





DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

Fees listed below include a \$325.50 advertising/noticing fee and a \$115.76 fire review fee where applicable. Any Major or Minor Development Plan returned to the Planning Board after initial approval willrequire a new application fee equivalent to one-half of the current fee schedule

Development Plan and Conditional Use Application Fee Schedu	ule
Development Plan	
Minor Development Plan	
Within Historic District Total Application Fee	\$ 3,566.85
Outside Historic District Total Application Fee	\$ 2,872.27
Conditional Use Total Application Fee	\$ 1,714.65
Extension Total Application Fee	\$ 1,020.07
Major Development Plan Total Application Fee	\$ 4,724.47
Conditional Use Total Application Fee	\$ 1,714.65
Extension Total Application Fee	\$ 1,020.07
Administrative Modification Fee	\$ 840.00
Minor Modification Fee	\$ 1,601.25
Major Modification Fee	\$ 2,262.75
Conditional Use (not part of a development plan) Total Application Fee	\$ 3,335.32
Extension (not part of a development plan) Total Application Fee	\$ 1,020.07
Revision or Addition (not part of a development plan) Fee	\$ 2,100.00

Applications will not be accepted unless complete

	Major No	
Pleas	e print or type:	
)	Site Address: 801 Eaton Street, Key West, Florida 33040	
2)	Name of Applicant: Oropeza Stones & Cardenas, PLLC	
3)	Applicant is: Property Owner: Authorized Representative: X (attached Authorization and Verification Forms must be completed)	
4)	Address of Applicant: 221 Simonton Street, Key West, Florida 33040	
5)	Applicant's Phone #: (305) 294-0252 Email: greg@oropezastonescardenas	s.com
3)	Email Address: greg@oropezastonescardenas.com; lisa@oropezastonescardenas.c	om
7)	Name of Owner, if different than above: 801 Eaton Street, LLC, a Florida limited liability comp	any
3)	Address of Owner: 801 Eaton Street, Key West, Florida 33040	
Da	releasest Diag and Conditional Line Application	4

9)	Owner Phone #: 305-294-0252	Email: greg@oropezastonescardenas.com
10)	Zoning District of Parcel: HNC-2	RE# 00003340-000000
11)	Is Subject Property located within the Historic Dis	strict? YesX No
	If Yes: Date of approval N/A	
	HARC approval #	
	OR: Date of meeting	
12)	than one use, describe in detail the nature of separate sheet if necessary).	Please be specific, list existing and proposed buildings staurant seats, vehicles proposed, etc. If there is more each use (Give concise description here and use a
Con	Property is currently approved for 9 restaurant sea ditional use under PB 2015-33 to add 7 additional s	ts. The Owner is seeking to an amendment to the existing eats, for a total of 16 seats.
8		
13)	Has subject Property received any variance(s)? If Yes: Date of approval 7/16/2015 Resolution	
		# 2013-33
14)	Attach resolution(s).	
14)	Are there any easements, deed restrictions or oth	ner encumbrances on the subject property?
	YesNo_X_	
	If Yes, describe and attach relevant documents.	
	A. For both Conditional Uses and Developmen attached Conditional Use and Developmen	nt Plans, provide the information requested from the t Plan sheet.
	B. For Conditional Uses only, also include the C Article III, Sections 122-61 and 122-62 of the criteria).	Conditional Use Criteria required under Chapter 122, Land Development Regulations (see attached copy of
	required under Chapter 108, Article II, Divis	ovide the Development Plan Submission Materials ion 7, Sections 108-226 through 108-248 of the Land copy of criteria) and any additional information as
	 D. For both Conditional Uses and Development an Engineer or Architect. 	Plans, one set of plans MUST be signed & sealed by

Please note, development plan and conditional use approvals are quasi-judicial hearings, and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

Required Plans and Related Materials for both a Conditional Use and Minor/Major Development Plan

Existing Conditions.

- A) Recent Survey of the site by a licensed Surveyor (Survey must be within 10 years from submittal date of this application) showing all dimensions including distances from property lines, and including:
 - 1) Size of site;
 - 2) Buildings, structures, and parking;
 - 3) FEMA Flood Zone;
 - 4) Topography;
 - 5) Easements; and
 - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
 - B) Existing size, type and location of trees, hedges, and other features.
 - C) Existing stormwater retention areas and drainage flows.
 - D) A sketch showing adjacent land uses, buildings, and driveways.
- II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.
 - A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
 - 1) Buildings
 - 2) Setbacks
 - 3) Parking:
 - a. Number, location and size of automobile and bicycle spaces
 - b. Handicapped spaces
 - c. Curbs or wheel stops around landscaping
 - d. Type of pavement
 - 4) Driveway dimensions and material
 - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
 - 6) Location of garbage and recycling
 - 7) Signs
 - 8) Lighting
 - 8) Project Statistics:
 - a. Zoning
 - b. Size of site
 - c. Number of units (or units and Licenses)
 - d. If non-residential, floor area & proposed floor area ratio
 - e. Consumption area of restaurants & bars
 - f. Open space area and open space ratio
 - g. Impermeable surface area and impermeable surface ratio
 - h. Number of automobile and bicycle spaces required and proposed
 - B) Building Elevations
 - Drawings of all building from every direction. If the project is in the Historic District, please submit HARC approved site plans.
 - 2) Height of building.
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
 - C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
 - D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations.

III. <u>Solutions Statement</u>. Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

Development Plan Submission Materials

Sec. 108-226. Scope.

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties.
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

Sec. 108-227. Title block.

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

Sec. 108-228. Identification of key persons.

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

Sec. 108-229. Project description.

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio permitted and proposed.
- (6) Lot coverage permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.
- (10) Parking spaces permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

Sec. 108-230. Other project information.

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

Sec. 108-231. Residential developments.

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
 - (1) A breakdown of the proposed residential units by number of bedrooms.
 - (2) Tenure (i.e., owner-occupied or rental); and
 - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

Sec. 108-232. Intergovernmental coordination.

