

**PLANNING BOARD
RESOLUTION No. 2018-**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT PER SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES FOR PROPERTY LOCATED AT 122 DUVAL STREET (RE# 00000580-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Residential Commercial Core Duval Street Gulfside Zoning District (HRCC-1); and

WHEREAS, Section 106-51 of the City Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 of the City Code of Ordinances provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

WHEREAS, a request was submitted for Planning Board consideration to clarify that clothing items on non-permanent, portable racks for merchandise sold in the store can be displayed within the approved Exception area; and

WHEREAS, the Planning Board met on August 16, 2018 to consider factors favoring and disfavoring the Exception pursuant to Chapter 106-52 of the Land Development Regulations; and

_____Chairman

_____Planning Director

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. That an Exception for Outdoor Display under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of retail clothing and accessories to be placed on non-permanent, portable racks within the entranceway of the store located at 122 Duval Street (RE# 00000580-000000), with the following conditions, and per the attached site survey, location sketch with site photos received June 7, 2018:

1. The Exception is specific to the current tenant, 122 Duval, Inc., and granted for 60 months.
2. The Exception is limited to the existing front entrance of the property; and will not be placed in the City right-of-way. All display materials shall be no closer than four (4) feet to the sidewalk.
3. The Exception will all be free-standing and not attached to any house, fence or tree.
4. The Exception will only be present during hours of operation.
5. The Exception will provide clear access for ADA and fire accessibility, with a minimum pathway of thirty-six (36) inches.

Section 3. Exceptions to 106-51 may be revoked by the Planning Board after notice and hearing on grounds:

- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section.

_____Chairman

_____Planning Director

- b. The Exception was granted pursuant to mistaken or misleading information;
or
- c. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the Exception.

Section 4. The City Manager or the Planning Board, upon any written petition by any city resident, may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.

Section 5. This Exception for Outdoor Display 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 6. 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 7. 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 will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit 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 DEO can appeal the permit 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

_____Chairman
_____Planning Director

order.

Read and passed on first reading at a regularly scheduled meeting held this 16th day of August, 2018.

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

Sam Holland, Planning Board Chairman

Date

Attest:

Patrick Wright, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director