

RESOLUTION NUMBER 2009-023

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY FOR PROPERTY LOCATED AT 804 CAROLINE STREET (RE# 00003200-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Neighborhood Commercial District (HNC-2); and

WHEREAS, Section 106-51 of the City Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 of the City Code of Ordinances provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

WHEREAS, the Planning Board has considered the following factors favoring the Exception;

- a. The Exception is compatible or in visual harmony with the character of the neighborhood visible at the locations (public places and rights-of-way) from which the Exception can be seen;


Chairman

Planning Director

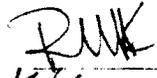
- b. The Exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and rights-of-way;
- c. Public use of public locations from which the Exception can be seen is primarily made to gain access to the applicant's business;

NOW THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

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

Section 2. That an Exception for Outdoor Display , under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of home and garden décor in the front porch for property located at 804 Caroline Street (RE# 00003200-000000), with the following conditions, and per the attached plans dated June 4, 2009:

1. The Exception for the Outdoor Merchandise Display is limited to the front porch, as shown on the attached site plan, and will not be placed in the City right-of-way.
2. The Exception for the Outdoor Merchandise Display will only be present during hours of operation.
3. The Exception for the Outdoor Merchandise Display is specific to the tenant, Patricia O'Connor, and granted for 60 months.


Chairman

Planning Director

Section 3. Exceptions to 106-51 may be revoked by the Planning Board after notice and hearing on grounds:

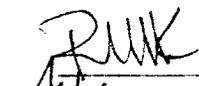
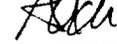
- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section.
- b. The Exception was granted pursuant to mistaken or misleading information; or
- c. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the Exception.

Section 4. The City Manager or the Planning Board, upon any 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.

Section 5. This Exception for Outdoor Display 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 6. 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 7. 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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated


Chairman

Planning Director

by reference in this approval; that within the forty five (45) day review period the DCA 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.

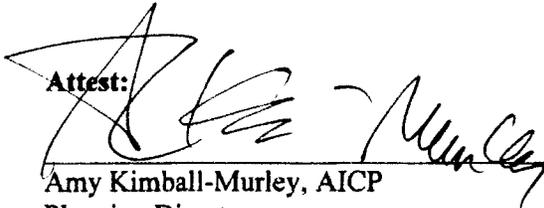
Read and passed on first reading at a regular meeting held this 18th day of June, 2009.

Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

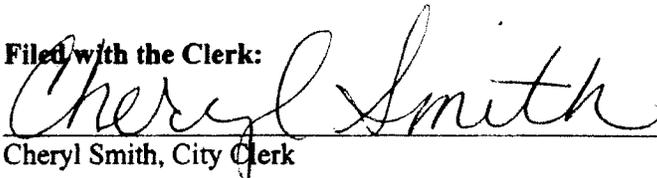
JUNE 23, 2009
Date

Attest: 

Amy Kimball-Murley, AICP
Planning Director

June 23 2009
Date

Filed with the Clerk:



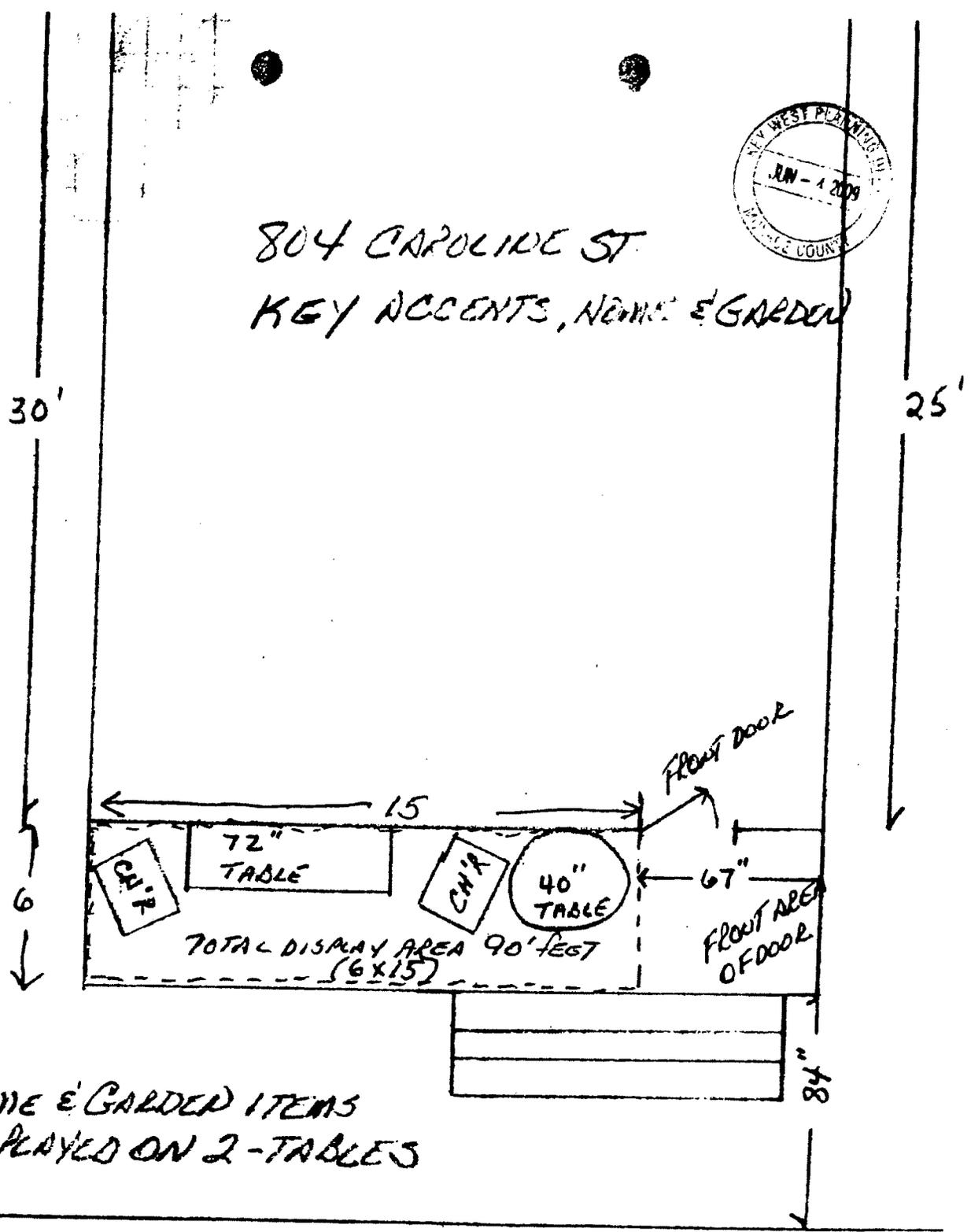
Cheryl Smith, City Clerk

6-23-09
Date

 Chairman
 Planning Director



804 CAROLINE ST.
KEY ACCENTS, HOME & GARDEN



HOME & GARDEN ITEMS
DISPLAYED ON 2-TABLES

CITY SIDEWALK

Ruth
Allen