

APPLICATION FOR EXCEPTION TO OUTDOOR MERCHANDISE DISPLAY

APPLICATION FEE: \$288.75

EXTENSION FEE: \$105

Rev 10/08/2021 KM



City of Key West

1300 White Street
Key West, Florida 33040

HARC COA #	REVISION #
ZONING DISTRICT	INITIAL & DATE RECEIVED

This application is pursuant to Section 106-51 and 106-52 of the City of Key West Land Development Regulations.

ADDRESS OF PROPOSED PROJECT:		
RE NUMBER OF PROPERTY:		
BUSINESS NAME:		
BUSINESS ADDRESS:		
NAME OF PROPERTY OWNER:		PHONE NUMBER
OWNER'S MAILING ADDRESS:		EMAIL
APPLICANT NAME:		PHONE NUMBER
APPLICANT'S MAILING ADDRESS:		EMAIL
APPLICANT'S SIGNATURE:		DATE

- LOCATED IN OR ON:**
- A PORCH, PATIO, OR OTHER ATTACHED PORTION OF AN ADJACENT PERMANENT STRUCTURE
 - AN ARCADE, GAZEBO, OR OTHER TEMPORARY STRUCTURE
 - A CART OR MOVABLE BOOTH
 - A PORTABLE TABLE, RACK, OR OTHER NON-PERMANENT EQUIPMENT

DESCRIBE THE SPECIFIC MERCHANDISE TO BE DISPLAYED AND BUSINESS CONDUCTED:
DESCRIBE THE STRUCTURE AND EQUIPMENT USED IN THE DISPLAY IN DETAIL, INCLUDING SEATING:
HOW FAR IS THE DISPLAY FROM THE STREET?
HOW FAR IS THE DISPLAY FROM THE SIDEWALK?
LENGTH OF TIME THE EXCEPTION WILL BE NEEDED? (NO MORE THAN 60 MONTHS)

PLEASE PROVIDE THE ITEMS ON THE CHECKLIST BELOW TO COMPLETE YOUR APPLICATION:

- 1) **Provide fee** of \$288.75 for new applications. Extension fees for previously approved applications will be \$105. Checks should be made payable to the City of Key West ____
- 2) **Photographs** of the existing area and the proposed display ____
- 3) A **site sketch** showing the general layout and the location of the display relative to visibility from the public right-of-way. This cannot be substituted with photographs ____
- 4) Copy of the **Warranty Deed** ____
- 5) Completed **Authorization** and **Verification** forms as necessary ____
- 6) **Boundary Survey** of the property (must be dated within 10 years of this application date) ____
- 7) **Property Appraiser's information** (from the website www.mcpafl.org) ____

The information furnished above is true and accurate to the best of my knowledge.

Applicant's Signature

Date

**PLEASE COMPLETELY FILL OUT THIS APPLICATION AND ATTACH ALL NECESSARY DOCUMENTS SO STAFF
MAY PROCESS THE REQUEST QUICKLY.**

**IF YOU HAVE ANY QUESTIONS ABOUT YOUR APPLICATION, PLEASE CONTACT HARC STAFF VIA EMAIL AT
CITY_HARC@CITYOFKEYWEST-FL.GOV**



CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS CHAPTER 106 – PERFORMANCE STANDARDS; ARTICLE II. – OUTDOOR DISPLAYS AND DISTRIBUTION; DIVISION 2. – OUTDOOR DISPLAYS

Sec. 106-51. - Prohibited.

The outdoor display of merchandise in the historic zoning districts of the city is prohibited unless an exception is granted by the historic architectural review commission, as provided in section 106-52. Merchandise shall mean any good, food, or beverages, or product or sample or likeness of any good, food, or beverages, or product offered for sale by a business. Outdoor display shall mean the placement of merchandise on the exterior of a building or structure, including, but not limited to a wall, roof, overhang, entranceway, porch, or window, or within a required setback area. For a cart, booth, kiosk, or arcade, outdoor display shall mean the placement of merchandise, either freestanding or by draping it, on the exterior or beyond the vertical plane of the cart, booth, kiosk, or arcade. In no event shall outdoor display be permitted in the public right-of-way. The prohibitions of this section shall not apply to the display of vehicles, bicycles, and/or mopeds where these vehicles are offered for rental or sale or for plant sales. This division shall not apply to art festivals or other special events duly permitted by the city commission.

(Ord. No. 97-10, § 1(3-16.1(C)(1)), 7-3-1997; Ord. No. 08-04, § 16, 5-20-2008; Ord. No. 20-13, § 2, 9-1-2021)

Sec. 106-52. - Exceptions.

Exceptions to section 106-51 may be granted by the historic architectural review commission. The criteria to consider an application shall be:

(1) Factors favoring the exception are as follows:

- a. The location of the proposed exception, while outdoors, is an interior courtyard of a building or buildings, or is a space or area specifically designed and permitted for use by outdoor merchants.
- b. The exception (for either the type of merchandise or the type of display) is compatible or in visual harmony with the character of the neighborhood.
- c. The exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and rights-of-way.

(2) Factors disfavoring the exception are as follows:

- a. Architecture that contributes to the historical fabric or visual character of the neighborhood is obscured by the exception.
- b. The location of the proposed exception abuts, with minimal setback, a street of the historic district, thus the exception is visible from heavily used public places and rights-of-way.
- c. The exception presents a hazard to public safety.

(3) Exceptions to section 106-51 granted by the historic architectural review commission shall be for a term of no more than 60 consecutive months and may be granted subject to terms and conditions specified by the commission in order to protect the architectural heritage and visual character of the historic district. Applications for exceptions and revisions shall be accompanied by a nonrefundable fee as determined by city commission resolution, to cover the costs to the city of processing the application, the pre application meeting with staff, staff report and yearly inspections of the site by the HARC inspector. Renewal or extensions of an outdoor display exception may be approved by the historic preservation planner, if there are no material changes to the outdoor display previously approved by the historic architectural review commission.

(4) Exceptions to section 106-51 may be revoked by the historic architectural review commission after notice and hearing on grounds that:

- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an exception in this section; or
- b. The exception was granted pursuant to mistaken or misleading information; or
- c. The exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the exception; or
- d. The exception was relocated to another site without approval from the historic architectural review commission.

(5) The city manager or the historic architectural review commission, upon written petition by any city resident, may cause issuance of a notice of hearing on revocation of an exception, which notice shall be issued by the city clerk.

(Ord. No. 97-10, § 1(3-16.1(C)(2)), 7-3-1997; Ord. No. 06-09, § 1, 5-2-2006; Ord. No. 08-04, § 17, 5-20-2008; Ord. No. 20-13, § 2, 9-1-2021)