

**Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720**



Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner. This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

Applicant's Name _____

Address of Proposed Display _____

RE# of Property _____

Business Name _____

Business Address _____

Applicant's Mailing Address _____

Telephone _____ Email _____

Name of Property Owner _____

Mailing Address _____

Telephone _____ Email _____

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. (Must have received or obtained HARC approval)

___ a portable table, rack, or other non-permanent equipment.

Describe the specific merchandise to be displayed and business conducted.

**Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720**



Describe the structure and equipment used in the display in detail, including any seating.

How far is the display from the street? _____

How far is the display from the sidewalk? _____

Length of time exception will be needed (no more than 60 months) _____

PLEASE PROVIDE THE FOLLOWING TO COMPLETE YOUR APPLICATION:

1. Provide fee of \$100.00. There are additional fees of \$50.00 for fire department review and \$100.00 for advertising and noticing. **For a total of \$250.00.** Please, make check payable to the City of Key West.
2. **Photographs** of the existing area and proposed display
3. A **site sketch** showing general lay out and location of the display relative to visibility from the public right-of-way
4. Copy of the **Warranty Deed**
5. Completed **Authorization** and **Verification** forms as necessary.
6. Recent Property Boundary **Survey**
7. **Property Appraisers** information (www.mcpafl.org)

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

Signature _____ Date _____

Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



[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 planning board, as provided in section 106-52. Merchandise shall mean any good or product or sample or likeness of any good or product offered for sale by a business. Outdoor display shall mean the placement of merchandise on the exterior of a business structure, including a wall, roof, overhang, entranceway or window, or within a required setback area. For a cart, booth 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 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 automotive, bicycle and moped rentals and sales and to plant sales and 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)

[Sec. 106-52.](#) - Exceptions.

Exceptions to section 106-51 may be granted by the Planning Board as follows:

(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 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 contributing 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 Planning Board shall be for a term of no more than 60 consecutive months and may be granted subject to terms and conditions

Application for Exception for Outdoor Merchandise Display
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



specified by the board in order to protect the architectural heritage and visual character of the district. Applications for exceptions shall be accompanied by a nonrefundable fee of \$100.00 to cover the costs to the city of processing the application and investigating the applicant.

(4) Exceptions to section 106-51 may be revoked by the Planning Board 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;
- 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.

(5) The city manager or the planning board, 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)