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
 - a. South Florida Regional Planning Council (SFRPC).
 - b. City electric system (CES).
 - c. State department of environmental protection (DEP).
 - d. Army Corps of Engineers (ACOE).
 - e. South Florida Water Management District (SFWMD).
 - f. State department of transportation (DOT).
 - g. State department of community affairs (DCA).
 - h. Florida Keys Aqueduct Authority (FKAA).
 - i. State fish and wildlife conservation commission (F&GC).
 - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and intent

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Sec. 122-62. Specific criteria for approval.

- (a) Findings. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan complies with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) <u>Characteristics of use described</u>. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
 - (1) Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ratio:
 - b. Traffic generation;
 - c. Square feet of enclosed building for each specific use;
 - d. Proposed employment;
 - e. Proposed number and type of service vehicles; and
 - f. Off-street parking needs.
 - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
 - a. Utilities:
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
 - c. Roadway or signalization improvements, or other similar improvements;
 - d. Accessory structures or facilities; and
 - e. Other unique facilities/structures proposed as part of site improvements.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space;
 - b. Setbacks from adjacent properties;
 - c. Screening and buffers;
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
- (c) <u>Criteria for conditional use review and approval</u>. Applications for a conditional use shall clearly demonstrate the following:
 - (1) <u>Land use compatibility</u>. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
 - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

- (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- (4) <u>Hazardous waste</u>. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
- (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
 - a. <u>Land uses within a conservation area</u>. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
 - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and offstreet parking; as well as possible required mitigative measures such as landscaping and site design amenities.
 - c. Commercial or mixed-use development. Commercial or mixed-use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed-use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.

- d. <u>Development within or adjacent to historic district</u>. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
- e. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed-use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.
- f. <u>Commercial structures uses and related activities within tidal waters</u>. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
- g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.



GREGORY S. OROPEZA | ADELE V. STONES [Retired] | SUSAN M. CARDENAS, of Counsel LISA MARIE KEHOE | KAIA. MURPHY

CONDITIONAL USE CRITERIA

801 Eaton Street (R.E. # 00003340-000000)

Title Block:

a. Name of Development: Eaton Seafood

b. Name of Owner: 801 Eaton, LLC, a Florida limited liability company

c. Name of Tenant/Operator: Eaton Seafood

d. Name of Applicant: Oropeza Stones & Cardenas, PLLC

e. North Arrow: As identified on the survey

Identification of Key Persons:

a. Owners: 801 Eaton, LLC, a Florida limited liability company

b. Authorized Agent: Oropeza, Stones & Cardenas, Esq.c. Surveyor: Florida Keys Land Surveying

d. Engineer: Reynolds Engineering

Project Description:

<u>Project Description</u>: The proposed project is to amend the existing conditional use allowance to allow for thirteen (13) additional restaurant seats. The existing conditional use allowance provides for nine (9) restaurant seats. The Applicant is seeking a total of twenty-two (22) restaurant seats.

Other Project Information:

a. Proposed Phases of Development and Target Dates: NA

Sec. 122-62. Specific Criteria for Approval

(a) The Planning Board may find that the Application meets the Code purpose of ensuring that "a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses with the immediate vicinity."

The property is zoned HNC-2, which is generally intended to allow for mixed residential and commercial uses similar in character to traditional neighborhood commercial services which have very limited square footage and generate low volumes of traffic.

(b) Characteristics of use described.

The applicant is proposing an amendment to the existing conditional use permitted on the premises, which currently provides for nine (9) restaurant seats. The amended conditional use would allow for an additional seven (7) restaurant seats, for a total of sixteen (16) restaurant seats.

- (1) Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ratio No changes are being proposed to F.A.R. with this conditional use application.
 - b. Traffic generation The proposed project will not alter any road ways and would not have a negative impact on the flow of traffic. Notably, the large majority of patrons of the Eaton Seafood restaurant are pedestrians and bicyclists, and therefore do not effect the flow of traffic along Eaton Street.
 - c. Square feet of enclosed building for each specific use 874 finished square feet.
 - d. Proposed employment No change to existing employment will be required to accommodate a total of sixteen (16) restaurant seats.
 - e. Proposed number and type of service vehicles None.
 - f. Off-street parking needs The existing four (4) parking spaces are sufficient given the large majority of patrons are pedestrians and bicyclists. A total of twelve (12) bicycle parking spaces are provided in addition to the four (4) vehicle parking spaces.
- (2) On-or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
 - a. Utilities Current utility service is adequate to support the proposed increase of restaurant seats.
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94 No changes to public facilities are required to ensure compliance with concurrency management, as provided in Chapter 94 of the City Code. There are no expected changes with regard to the level of service for potable water, sanitary sewer, or drainage, and no adverse impact is anticipated on roadway capacity or trip generation.
 - c. Roadway or signalization improvements, or other similar improvements No upgrades to roadways or signalization are required.
 - d. Accessory structures or facilities None.
 - e. Other unique facilities/structures proposed as part of site improvements None known at this time.

- (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space No change.
 - b. Setbacks from adjacent properties No change.
 - c. Screening and buffers No change.
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites No change.
 - e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts The proposed amendment to the existing conditional use is not anticipated to produce an increase in smoke, odor, noise, or other noxious impacts.

(c) <u>Criteria for conditional use review and approval.</u>

- (1) Land use compatibility The proposed amended use is consistent with other similar arrangements at other restaurants in the same district.
- (2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use The size and shape of the site are more than adequate to accommodate the proposed scale and intensity of the conditional use requested.
- (3) Proper use of mitigative techniques Adverse impacts to the general public health, safety and welfare are not anticipated.
 - (4) Hazardous waste No hazardous waste will be generated or used on the Property.
- (5) Compliance with applicable laws and ordinances All applicable federal, state, county and city laws shall be complied with.
 - (6) Additional criteria applicable to specific land uses.
 - a. Land uses within a conservation area Not applicable.
 - b. Residential development Not applicable.
 - c. Commercial or mixed use development. Not applicable.
 - d. Development within or adjacent to historic district Not applicable as no new development is proposed.
 - e. Public facilities or institutional development Not applicable.

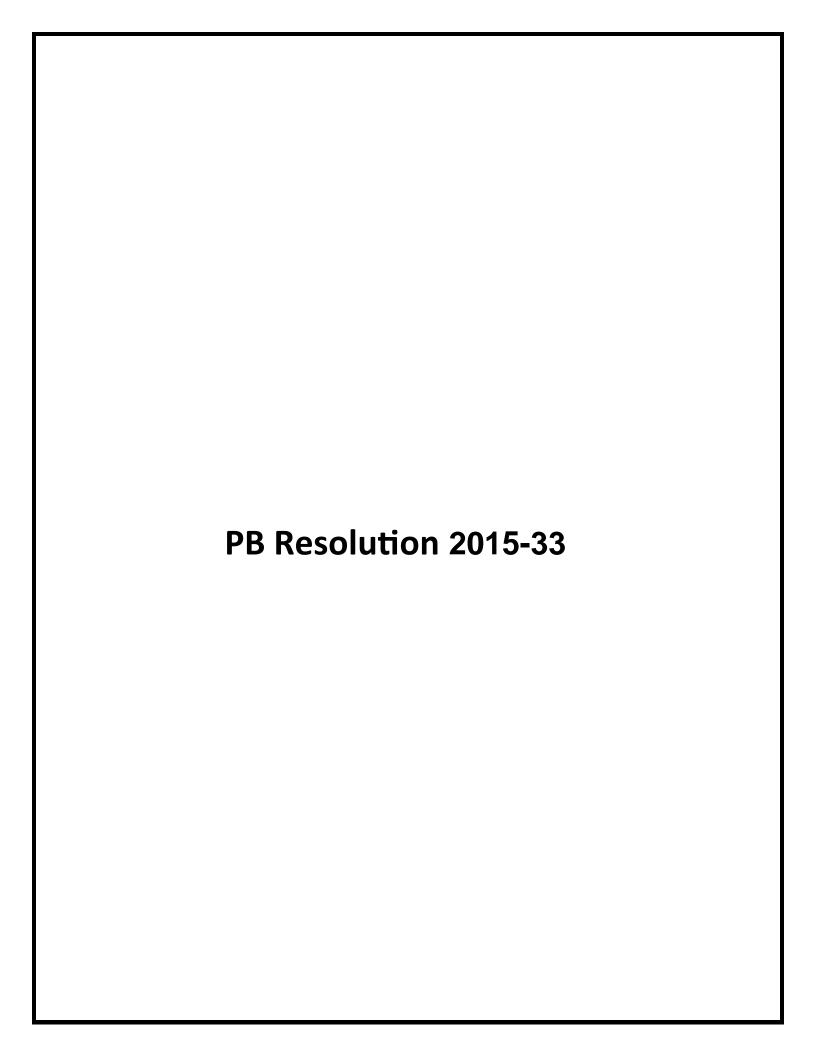
- f. Commercial structures, uses and related activities within tidal waters Not applicable.
- g. Adult entertainment establishments Not applicable.

Thank you for your consideration of this application and attendant documents. We look forward to working with you and Planning staff on this project.

Very truly yours,

Gregory S. Oropeza, Esq.

Enclosures



PLANNING BOARD RESOLUTION NO. 2015-33

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR A RESTAURANT USE ON PROPERTY LOCATED AT 801 EATON STREET (RE# 00003340-000000; AK# 1003476) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL — OLD TOWN NORTHEAST AND SOUTHEAST (HNC-2) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-838(9) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the subject property is located within the Historic Neighborhood Commercial – Old Town Northeast and Southeast (HNC-2) Zoning District; and

WHEREAS, pursuant to Sections 122-62 and 122-838(9) of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City"), the applicant filed a conditional use application for the proposed restaurant use within a existing commercial retail space on property located at 801 Eaton Street; and

WHEREAS, City Code Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 16, 2015; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

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Chairman

general purpose and intent of the LDRs, 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 fully set forth herein.

Section 2. That a conditional use request, pursuant to Sections 122-62 and 122-838(9) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing a restaurant use with on-site consumption for up to nine (9) seats and takeout service on property located at 801 Eaton Street (RE # 00003340-000000; AK # 1003476), with the following conditions:

General conditions:

- 1. All required Certificates of Appropriateness shall be obtained for the proposed development prior to building permit issuance.
- 2. Building permits shall be obtained for the installation of the necessary kitchen equipment, ADA accessible restroom, fire suppression system, grease interceptor and any life/safety improvements to the satisfaction of the City's Building Official and Fire Marshall.
- 3. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

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> > Chairman
> > Planning Director

4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the

above general conditions.

Conditions subject to a Conditional Approval Permit, and subject to an

associated annual inspection:

5. The consumption area of the approved restaurant use shall not exceed nine (9)

seats or 135 square feet, whichever is greater, unless further City approvals are obtained.

Impact fees shall be paid through the City Licensing Official on all restaurant seats.

6. In order to avoid any adverse impacts on surrounding residential uses, the

restaurant shall close by 10:00 PM each day.

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 and construction shall

commence within 12 months after the date hereof.

Section 4. This 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 (including the Land Development Regulations). After the City appeal

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Planning Director

period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period the DEO 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 July, 2015.

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

Richard Klitenick, Planning Board Chair

Date

Attest:

Thaddeus Cohen, Planning Director

Date

Filed with the Clerk:

