

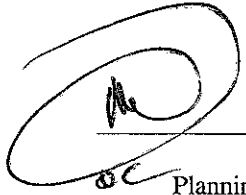
**PLANNING BOARD
RESOLUTION No. 2012-25**


**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING MAJOR
DEVELOPMENT PLAN APPROVAL PER
SECTIONS 108-91 AND 108-96 THROUGH 108-
957 FOR RECONSTRUCTION OF THE
WATERFRONT MARKET BUILDING TO BE
USED AS A RESTAURANT AND MICRO-
BREWERY WITH WAREHOUSING AND
DISTRIBUTION ABILITY FOR PROPERTY
LOCATED AT 201 WILLIAM STREET
(RE#00072082-004200) IN THE HRCC-2
ZONING DISTRICT, KEY WEST FLORIDA;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 108-91 of the Code of Ordinances provides that within the Historic District a Major Development Plan is required for the addition of outdoor activity consisting of restaurant seating equal or greater than 2,500 square feet or other similar activities; and

WHEREAS, the applicant proposed a development plan for a restaurant and micro-brewery with new outdoor seating, an allowed use, for city owned property located in the HRCC-2 zoning districts; and

WHEREAS, Section 108-196(a) requires the Planning Board to review and approve, approve with conditions, or deny the proposed Major Development Plan; and



Chairman


Planning Director

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 15, 2012 and April 19, 2012 and was postponed to work out issues with the neighbors; and

WHEREAS, this matter came back before the Planning Board at a special meeting on May 31, 2012; and

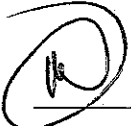

WHEREAS, the granting of a Major Development Plan application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of a Major Development application is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; 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. The Major Development Plan for the redevelopment of the Waterfront Market building for the addition of outdoor commercial activity for a new restaurant and brewery with a total of 300 seats (150 on each floor) located at 201 William Street (RE# 00072082-004200) in the HRCC-2 zoning district per Section 108-91A(2)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, as shown in the attached plans stamped March 2, 2012, is


Chairman

Planning Director


hereby approved with the following conditions of approval:


General Conditions:

1. Hours of operation (excluding City approved special events) for the rooftop Waterfront Brewery Café are limited to 8 a.m. to 10 p.m. and any outdoor performance or entertainment activity whether amplified or otherwise shall end by 10 p.m.
2. The applicant shall obtain a Conditional Approval Permit, pursuant to Section 18-610.
3. The applicant shall recycle materials accepted by the city's waste handling contractor.
4. New lighting shall be designed to "Dark Sky" lighting standards.
5. The upstairs turf area shall not be used for table placement or be considered consumption area.
6. Prior to City Commission review of the project the applicant shall submit a site plan with location and direction of proposed speakers to the Planning Department for review and approval that will be attached to the Commission Review Package.

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22 and subject to an associated annual inspection:

7. The applicant shall renew the Conditional Approval Permit issued by the City on an annual basis. The renewal is due on May 31st of every year.
8. The applicant will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of



Chairman


Planning Director

Ordinances, and shall include a computerized sound monitoring system with real time monitoring access provided to the City for the outdoor rooftop café area only.

9. Any outdoor televisions will not be wired through the distributive sound system or any surround sound system.
10. The applicant shall point any speakers or any sound amplification device on the rooftop Waterfront Brewery Café, away from neighboring and/or surrounding transient and residential properties.
11. The restaurant use is consistent with the October 21, 2008 Administrative Interpretation defining Bar/Lounge and Restaurant Uses attached herein.

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 Major Development Plan application approval by the Planning Board 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 Commission.

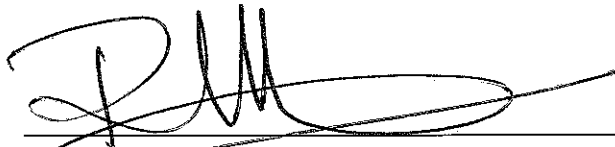
Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has

 Chairman
 Planning Director

expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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.

Read and passed on first reading at a special meeting held this 31st day of May, 2012.

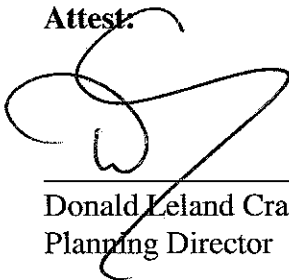
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

6/6/2012
Date

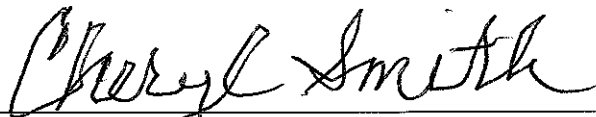
Attest:



Donald Leland Craig, AICP
Planning Director

6-5-12
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

6-6-12
Date

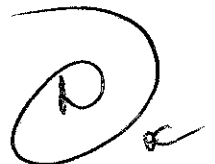


Chairman

Planning Director

Index of Site Plans

- A-1 PROPOSED SITE PLAN - ROOF PLAN**
- A-2 PROPOSED SITE PLAN - ROOF PLAN**
- A-3 PROPOSED 1ST. FLOOR PLAN**
- A-4 PROPOSED 2ND. FLOOR PLAN AND
CONSUMPTION AREA**
- A-5 PROPOSED ELEVATIONS**
- A-6 PROPOSED ELEVATIONS**
- A-7 PERSPECTIVES**
- A-8 PERSPECTIVES AND AERIALS**
- A-9 PERSPECTIVES AND AERIALS**
- L-1 PROPOSED LANDSCAPE PLAN**
- EX-1 EXISTING SITE PLAN**
- EX-2 EXISTING SITE PLAN – ROOF PLAN**
- EX-3 EXISTING 1ST. FLOOR PLAN**
- EX-4 EXISTING 2ND. FLOOR PLAN**
- EX-5 EXISTING ELEVATIONS**



WILLIAM P. HORN
ARCHITECT, P.A.

11600 N.W. 11th Street
Fort Lauderdale, FL 33309

TEL: 954-561-1234
FAX: 954-561-1234
L11600000

RECEIVED
MAY 20 2013
AV Planning Dept



SITE DATA

SITE AREA: 10,000 SQ. FT. (3.27 ACRES)
 LAND USE: MISC-2
 FLOOD ZONE: V2 (100 YR FLOOD PHL (FLOODPLAIN), SURFING F.F., 1.25)
 SETBACKS:

FRONT SETBACK	PROPOSED	10.0'	(NO CHANGE)
FRONT SETBACK	REQUIRED	10.0'	(NO CHANGE)
REAR SETBACK	PROPOSED	10.0'	(NO CHANGE)
REAR SETBACK	REQUIRED	10.0'	(NO CHANGE)
SIDE SETBACK	PROPOSED	7.5'	(NO CHANGE)
SIDE SETBACK	REQUIRED	7.5'	(NO CHANGE)
STREET SIDE SETBACK	PROPOSED	7.5'	(NO CHANGE)
STREET SIDE SETBACK	REQUIRED	7.5'	(NO CHANGE)
CONTRAST CONTROL LINE	PROPOSED	20.0'	(NO CHANGE)
CONTRAST CONTROL LINE	REQUIRED	20.0'	(NO CHANGE)

FIRE:

ALLOWED	7000	S.F.	(0.5 MAX)
PROPOSED	4000	S.F.	(0.5 MAX)
REQUIRED	4000	S.F.	(0.5 MAX)

OPEN SPACE RATIO: 6.5% MIN. 100' MIN.

HEIGHT:

ALLOWED	35.0'	(100' MIN. CHIMNEY)
PROPOSED	35.0'	(100' MIN. CHIMNEY)
REQUIRED	35.0'	(100' MIN. CHIMNEY)

LOT COVERAGE AREA:

ALLOWED	40,000	S.F.	(50% MAX)
PROPOSED	40,000	S.F.	(50% MAX)
REQUIRED	40,000	S.F.	(50% MAX)

IMPROVEMENTS:

ALLOWED	15,000	S.F.	(50% MAX)
PROPOSED	15,000	S.F.	(50% MAX)
REQUIRED	15,000	S.F.	(50% MAX)

LANDSCAPE AREA:

ALLOWED	10,000	S.F.	(50% MAX)
PROPOSED	10,000	S.F.	(50% MAX)
REQUIRED	10,000	S.F.	(50% MAX)

RECYCLE SPAZER:

ALLOWED	10	SPACES
PROPOSED	10	SPACES
REQUIRED	10	SPACES

PARKING:

ALLOWED	18	SPACES
PROPOSED	18	SPACES
REQUIRED	18	SPACES

COMPLEMENT AREA:

ALLOWED	1,000	S.F.	(10% MAX)
PROPOSED	1,000	S.F.	(10% MAX)
REQUIRED	1,000	S.F.	(10% MAX)

SITE CHANGES TO BE MADE:

REMOVED BY INCREASE IN LANDSCAPE (PREVIOUS AREA)

WATERFRONT BREWERY
 20 WILLIAM STREET
 KEY WEST, FLORIDA

SCALE

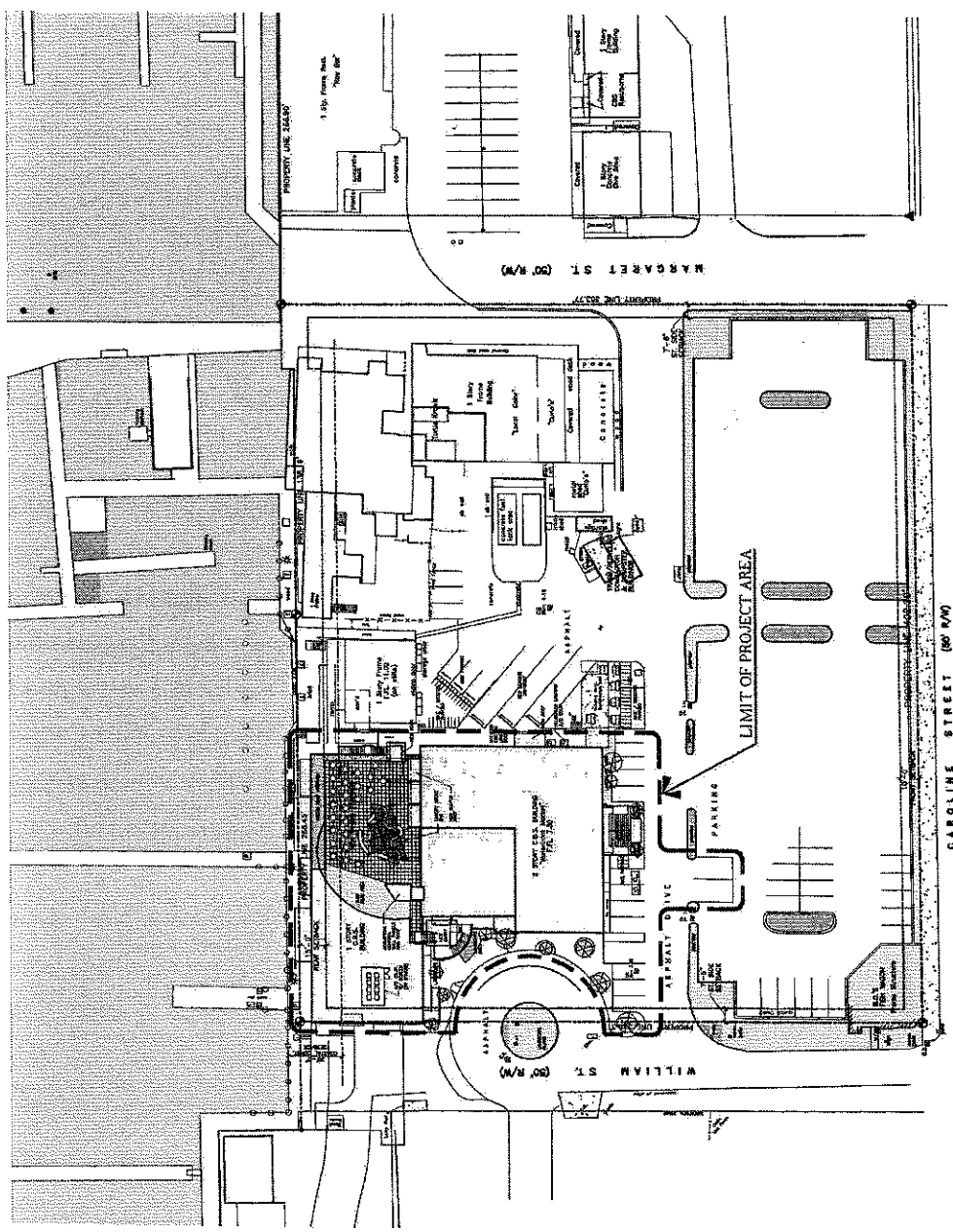
THIS PLAN IS TO BE USED ONLY FOR THE PROJECT DESCRIBED HEREIN. ANY OTHER USE IS AT THE USER'S RISK.

DATE: 11-11-11
 DRAWN BY: JHC

REVISIONS

DATE: 11-11-11
 DRAWN BY: JHC

SCALE: 1"=30'-0"



PROPOSED SITE PLAN - ROOF PLAN

SCALE: 1"=30'-0"

SITE PLAN BASED ON INFORMATION OBTAINED FROM SURVEY PREPARED BY FREDERICK H. HILDEBRANDT, SURVEYOR DATED ON 02-27-06

WATERFRONT BREWERY
 20 WILLIAM STREET
 KEY WEST, FLORIDA

Handwritten signature and initials.

WILLIAM P. HORY
ARCHITECT P.A.

151 EAST WAT
DEPT WEST
FLORIDA
32603

TLL NO. 264079
EXP. DATE 26/03/22
LICENSE NO.
41 630007

WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST FLIGHT FL.

SCALE

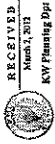
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DATE
11-11-11 MARC
12-01-11 DKC

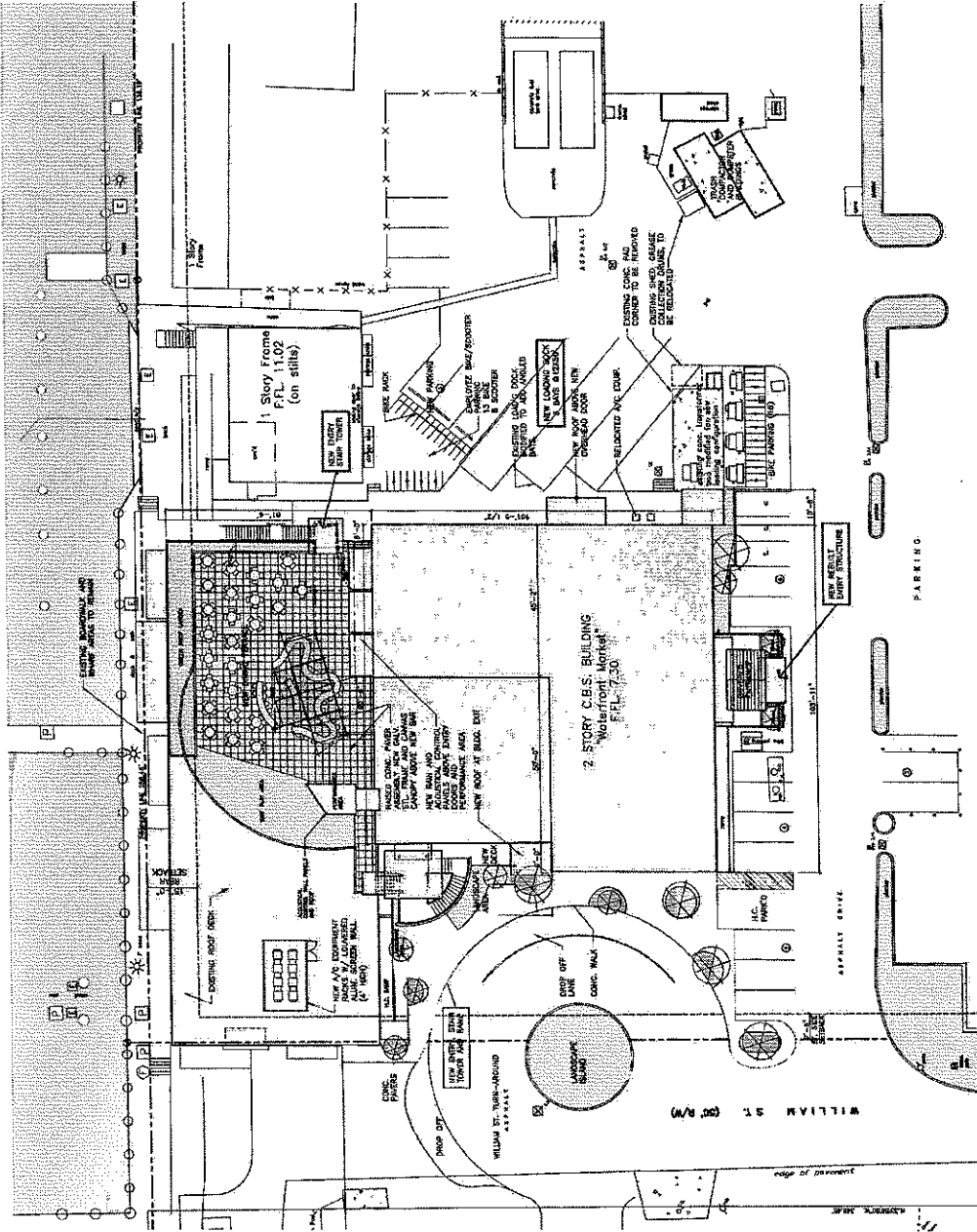
DESIGNER

DRAWN BY
EMO
PHB

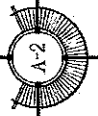
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WILLIAM P. HORY
11/11



RECEIVED
March 7, 2013
KV Planning Dept

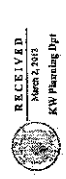


PROPOSED SITE PLAN - ROOF PLAN
SCALE: 1/8" = 1'-0"
THIS PLAN BASED ON INFORMATION
OBTAINED FROM SURVEY PREPARED
BY FREDERICK N. HILDEBRANDT,
SURVEYOR DATED ON 02-27-06



WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST FLIGHT, FLORIDA





WALL LEGEND

-----	EXISTING WALL
-----	NEW WALL
-----	EXISTING TO BE DEMOLISHED

BUILDING DATA

EXISTING BUILDING DATA (LEASE AREA)	
1ST FLOOR ENCLOSED	1,102 S.F.
2ND FLOOR ENCLOSED	1,102 S.F.
MEZZ. #1	1,102 S.F.
MEZZ. #2	1,102 S.F.
MEZZ. #3	1,102 S.F.
MEZZ. #4	1,102 S.F.
TOTAL EXISTING ENCLOSED	5,510 S.F.
TOTAL EXISTING COVERED	1,102 S.F.

EXISTING AREA TO BE DEMOLISHED

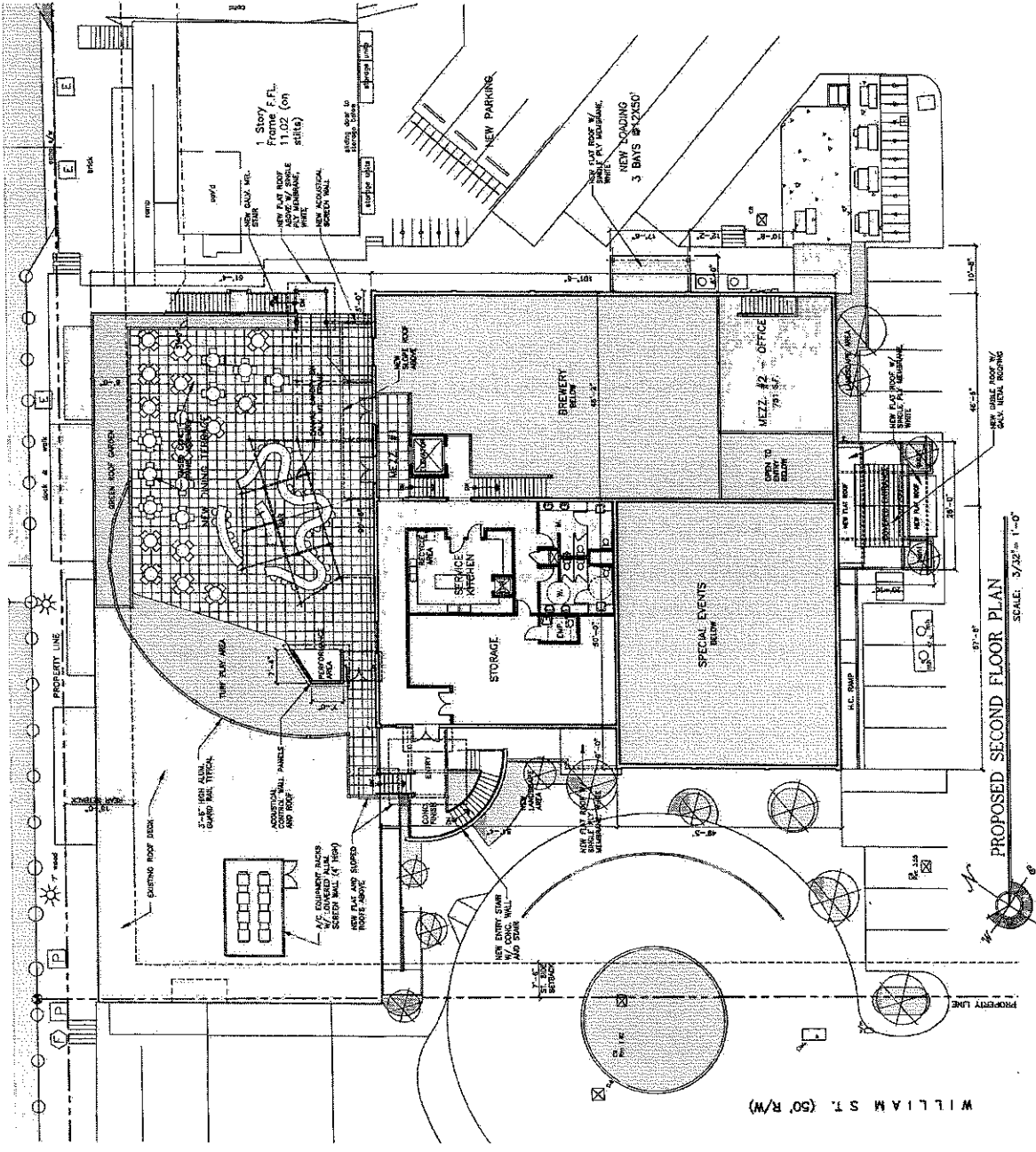
1ST FLOOR (COVER BACK & OLD LOADING AREA)	1,102 S.F.
MEZZ. #1	1,102 S.F.
MEZZ. #2	1,102 S.F.
MEZZ. #3	1,102 S.F.
MEZZ. #4	1,102 S.F.
TOTAL AREA DEMOLITION	4,408 S.F.

