

**PLANNING BOARD  
RESOLUTION NO. 2020-**

**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 HRCC-1 ZONING DISTRICT PER SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES FOR PROPERTY LOCATED AT 501C GREENE STREET (RE# 00000520-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Residential Commercial Core District Zoning District (HRCC-1); 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**, a request was submitted for Planning Board consideration to clarify that cigars and related products can be displayed within the approved Exception area; and

**WHEREAS**, the Planning Board met at a Special Meeting on April 28, 2020 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

\_\_\_\_\_Chair  
\_\_\_\_\_Planning Director

Key West, Florida, is hereby granted as follows: allowing the outdoor display of merchandise in a model ship and on the open doors of a store located at 501c Greene Street (RE# 00000520-000000), with the following conditions, and per the attached site survey and site photos received on January 31, 2020:

1. The Exception for the Outdoor Merchandise Display is limited to the existing open shop doors and shall not be placed in the City right-of-way.
2. The Exception for the Outdoor Merchandise Display shall only be present during hours of operation.
3. The Exception for the Outdoor Merchandise Display is specific to the current tenant, Alon Croitoru, and granted for twelve (12) consecutive months.
4. The Exception shall provide clear access for ADA and fire accessibility, with a minimum pathway of thirty-six (36) inches around each display. A specific site plan depicting the established location of the elements with approval from the Chief Building Official (CBO) and Fire Marshal shall be filed with the City of Key West.
5. The Exception is limited to the two (2) open doors and two (2) wooden model ship displays.
6. Seating and furniture are not outdoor displays and shall not be counted as such. Display items can be rotated but cannot be increased.
7. All signage installed without benefit of a permit will be removed. Any new signage shall require HARC approval.

**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.

\_\_\_\_\_Chair  
\_\_\_\_\_Planning Director

**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.

**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 Economic Opportunity. 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 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.

Read and passed on first reading at a special meeting held this 28th day of April 2020.

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

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Sam Holland, Chair of the Planning Board Date

**Attest:**

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Katie P. Halloran, Planning Director Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk Date

\_\_\_\_\_Chair  
\_\_\_\_\_Planning Director