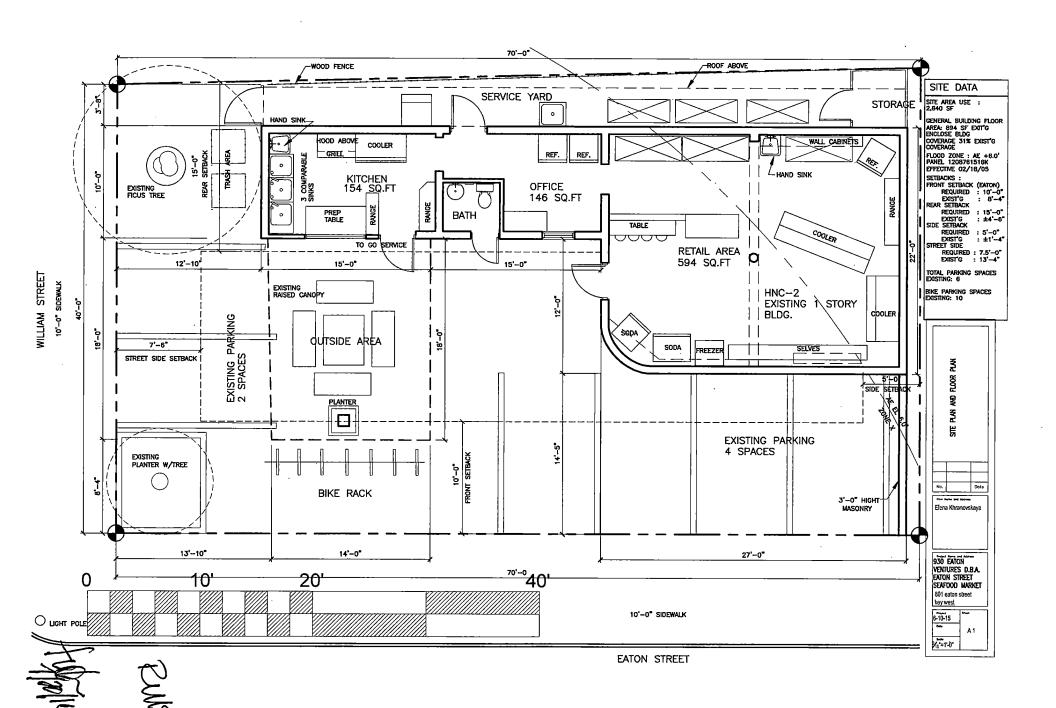
Cheryl Smith City Clerk

9-1-15

Date

Page 4 of 4 Planning Board Resolution No. 2015-33

Chairman
Planning Director



PROPERTY CARD	

Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00003340-000000 Account# 1003476 Property ID 1003476

Millage Group 10KW

Location 801 E Address

801 EATON St, KEY WEST

Legal Description KW PT LOT 4 SQR 21 PARCEL 1 XX-387 OR546-717 OR744-691/92 OR782-1493/94 OR956-2421/22 OR1291-354/55 OR1650-441/44 OR2658-2459/60 OR2843-1370

OR2843-1375/7

(Note: Not to be used on legal documents.)

Neighborhood 32090

Property Class

ty Class RETAIL-SINGLE TENANT (1100)

Subdivision

Sec/Twp/Rng 06/68/25 Affordable No

Housing



Owner

801 EATON STREET LLC 801 Eaton St Key West FL 33040

Valuation

	2023 Preliminary Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$104,755	\$109,824	\$109.824	\$113,203
+ Market Misc Value	\$4,999	\$4,999	\$4,999	\$4,999
+ Market Land Value	\$959,581	\$671,707	\$639,721	\$543,763
 Just Market Value 	\$1,069,335	\$786,530	\$754,544	\$661,965
= Total Assessed Value	\$865,183	\$786,530	\$728,161	\$661,965
 School Exempt Value 	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,069,335	\$786,530	\$754,544	\$661.965

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$671,707	\$109,824	\$4,999	\$786,530	\$786,530	\$0	\$786.530	\$0
2021	\$639,721	\$109,824	\$4,999	\$754,544	\$728,161	\$0	\$754,544	\$0
2020	\$543,763	\$113,203	\$4,999	\$661,965	\$661,965	\$0	\$661,965	\$0
2019	\$517,869	\$113,203	\$4,999	\$636,071	\$636,071	\$0	\$636,071	\$0
2018	\$517,869	\$112,744	\$4,999	\$635,612	\$635,612	\$0	\$635,612	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth	
(1100)	2,847.00	Square Foot	70	40	

Buildings

Building ID	39273			Exterior Walls	C.B.S
Style Building Ty	pe 1 STY STORE-D /	11D		Year Built	1945
Building Na	[[[[[[[]]]]]]] [[[[[]]]]] [[[]] [[]] [110		EffectiveYearBuilt Foundation	1994
Gross Sq Ft				Roof Type	
Finished Sq				Roof Coverage	
Stories	2 Floor			Flooring Type	
Condition	AVERAGE			Heating Type	
Perimeter	178			Bedrooms	0
Functional	Obs 0			Full Bathrooms	0
Economic C	Obs 0			Half Bathrooms	0
Depreciation				Grade	450
Interior Wa	alls			Number of Fire PI	0
Code	Description	Sketch Area	Finished Area	Perimeter	
CAN	CANOPY	252	0	0	
FLA	FLOOR LIV AREA	893	893	0	
SBF	UTIL FIN BLK	15	0	0	
TOTAL		1,160	893	0	

Yard Items

Description	Year Built	Roll Year	Size	Quantity	Units	Grade	
CONC PATIO	1947	1948	0×0	1	1114 SF	2	
IND TO BRICKPATIO	1947	1948	5 x 14	1	70 SF	2	
FENCES	1981	1982	7 x 18	1	126 SE	2	

Monroe County, FL

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
3/8/2017	\$750,000	Warranty Deed	2114114	2843	1375	01 - Qualified	Improved	BOYNTON JOYCE	
11/13/2013	\$0	Warranty Deed		2658	2459	11 - Unqualified	Improved		
10/1/1985	\$252,000	Warranty Deed		956	2421	M - Unqualified	Improved		

