

**PLANNING BOARD  
RESOLUTION NO. 2014-**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD FINDING THAT THE NON-CONFORMING USES OF PROPERTY LOCATED AT 208 TELEGRAPH LANE (RE # 00001491-000500, AK # 9100238) WITHIN THE HISTORIC RESIDENTIAL / OFFICE (HRO) ZONING DISTRICT WERE LEGALLY ESTABLISHED, HAVE NOT CEASED AND MAY BE CONTINUED PURSUANT TO SECTIONS 122-30 AND 122-32 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 122-30 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that a nonconforming use shall be considered abandoned when such use has ceased for a period of 24 months; and

**WHEREAS**, City Code Section 122-30 further provides that “if a dispute occurs with the city about whether a use has been abandoned, the owner shall be entitled to a hearing before the planning board;” and

**WHEREAS**, the Planning Board finds that the nonconforming uses were legally established and have not ceased within the last 24 months; and

**WHEREAS**, the Planning Board finds that the nonconforming uses may be continued subject to City Code Chapter 122, Article II, or may be changed to another nonconforming use pursuant to City Code Section 122-32(e).

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

**Section 1.** That the nonconforming uses on property located at 208 Telegraph Lane within the HRO Zoning District were legally established and have not ceased within the last 24 months, pursuant to Section 122-30 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida. The nonconforming uses may be continued subject to the limitations of City Code Chapter 122, Article II, or may be changed to another nonconforming use, pursuant to City Code Section 122-32(e).

**Section 2.** 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 3.** This Resolution shall 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 4.** 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 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 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 or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this \_\_\_\_ day of \_\_\_\_,  
2014.

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

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Richard Klitenick, Planning Board Chairman

Date

**Attest:**

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Donald Leland Craig, AICP, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date