

Zoning Verification Letter
September 10, 2010



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

September 10, 2010

VIA ELECTRONIC MAIL

Ms. Jill McDonald
Aqua Nightclub
711 Duval St
Key West, FL 33040

**RE: 804-808 Whitehead Street
Zoning Verification**
RE Numbers 00014010-000000, 00014010-000100, 00014020-000000, 00014050-000000,
00014060-000000, and 00014030-000000

Dear Ms. McDonald:

The purpose of this letter is to summarize my understanding of legally established uses on the properties generally known as 804-808 Whitehead Street. This letter does not respond to a specific site plan request, although a Major Development Plan and Conditional Use request for the site is currently pending. Rather, this letter discusses prior approvals, development and abandonment relative to commercial use of the properties, particularly as it relates to the existing residential zoning on four of the six parcels which constitute the overall development.

The collective properties consist of six separate parcels. Four of the six parcels are zoned Historic Medium Density Residential - HMDR; the remaining two parcels are zoned Historic Neighborhood Commercial - HNC-3. A copy of the Monroe County Property Appraisers parcel map for the area showing the sites, real estate (RE) numbers, and associated zoning is provided as Attachment A.

Over the years, the parcels have been referenced by addresses on Whitehead Street, Petronia Street, and Terry Lane. Attachment A also notes our understanding of street addresses applicable to each parcel. These street addresses are important since the City records development approvals in part by street address.

Our research of planning-related approvals found three relevant resolutions for commercial development which generally reflect what is on the site today (a subsequent approval for residential redevelopment of the site (via Resolution 06-045) was never implemented and has now expired and that approval does not appear relevant to this analysis of commercial uses). The resolutions are provided as Attachment B. These resolutions allow commercial development of the site, including the approval of a 45-seat restaurant. Resolution 97-72 requires that a master plan for the site must be provided. City records indicate that the master plan was heard by the Planning Board on March 19, 1998 (see Attachment C). We have not been able to locate an approving resolution, if such resolution exists. However, the site plan (date stamped February 19, 1998) is on file and appears to be the model for the construction of the development which exists on the site today. A reduction of the plan and the associated Community Impact Assessment

Statement is included as Attachment D. While the status of the plan is unclear, it may be the best indicator of what was approved for the site and appears to be the basis for much of what is on the site today.

A site visit conducted on June 24, 2010, documented conditions on the site and found the survey (see Attachment E) to be generally accurate. In general, it appears that the structures contemplated in the plan exist on the site today, with two main exceptions: the parking lot in 809 and 811 Terry Lane does not appear to be developed per the plan, although a parking area does exist there; and, the mixed use parking/grass/plaza area adjacent to the one story market place is not evident. The plaza area is particularly interesting. It appears clear that the one story market, with glass doors opening onto the brick paved area, was intended to be open-air blended retail space. However, how this "festival marketplace" approach was compatible with parking, even overflow parking, is not clear. The actual developed space is fully paved with bricks (shown as area "C" on the survey) and is physically related to the retail space; it appears to be able to function as an outdoor commercial/gathering space. An existing outdoor stage which is located in this area is not shown on the plan. The original developer of the site has described this area as outdoor retail and outdoor consumption area with occasional live music. While the outdoor consumption and music venues may have existed, the plan and physical design at best support outdoor retail use in this area. In summary, it appears that the site plan is generally consistent with other approvals and with the physical layout of the site today.

The next step in determining whether uses are legally established is to review whether the uses as developed were abandoned. The definition of abandonment in Chapter 122 is informed by the more detailed provisions in Chapter 86-9, which reads as follows: "Abandon means to discontinue a land use for a period of 24 months without demonstrating an intent to continue the use as indicated by the following: (1) Allowing licenses to lapse; (2) Removing meters; (3) Not maintaining a structure in a habitable condition; (4) Not making a unit available for occupation (i.e., advertising or marketing through a realtor or other agent); and/or (5) Failure to perform pursuant to the terms of an active building permit." This analysis focuses on the commercial uses within the HMDR zoned area and whether they were abandoned. While there were several licenses for commercial uses that appear to be established in this area over time (the use of addresses was not consistent), including outdoor sales carts, most licenses were inactivated by 2002. However, a review of meters showed only one meter was removed, and this meter was associated with 804 Whitehead Street (see Attachment F). Further, the structures appear ready for occupation and do not appear significantly deteriorated. Although retail space may have been available for rent, the developer was not able to provide documentation of sales activities (when the entire development was listed for sale) until late 2008. As such, the commercial use of these areas as shown on the site plan does not appear to have been abandoned under the code.

Although this letter does not address proposed uses under a specific site plan (my understanding is that revisions to the site plan will be submitted in response to this determination), it is important to clarify the extent to which legally established uses can continue and how these uses can be translated to future development. Key findings are as follows:

- 809 Terry Lane and 811 Terry Lane were used for parking and future parking associated with the commercial use may be allowed, pursuant to other requirements in the code. Expansion of retail or other commercial uses into this area is not supported by any of the documentation we have reviewed.

- 808 Whitehead Street does not appear to have any associated legally established commercial uses. My understanding is that this parcel may not be included in a future redevelopment plan.
- City code requires approved parking to be maintained. All parking shown on the site plan (25 spaces) must either be maintained on site, replaced elsewhere on or off site, as allowed by the code, or be subject to a parking variance. Some future development (beyond the program of development associated with the site plan, see Attachment D) may be required to meet parking requirements and will be addressed during the development plan review process.
- 806 Whitehead Street has some legally established commercial uses. The area previously described as area "C", or the brick paved commercial/parking area, is partially zoned HMDR. While the background information and the site visit support commercial use of the HMDR zoned area, it does not appear that restaurant or outdoor entertainment uses can be substantiated in this area. A pool associated with a commercial use on the HNC-3 zoned parcel may be appropriate, so long as there is no consumption area or other intensification beyond that associated with a retail use involved. Further, the area adjacent to the historic structure (in the vicinity of "A" on the survey) had outdoor commercial use (as retail space) which is shown on the site plan and substantiated through fixtures during the site visit. A proposed expansion of the historic structure into this area for the sole purposes of ADA bathrooms, associated with an elimination of outdoor commercial activity in this entire area, would appear to reduce non-conforming commercial uses and enclose them, thereby reducing impacts. A change in legal non-conforming use approach may be necessary to fully accommodate any proposed changes and will be to be addressed upon revised site plan submittal.

In addition to the issues described above, it may be helpful to be mindful of the following issues regarding potential site redevelopment:

- Section 122-1531 through 122-1537 addresses adult entertainment establishments. I know that you are familiar with these code provisions and understand that adult entertainment establishments are only allowed in the HRCC-1 district, that the number of such businesses is capped and that an existing license cannot be moved from the HRCC-1 zoning district. Therefore, no adult entertainment establishments as defined in the code can be allowed on this site. A copy of the relevant code provisions is attached (see Attachment G.)
- The HNC-3 district allows restaurants conditionally. Bars and lounges are not permitted as of right or conditionally and are not allowed on this site. Chapter 86-9 defines restaurants as follows: "Restaurant, excluding drive-through, means any establishment, which is not a drive-through service establishment, where the principal business is the sale of food, desserts and beverages to the customer in a ready-to-consume state. This includes service within the building as well as takeout or carryout service. For the purpose of this subpart B and impact fee assessments, a takeout or carryout restaurant shall be limited to no more than five chairs or bench seats without tables or counter tops. The phrase "principal business is the sale of food" is particularly important. In the past we have generally interpreted this to represent percent of sales relative to liquor sales, consistent with an SRX licensing. However, not all restaurants have a SRX license and requirement of specific licensing provisions relative to this issue may deserve reconsideration. However, the continuous provision of food sales (a full menu) at all times alcohol is sold or occurring seems to be a minimum threshold to ensure that the restaurant definition and intent of the code is being met. Other provisions to ensure operation of a restaurant are often imposed as conditions of approval.

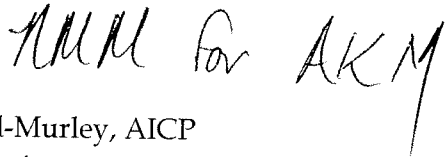
Please note that our research did not substantiate that any restaurant or bar uses continued on the site, and all proposed restaurants will require conditional use approval.

- Generation of noise is an important concern in any development approval with potential outdoor uses. Methods to control and reduce noise, including sound attenuation approaches, limits to outdoor activities, and/or limits to outdoor areas of operations are expected to be considerations on this site, especially given the proximity of residential uses. Even developments located in the city's most intense zoning districts have been subject to extensive noise control measures in recent approvals.
- Land use compatibility is at the heart of any conditional use application. Working with the neighbors to address potential concerns is important and can be accomplished in a variety of different ways. Please continue to work with adjacent land owners as the project evolves.

We look forward to reviewing a revised site plan regarding this important project in light of the findings of our research.

Please do not hesitate to call me with any questions or concerns.

Sincerely,



Amy Kimball-Murley, AICP
Planning Director

Xc: GEO Files

Attachments:

- Attachment A: Parcels and Zoning
- Attachment B: Resolutions: 97-72; 97-73; and 98-44
- Attachment C: Planning Board Meeting Agenda, March 19, 1998
- Attachment D: Site Plan and CIAS Application, February 19, 1998
- Attachment E: Survey
- Attachment F: Keys Electric Records
- Attachment G: Code of Ordinances. Division 12, Adult Entertainment Establishments

Attachment A

804 Whitehead

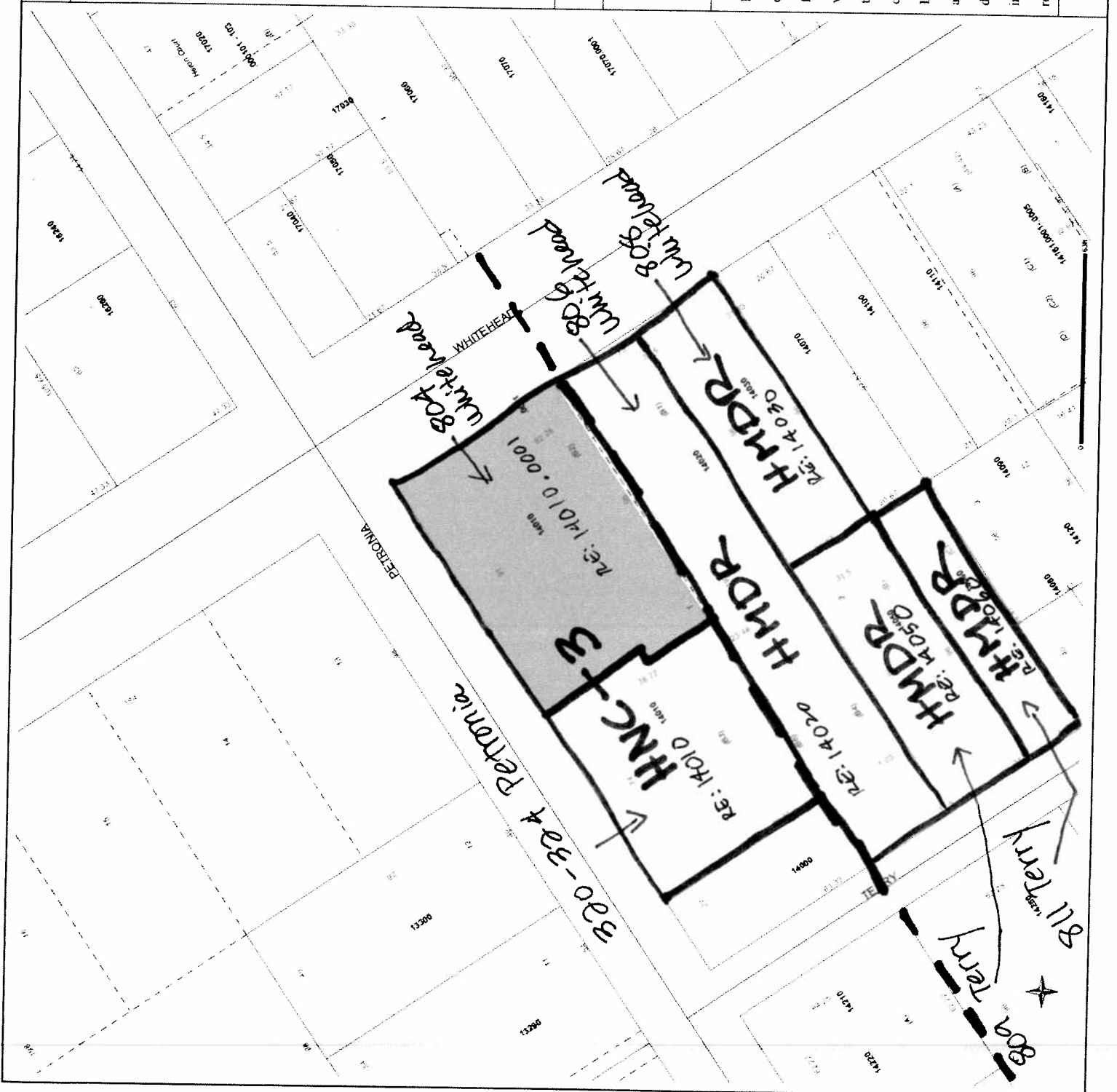
- Legend**
- Highlighted Feature
 - Real Estate Number
 - Parcel Lot Text
 - Dimension Text
 - Block Text
 - Point of Interest Text
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: September 5, 2010 4:58 PM



