

**RESOLUTION NUMBER 2009-026**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR DISPLAY FOR PROPERTY LOCATED AT 800-802 CAROLINE STREET (RE# 00003220-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

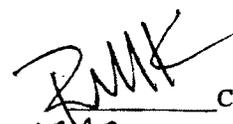
**WHEREAS**, the subject property is located in the Historic Neighborhood Commercial District (HNC-2); and

**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 found that the location of the proposed Exception is within a space specifically designed and permitted for use by outdoor merchants; and

**WHEREAS**, the Planning Board has found that the Exception is compatible or in visual harmony with the character of the neighborhood; and

  
Chairman  
  
Planning Director

**WHEREAS**, the Planning Board has found that the Exception's visual incongruity with the character of the neighborhood is reduced by substantial setback from public places and rights-of-way;

**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 a single mannequin on the front porch of property located at 800-802 Caroline Street (RE# 00003220-000000), with the following conditions, and per the attached plans dated June 30, 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 property owners, Jack and Liliane Anderson, and granted for a period of 60 months.

**Section 3.** Exceptions to 106-51 may be revoked by the Planning Board after notice and

 Chairman  
 Planning Director

hearing on grounds that:

- a. The applicant has failed to comply with the 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.
- 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, adoption, and authentication by the signatures of the presiding officer and the Clerk of the Commission.

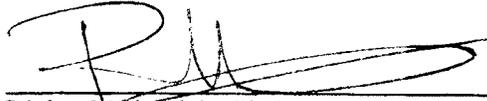
**Section 7.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs.

  
Chairman  
  
Planning Director

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 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.

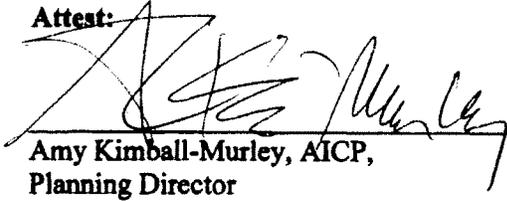
Read and passed on first reading at a regular meeting held this 16<sup>th</sup> day of July, 2009.

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

  
Richard Klitenick, Chairman  
Key West Planning Board

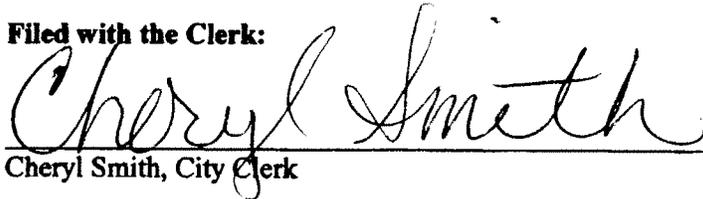
July 29, 2009  
Date

Attest:

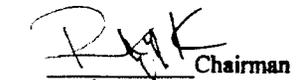
  
Amy Kimball-Murley, AICP,  
Planning Director

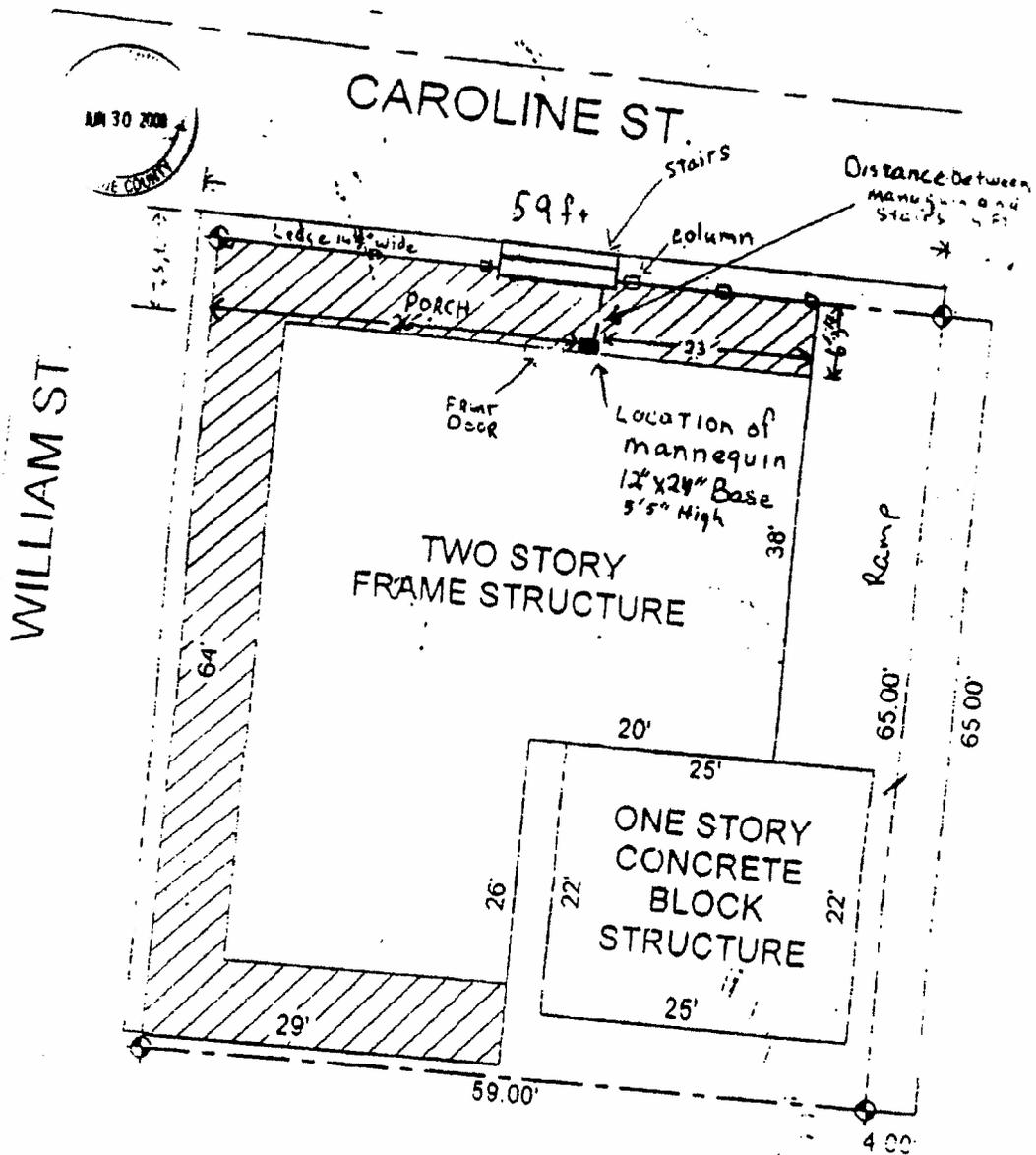
July 30, 2009  
Date

Filed with the Clerk:

  
Cheryl Smith, City Clerk

7 31-09  
Date

 Chairman  
 Planning Director



**SITE PLAN**

SCALE 1"=20'

June 25 2009

300 Caroline St

*Russ Allen*