

RESOLUTION NO. 2026-

A RESOLUTION OF THE KEY WEST PLANNING BOARD APPROVING A REQUEST FOR A MINOR DEVELOPMENT PLAN AND CONDITIONAL USE TO ALLOW IMPROVEMENTS ASSOCIATED WITH AN EXISTING AQUARIUM (CULTURAL AND CIVIC) USE, INCLUDING THE CONSTRUCTION OF APPROXIMATELY 1,200 SQUARE FEET OF OVER-WATER DECKING AND A WAVE ATTENUATOR SYSTEM OVER SUBMERGED LANDS, AT PROPERTY LOCATED AT 1 WHITEHEAD STREET WITHIN THE HISTORIC PUBLIC AND SEMIPUBLIC (HPS) ZONING DISTRICT, PURSUANT TO SECTIONS 108-91 AND 122-62 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA.

WHEREAS, Section 108-91(A)(1)(b), 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 or reconstruction of 500 to 2,499 square feet of nonresidential floor area; and

WHEREAS, the applicant proposes a minor development plan to add 1,232 square feet of new over water decking to an existing submerged land lease space in the rear of the Key West Aquarium, and

WHEREAS, the subject property located at 1 Whitehead Street (RE#00072082-001900) is in the Historic Public and Semipublic Services (HPS) zoning district, and

WHEREAS, Section 122-958(2) requires that cultural and civic activities obtain conditional use approval in the HPS zoning district, 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;

WHEREAS, this matter came before and was recommended for approval with conditions by the Planning Board at a duly noticed public hearing on June 18, 2026; and

WHEREAS, the granting of the proposed Minor Development Plan with a Conditional Use 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 to allow improvements associated with an existing aquarium (cultural and civic) use, including the construction of approximately 1,200 square feet of over-water decking and a wave attenuator system over submerged lands, at property located at 1 Whitehead Street within the Historic Public and Semipublic (HPS) zoning district, pursuant to Sections 108-91 and 122-62 of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the following conditions:

General conditions:

1. The proposed development shall be consistent with the plans dated April 9, 2026 by Lawrence D Lippert, PE.
2. The development must follow all applicable mitigative techniques laid out by state and federal agencies to ensure protection of existing living coral in the submerged lands lease area.
3. No expansion beyond the approved decking and wave attenuation system shall occur without further review and approval.

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 18th day of June, 2026.

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

Peter Batty, Planning Board Chairman

Date

Attest:

Taylor Brown, Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date