

**PLANNING BOARD RESOLUTION  
2011- 011**

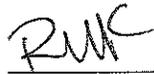
**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CHANGE OF NON-CONFORMING USE IN THE HRO, HISTORIC RESIDENTIAL OFFICE ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 122-32(e) OF THE CODE OF ORDINANCES, FOR PROPERTY LOCATED AT 326 SOUTHARD STREET (RE# 00012902-000100), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-32(e) of the Code of Ordinances provides that a nonconforming use of a building or structure may be changed to another nonconforming use under certain findings of the Planning Board; and

**WHEREAS**, the new use is equally or more appropriate to the zoning district; and

**WHEREAS**, the change of use would not intensify the use of the premises by increasing the need for parking facilities; increasing vehicular traffic to the neighborhood; increasing noise, dust, fumes or other environmental hazards; or by having an adverse impact on drainage; and

**WHEREAS**, the granting of the change of nonconforming use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the

  
Chairman

 Interim Planning Director.

neighborhood, or otherwise detrimental to the public welfare; now therefore,

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

**Section 1.** That a change of nonconforming use in the HRO zoning district, under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: Allowing for a change in nonconforming use from a retail flower shop to a bicycle rental, repair and retail shop, consisting of 1,005 square feet in the HRO zoning district for property located at 326 Southard Street unit #1 per Section 122-32(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, with the following conditions (See site plans dated February, 7 2011):

1. This approval allows for the rental of fifty (50) bicycles. Those same bicycles are not to be rotated with other bicycles.
2. No bicycle painting shall take place on site.
3. Proposed bicycle racks must be coordinated with the Bicycle/Pedestrian/ADA Coordinator before installation.
4. No bicycle tours are allowed from this location.
5. The applicant is allowed to store up to five (5) bicycles in the waste and recycling area to the rear of the building, while awaiting repair.

**Section 2.** Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the

  
Chairman

  
Interim Planning Director

date hereof.

**Section 3.** This change of nonconforming use 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 4.** 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 6.** 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 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.

 Chairman

 Interim Planning Director

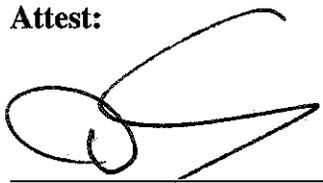
Read and passed on first reading at a regularly scheduled meeting held this 17th day of February, 2011.

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

  
Richard Klitenick, Chairman  
Key West Planning Board

3/4/2011  
Date

**Attest:**

  
Donald L. Craig, AICP  
Interim Planning Director

2/23/11  
Date

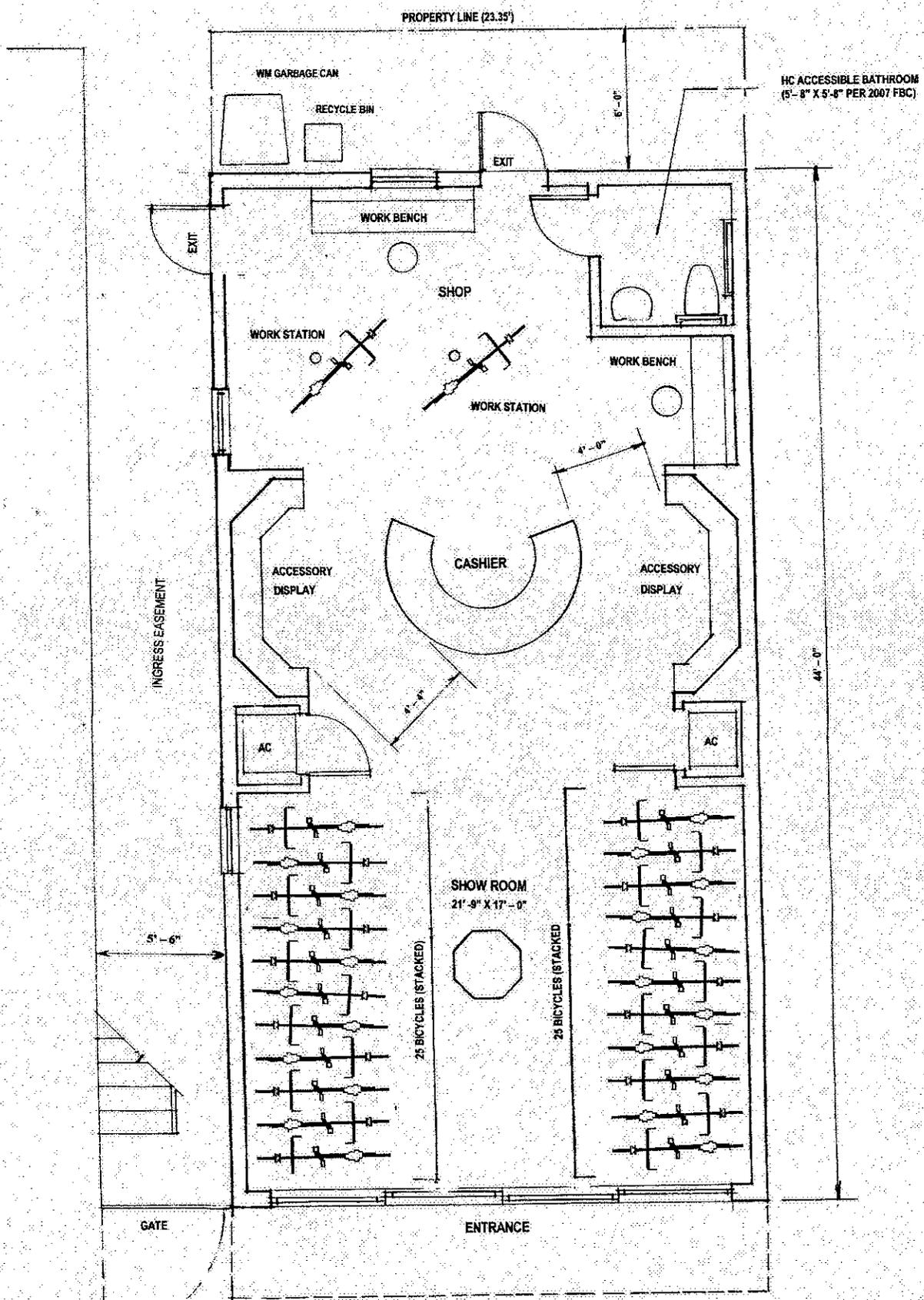
**Filed with the Clerk:**

  
Cheryl Smith, City Clerk

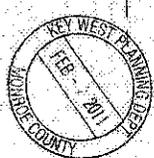
3-7-11  
Date

  
Chairman

  
Interim Planning Director



NOTE: BICYCLE DISPLAY LAYOUT AS DRAWN IS SYMBOLIC; ACTUAL MERCHANDISING LAYOUTS WILL VARY DEPENDING UPON SALES CONCEPTS.



*RUF*  
OC

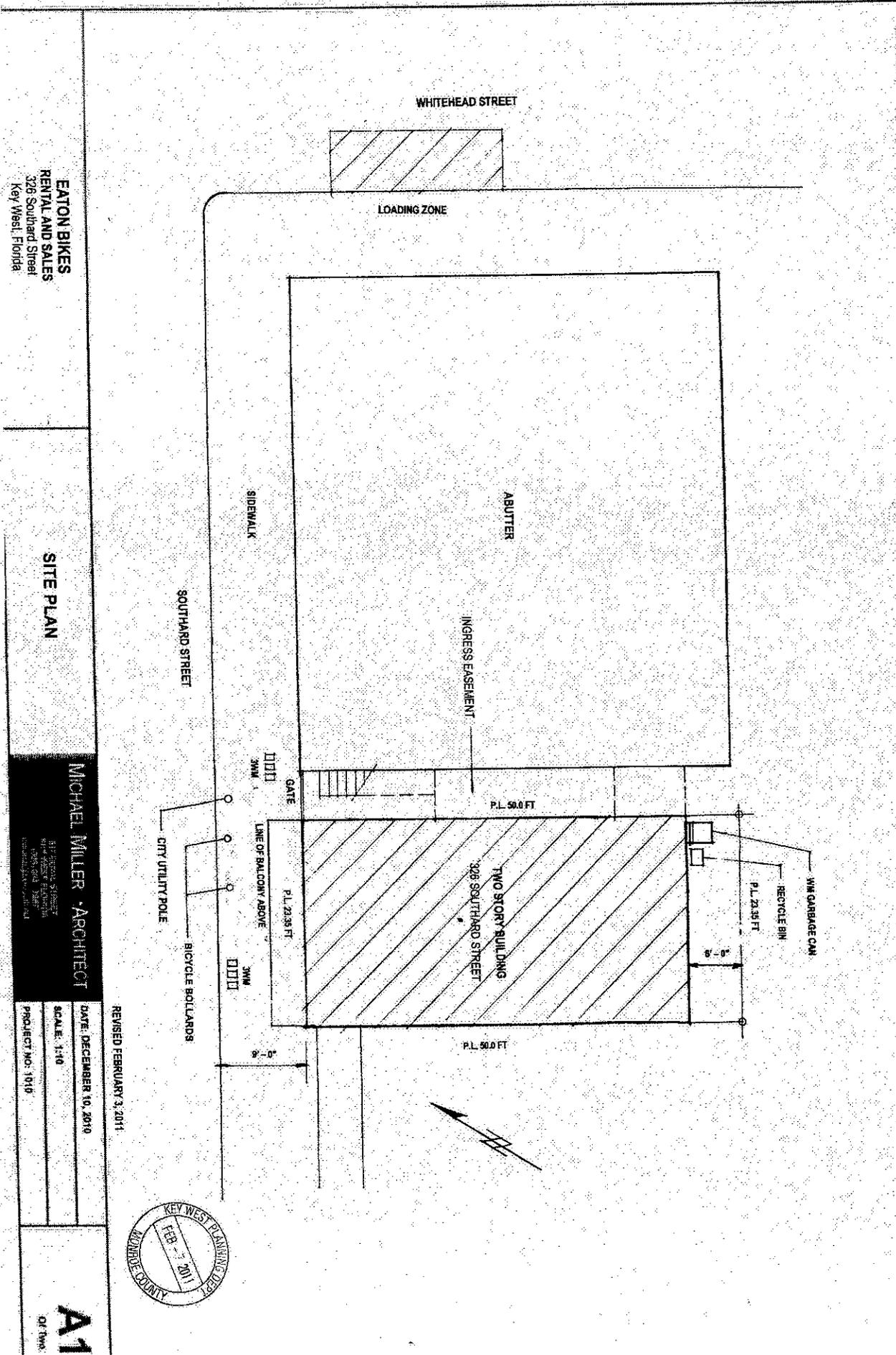
**EATON BIKES**  
RENTAL AND SALES  
326 Southard Street  
Key West, Florida

**FLOOR PLAN**

**MICHAEL MILLER ARCHITECT**  
619 BAY STREET  
SUITE 207  
KEY WEST, FL 34290  
305.241.1234  
mm@mmarchitect.com

REVISED FEBRUARY 3, 2011  
DATE: DECEMBER 16, 2010  
SCALE: 1/8" = 1'-0"  
PROJECT NO: 1010

**A2**  
Of Two



**EATON BIKES**  
**RENTAL AND SALES**  
 326 Southard Street  
 Key West, Florida

**SITE PLAN**

**MICHAEL MILLER ARCHITECT**  
 317 S. STATE STREET  
 KEY WEST, FLORIDA 33401  
 (305) 854-1387  
 www.michaelmillerarchitect.com

REVISED FEBRUARY 3, 2011  
 DATE: DECEMBER 10, 2010  
 SCALE: 1/4" = 1'-0"  
 PROJECT NO: 1010



**A1**  
 OF TWO

*Handwritten:* BUK 9c