PROPOSED BUILDING DATA

1ST FLOOR ENCLOSED	2,204 S.F.
2ND FLOOR ENCLOSED	2,204 S.F.
MEZZ. #1	775 S.F.
MEZZ. #2	775 S.F.
TOTAL PROPOSED ENCLOSED	7,958 S.F.
TOTAL PROPOSED COVERED	2,204 S.F.
NEW ROOFTOP CONSUMPTION AREA = 2,204 S.F.	2,204 S.F.
AREA REDUCTION FROM ABOVE = 2,204 S.F.	2,204 S.F.

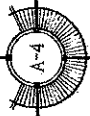
NEW ROOFTOP RAINWATER COLLECTION AREA

1ST FLOOR	2,204 S.F.
2ND FLOOR	2,204 S.F.
MEZZ. #1	775 S.F.
MEZZ. #2	775 S.F.
TOTAL ROOFTOP RAINWATER COLLECTION AREA	6,962 S.F.



PROPOSED SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST, FLORIDA



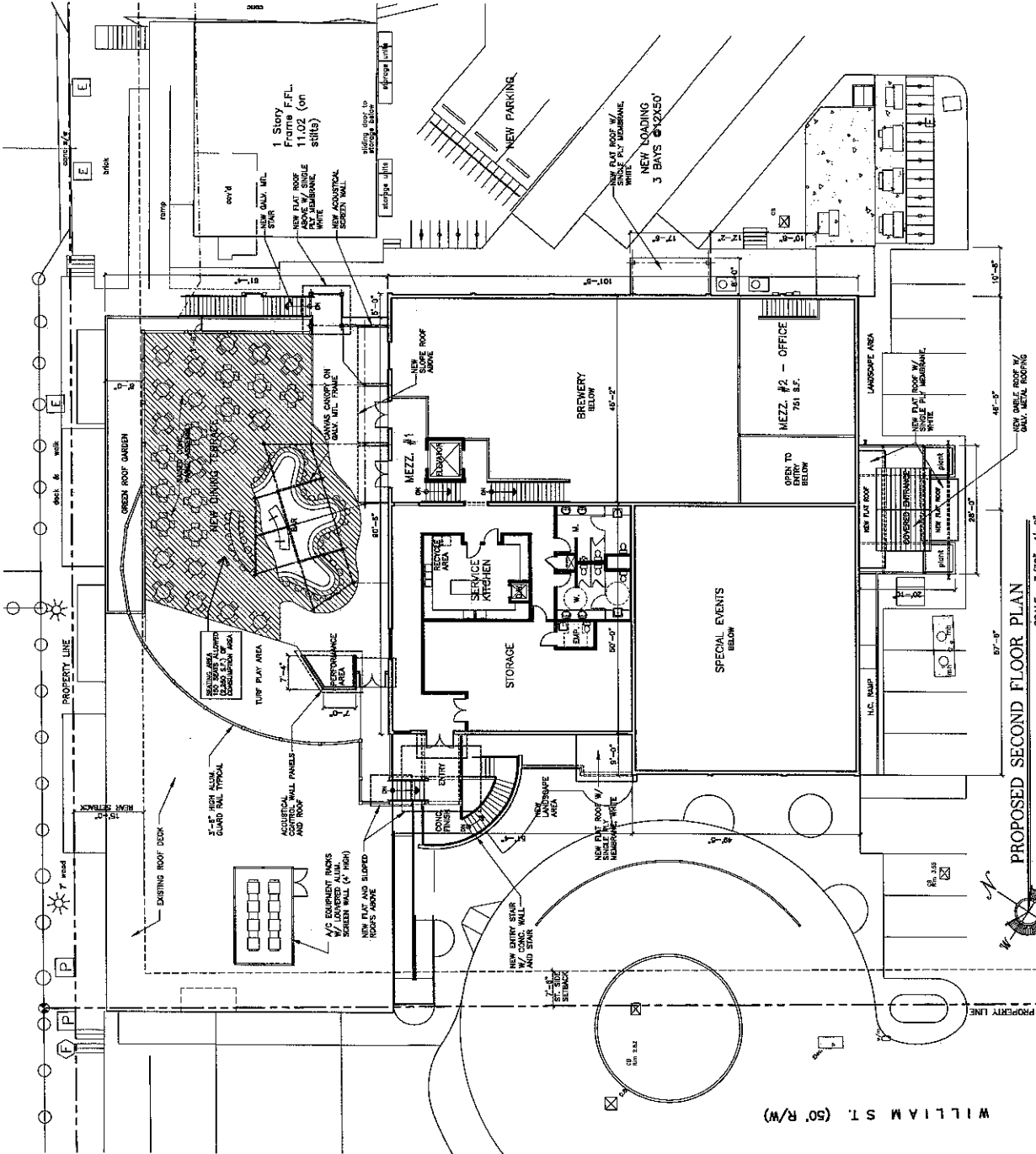
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WALL LEGEND

[Symbol]	EXISTING W/ FINISH WALL CONGR.
[Symbol]	NEW WALL
[Symbol]	EXISTING TO BE REMOVED

BUILDING DATA

EXISTING BUILDING DATA (LEASE AREA)	
1ST FLOOR ENCLOSED	14,530 S.F.
2ND FLOOR ENCLOSED	1,430 S.F.
MEZZ #1	1,132 S.F.
MEZZ #2	741 S.F.
TOTAL EXISTING ENCLOSED	18,833 S.F.
EXISTING AREA TO BE REMOVED	
1 ST FL.	(-) 182 S.F.
MEZZ #1	(-) 897 S.F.
MEZZ #2	(-) 328 S.F.
MEZZ #3	(-) 1,132 S.F.
TOTAL AREA REMOVED	- 3,539 S.F.
TOTAL AREA REDUCTION = 3,539 S.F.	
TOTAL AREA TO BE REMOVED	
1ST FLOOR ENCLOSED	14,530 S.F.
2ND FLOOR ENCLOSED	1,430 S.F.
MEZZ #1	1,132 S.F.
MEZZ #2	741 S.F.
TOTAL PROPOSED ENCLOSED	18,833 S.F.
NEW ROOF CONSUMPTION AREA = 2,300 S.F. EQUAL 150 SEATS	
AREA REDUCTION FROM ABOVE = 2,300 S.F.	
NEW ROOFTOP RAISED DECK AREA	
CONSUMPTION AREA	= 2,300 S.F.
CIRCULATION	= 1,481 S.F.
GAME AREA (TUMP)	= 978 S.F.
TOTAL ROOF TOP LEASE AREA	= 4,759 S.F.
GREEN ROOF GARDEN	= 830 S.F.



WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST BIGHT, FLORIDA

PROPOSED SECOND FLOOR PLAN
SCALE: 3/32" = 1'-0"

Handwritten signature and initials.

WILLIAMP HORVA
ARCHITECT, P.A.

1118 N.W. 11th St.
MIAMI, FLORIDA 33136

TEL: 305-384-4343
FAX: 305-384-4343
LICENSURE: 0001
FLORIDA

WATERFRONT BREWERY
20 WEST BIGHT, FLORIDA

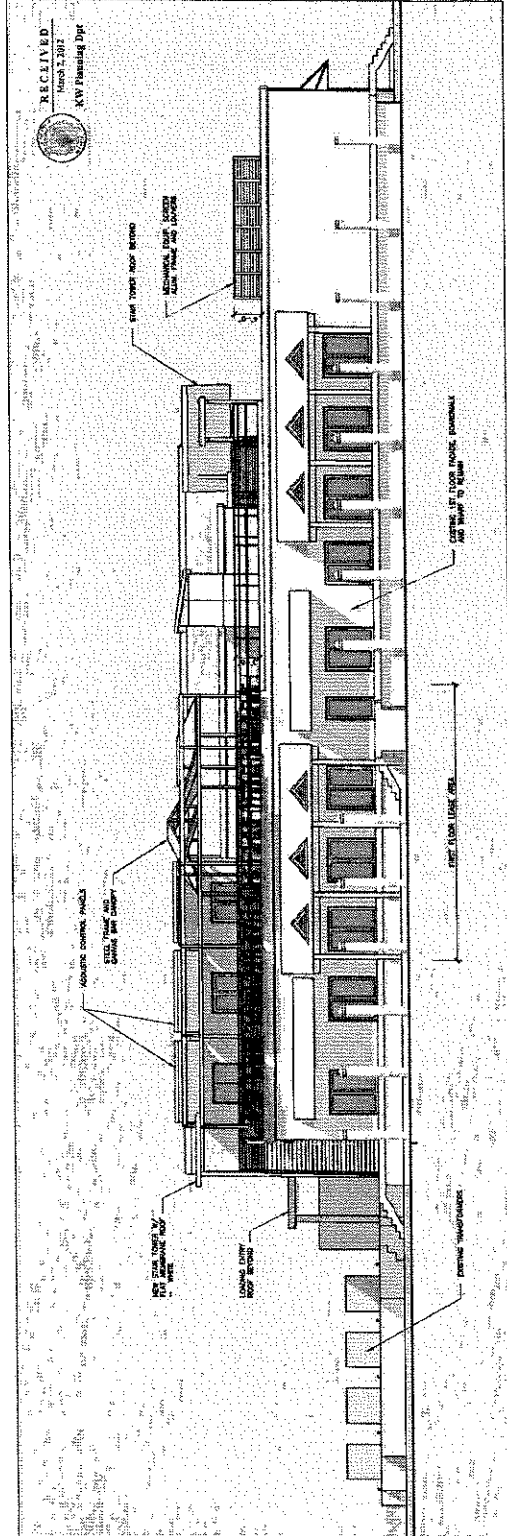
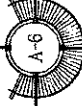
SEA

DESIGNED BY
WILLIAMP HORVA ARCHITECT, P.A.
1118 N.W. 11th St.
MIAMI, FLORIDA 33136

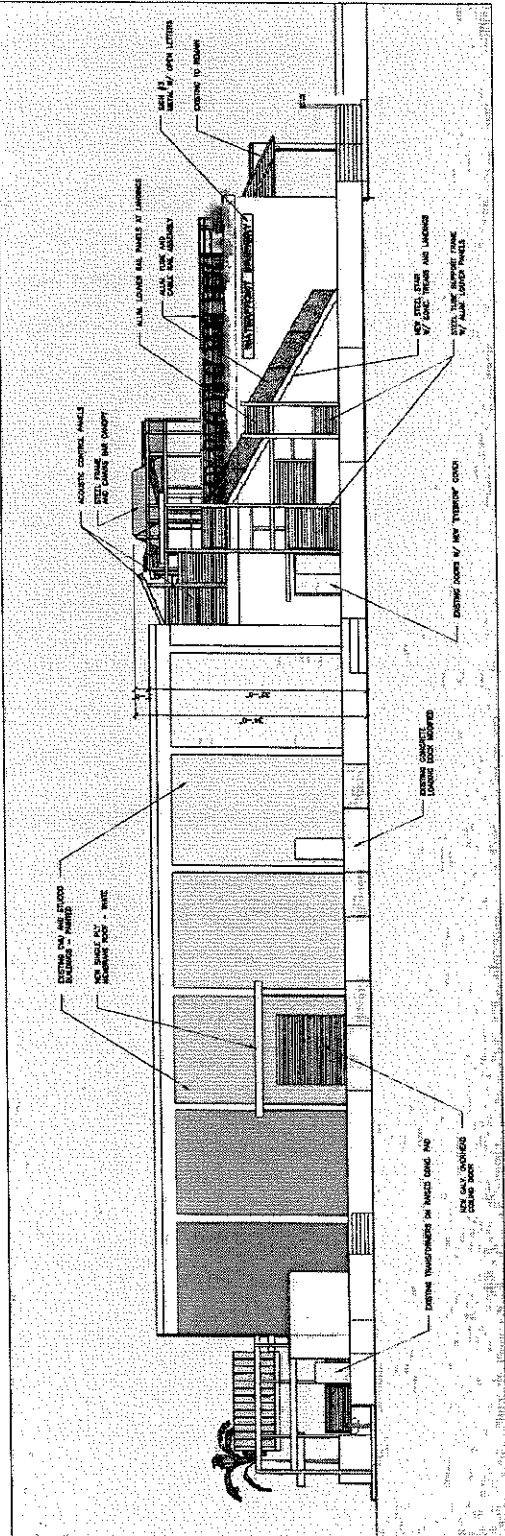
DATE
11-15-11 DHC
12-01-11 DHC

DESIGNS

DRAWN BY
EVA
T.M.
1118



1 ELEVATION - WATERFRONT
SCALE: 1/8" = 1'-0"
A-6



2 ELEVATION - LOADING DOCK
SCALE: 1/8" = 1'-0"
A-6

WATERFRONT BREWERY
20 WILLIAMS STREET
KEY WEST BIGHT, FLORIDA

Handwritten initials or signature.

WILLIAM P. HORN
ARCHITECT, P.A.

195 EASTON ST
SEVEN WEST
TALLAHASSEE
FLORIDA
32310

TEL: 904.224.9992
FAX: 904.224.9433
LICENSING NO.
A-10008818

WATERFRONT BREWERY
BY WILLIAM P. HORN
KEY WEST BIGHT FL.

SCALE: _____

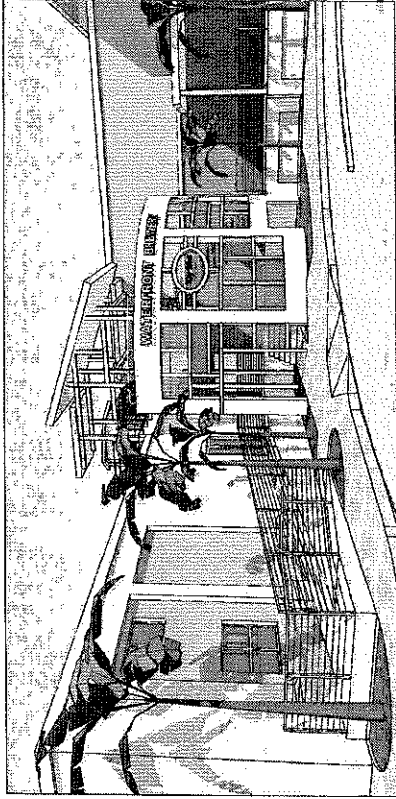
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DATE: 11-11-11 HARC
12-11-11 DRG

REVISIONS: _____

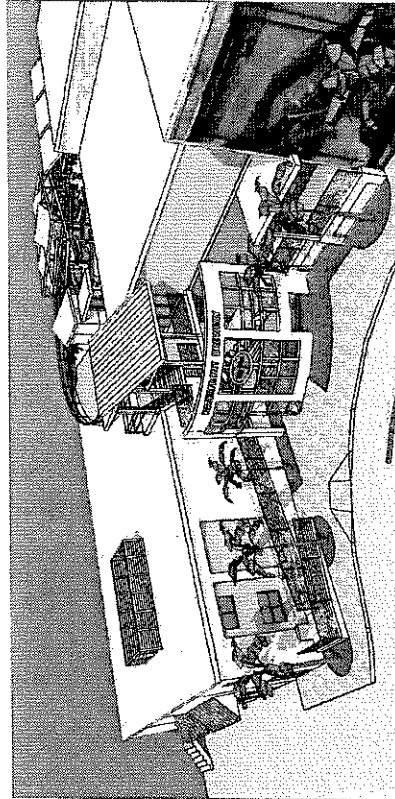
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KW Planning Dept.



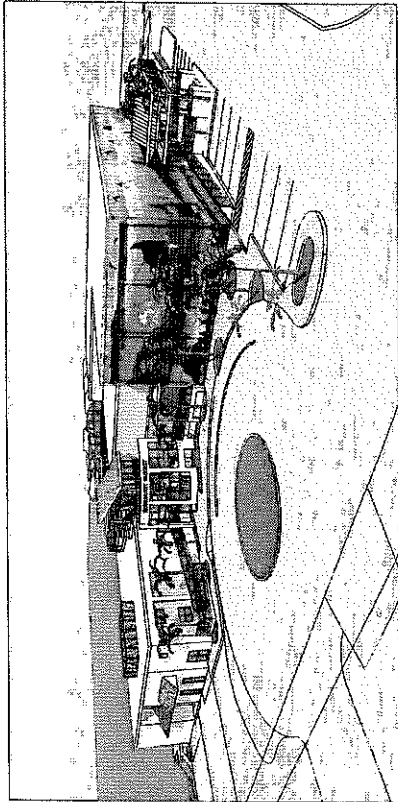
ENTRANCE II - PERSPECTIVE VIEW

2
A-7



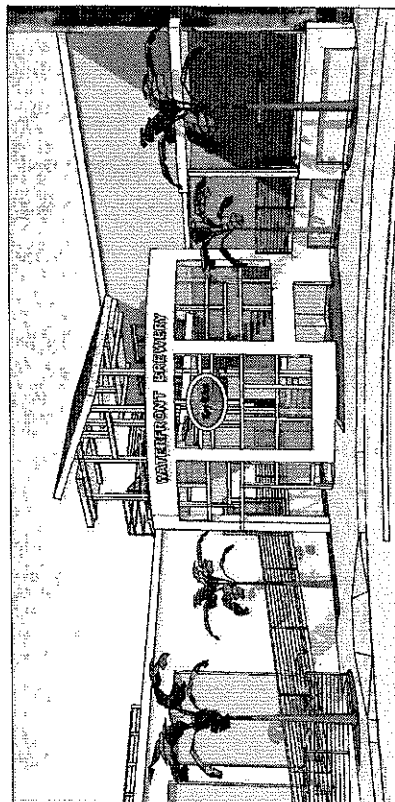
ENTRANCE II - AERIAL VIEW

4
A-7



ENTRANCE II - PERSPECTIVE VIEW

1
A-7



ENTRANCE II - PERSPECTIVE VIEW

3
A-7

A-7

WATERFRONT BREWERY
261 WILLIAM STREET
KEY WEST BIGHT, FLORIDA

2

WILLIAM F. ROSEN
ARCHITECT, P.A.

156 EAST 10TH ST.
KEY WEST,
FLORIDA
33004

TEL: 305-858-8323
FAX: 305-858-8323
USCENS: 50
#1 808889

WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST FLORIDA

SCALE _____

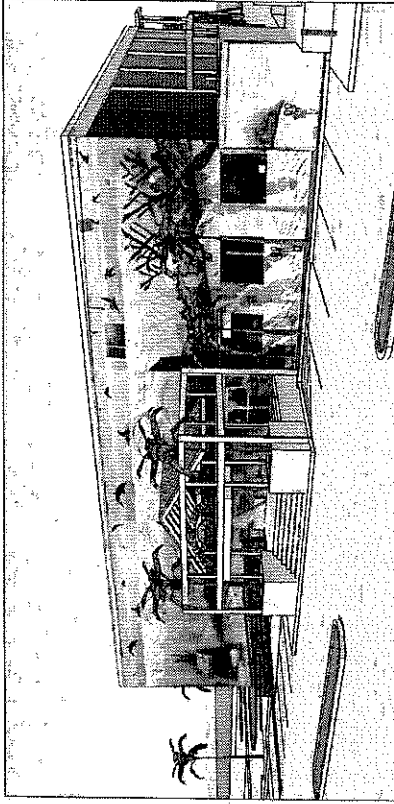
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DATE
12-11-11 HARC
12-20-11 DKC

REVISIONS _____

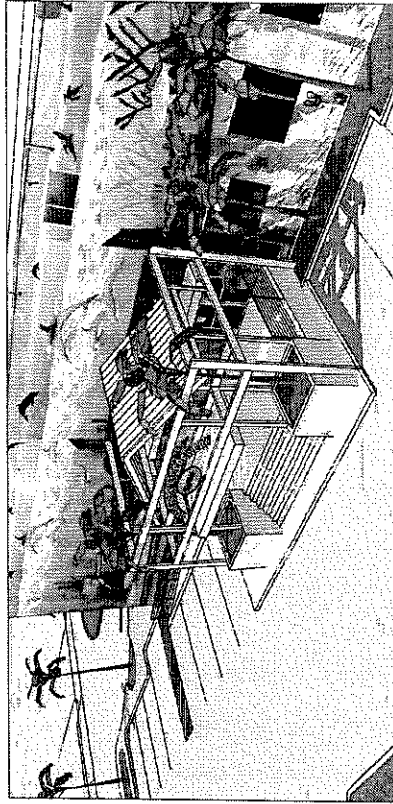
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PHI
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115

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MARCH 2, 2012
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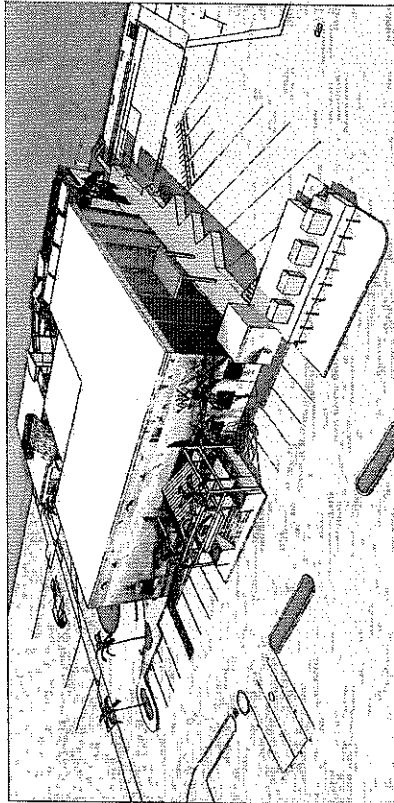
2 ENTRANCE I - PERSPECTIVE VIEW

1-8
A-8



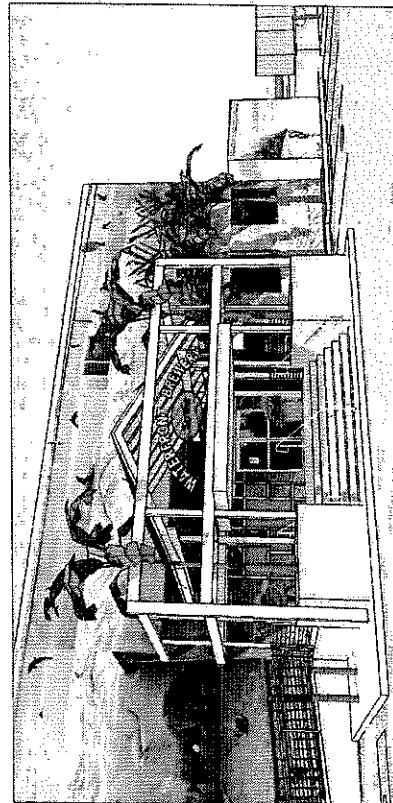
4 ENTRANCE I - AERIAL VIEW

1-8
A-8



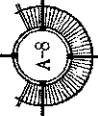
1 ENTRANCE I - AERIAL VIEW

1-8
A-8



3 ENTRANCE I - PERSPECTIVE VIEW

1-8
A-8



WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST BIGHT, FLORIDA

907

WILLIAM HORN
ARCHITECT, P.A.

REGISTRATION NO.
KEY WEST
FLORIDA
3040
TEL. 305 296-8822
FAX 305 296-1030
LICENSING NO.
AA 000000

WATERFRONT BREWERY
20 WILLIAM STREET
KEY WEST, FLORIDA

SCALE

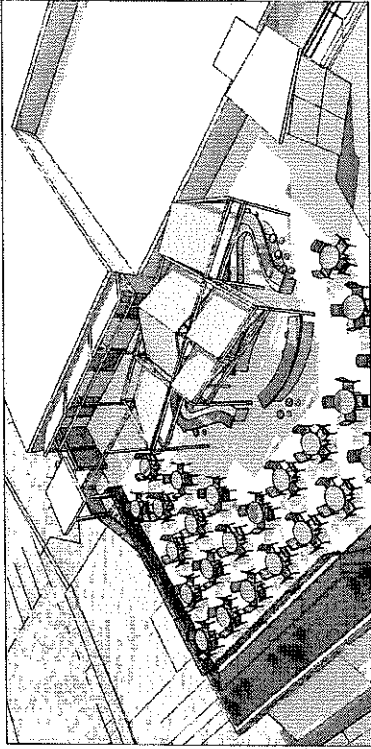
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WITHOUT WRITTEN
CONSENT OF
WILLIAM HORN

DATE
11-11-11 HARC
12-01-11 BRC

REVISIONS

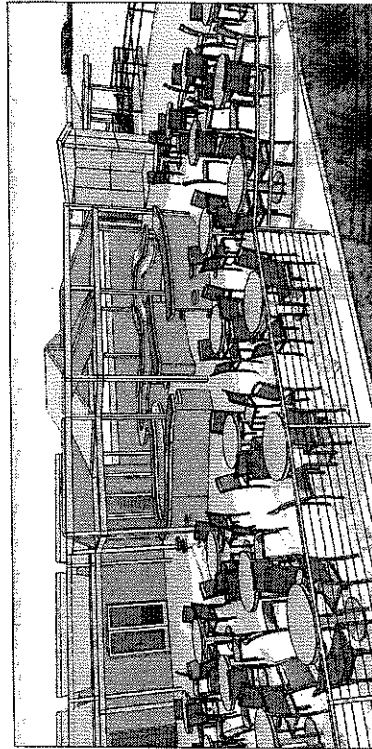
DRAWN BY
EMA
PH
PROJECT NUMBER
111

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MAY 17 2011
KV Planning Dept



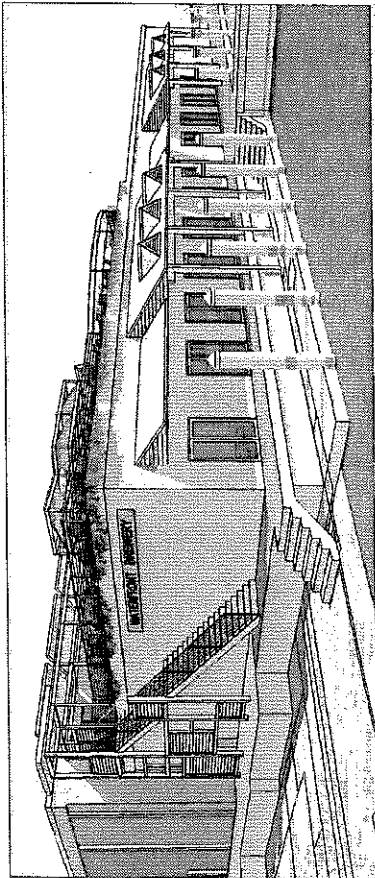
2 ROOF DECK - AERIAL VIEW

1
A-9



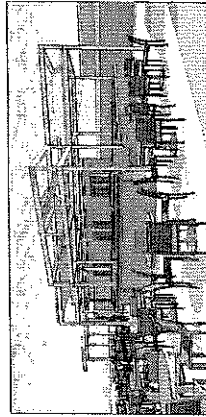
5 ROOF DECK - PERSPECTIVE VIEW

5
A-9



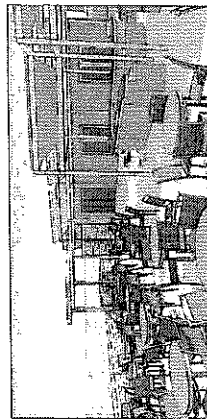
1 PERSPECTIVE VIEW

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A-9



4 PERSPECTIVE VIEW

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A-9



3 PERSPECTIVE VIEW

3
A-9



WATERFRONT BREWERY
20 WILLIAM STREET
KEY WEST, FLORIDA

Handwritten signature or initials.

WILLIAM HORN
ARCHITECT, P.A.

REGISTERED
FLORIDA
2004

TEL: 407 984-1000
FAX: 407 984-1001
WWW.WHORNPA.COM

ELIZABETH
NEWLAND
LANDSCAPE
ARCHITECTURE, LLC

REGISTERED
FLORIDA
2004

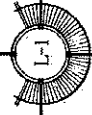
WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST, FL 34291

SCALE

TITLE SHEET
DATE: 11/14/11
DRAWN BY: JH
CHECKED BY: JH

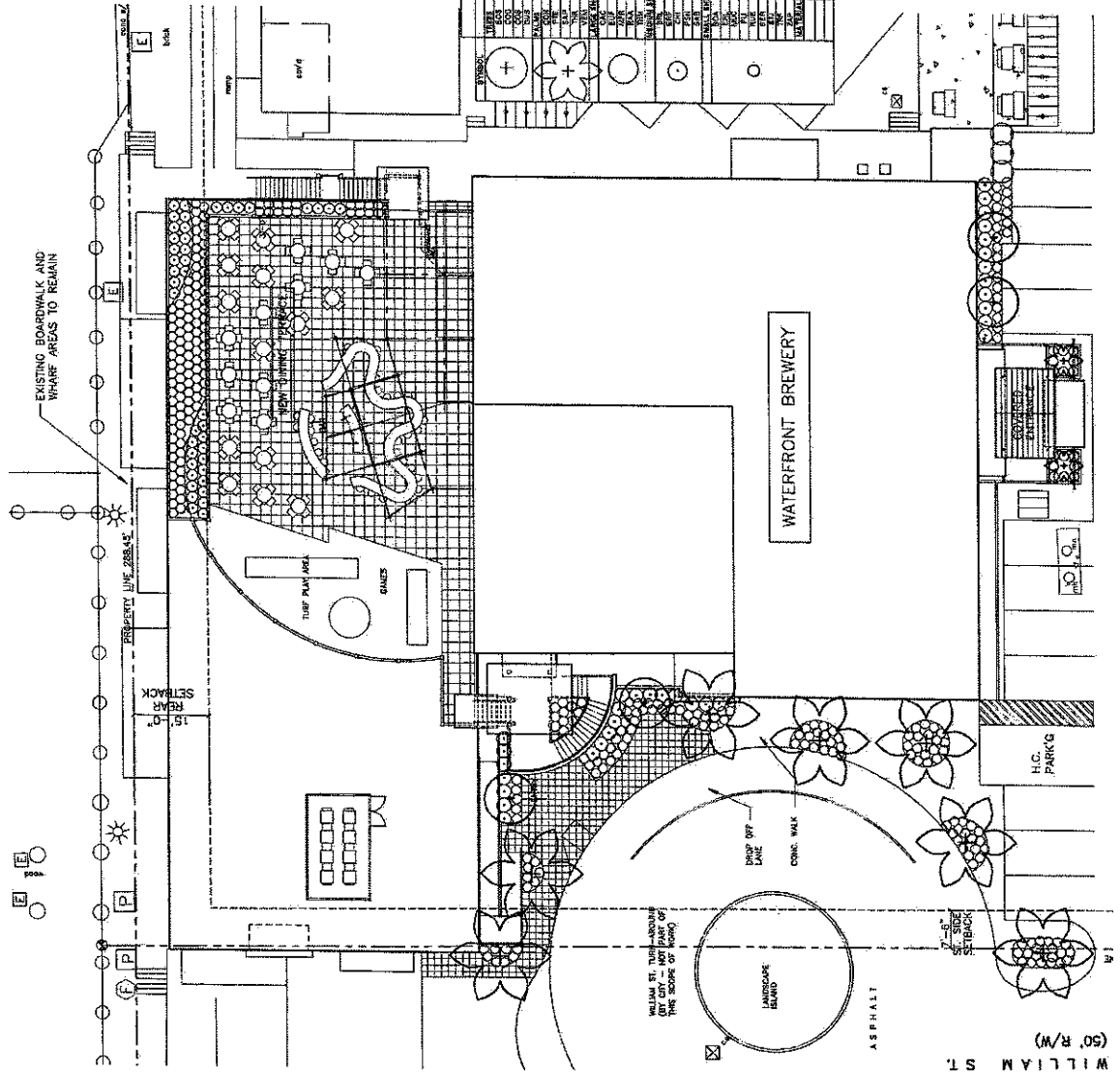
REVISIONS

DRAWN BY: JH
CHECKED BY: JH
DATE: 11/14/11



WATERFRONT BREWERY PLANT LIST

ITEM NO.	QUANTITY	SCIENTIFIC NAME	COMMON NAME	PLANT HEIGHT	SPACING	REMARKS
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LANDSCAPE PLAN
SCALE: 3/32" = 1'-0"

WATERFRONT BREWERY
201 WILLIAM STREET
KEY WEST, FLORIDA



RECEIVED
CITY OF KEY WEST
2008 NOV 13 PM 4:43
Administrative Interpretation
Bar/Lounge and Restaurant Uses
CITY OF KEY WEST
KEY WEST, FLORIDA

October 21, 2008

Issue: How does the City distinguish between restaurant and lounge/bar uses and ensure that facilities licensed as either are operating consistently with the definitions in the Land Development Regulations?

Introduction: The City of Key West Land Development Regulations define bar and lounge uses separately from restaurant uses. Further, the Land Development Regulations distinguish between these uses within individual zoning districts. In general, restaurants have less impact than lounges and bars, and the City's code reflects this by allowing restaurants as permitted uses and bars and lounges as conditional uses in the City's more intense commercial districts. New uses in the City of Key West must conform to the zoning district regulations.

Definitions for these uses, per Section 86-9, Definition of terms, Land use classifications, (3) Commercial activities, is as follows:

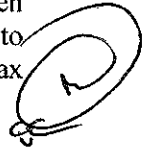
b. *Bar and lounge* mean a commercial establishment selling and dispensing for the drinking on the premises of liquor, malt, wine or other alcoholic beverages. This shall not include the sale of alcoholic beverages accessory to and within a restaurant use.

l. *Restaurant*, excluding drive-through, means any establishment, which is not a drive-through service establishment, where the principal business is the sale of food, desserts and beverages to the customer in a ready-to-consume state. This includes service within the building as well as takeout or carryout service. For the purpose of this subpart B and impact fee assessments, a takeout or carryout restaurant shall be limited to no more than five chairs or bench seats without tables or counter tops.

The City of Key West Building Department issues separate licenses for restaurants and bars/lounges based on the requested use made by the applicant, so long as the use is allowed within the applicable zoning district (or through an associated approval process, such as a Conditional Use). However, the City has not historically monitored licensed restaurant or bar/lounge uses to ensure that the facility is operating within the definitional parameters established in the Land Development Regulations, and thereby supporting the public purposes underlying the City's regulation of land use. The purpose of this interpretation is to establish guidelines for City staff to use in their determination if a facility is operating, or is proposed to operate, as a restaurant or as a bar.

Determination:

Although many bars and lounges sell food and many restaurants serve alcoholic beverages, the "principal business" of each facility defines the specific use under the Code. In other matters the City has determined that a "principal business" generates 51% or more of the revenue associated with a facility. Because the code clearly differentiates between the sale of alcoholic and other beverages, 51% of restaurant sales cannot include alcohol. Further, in the case of a restaurant, we have determined that sale of food (including dessert) must occur at all times the facility is open for business. In the event of a compliance concern, a given facility can be required to demonstrate that these criteria are being met. Although Florida Department of Revenue Sales Tax



Remittance and related documentation may be the best way to demonstrate compliance, other sources may be acceptable to the City and can be examined on a case by case basis.

In summary, the use of a facility as a restaurant can be demonstrated through the following two criteria:

1. The sale of food, desert and non-alcoholic beverages constitutes 51% or more of business; and,
2. The sale of food must occur during the time in which service is being provided to the public.

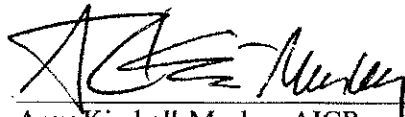
The use of a facility as a lounge or bar can be demonstrated through the following:


1. The sale of alcoholic beverages constitutes 51% or more of business.

Authority:

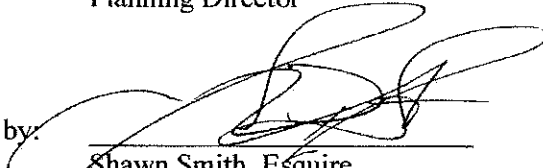
Section 90-301 (b) of the City of Key West Land Development Regulations provides the Planning Director the administrative responsibility to interpret the land development regulations. Section 90-301(a) requires that the Chief Building Official administer the land development regulations. Because the Building Official is also administratively responsible for Code Compliance within the City, this determination has been drafted in conjunction with him and includes his signature as well.

Signed by:


Amy Kimball-Murley, AICP
Planning Director


John Woodson
Building Official

Attested by:


Shawn Smith, Esquire
City Attorney