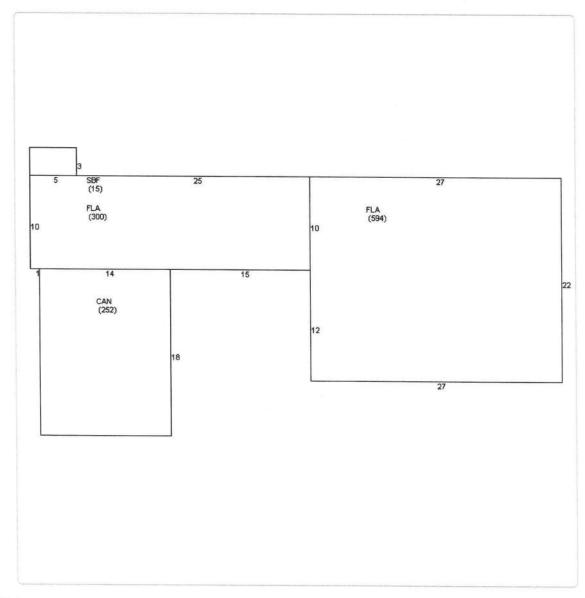
Permits

Number \$	Date Issued	Date Completed \$	Amount	Permit Type	Notes ≑
BLD2019- 2631	8/5/2019	10/1/2019	\$8,000	Commercial	Replace broken windows and replace doors on front of building Harc has already approved window type
	4/20/2010	7/19/2010	\$16,340	Commercial	REMOVE AND INSTALL ROOF COVERING
10-1171	4/20/2010		\$16,340	Commercial	REMOVE AND INSTALL NEW ROOFING, REMOVE DOWN TO WOOD DECK PEEL AND STICK 1/4" DECK, INSULLATION SINGLE PLY ROOF SYSTEM
B952804	8/1/1995	11/1/1995	\$700		INSTALL STORM PANELS
M932037	7/1/1993	12/1/1993	\$1,600		INSTALL 1.5 TON AC

View Tax Info

View Taxes for this Parcel

Sketches (click to enlarge)



Photos





Мар



TRIM Notice

2023 TRIM Notice (PDF)

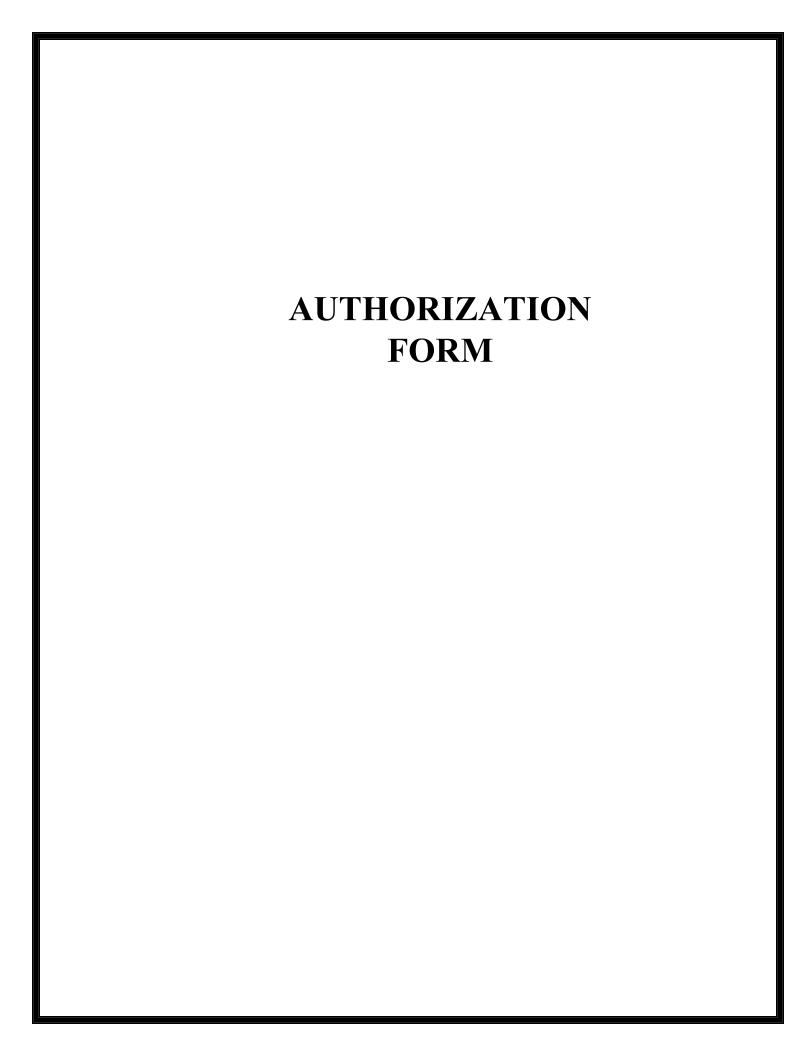
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understand and agree that the

User Privacy Policy | GDPR Privacy Notice
Last Data Upload: 10/30/2023, 4:00:44 AM

