

**PLANNING BOARD
RESOLUTION NO. 2020-xx**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING
A CONDITIONAL USE APPROVAL FOR A DUPLEX ON PROPERTY LOCATED
IN THE SINGLE FAMILY (SF) ZONING DISTRICT PURSUANT TO SECTIONS
122-62 AND 122-236 OF THE LAND DEVELOPMENT REGULATIONS OF THE
CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, the subject property is located within the Single Family (SF) zoning district; and

WHEREAS, pursuant to Sections 122-62 and 122-236 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 conditional use application to construct a two family dwelling located at 1610-1612 Dennis Street; and

WHEREAS, City Code Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on September 17, 2020; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

WHEREAS, the approval of the conditional use 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 Planning Board of the City of Key West, Florida:

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

_____ Chairman
_____ Planning Director

Section 2. That a conditional use request, pursuant to Sections 122-62, and 122-236 of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the location of a two-family dwelling located at 1610-1612 Dennis Street (RE#00062960-000000) with the following conditions:

General conditions:

1. The proposed construction shall be consistent with the plans signed, sealed, and dated February 6, 2020 by T.S. Neal Architect, Inc, except that the height discrepancy regarding Section 122-1149(d) Flood Protection Building Height Exception and related guidelines must be resolved prior to issuance of building permits. No approval granted for any other work or improvements shown on the plans other than the construction of the duplex.
2. Per Utilities: The applicant shall provide a stormwater management plan that retains one inch of stormwater runoff on the parcel, equivalent to 385 cubic feet of retention volume, will be required for this development (Sec. 108-777). The design and location of the retention areas shall avoid any existing tree roots.
3. Per the Urban Forester: The applicant shall comply with the Lot Mitigation Plan dated 8/7/2020 which is part of the Planning board Package. The swale shall not be created within ten (10) feet of the base of any existing canopy trees, e.g., especially the two (2) canopy trees located to the rear corners of the lot. No demo or construction work will commence until the Buttonwood tree has been properly trimmed, as per urban forester.
4. Per the Fire Department: The applicant is required to create a 5-foot access between the proposed trees on the Lot Mitigation Plan and the proposed staircase of the duplex and 7.7 feet of access between the proposed trees and the proposed overhangs of the duplex.

5. Keys Energy requires the current rear service to be removed. The new service shall be located to the front of the property.

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

1. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.

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 and construction shall commence within 12 months after the date hereof.

Section 4. This resolution 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 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 Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 45-day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays

_____ Chairman
_____ Planning Director

the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of September 2020.

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

Sam Holland, Planning Board Chair

Date

Attest:

Katie P. Halloran, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman
_____ Planning Director