

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A REQUEST FOR INTERPRETATION OF DISTRICT BOUNDARIES PURSUANT TO SECTION 122-94(7) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FOR PROPERTY LOCATED AT 830 EMMA STREET (RE #00014720-000000, AK #1015091) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICT (HNC-3) AND HISTORIC MEDIUM DENSITY RESIDENTIAL (HMDR) ZONING DISTRICTS AS ENTIRELY WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICT (HNC-3); PROVIDING FINDINGS; PROVIDING FOR APPEAL AND RENDERING TO FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY PURSUANT TO CHAPTER 73C, F.A.C.; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 122-94(7) of the Code of Ordinances (the "Code") of the City of Key West, Florida, titled "Uncertainties" provides: "Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or if any other uncertainty exists, the city commission shall interpret the intent of the official zoning map as to the location of district boundaries"; and

WHEREAS, the request for district boundary interpretation is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the City Commission has approved the request for interpretation of district boundaries to recognize the entire building and parcel located at 830 Emma Street (RE #00014720-000000, AK #1015091) within HNC-3 and HMDR as Historic Neighborhood Commercial District (HNC-3); and

WHEREAS, the approval of the request for district boundary interpretation 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 CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the above recitals are incorporated by reference as if fully set forth herein.

Section 2: That the City Commission grants approval of the request for interpretation of district boundaries to recognize the entire building and parcel located at 830 Emma Street within the HNC-3 and HMDR zoning districts (RE #00014720-000000, AK #1015091) as Historic Neighborhood Commercial (HNC-3), pursuant to Section 122-94(7) of the Land

Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Section 3: This interpretation of district boundaries 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 4: That 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 73C, F.A.C., this interpretation is not effective for forty-five (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 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 order.

Section 5: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Authenticated by the Presiding Officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Filed with the Clerk on \_\_\_\_\_, 2018.

|                              |       |
|------------------------------|-------|
| Mayor Teri Johnston          | _____ |
| Commissioner Gregory Davila  | _____ |
| Commissioner Mary Lou Hoover | _____ |
| Commissioner Sam Kaufman     | _____ |
| Commissioner Clayton Lopez   | _____ |
| Commissioner Billy Wardlow   | _____ |
| Commissioner Jimmy Weekley   | _____ |

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK