RESOLUTION NO. 12-10-94

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA; CONSIDERING THE APPLICATION BY GREEN STRIDE FOR A TEMPORARY USE PERMIT FOR AN EVENT THAT IS ANTICIPATED TO DRAW OVER 1,000 PEOPLE AT ANY GIVEN TIME ON DECEMBER 8, 2012 BETWEEN THE HOURS OF 10:30 A.M. AND 12:00 P.M. ON A PORTION OF U.S. 1 AND OLD HIGHWAY ON WINDLEY KEY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Green Stride (the “Applicant”) has submitted an Application for a Temporary Use Permit to conduct a 5K Race (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 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 Request for a Temporary Use to conduct a 5K Race and the staff report from the Director dated August 9, 2012, along with all supported documents and materials entered into the record during a public hearing held on October 25, 2012.

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

Section 1. Recitals. The above recitals are true, correct, and incorporated herein by
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 September 17, 2012, the Applicant submitted an application for a Temporary use Permit to conduct a 5K Run (the “Event”) on December 8, 2012. The Event would start on the Old Highway at Whale Harbor, and commence across US1 via the Whale Harbor Bridge. A request has been submitted to close the Whale Harbor Bridge for approximately twenty (20) minutes, to allow the runners to cross the highway. The runners will continue north onto the Old Highway on Windley Key to a turnaround point at Hog Heaven. The finish line for the Event will be located at the Post Card Inn property. The Event will begin at approximately 10:30 a.m. on December 8, 2012 and end at approximately 12:00 p.m.

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

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

(4) The proposed Temporary Use does not create any adverse impact on public health or safety.

(5) 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 provision 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) The Applicant shall be required to contact and coordinate with surrounding businesses (i.e. Hog Heaven, Whale Harbor, Holiday Isle) for approvals to utilize a portion of their properties for the Event.

(2) An FDOT permit, executed by a Village Official and Chief Local Law Enforcement Official, shall be required for the closure of U.S. 1. Utilization of the Old Highway for the event shall require execution and submittal of Indemnification and Hold Harmless Agreements by Green Stride, and an insurance certificate reflecting the Village as a named insured.

(3) The Applicant shall be required to obtain a bond or other similar security instrument to ensure that the properties involved in the Temporary Use and all public right-of-ways utilized for the event be kept clean of all trash and debris during and immediately after the Temporary Use.

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

(5) The event shall be limited to a total of two temporary signs, on property locally known as Post Card Inn (Holiday Isle) and Whale Harbor, not to exceed 32 square feet each.

(6) Off-duty law enforcement officers shall be required by the Applicant between the hours of 9:00 a.m. and 12:30 p.m. for the Temporary Use as follows:

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(a) Two (2) off-duty law enforcement officers for the U.S. 1 closure.

(b) Four (4) off-duty law enforcement officers for the Old Highway and Post Card Inn.

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. If the Temporary Use extends later than 12:30 p.m. the Applicant shall be required to retain (2) two law enforcement officers for such extended time duration.

(7) The Applicant shall coordinate with the Village at the Applicant’s sole expense to provide two Fire/EMS personnel between the hours of 10:00 a.m. and 12:00 p.m.

(8) The Applicant shall provide vehicular barricades and shall coordinate with Village / Monroe County law enforcement officers regarding the placement of such necessary barricades at the sole expense of the Applicant. Barricades shall be placed at each point of the road closure.

(9) The Applicant shall be required to pay the cost of certified mailings to notify adjacent property owners of the proposed event and road closure.

(10) The Applicant shall be required to execute and submit an Indemnification and Hold Harmless Agreement, as well as an insurance certificate reflecting the Village as a named insured.

**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 Councilman Reckwerdt, who moved for its adoption on first reading. The motion was seconded by Councilman Purdo, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION
VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

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

[Signature]
KEN PHILIPSON, MAYOR

[Signature]
DEPUTY VILLAGE CLERK

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

[Signature]
VILLAGE ATTORNEY

This Resolution was filed in the Office of the Village Clerk of this 30th day of October, 2012.

[Signature]
Kyrie Wagner, Deputy Village Clerk