Contact Us







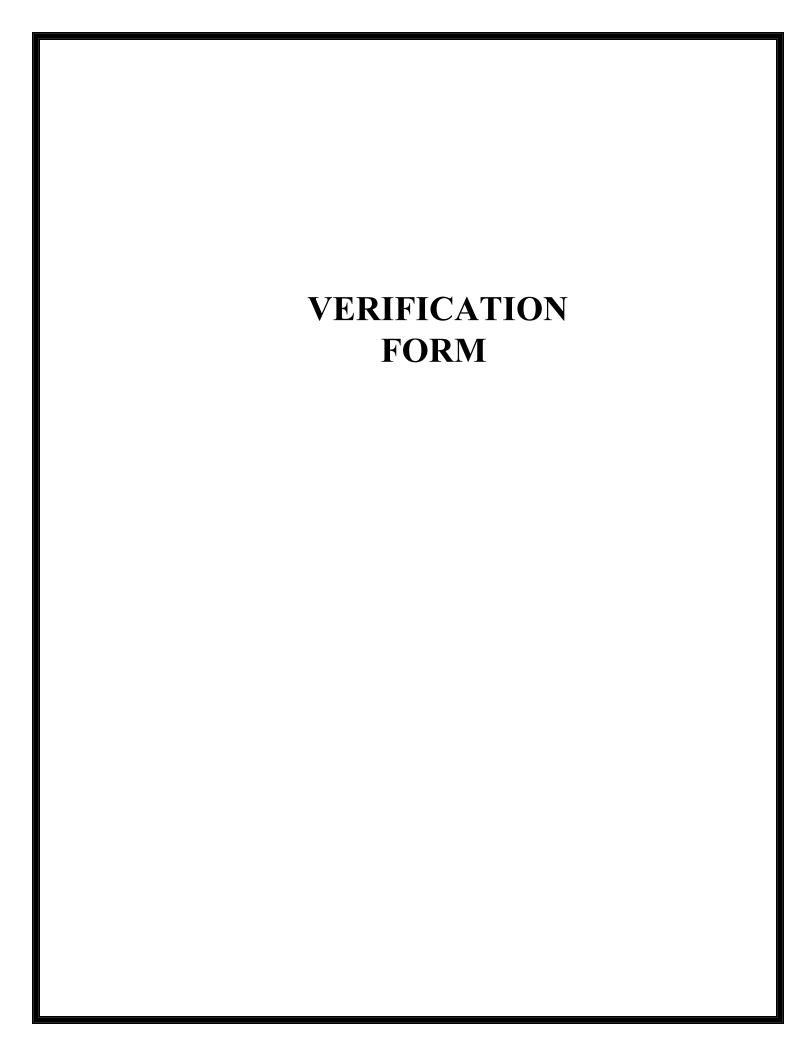
City of Key West Planning Department

Authorization Form

(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

_{I,} Damon M. Santelli	as
Please Print Name of person with auth	hority to execute documents on behalf of entity
Manager	of 801 Eaton Street, LLC, a Florida limited liability Co.
Name of office (President, Managing Member	Name of owner from deed
authorize Oropeza, Stones & Cardenas, P	LLC
Please Print N	Jame of Representative
to be the representative for this application and ac	Dris may
Signature of person with authority to	execute documents on behalf of entity owner
Subscribed and sworn to (or affirmed) before me	
	Date
by Damon M. Santelli	
Name of person with authority to e.	execute documents on behalf of entity owner
**	
He/She is personally known to me or has presente	edas identification.
Notary's Signature and Seal	NOTARY PURITY
Name of Acknowledger typed, printed or stamped	MY COMMISSION EXPIRES 3-21-2026
Commission Number, if any	MON NUMBER HH 28 MINISTER WAS A STATE OF THE





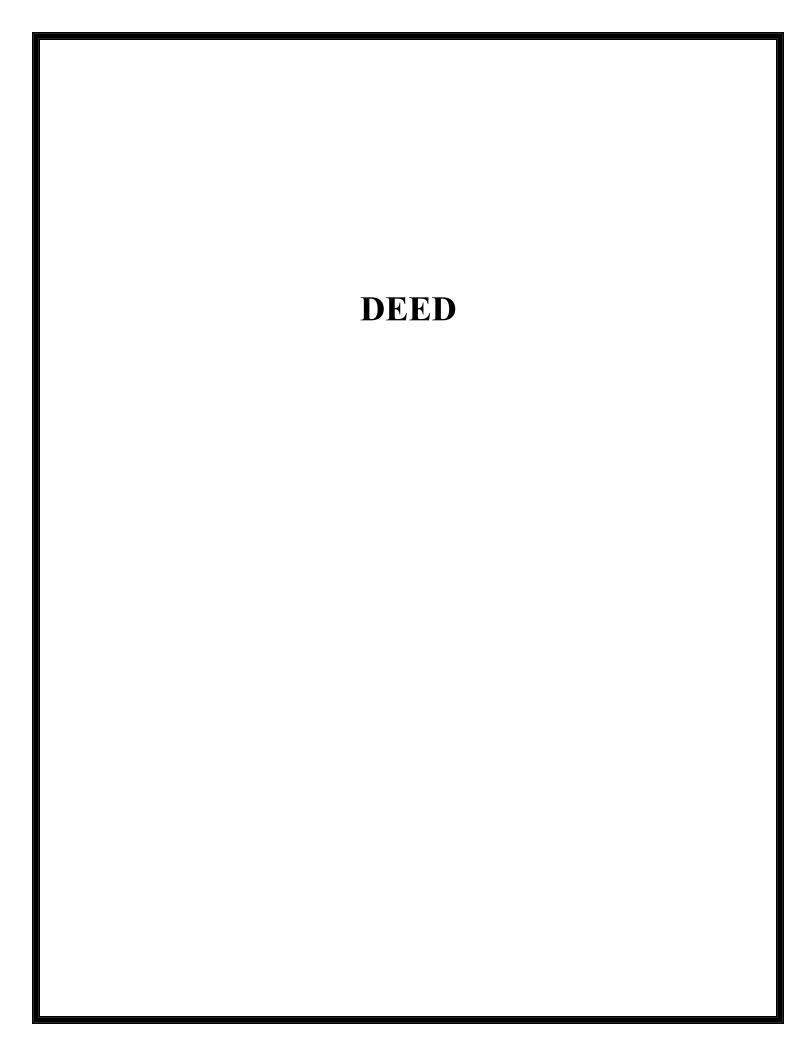
Greogory S. Oropeza

City of Key West Planning Department Verification Form

(Where Applicant is an entity)

__, in my capacity as Managing Partner

(print name)	(print position; president, managing member)
of Oropeza, Stones & Cardenas, PLLC	
(print nar	ne of entity)
being duly sworn, depose and say that I am the Auth the deed), for the following property identified as the	orized Representative of the Owner (as appears on e subject matter of this application:
801 Eaton Street, Key West, Florida 33040	
Street address o	f subject property
Authorized Representative of the property involved	under the laws of the State of Florida that I am the in this application; that the information on all plans, ements and answers contained herein are in all respects
In the event the City or the Planning Department re untrue or incorrect, any action or approval based on	elies on any representation herein which proves to be said representation shall be subject to revocation.
Signature of Applicant	
Subscribed and sworn to (or affirmed) before me on Gregory S. Oropeza Name of Applicant	this [[23 / by date
He/She is personally known to me or has presented	as identification. as identification.
Name of Acknowledger typed, printed or stamped Commission Number, if any	MY COMMISSION EXPIRES 3-21-2026 WY COMMISSION EXPIRES 3-21-2026 Page 1 of 1



Dock 2114114 03/14/2017 1:17PM Filed & Recorded in Official Records of MONROE COUNTY KEVIN MADOK

NOTE TO CLERK/TAX EXAMINER: Actual consideration paid is \$ 750,000.00

This Instrument Prepared by and Return to: Jennifer G. Sanchez, Esq. Sanchez & Ashby, P.A. 1223 White Street, Unit 104 Key West, FL 33040 (305) 293-0084 03/14/2017 1:17PM DEED DOC STAMP CL: Krys

> Doc# 2114114 Bk# 2843 Pg# 1375

Parcel ID Number: 00003340-000000

Warranty Deed

This Indenture, Made this 8th Joyce M. Boynton, a single woman

March

, 2017 A.D.,

Between

\$5,250.00

of the County of Monroe

State of Florida

, grantor, and

801 Eaton Street, LLC, a Florida limited liability company

day of

whose address is: 801 Eaton St., Key West, FL 33040

of the County of Monroe

State of Florida

, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

that the GRANTOR, for and in consideration of the sum of

DOLLARS

and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Monroe

State of Florida

to wit:

SEE EXHIBIT "A" ATTACHED HERETO

Subject to current taxes, easements and restrictions of record.

