

PLANNING BOARD
RESOLUTION NO. 2026-

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
APPROVING/DENYING A REQUEST FOR A MINOR
DEVELOPMENT PLAN AND CONDITIONAL USE
APPROVAL TO ALLOW FOR THE AFTER-THE-FACT
CONSTRUCTION OF AN OUTDOOR BAR, LIVE MUSIC
SPACE, AND ASSOCIATED SEATING AREA LOCATED IN
THE HISTORIC RESIDENTIAL COMMERCIAL CORE – 1
DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT,
PURSUANT TO SECTIONS 122-62, 122-688, AND SECTION
108-91 OF THE LAND DEVELOPMENT REGULATIONS OF
THE CITY OF KEY WEST, FLORIDA.**

WHEREAS, Section 108-91(B)(1)(c), of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") provides that inside the Historic District, a Minor Development Plan is required for the ‘addition of outdoor commercial activity consisting of restaurant seating, outdoor commercial storage, active recreation, outdoor sales area or similar activities of 500 to 2,499 square feet’; and

WHEREAS, the applicant has requested after the fact approval for the construction of two tiki huts, a stage, and open-air consumption area with seating, and

WHEREAS, the subject property located at 325 Duval Street (RE# 00004320-000000) is in the Historic Residential Commercial Core – (HRCC-1), and

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Minor Development Plan as advisory to the City Commission; and

WHEREAS, this matter came before and was recommended for approval with conditions by the Planning Board at a duly noticed public hearing on April 16, 2026; and

WHEREAS, the granting of the proposed Minor Development Plan is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting approval of the proposed Minor Development Plan 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.

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 request for a minor development plan and conditional use approval to allow for the after-the-fact construction of an outdoor bar, live music space, and associated seating area located in the Historic Residential Commercial Core – 1 Duval Street Gulfside (HRCC-1) zoning district, pursuant to Sections 122-62, 122-688, and Section 108-91 of the Land Development Regulations of the City of Key West, Florida. as shown in the attached plans, is hereby approved with the following conditions:

General conditions:

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 Minor 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 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 shall be rendered to the Florida Department of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 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 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.

Read and passed on first reading at a regularly scheduled meeting held this 16th day of April, 2026.

Authenticated by the Chairman of the Planning Board and the City Planner.

Peter Batty, Planning Board Chairman

Date

Attest:

Taylor Brown, City Planner

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date