

**PLANNING BOARD
RESOLUTION NO. 2019-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL TO ALLOW FOR CULTURAL AND CIVIC ACTIVITIES WITH ASSOCIATED / ACCESSORY COMMERCIAL SALES ON A PARCEL LOCATED AT 403-405 CAROLINE STREET WITHIN THE HISTORIC RESIDENTIAL / OFFICE (HRO) ZONING DISTRICT PURSUANT TO 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 Historic Residential / Office (HRO) Zoning District; and

WHEREAS, pursuant to Sections 122-62 and 122-928 (2) 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 for cultural and civic activities with associated/accessory commercial sales use located at 403-405 Caroline Street; and

WHEREAS, City Code Sections 122-62 and 122-63 outline 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 April 18, 2019; 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

_____ Chairman
_____ Planning Director

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.

Section 2. That a conditional use request, pursuant to Sections 122-62 and 122-928 (2) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing the location of cultural and civic activities with associated / accessory commercial sales use located at 403-405 Caroline Street (RE # 00001610-000000) with the following conditions:

General conditions:

1. The proposed development shall match the floor plans dated March 15, 2019. Pursuant to section 14-37 (b) (1) of the city code, professional plans are required for work requiring a building permit and shall be prepared by and bear the seal of a state-licensed architect or structural engineer. These plans need to include site data, including the existing impervious surface ratio and the proposed impervious surface ratio.
2. The approved use is *cultural and civic activities with associated / accessory commercial sales* within a 497-square-foot area. *Accessory use* is defined in section 86-9 as a use that is clearly incidental to the principal use, that is subordinate in area extent or purpose to the principal use, and that is supportive of the principal use. An accessory use contributes to the comfort, convenience, or necessity of the principal use, and/or provides support services to the principal use and is located on the same lot with such principal building or use.
3. The conditional use shall expire if construction has not commenced within 12 months of approval.
4. The conditional use approval shall run with the land and it is transferable to successors in ownership. The use must remain compliant with all applicable rules and regulations, including any specific conditions duly mandated by the city as a condition of the original conditional use approval.

At the city's option, it may enforce an alleged violation of a conditional use approval either in a court of law or in the proceedings of the code enforcement special magistrate pursuant to the procedures set forth in chapter 2, article VI of the Code of Ordinances.

5. The property owner shall obtain and maintain a conditional approval permit from the city prior to issuance of a certificate of occupancy. No facility required to obtain such permit will operate without a permit and failure to obtain a permit or renew a permit shall be subject to procedures outlined in section 18-615. The code compliance department will inspect the facility on an annual basis upon reasonable notice to determine compliance with conditions, particularly condition number two (2).

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 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 regularly scheduled meeting held this 18th day of April, 2019.

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

Sam Holland, Planning Board Chair

Date

Attest:

Patrick Wright, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman
_____ Planning Director