

**RESOLUTION NUMBER 2010-026**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY TO ALLOW THE DISPLAY OF MERCHANDISE SOLD IN-STORE IN THE HNC-2 ZONING DISTRICT PER SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES 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 approved an application for Exception to Outdoor Display to allow the outdoor display of "home and garden décor" through Planning Board Resolution 2009-023 on June 23, 2009; and

  
Chairman  
  
Planning Director

**WHEREAS**, a request was submitted for Planning Board consideration to clarify that any item sold in the store can be displayed within the approved Exception area, and that the arrangement of the furniture in the display area be flexible; and

**WHEREAS**, the Planning Board met on June 17, 2010 to consider factors favoring and disfavoring the Exception pursuant to Chapter 106-52 of the Land Development Regulations; 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 Display under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of any item sold in the store on the front porch for property located at 804 Caroline Street (RE# 00003200-000000 ), with the following conditions, and per the attached site plan dated April 21, 2010:

1. The Exception for the Outdoor Merchandise Display is limited to the front porch, as shown on the attached site plan (dated April 21, 2010), and will not be placed in the City right-of-way. The arrangement of items shown within the area can be modified, so long as no more than two chairs and two tables are included in the defined area.

  
Chairman  
  
Planning Director

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.

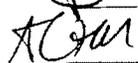
**Section 3.** Exceptions to 106-51 may be revoked by the Planning Board after notice and hearing on grounds:

- 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.

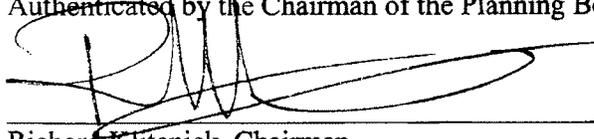
  
Chairman  
  
Planning Director

**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 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  
  
Planning Director

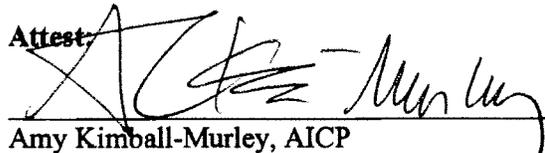
Read and passed on first reading at a regular meeting held this 17<sup>th</sup> day of June, 2010.

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



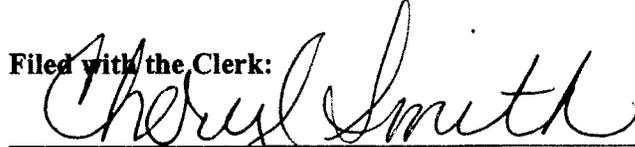
Richard Klitenick, Chairman  
Key West Planning Board

7/7/2010  
Date

Attest: 

Amy Kimball-Murley, AICP  
Planning Director

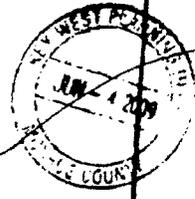
7/8/2010  
Date

Filed with the Clerk: 

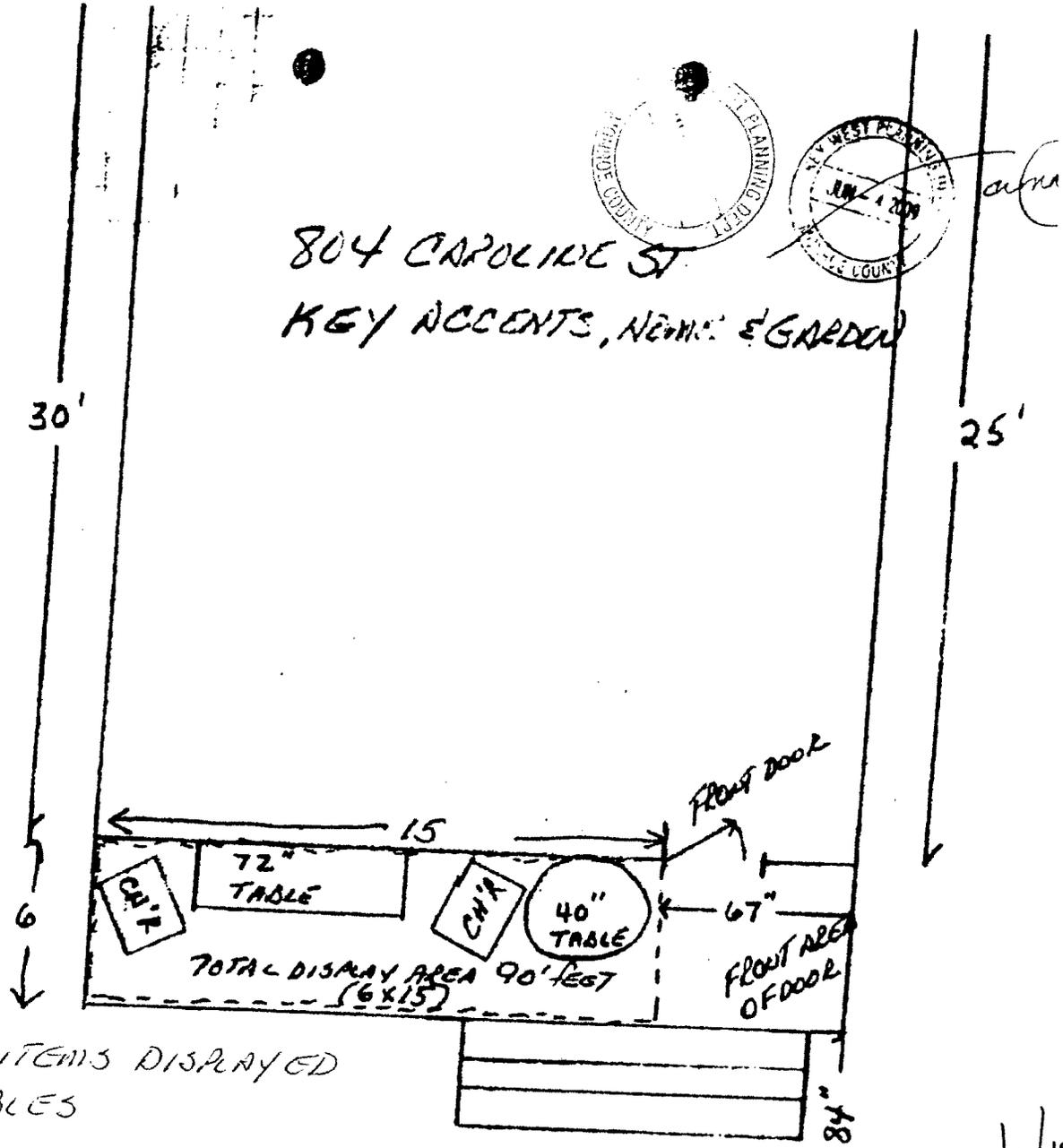
Cheryl Smith, City Clerk

7-9-10  
Date

  
Chairman  
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Planning Director



804 CAROLINE ST.  
KEY ACCENTS, NEIGH. & GARDEN



CITY SIDEWALK

RUNK  
APPROV