RESOLUTION NUMBER 2011-056

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY FOR PROPERTY IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT, UNDER THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, ALLOWING THE OUTDOOR DISPLAY OF MERCHANDISE TO BE LOCATED AT 205 ELIZABETH STREET (RE# 00072082-003904) UNIT #F, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, 106-51 of the Land Development Regulations provides that 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; and

WHEREAS, the subject property is located in the HRCC-1 zoning district; and

WHEREAS, the applicant has requested an Exception for Outdoor Merchandise Display; and

WHEREAS, the matter came before the Planning Board at a duly noticed public meeting on November 16, 2011; and

RWK Chairman

OC Planning Director

WHEREAS, the Planning Board has considered the factors favoring and disfavoring the Exception, as provided in Section 106-52; and

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 Merchandise Display, under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 205 Elizabeth Street (RE# 00072082-003904), Lazy Way Lane Unit F, Key West Florida, see attached plans, with the following conditions of approval:

1. The Exception is limited to:
   - Shelving on the double doors to display pints and framed apparel;
   - Two V-shaped flip-through display racks;
   - One easel.
2. The Exception will only be present during hours of operation.
3. The Exception is specific to the applicant, Alicia Renner, and granted for a term of 60 months.
4. The applicant shall remove the single green shutter on the window.

_____ Chairman

_____ Planning Director

5. Display on the double doors shall be within the door frame and shall not cover parts of the door frame.

6. A certificate of appropriateness will be required for signage, or any other elements of the site plan that are required pursuant to the Historic Architectural Review Commission (HARC) guidelines.

7. 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 this Exception.

8. 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.

9. That no display is allowed within 36" of the door way access for ADA and Fire access.

Section 3. 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 date hereof.

Section 4. This resolution does not constitute a finding as to ownership or right to

RMK Chairman

DC Planning Director

possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. 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 or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order 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 or development order 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 at a special meeting held this 16th day of November, 2011.

_____ Chairman

_____ Planning Director

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

11/22/2011

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

11/22/2011

Donald Leland Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith

11-29-11

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director

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