Attachment B

RESOLUTION NO. 97-72

VARIANCE: 804 WHITEHEAD STREET,
809, 811 TERRY LANE

A RESOLUTION GRANTING A VARIANCE TO HP-3, LIGHT COMMERCIAL HISTORIC DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A VARIANCE TO ALLOW: A ZERO FOOT RIGHT SIDE SETBACK (25' REQUIRED) FOR THE RECONSTRUCTION OF EXISTING BUILDINGS; AND A SPECIAL EXCEPTION TO ALLOW A RESTAURANT USE UP TO 45 SEATS IN AN HNC-3/HP-3 LAND-USE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PETRONIA ST. AND THE W'LY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG

THE SAID WESTERLY LINE OF WHITEHEAD STREET 62.25 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET TO A POINT ON THE SAID LINE OF PETRONIA ST., 91 FEET BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1), TRACT THREE (3) OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST, FLORIDA: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET AND THE SOUTHERLY RIGHT-OF-WAY BOUNDARY LINE OF PETRONIA STREET AND RUN THENCE WESTERLY ALONG THE SAID LINE OF PETRONIA 91 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE ALONG THE SAID LINE OF PETRONIA STREET 74' FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES 62.25 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES 69 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET BACK TO THE POINT OF BEGINNING ON PETRONIA STREET

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DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

AND

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ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of

the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

WHEREAS, the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

WHEREAS, the granting of the variance will be in harmony with the general purpose and intent of the zoning provisions, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a variance to: **HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT,** under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a variance to allow:

A ZERO FOOT RIGHT SIDE SETBACK (25' REQUIRED) FOR THE RECONSTRUCTION OF EXISTING BUILDINGS; AND A SPECIAL EXCEPTION TO ALLOW A RESTAURANT USE UP TO 45 SEATS IN AN HNC-3/HP-3 LAND-USE DISTRICT, ON THE FOLLOWING DESCRIBED PROPERTY:

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IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND
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ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD
STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

Section 2. It is an essential condition of this variance that
full, complete, and final application for all permits required for
any new construction for any use and occupancy for which this
variance is wholly or partly necessary, whether or not such
construction is suggested or proposed in the documents presented

in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

Section 4. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. As a condition for approval of this request for variance and special exception, applicant shall provide 28 bicycle parking spaces.

Section 6. As a condition for approval of this request for variance and special exception, applicant understands and agrees

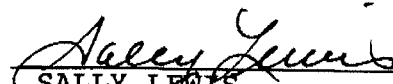
that no future uses on the subject property will be considered by the City or its boards without the applicant first providing a master plan for the site.

Section 7. 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.

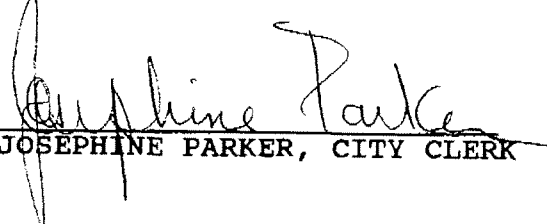
Read and passed on first reading at a regular meeting held this 5th day of February, 1997.

Authenticated by the presiding officer and Clerk of the Board on 10th day of February, 1997.

Filed with the Clerk on February 10, 1997.


SALLY LEWIS,
CHAIRMAN PRO TEMPORE
BOARD OF ADJUSTMENT

ATTEST:


JOSEPHINE PARKER, CITY CLERK

C:\WPDOCS\CITYATTY\VARIANCE\804WHTHD.WPD

RESOLUTION NO. 97-73

SPECIAL EXCEPTION:

804 WHITEHEAD STREET,
809, 811 TERRY LANE

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO HP-3, LIGHT COMMERCIAL HISTORIC DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A SPECIAL EXCEPTION TO ALLOW: SMALL SCALE COMMERCIAL USE (RETAIL SALES/RESTAURANT/PARKING) ON THREE LOTS WITH A FUTURE LAND USE DESIGNATION OF HMDR, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

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"I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the SPECIAL EXCEPTION requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a SPECIAL EXCEPTION to: **HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT,** under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a SPECIAL EXCEPTION to allow:

SMALL SCALE COMMERCIAL USE (RETAIL SALES/RESTAURANT/PARKING) ON THREE LOTS WITH A FUTURE LAND USE DESIGNATION OF HMDR, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PETRONIA ST. AND THE W'LY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 62.25 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT

RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 39.77 FEET TO A POINT ON THE SAID LINE OF PETRONIA ST., 91 FEET BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1), TRACT THREE (3) OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST, FLORIDA: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET AND THE SOUTHERLY RIGHT-OF-WAY BOUNDARY LINE OF PETRONIA STREET AND RUN THENCE WESTERLY ALONG THE SAID LINE OF PETRONIA 91 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE ALONG THE SAID LINE OF PETRONIA STREET 74' FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES 62.25 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES 69 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET BACK TO THE POINT OF BEGINNING ON PETRONIA STREET

AND

ON THE ISLAND OF KEY WEST, AS KNOWN ON CHARLES W. TIFT'S MAP OF THE CITY OF KEY WEST, AS PART OF SQUARE ONE (1) IN TRACT THREE (3) AND IS PART OF SUBDIVISION TWO (2) IN SQUARE ONE (1) ACCORDING TO A

DIAGRAM MADE OF PORTION OF SAID TRACT THREE (3), WHICH DIAGRAMS IS RECORDED IN BOOK "I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

Section 2. It is an essential condition of this SPECIAL EXCEPTION that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this SPECIAL EXCEPTION is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this SPECIAL EXCEPTION, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this SPECIAL EXCEPTION that no application or reapplication for new construction for which the SPECIAL EXCEPTION is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this SPECIAL EXCEPTION is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this SPECIAL EXCEPTION in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this SPECIAL EXCEPTION, which SPECIAL EXCEPTION shall be of no force or effect.

Section 4. This SPECIAL EXCEPTION does not constitute a finding as to ownership or right to possession of the property, and

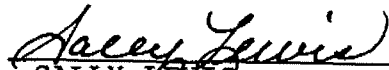
assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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.

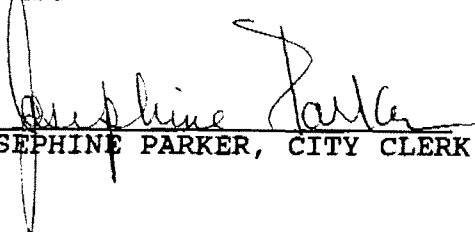
Read and passed on first reading at a regular meeting held this 5th day of February, 1997.

Authenticated by the presiding officer and Clerk of the Board on 10th day of February, 1997.

Filed with the Clerk on February 10, 1997.


SALLY LEWIS,
CHAIRMAN PRO TEMPORE
BOARD OF ADJUSTMENT

ATTEST:


JOSEPHINE PARKER, CITY CLERK

C:\WPDOCS\CITYATTY\VARIANCE\SPX804W.WPD

RESOLUTION NO. 98-44

VARIANCE: 804 WHITEHEAD STREET
809, 811 TERRY LANE

A RESOLUTION GRANTING A VARIANCE TO HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A VARIANCE TO ALLOW: 5.0 ' RIGHT SIDE CORNER SETBACK (15' REQUIRED) AND 1.33' REAR SETBACK (16.0' REQUIRED) TO ALLOW CONSTRUCTION OF A NEW ONE-STORY COMMERCIAL STRUCTURE OF 1,025 SQUARE FEET; AND, A VARIANCE TO ALLOW ZERO FEET LEFT SIDE SETBACK (15' REQUIRED) AND ZERO FEET REAR SETBACK (15' REQUIRED) FOR AIR CONDITIONING EQUIPMENT AT TWO LOCATIONS AS SHOWN ON ACCOMPANYING SITE PLAN.

