

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

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MINOR DEVELOPMENT PLAN APPROVAL PURSUANT TO SECTIONS 108-91.A.1(b) AND 108-196(a) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE ADDITION OF 706-SQUARE-FEET OF NEW FLOOR AREA TO AN EXISTING STRUCTURE LOCATED IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT PURSUANT TO THE LAND DEVELOPMENT REGULATIONS 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 within the Historic District, a Minor Development Plan is required for the addition of 500 to 2,499-square-feet of nonresidential floor area; and

**WHEREAS**, Section 108-196 (a) authorizes the Planning Board to review and approve, approve with conditions, or deny the proposed Minor Development Plan for property in the historic district in an advisory capacity to the City Commission; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on April 18, 2019, resulting in Planning Board Resolution no. 2019-027 advising approval with conditions to the City Commission; and

**WHEREAS**, pursuant to Code Section 108-198, the City Commission shall review and act upon Minor Development Plan proposals; and

**WHEREAS**, granting of the Minor Development Plan 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 application for Minor Development Plan for the addition of 706-square-feet of new floor area to an existing structure on property located at 501-503 Front Street (RE# 00000100-000000) within the Historic Residential Commercial Core Duval Street Gulfside (HRCC-1) zoning district pursuant to Sections 108-91.A.1(b) and 108-196(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the conditions provided in Planning Board Resolution no. 2019-027, and specified as follows:

**General conditions:**

1. The proposed development shall be consistent with the plans dated April 11, 2019 by William P. Horn, Registered Architect.
2. The hours of construction shall be in compliance with City Code and be limited to 8 AM to 7 PM on Monday through Friday, and 9 AM to 5 PM on Saturday.
3. During all phases of construction, temporary fencing shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

4. Two (2) accessible restrooms shall remain open to the public during normal hours of operation.

**Conditions prior to issuance of a building permit:**

5. Applicant shall coordinate with Keys Energy for a full project review.

**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 City Commission 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 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 period has expired, this permit will be rendered to the Florida Department of Economic Opportunity (DEO). Pursuant to Chapter 73C, F.A.C., this permit 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.

Passed and adopted by the City Commission at a meeting held this \_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the presiding officer and the Clerk of the Commission on \_\_\_\_\_, 2019.

Filed with the Clerk \_\_\_\_\_, 2019.

Mayor Teri Johnston \_\_\_\_\_

Commissioner Gregory Davila \_\_\_\_\_

Commissioner Mary Lou Hoover \_\_\_\_\_

Vice-Mayor Sam Kaufman \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

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TERI JOHNSTON, MAYOR

ATTEST:

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