Warranty Deed - Page 2

Parcel ID Number: 00003340-000000

Doc# 2114114 Bk# 2843 Pg# 1376

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Printed Name: John Agnett, Joyce M. Boynton
Witness
Printed Name: Angela Scott
Witness

STATE OF Florida COUNTY OF Monroe

The foregoing instrument was acknowledged before me this Joyce M. Boynton, a single woman

b day of

March

, 2017

hv

who is personally known to me or who has produced her Florida driver's license as identification.

ELEANOR LYNN WILKINS
MY COMMISSION # FF 090422
EXPIRES: May 17, 2018
Bonded Thru Notary Public Underwriters

Printed Name: JElegnor Lyan Wilkins

My Commission Expires:

EXHIBIT "A"

On the Island of Key West, Monroe County, Florida, and known on William A. Whitehead's map of said City of Key West, delineated in February, 1829, as part of Lot 4, Square 21, and being more particularly described as follows:

BEGIN at the intersection of the Northwesterly Right of Way Line of Eaton Street and the Northeasterly Right of Way line of William Street; thence in a Northeasterly direction along the said Northwesterly Right of Way Line of Eaton Street for 128.00 feet; thence at a right angle and in a Northwesterly direction for 125.00 feet; thence at a right angle and in a Southwesterly direction for 30 feet; thence at a right angle and in a Northwesterly direction for 14.00 feet; thence at a right angle and in a Southwesterly direction for 33.28 feet; thence at an angle of 89°53'00" to the right and in a Southeasterly direction for 22.87 feet; thence at a right angle and in a Northeasterly direction for 5.00 feet; thence at a right angle and in a Southwesterly direction for 76.00 feet; thence at a right angle and in a Southwesterly direction for 70 feet to the said Northeasterly Right-of-Way Line of William Street; thence at a right angle and in a Southeasterly direction along the said Northeasterly Right-of-Way Line of William Street for forty feet to the Point of Beginning.

LESS

Those lands conveyed pursuant to Warranty Deed recorded in Official Records Book 1973, Page 1786 and re-recorded in Official Records Book 2116, Page 1044, and more particularly described as follows:

On the Island of Key West, Monroe County, Florida, and known on William A. Whitehead's map of said City of Key West, delineated in February, 1829, as part of Lot 4, Square 21, and being more particularly described as follows: COMMENCE of the intersection of the Northwesterly Right-of-Way line of Eaton Street and the Northeasterly Right-of-Way line of William Street; thence in a Northeasterly direction along the said Northwesterly Right-of-Way Line of Eaton Street for 71.00 feet to the POINT OF BEGINNING; thence continue in a Northeasterly direction along the said Northwesterly Right-of-Way line of Easton Street for 57.00 feet; thence at a right angle and in a Northwesterly direction for 125.00 feet; thence at a right angle and in a Southwesterly direction for 30.00 feet; thence at a right angle in a Northwesterly direction for 14.00 feet; thence at a right angle and in a Southwesterly direction for 33.28 feet; thence at a angle of 90°07'00" to the left and in a Southeasterly direction for 22.87 feet; thence at a right angle and in a Northeasterly direction for 5.00 feet; thence at a right angle in a Southeasterly direction for 76.00 feet; thence at a right angle in a Northeasterly direction for 1.08 feet; thence at an angle of 90°07'00" to the left and in a Southeasterly direction for 40.14 feet to the Northeasterly Right of Way Line of Easton Street and the said Point of Beginning.

Property Address: 801 Eaton St., Key West, FL 33040

MONROE COUNTY OFFICIAL RECORDS

SURVEY	

BEARING BASE: ALL BEARINGS ARE BASED ON N85° I 3'O4"E ASSUMED ALONG THE CENTERLINE OF EATON STREET.

ALL ANGLES DEPICTED ARE 90 DEGREES UNLESS OTHERWISE INDICATED

ALL UNITS ARE SHOWN IN

ADDRESS. 80 | EATON ST KEY WEST, FL 33040

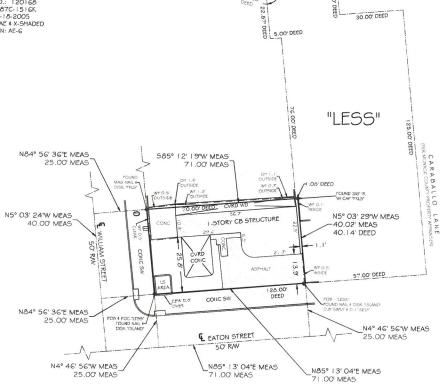
COMMUNITY NO.: 120168 MAP NO.: 12087C-1516K MAP DATE: 02-18-2005 FLOOD ZONE: AE & X-SHADED BASE ELEVATION: AE-6

MAP OF BOUNDARY SURVEY

33.28' DEED



LOCATION MAP - NTS SEC. 06-T685-R25E



LEGAL DESCRIPTION(S) -

On the Island of Key West, Morroe County, Florida, and known on William A. Whitehead's map of said City of Key West, delineated in February, 1829, as part of Lct 4, Squire 21, and being more particularly described as follows:

SEGIN at the intersection of Northwesterly Right of Way Line of Eaton Street and the Northeasterly Right of Way line of William Street, thence in a Northwesterly American along the said Northwesterly Right of Way Line of Eaton Street for 128,000 leet; thence at a night angle and in a Northwesterly American for 128,000 leet; thence at a night angle and in a Southwesterly direction for 30 leet; thence at an angle of 69°3300° to the right and in a Southwesterly direction for 32.26° feet; thence at an angle of 69°3300° to the right and in a Southwesterly direction for 32.20° leet; thence at an angle of 60°3300° to the right and in a Southwesterly direction for 32.20° leet; thence at an angle of 60°3300° to the right and in a Southwesterly direction for 70° leet to the south of Way Line of William Street; thence at a night angle and in a Southwesterly direction for 70 leet to the south Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a Southwesterly Right of Way Line of William Street; thence at a night angle and in a S

