

RESOLUTION NO. 2025-__

A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A REQUEST FOR CONDITIONAL USE APPROVAL TO ALLOW ALCOHOL SALES FROM A PORTABLE SERVICE CART, LOCATED IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – 1 DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT, PURSUANT TO CHAPTER 122, ARTICLE III AND SECTION 122-688 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the “Subject Property” located at 325 Duval Street (RE# 00004320-000000) is within the Historic Residential Commercial Core – 1 Duval Street Gulfside (HRCC-1) zoning district where bars are allowed as a conditional use; and

WHEREAS, the applicant filed a request to allow alcohol sales from a portable service cart on the property to hotel guests and the public; and

WHEREAS, Section 122-62(b) and (c) outlines the criteria for the Planning Board to review the conditional use; and

WHEREAS, Section 122-63(e) of the Code of Ordinances requires a conditional use be reviewed based on the criteria in Sections 122-806 through 122-808; and

WHEREAS, Section 122-688 of the Code of Ordinances provides that bars are allowed as a conditional use within the Historic Residential Commercial Core – 1 Duval Street Gulfside (HRCC-1) zoning district; 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 the conditional use complies with the criteria in Section 122-62(b) and (c); and

WHEREAS, the approval of the conditional use application will be 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; and

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 a request for a conditional use, under the Code of Ordinances of the City of Key West, Florida, per Section 122-688 is hereby approved with the conditions below:

General Conditions:

1. Beverage cart shall remain minimum 5-feet setback from front property line at all times.

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

2. 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.

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 conditional use approval 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 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 17th day of July, 2025.

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

Peter Batty, Planning Board Chairman

Date

Attest:

Katie Halloran, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date