

RESOLUTION NO. 21-02-16

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING THE REQUEST FOR A HOME OCCUPATION PERMIT BY CASEY DOOLEY TO CONDUCT LITTLE CONCH SWIM SCHOOL BUSINESS FROM HIS HOME LOCATED AT 111 PUEBLO STREET, TAVERNIER, FLORIDA FURTHER DESCRIBED AS LOT 17 & 18, BLOCK 4, SUBDIVISION OF INDIAN HARBOR, PLANTATION KEY, MONROE COUNTY, FLORIDA WITH THE REAL ESTATE NUMBER 00420370-000000, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3 of Article VI of Chapter 30 of the Islamorada, Village of Islands Code of Ordinances (the "Village Code"), Casey Dooley (the "Applicant") has applied for a home occupation permit for a swim school business on property owned by the Applicant located at 111 Pueblo Street, Indian Harbor (the "Property"); and

WHEREAS, the Islamorada, Village of Islands Planning and Development Services Department (the "Planning and Development Services Department") conducted a review of the Home Occupation Permit Application and issued a Notice of Intent to Issue Home Occupation Permit (the "Notice of Intent") on November 12, 2021; and

WHEREAS, on December 06, 2020, Dawn Miller, 103 Pueblo Street, Plantation Key, submitted a request (the "Request") for a public hearing regarding the Notice of Intent.

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 and correct and incorporated into this Resolution 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. The Application meets the requirements contained in Division 3 of Article VI of Chapter 30 of the Village Code; and
2. The Council approves with conditions the application for a Home Occupation Permit to allow swim school business, located at 111 Pueblo Street.

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

1. The request for a Home Occupation Permit for Casey Dooley has been processed in accordance with the Village Comprehensive Plan and Land Development Regulations; and
2. In rendering its decision, as reflected in this Resolution, the Council has:
 - (a) Accorded procedural due process; and
 - (b) Observed the essential requirements of the law; and
 - (c) Supported its decision by substantial competent evidence contained within the record; and
3. The issuance of Home Occupation Permit for Casey Dooley is approved.

Section 4. Conditions Imposed. Granting of the Home Occupation Permit is subject to the following conditions:

1. Install a sound barrier on the southwest property line of the pool area to buffer the sound.
2. Limit classes from Monday through Friday, with hours of operation from 9am to 5:30pm.
4. Home Occupation is used for low intensity use. This permit will allow up to two (2) children in a class at one time; no more than two (2) children in a class at one time

will be permitted.

5. Class B buffer on each property line. Existing vegetation may apply.

Section 5. Effective Date. This Resolution shall not take effect for thirty (30) days following the date it is filed with the Village Clerk, and during that time, the Home Occupation Permit approved herein shall be subject to appeal as provided in the Village Land Development Regulations. An appeal shall stay the effectiveness of this Resolution until said appeal is resolved.

Motion to adopt by Mayor Joseph B. Pinder; second by Councilman Mark Gregg.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	YES
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

PASSED AND ADOPTED THIS 25th DAY OF FEBRUARY, 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

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



ROGET V. BRYAN, VILLAGE ATTORNEY