

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING/DENYING AN APPEAL BY ATTORNEY MICHAEL HALPERN, ESQ. REPRESENTING 423 CAROLINE LLC, OF THE CITY PLANNER'S DETERMINATION TO SEEK A CONDITIONAL USE TO EXPAND BAR AREA TO 2ND FLOOR AT 423 CAROLINE STREET PURSUANT TO LAND DEVELOPMENT REGULATIONS SECTION 122-32; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the property at 423 Caroline Street is in the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district; and

WHEREAS, the applicant requested information from the Planning Department as to whether development approval would be required to add additional bar area to the property; and

WHEREAS, Planning Department staff provided that for properties zoned HRCC-1 the bar and lounge land use is a conditional use pursuant to Section 122-688; and

WHEREAS, staff records did not reveal an existing conditional use permit for bar and lounge associated with this address; and

WHEREAS, Code Section 122-32(d) states that a nonconforming use shall not be extended, expanded, enlarged, or increased in intensity, and separately states, "This prohibition shall include but not be limited to the extension of a nonconforming use within

a building or structure or to any other building or structure.”;
and

WHEREAS, staff responded to the applicant by email that a conditional use permit approval would be required to add additional “bar area”, to property at 423 Caroline Street pursuant to Article III, Conditional Uses, of the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Commission hereby affirms/reverses the staff determination that a conditional use approval would be required to add additional bar area to the business at 423 Caroline Street.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2024.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk on _____, 2022.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Lissette Carey _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK