

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF KEY WEST, FLORIDA, GRANTING A HEIGHT VARIANCE APPROVAL PURSUANT TO SECTIONS 90-391 THROUGH 90-395, 122-1020 (3), AND 122-1149 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, FOR THE CONSTRUCTION OF A WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF A SINGLE 125-FOOT UTILITY POLE FOR ANTENAE ON PROPERTY LOCATED AT 5610 COLLEGE ROAD (RE # 00072080-001300) WITHIN THE PUBLIC AND SEMIPUBLIC SERVICES DISTRICT (PS) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located within the Public and Semipublic Services District (PS) zoning district; and

**WHEREAS**, pursuant to Sections 90-391 through 90-395, 122-1020 (3), and 122-1149 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a variance application to allow for installation of a wireless telecommunications facility consisting of a 125-foot utility pole for antennae; and

**WHEREAS**, City Code Sections 90-391 through 90-395 and Section 122-1149 (c) outline the criteria for reviewing a variance application to accommodate nonhabitable hardware and utility structures; and

**WHEREAS**, this matter came before the Board of Adjustment at a duly noticed public hearing on April 2, 2019; and

**WHEREAS**, the Board of Adjustment found that the proposed variance complies with the criteria in City Code Sections 90-391 through 90-395 and Section 122-1149 (c); and

**WHEREAS**, the approval of the variance application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the City of Key West, Florida, as follows:

**Section 1:** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2:** That the Board of Adjustment grants approval of the application for a variance to maximum allowable height to allow for the construction of a wireless telecommunications facility consisting of a single 125-foot utility pole for antennae on property located at 5610 College Road (RE # 00072080-001300) within the Public and Semipublic Services District (PS) zoning district pursuant to Sections 90-391 through 90-395 and Section 122-1149 (c) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the conditions as follows:

**General conditions:**

1. The site improvements/renovations shall match approved plans dated October 9, 2018 by Russell C. Morrison, Professional Engineer.

2. The proposed landscape plan dated August 15, 2018, by David Knoll, Architect, shall be reviewed by the City's Urban Forester and may be modified if necessary.

**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 Variance application approval by the Board of Adjustment does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the 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 Board.

**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 Economic Opportunity (DEO). Pursuant to Chapter 73C, F.A.C., this permit is not effective for forty-five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period the DEO 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.

Passed and adopted by the Board of Adjustment at a meeting held this \_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the presiding officer and the Clerk of the Board on \_\_\_\_\_, 2019.

Filed with the Clerk \_\_\_\_\_, 2019.

Mayor Teri Johnston \_\_\_\_\_

Commissioner Gregory Davila \_\_\_\_\_

Commissioner Mary Lou Hoover \_\_\_\_\_

Vice-Mayor Sam Kaufman \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK