TEMPORARY USE PERMIT
RESOLUTION NO. 13-10-76

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING WITH CONDITIONS THE APPLICATION BY BEACH ROAD TRIP WEEKEND, INC. FOR FOUR (4) SEPARATE TEMPORARY USE PERMITS ASSOCIATED WITH ONE (1) TWO DAY SPECIAL MUSIC EVENT HELD AT NUMEROUS VENUE LOCATIONS THROUGHOUT THE VILLAGE, ALSO KNOWN AS “BEACH ROAD TRIP WEEKEND”, THAT IS ANTICIPATED TO DRAW BETWEEN 250 TO 500 PERSONS AT ANY GIVEN TIME BEGINNING ON NOVEMBER 1, 2013 THROUGH NOVEMBER 2, 2013 ON PROPERTIES LOCATED AT 84457 OLD HIGHWAY ON WINDLEY KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “A”; 84801 OVERSEAS HIGHWAY ON WINDLEY KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “B”; 83413 OVERSEAS HIGHWAY ON UPPER MATECUMBE KEY WITHIN THE TOURIST COMMERCIAL (TC) ZONING DISTRICT AS LEGALLY DESCRIBED IN EXHIBIT “C”; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Beach Road Trip Weekend, Inc. (the “Applicant”) has submitted five (5) separate Temporary Use Permit Applications associated with one (1) three day special music event held at numerous venue locations throughout the Village (The “Beach Road Trip”); and

WHEREAS, pursuant to Section 30-885(i) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands (the “Village”), the Director of Planning and Development Services (the “Director” may require that a Temporary Use Application be subject to Village Council approval; and

WHEREAS, the Applicant has applied for five (5) separate Temporary Use Permits on the following properties (the “Properties”) which collectively participate, host and service as a venue location which is part of the Beach Road Trip Special Music Event: 84457 Old Highway
on Windley Key, commonly known as Pelican Cove, with Parcel ID 00093630-000200; 84801 Overseas Highway on Windley Key, commonly known as Coconut Cove, with Parcel ID 00094000-000000; 83413 Overseas Highway on Upper Matecumbe Key, commonly known as Whale Harbor, with Parcel ID 00403980-000100; and MM 84.9 Overseas Highway on Windley Key, commonly known as Windley Key Fossil Reef Geological State Park, with Parcel ID 00093810-000000; and

WHEREAS, pursuant to the applicable provisions of the Village Comprehensive Plan and Land Development Regulations (the “LDRs”), the Director recommended to the Village Council that the five (5) separate Temporary Use Permits be considered as set forth within Section 4 of this Resolution; and

WHEREAS, the Village Council considered the Applications for five (5) separate Temporary Use Permits for one (1) three day special music event held at numerous venue locations throughout the Village, the staff report from the Director dated October 10, 2013, along with all supporting documents and materials entered into the record during a public hearing held on October 10, 2013.

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 October 3, 2013, the Applicant submitted five (5) separate applications for Temporary Use Permits for one (1) three day special music event (the “Beach Road Trip”) held
at numerous venue locations throughout the Village beginning at 12:00 P.M. on Friday, November 1, 2013 and ending at 10:00 P.M. on Sunday, November 3, 2013.

(2) The event is anticipated to draw up to 500 attendees at a given time.

(3) The event shall take place at the following properties, dates and times:

a. Pelican Cove, 84457 Old Highway, Windley Key, venue to host party on Friday November 1, 2013 from 12:00 P.M. through 5:00 P.M.; and

b. Coconut Cove, 84801 Overseas Highway, Windley Key, venue to host party on Friday, November 1, 2013 from 6:00 P.M. through 11:00 P.M.; and

c. Whale Harbor, 83413 Overseas Highway, Upper Matecumbe Key, venue to host party on Saturday, November 2, 2013 from 12:00 P.M. through 6:00 P.M.; and

d. Coconut Cove, 84801 Overseas Highway, Windley Key, venue to host party on Saturday, November 2, 2013 from 6:00 P.M. through 11:00 P.M.

(4) The Properties are located in the Mixed Use (MU) Future Land Use Map Category and the Tourist Commercial (TC) Zoning District.

(5) The Applicant withdrew the request for a Temporary Use Permit for Sunday, November 3, 2013 from 10:00 A.M. through 10:00 P.M at Windley Key Fossil Reef Geological State Park, MM 84.9 Overseas Highway, Windley Key and considered an alternative location for the proposed event at 82803 Old Highway, Upper Matecumbe Key.

(6) The proposed Temporary Uses are 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 Applications have been processed in accordance with the applicable provisions of the Village LDRs, and will be detrimental to the community as a whole.

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

(3) The Applications for the Temporary Use Permits are hereby APPROVED.

Section 4. Conditions Imposed. Granting of the Temporary Use Permits are subject to the following conditions:

(1) The Properties shall be kept clean of all trash and debris, during and immediately after the Temporary Uses.

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

(3) Each separate Temporary Use Permit associated with the two day long music event shall limited to two temporary signs on the premises not to exceed 32 square feet each.

(4) Law enforcement officers working traffic control, visual presence and general security shall be provided in accordance with the schedule listed below. It is the Applicant’s responsibility to coordinate the hiring of officer/officer(s) through the Monroe County Sheriff’s Office, Islamorada District.
a. Four (4) law enforcement officers shall be on duty from 11:30 A.M. to 6:30 P.M., Friday, November 1, 2013, on property locally known as Pelican Cove with the address of 84557 Old Highway; and

b. Four (4) law enforcement officers shall be on duty from 6:00 P.M to 11:45 P.M., Friday, November 1, 2013, on property locally known as Coconut Cove with the address of 84801 Overseas Highway; and

c. Four (4) law enforcement officers shall be on duty from 11:30 A.M. to 6:30 P.M, Saturday, November 2, 2013, on property locally known as Whale Harbor with the address of 83413 Overseas Highway; and

d. Four (4) law enforcement officers shall be on duty from 6:00 P.M. to 11:45 P.M, Saturday, November 2, 2013, on property locally known as Coconut Cove with the address of 84801 Overseas Highway.

(5) Emergency Medical Staff (EMS) shall be provided in accordance with the schedule listed below. It is the Applicant’s responsibility to coordinate the hiring of all required EMS through the Islamorada Fire Rescue Department.

a. Two (2) EMS shall be on duty from 12:00 P.M. to 6:00 P.M., Friday, November 1, 2013, on property locally known as Pelican Cove with the address of 84557 Old Highway; and

b. Two (2) EMS shall be on duty from 5:00 P.M. to 11:00 P.M., Friday, November 1, 2013, on property locally known as Coconut Cove with the address of 84801 Overseas Highway; and
c. Two (2) EMS shall be on duty from to 12:00 P.M. to 6:00 P.M, Saturday, November 2, 2013, on property locally known as Whale Harbor with the address of 83413 Overseas Highway; and

d. Two (2) EMS shall be on duty from to 5:00 P.M. to 11:00 P.M, Saturday, November 2, 2013, on property locally known as Coconut Cove with the address of 84801 Overseas Highway.

(6) The Applicant shall pay all required EMS and Law Enforcement fees by Thursday, October 17, 2013, a minimum of fifteen (15) days prior to the start of the three day event.

(7) The Applicant shall provide written notarized authorization from the property owners for all off-site parking at Coral Shores High School, Harbor Lights Hotel and property located at 82803 Old Highway, Upper Matecumbe Key, by Thursday, October 17, 2013.

(8) Notwithstanding the provisions of the noise ordinance as specified in Article II, Chapter 18 of the Village Code, amplified and non-amplified music shall not exceed 80 decibels at the property lines at all of the event locations.

(9) The Properties shall maintain access for emergency vehicles throughout the duration of the event.

(10) There shall be a minimum of one (1) restroom facility which meets ADA requirements provided by the Applicant at the location of each of the five (5) separate Temporary Use Permits. This facility may be in the form of a portable toilet or mobile restroom trailer, or may be the existing restrooms at the location provided that signage is installed throughout the event area directing the public to the restroom facility. The facility shall be maintained in a clean, workable, usable order at all times and shall be serviced as required.
(11) The Applicant shall use bus transportation on Overseas Highway to transport attendees to and from event venues, hotels and off-site parking.

(12) No barges are permitted at any of the Temporary Uses.

(13) Rebar with caps and caution/no parking tape shall be installed prior to the start of the event in locations as determined by the Director of Planning and Development Services.

**Section 5. Termination\Revocation of Temporary Use Permits.** 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 Councilwoman Gillis, who moved for its adoption on reading. This motion was seconded by Councilman Purdo, and upon being put to a vote, the vote is as follows:

**FINAL VOTE AT ADOPTION**

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

| Mayor Ken Philipson       | YES |
| Vice Mayor Ted Blackburn  | NO  |
| Councilman Mike Forster   | ABSTAIN |
| Councilwoman Deb Gillis   | YES |
| Councilman Dave Purdo     | YES |

**PASSED AND ADOPTED THIS 10TH DAY OF OCTOBER, 2013.**
ATTEST:

ARIANA S. LAWSON, 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 11th day of October, 2013.

Ariana S. Lawson, Village Clerk
PELICAN COVE, 84457 OLD HIGHWAY ON WINDLEY KEY, SECTION 22, TOWNSHIP 63, RANGE 37, WINDLEY ISLAND, PELICAN COVE RESORT, OR1100-1388 OR1101-1319C OR1556-1722/23 OR1773-482Q/C OR2173-418/27AFF
COCONUT COVE, 84801 OVERSEAS HIGHWAY ON WINDLEY KEY, SECTION 23, TOWNSHIP 63, RANGE 37, WINDLEY ISLAND, PB1-50 PT LOT 7 OR472-163/64 OR617-556 OR660-151/52 OR743-252/53 OR840-559/63 OR844-2338/41 OR846-559/63 OR860-1110/1114 OR978-2227/32C OR978-2233/42AFF OR978-2216/19 OR1110-1194/97CT OR1972-1694/97QC OR1972-1698/1701