordinance (January 1, 1985).
- c. Occupational license with the city is updated, and street addresses are assigned commensurate with the updated unit count.

Transient units which meet the criteria in subsection 108-991 will be licensed by the city.

Additional information that may be considered as evidence to prove existence of a unit(s) includes but is not limited to the following:

1. Official Appraisal Reports;
2. Inspection reports on company letterhead; and/or
3. Similar documentation.

The review process for lawful unit determination is as follows:

1. Applications will be processed on a first come, first serve basis. If the property is under contract with a scheduled closing date, staff will consider an expedited review;
2. Staff will schedule a site visit to include the Building Official when the application is under review;
3. If a unit(s) is recognized, the Collections Manager will coordinate with the applicant regarding any back fees owed; and
4. The lawful unit determination shall be rendered to the DEO for a determination of consistency with the principals for guiding development.

Application checklist:

- Application fee. Please make checks payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Survey
- Sketch of site and floor plan
- Supporting documentation that unit existed