TEMPORARY USE PERMIT
RESOLUTION NO. 12-01-09

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE APPLICATION BY MORADA WAY ARTS AND CULTURAL DISTRICT, INC. FOR A TEMPORARY USE PERMIT FOR AN EVENT THAT IS ANTICIPATED TO DRAW OVER 1,000 PEOPLE AT ANY GIVEN TIME ON JANUARY 20, 2012 BETWEEN THE HOURS OF 4 P.M. AND 8 P.M., ON JANUARY 21, 2012 BETWEEN THE HOURS OF 9 A.M. AND 5 P.M. AND ON JANUARY 22, 2012 BETWEEN THE HOURS OF 10 A.M. AND 5 P.M. ON A PORTION OF THE OLD HIGHWAY BETWEEN THE ADJACENT STREETS OF JEROME AVENUE AND JOHNSTON ROAD ON UPPER MATECUMBE KEY WITHIN THE VILLAGE CENTER (VC) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Morada Way Arts and Cultural District, Inc. (the “Applicant”) has submitted an Application for Temporary Use Permit (the “Temporary Use”); and

WHEREAS, pursuant to Section 30-884(4) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands (the “Village”), if the temporary use is an event that is anticipated to draw over 1,000 people at any given time, then it must be approved by the Village Council; and

WHEREAS, pursuant to the applicable provisions of the Village Comprehensive Plan and Land Development Regulations (the “LDRs”), the Director of Planning and Development
Services (the "Director") recommended to the Village Council that the proposed Temporary Use be approved with conditions as set forth within Section 4 of this Resolution; and

WHEREAS, the Village Council considered the Application for Temporary Use Permit, the staff report from the Director dated January 12, 2012, along with all supporting documents and materials entered into the record during a public hearing held on January 12, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Findings of Fact. The Village Council, having considered the testimony and evidence presented by all parties, including the Applicant, does hereby find and determine:

(1) On December 8, 2011, the Applicant submitted an application for a Temporary Use Permit to conduct the Morada Way Fine Arts Expo on January 20-22, 2012 located on a portion of the Old Highway between the adjacent streets of Jerome Avenue and Johnston Road between the hours of 4 P.M. and 8 P.M. on January 20, 2012; between the hours of 9 A.M. and 5 P.M. on January 21, 2012; and between the hours of 10 A.M. and 5 P.M. on January 22, 2012.

(2) The event is anticipated to draw over 1,000 attendees at a given time.

(3) The portion of Old Highway is located in the Mixed Use (MU) Future Land Use Map Category and the Village Center (VC) Zoning District.

(4) The proposed Temporary Use is compatible with the surrounding uses and does not create unreasonable burdensome or negative impact to the affected area.

(5) The proposed Temporary Use does not create any adverse impact on public health or safety.
(6) The proposed Temporary Use is consistent with the purposes, goals, objectives, and policies of the Village Comprehensive Plan and LDRs.

**Section 3. Conclusions of Law.** Based upon the above Findings of Fact, the Council does hereby make the following Conclusions of Law:

(1) The Application has been processed in accordance with the applicable provisions of the Village LDRs, and will not be detrimental to the community as a whole.

(2) In rendering its decision as reflected in this Resolution, the Village Council has:
   
   (a) Accorded procedural due process;
   
   (b) Observed the essential requirements of the law; and
   
   (c) Supported its decision by competent substantial evidence of record.

(3) The Application for the Temporary Use Permit is hereby APPROVED.

**Section 4. Conditions Imposed.** Granting of the Temporary Use Permit is subject to the following conditions:

(1) All parking must remain on "The Islands" located at 82803 Overseas Highway and the "Wet Net" property located at 81101 Overseas Highway. There shall be no parking fee charged or collected from attendees at the Wet Net parking site.

(2) The site of the Temporary Use and Wet Net parking area shall be kept clean of all trash and debris, during and immediately after the temporary use.

(3) Clearly marked recycling receptacles shall be provided during the temporary use supplying areas for the disposal of recyclable materials separate from non-recyclable trash.

(4) The event shall be limited to two temporary signs on the premises not to exceed 32 square feet each.
(5) Off-duty law enforcement officers shall be required by the Applicant for the duration of the Temporary Use as follows:

a. Two (2) off-duty law enforcement officers from 4:00 P.M. January 20, 2012 to 9:00 A.M. January 21, 2012;

b. Three (3) off-duty law enforcement officers from 9:00 A.M. to 5:00 P.M January 21, 2012;

c. Two (2) off-duty law enforcement officers from 5:00 P.M. January 21, 2012 to 10:00 A.M. January 22, 2012;

d. Three (3) off-duty law enforcement officers from 10:00 A.M. to 5:00 P.M. January 22, 2012; and

e. Two (2) off-duty law enforcement officers from 5:00 P.M. to 7:00 P.M. January 22, 2012, or until all roads impacted by the event are clear of the event and such roads are reopened to the public for normal traffic as determined by the Captain of the Islamorada District of the Monroe County Sheriff's Office, or his designee.

The Officers on duty would assist in helping traffic control and public safety. It shall be the Applicant's sole responsibility to coordinate the hiring of officers through the Monroe County Sheriff's Office, Islamorada District at the Applicant's expense.

(6) The Applicant shall coordinate with the Village at the Applicant's sole expense to provide two Fire/EMS personnel on site throughout the duration of the Temporary Use as follows: on January 21, 2011, between the hours of 8:30 A.M. and 5:30 P.M.; and on January 22 between the hours of 8:30 A.M. and 5:30 P.M. The Applicant shall provide a site for the
Village’s Public Education Trailer. Emergency vehicle access shall be maintained throughout the duration of the Temporary Use.

(7) There shall be a minimum of six (6) restroom facilities of which one (1) meets ADA requirements shall provided on site by the Applicant. These facilities may be in the form of portable toilets or mobile restroom trailers. The facilities shall be maintained in a clean, workable, usable order at all times and shall be serviced as required.

(8) There shall be a minimum of seven (7) barricades with flashing lights provided by and at the sole expense of the Applicant. These barricades shall be placed at each point of road closure.

(9) Rebar with caps and caution/no parking tape from the Green Turtle Restaurant to the entrance of Cheeca Lodge along the northbound lane of Overseas Highway and along the southbound lane of Old Highway from Johnston Road to the entrance of Cheeca Lodge shall be installed by the Applicant prior to the start of the event.

Section 5. Termination/Revocation of Temporary Use Permit. The temporary use permit granted pursuant to this Resolution may be revoked or rescinded immediately by the Village Manager or his designee if an issue of public health, safety or welfare arises or if any of the conditions of the Resolution are violated.

Section 6. Effective Date. This Resolution shall become effective immediately following the date it is filed with the Village Clerk.

The foregoing resolution was offered by Vice Mayor Philipson, who moved for its adoption on reading. This motion was seconded by Councilman Achenberg, and upon being put to a vote, the vote is as follows:
FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Michael Reckwerdt  yes
Vice Mayor Ken Philipson  yes
Councilman Don Achenberg  yes
Councilman Ted Blackburn  yes
Councilman Dave Purdo  yes

PASSED AND ADOPTED THIS 12TH DAY OF JANUARY 2012.

KEN PHILIPSON, VICE MAYOR

ATTEST:

DEBRA E. EASTMAN, MMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY

VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk on this 13 day of January, 2012.

Debra Eastman, Village Clerk