

**PLANNING BOARD
RESOLUTION NO. 2025-__**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD APPROVING A CONDITIONAL USE TO ALLOW FOR THE CONTINUED OPERATION AND EXPANSION OF SEATING AREA OF A RESTAURANT LOCATED IN THE HISTORIC NEIGHBORHOOD COMMERCIAL -3 (HNC-3) ZONING DISTRICT, PURSUANT TO SECTIONS 122-62 AND 122-868 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS.

WHEREAS, pursuant to Section 122-868 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) restaurants are a conditional use in the HNC-3 zoning district; and

WHEREAS, the real property located at 207 Petronia Street and identified by RE#00013740-000000 is located in the HNC-3 zoning district; and

WHEREAS, the applicant filed an application for conditional use approval for an existing legal nonconforming restaurant; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 17, 2025; and

WHEREAS, the Planning Board found that the request for a conditional use complies with the criteria in Section 122-62(b) and (c) of the Land Development Regulations of the City of Key West; and

WHEREAS, the approval of the conditional use application would be in harmony with the general purpose and intent of the Land Development Regulations, and would 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 request for a conditional use to allow for the continued operation and expansion of the number of seats of a restaurant located in the Historic Neighborhood Commercial (HNC-3) zoning district, pursuant to Sections 122-62 and 122-868 of the Code of Ordinances of the City of Key West, Florida with the following conditions:

1. The area of the proposed use shall remain consistent with the floor plan submitted by the applicant.
2. Applicant shall comply with Sec 108-279 pertaining solid waste screening.

Section 4. This conditional use 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 and Land Development Regulations. After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Commerce (DOC). 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 DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period the DOC 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.

Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

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

Peter Batty, Planning Board Chair

Date

Attest:

Katie P. Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date

_____ Chairman

_____ Planning Director