REAL ESTATE PARCEL #1401, 1401-001, 1402, 1405, 1406, ALSO KNOWN AS 804 WHITEHEAD STREET & 809, 811 TERRY LANE KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

WHEREAS, literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

WHEREAS, the special conditions and circumstances do not result from the actions of the applicant.

WHEREAS, the granting of the variance requested will not

confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

WHEREAS, the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

WHEREAS, the granting of the variance will be in harmony with the general purpose and intent of the zoning provisions, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; now therefore,

BE IT RESOLVED by the Board of Adjustment of the City of Key West, Florida:

Section 1. That a variance to: HP-3, Light Commercial Historic Preservation District, under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a variance to allow:

5.0 ' RIGHT SIDE CORNER SETBACK (15' REQUIRED) AND 1.33' REAR SETBACK (16.0' REQUIRED) TO ALLOW CONSTRUCTION OF A NEW ONE-STORY COMMERCIAL STRUCTURE OF 1,025 SQUARE FEET; AND, A VARIENCE TO ALLOW ZERO FEET LEFT SIDE SETBACK (15' REQUIRED) AND ZERO FEET REAR SETBACK (15' REQUIRED) FOR AIR CONDITIONING EQUIPMENT AT TWO LOCATIONS AS SHOWN ON ACCOMPANYING SITE PLAN.

REAL ESTATE PARCEL #1401, 1401-001, 1409, 1405, 1406 ALSO KNOWN AS

804 WHITEHEAD STREET & 809, 811 TERRY LANE KEY WEST, MONROE COUNTY,
FLORIDA

Section 2. It is an essential condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this variance that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of said 12-month period.

Section 3. Failure to submit full and complete application for permits for new construction for which this variance is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

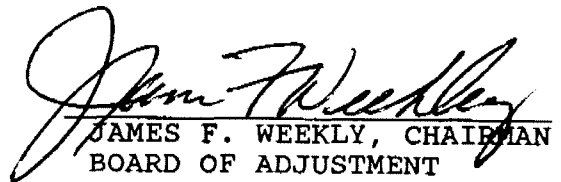
Section 4. This variance does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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.

Read and passed on first reading at a regular meeting held this 4th day of February, 1998.

Authenticated by the presiding officer and Clerk of the Board on 11th day of February, 1998.

Filed with the Clerk on February 11, 1998.


JAMES F. WEEKLY, CHAIRMAN
BOARD OF ADJUSTMENT
PRO TEM

ATTEST:


JOSEPHINE PARKER, CITY CLERK

C:\KEEP\JEWELLS\WPD0C0LD\VARIANC\B04WHITE.VAR

Attachment C

Key West Planning Board
Regular Meeting Agenda

Thursday, March 19, 1998, 6:00 P.M.
City Commission Chamber, Old City Hall
510 Greene St., Key West, FL 33040

1. Pledge of Allegiance
2. Roll call
3. Approval of agenda

Memo

4. Consideration/Review of Revised CIAS and Site Plan for proposed redevelopment of existing lumber and hardware complex into a specialty retail and restaurant complex; utilizing existing building and adding approximately 5,451 net commercial square feet of new space; total of 74,784 s.f. in project, 69,333 s.f. is existing space to be remodeled over multi-year time frame; until possible ROGO units are available for 13 proposed employee residential units, second-floor shell space created will be used for storage space for merchants in new retail center; proposed "Simonton Row Retail Center" project is located at 120 Simonton St., RE # 290 and 240; applicant Manley-DeBoer, Inc. (Erik DeBoer) for owner, Struck Lumber Yard, Inc. (E. A. Strunk III)