LEDS
Those lands conveyed to Warranty Deed recorded in Official Records Book 1973, Page 1786 and re-recorded in Official Records Book 2116, Page 1044, and more

Those lands conveyed to Warranthy Deed recorded in Official Records Book 1973, Page 1786 and re-recorded in Official Records Book 2116, Page 1044, and more particularly described as hollows:

On the Island of Key West, Monroe County, Florida, and known on William & Whitehead's map of said Cdy of Key West, Identicated in February, 1829, as part of Ltd. 4, Square 21, and being more particularly described as follows: COMMENCE of the interrection of the Northwesterly Roll Way line of Extendible Records and Re

CERTIFIED TO -

801 EATON STREET LLC;

VARIABLE DI DIVENSI CANO E COLI

JOSÉ - PORTI O PER COMMUNICATION

JOSÉ - PORTI O PORTI O PER COMMUNIC



FLORIDA KEYS LAND SURVEYING 21460 OVERSEAS HWY, SUITE 4 CUDJOE KEY, FL 33042 PHONE: (305) 394-3690 EMAIL: FKLSemail@Gmail.com

SURVEYOR NOTES:

- THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE PARTIES USTED REPRIN AND THE RELIGIOUS OF SEAT OF THE RETRITY OR INDIVIDUAL WHICH WAS OBGINALLY INTERDED, WITHOUT HIS WRITTEN REW PROPOSE OTHER THAN WHICH WAS OBGINALLY INTERDED, WITHOUT THE WRITTEN RAW PROPOSE OF THE RELIGIOUS OF A MAPFER. WILL BE DONE SO AT THE REGION THE RELIGIOUS PARTY AND WITHOUT ANY LIBERTUPY TO THE UNDERSIGNED SURVEYOR. & MAPFER. THIS SURVEY DOES NOT FURDORT TO SHOW OWNERSHIP OF WALLS OR FENCES ALONG PROCEED AND THE WASHINGTON OF THE PROPOSED OF THE PROPOSED OF THE WALLS OR FENCES ALONG PROCESSAL ONLY.

LEGEND

() - WATER METER

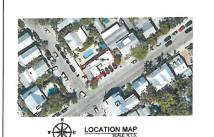
- SANITARY SEWER CLEAN OUT - MAILBOX

O- WOOD POWER POLE - CONCRETE FOWER FOLE



TOTAL AREA = 2840.49 SQFT±

SITE PLAN		



SCOPE OF WORK

ADD 7 SEATS TO AN EXISTING 9 SEATING RESTAURANT

INDEX OF DRAWINGS

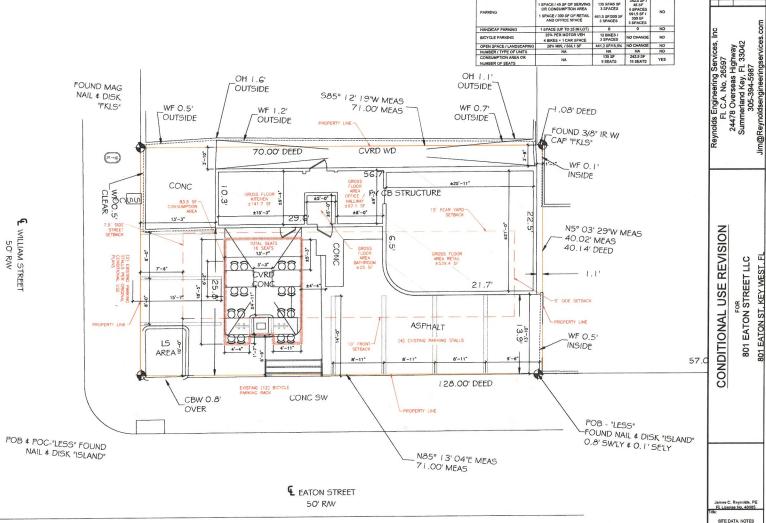
S-1 - SITE DATA, NOTES & SITE PLAN

SITE DATA

COMMENTS OF STREET LLC
PRICEL DE CONSINAMENCOMO
SECTION-TO-MERIE-PAUNCE (00/88/28
ZONNO CESTIENT - NECE (1815 TORIC NECHADROCO COMMERCIA
COCUMPANIC F. A.
FLOOD ZOME: X. A.F.
BAME FLOOD ELSW. 4.F. NEWU 1929
FLAR. M.
COMMUNITY #100168
PRETER ST. 2007
JAMES COMMENTY #100169
JAMES CO. A.N.-COMMENTY #100169
JAMES CO. A.N.-COMMENTY #100169
JAMES CO. A.N.-COMMENTY ELSW.
JAMES CO. A.N.-COMMENTY ELSW.
JAMES CO. A.N.-COMMENTY ELSW.
JAMES CO. A.N.-COMMENTY ELSW.
JAMES CO. A.N.-COMMENTOR
JAMES CO. A.N.-

LEUAL DESCRIPTION:
KWPT LOT 4 SQR 21 PARCEL 1 XX-387
SETBACKS:
FRONT: 10 FT
STREET SIDE 7.5 FT
SIDE YARD: 5 FT
REAR YARD: 15 FT

CONDITIONAL USE REVISION FOR 801 EATON ST. KEY WEST, FL



SITE PLAN

SITE DATA TABLE

2.399.3 SF/84.59

1 OF 1

CODE

HNC-2 X / AE-6 2.840.5 SF 30 FT MAX 10 FT MIN 5 FT MIN 7.5 FT MIN 15 FT MIN 1.0 MAX

40% MAX / 1,136,2SF 60% MAX / 1,704,3SF

HEIGHT
FRONT SETBACK
SIDE SETBACK
SIDE SETBACK
STREET SIDE SETBACK
REAR SETBACK

F.A.R.
BUILDING COVERAGE
IMPERVIOUS SURFACE