1
12
13
14
15

Table

5. Consideration/Review of proposed Site Plan and CIAS (Traffic) for proposed new mixed use two-story retail/office building with first floor and mezzanine for 6,124 s.f. of retail use and second floor for 5 proposed residential units, two replacing existing units to be removed on the site, plus 3 subject to ROGO limitations at 117 Duval St. (RE # 530, 430); applicant William P. Horn, Architect; owner, Key West MJM Investments, Inc., Hollywood, FL (Judith A. Greenberg)

6. Consideration/Review of limited revisions to Approved Site Plan for proposed SeaSide Condominium project at 3800 So. Roosevelt Blvd. (RE # 65900; 66210; 66190); applicant Steven L. Johnson, Architect; owner, owner, Key West SeaSide Corp. (Robert Butler, President), Argonaut Development Group, Inc., Developer

SP

7. *Take* Consideration/Review of proposed Site Plan for construction of three residential units above existing commercial space, the Greyhound Bus Terminal at 615 ½ Duval St. (RE # 12350); applicant Bert L. Bender, Architect; owner, Greg Artman.

8. *Yes* Consideration/Review of proposed Site Plan for phased commercial development including existing and new construction on multi-parcel site; present application includes new 1,025 s.f. one-story, open market building and conversion of first floor of two-story existing building from residential to commercial at site location, 804 Whitehead St./809, 811 Terry Lane (RE # 1401, 1401-001; 1402; 1405, 1406); applicant William P. Horn, Architect; owner, Bahama Village Market. Ltd. (Gerald R. Mosher, partner)

9. *Take* Consideration/Review of Site Plan for proposed renovation/expansion of one-story retail use building area and addition of a new second story overhead for addition of seven new residential units subject to ROGO at 508 Southard St. (RE # 1230), known as "Key Lime Square"; applicant William P. Horn, Architect; owner, Old Town Key West Development, Ltd.

10. *Take* Consideration/Review of Site Plan and CIAS for proposed construction of approximately 26,500 s.f. of building and related infrastructure for wholesale storage and distribution of Anheuser-Busch products at 2600 No. Roosevelt Blvd. (RE # 65010); applicant Larry Frank, Overbeck and Elliott; owner Silver Eagle Distributors, Ltd. (Ramon Oyarzun)

11. Update from Mallory Square Subcommittee (Mr. Ingram, Mr. Malcolm)

12. City Planner Update

13. Old Business

14. New Business

15. Adjournment

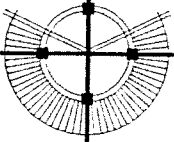
MEMORANDUM
City of Key West
Planning Department

To: Site Plan and CIAS Review Staff
From: Wendy Tucker, Planning Coordinator II *Wendy Tucker*
Date: March 2, 1998
Subj: Site Plan Review Application, 804 Whitehead St./809, 811 Terry Lane (RE # 1401, 1401-001, 1402, 1405, 1406)

Enclosed please find a Site Plan for a project that already has several phases of activity underway on a site of multiple real estate parcels and several existing structures. Attached is a letter I requested from the project architect, William P. Horn, explaining what processes and permissions have already occurred relative to the overall project.

As expressed, the applicant's present objectives relative to the submitted site plan include addition of a new retail one-story building of 1,025 s.f. for an open-air market, and conversion of the first floor of an existing two-story building that fronts on Whitehead Street to retail use.

As requested, we have placed this item on the March 19 Key West Planning Board agenda. Please review and comment as soon as possible, hopefully no later than Monday, March 9. Your comments will be distributed to the Planning Board, but you are also invited to attend the meeting which will begin at 6 p.m. at Old City Hall.



WILLIAM P. HORN, ARCHITECT, P.A.

License No. AA 0003040

915 EATON STREET, KEY WEST, FLORIDA 33040

PHONE: 305-296-8302 FAX: 305-296-1033

MAR 12 1998

March 2, 1998

**To: Planning Department
City of Key West
Attn. Wendy Tucker**

**Re: 804 Whitehead Street
Phase III (New open Market)**

Dear Mrs. Tucker,

I am writing to clarify why we are going to the planning board for this project.

We need planning board approval to build the new 1,025 S.F. open market building (one story structure), and to convert the first floor plan of the two story building (existing on site) from residential to commercial. All other items shown on plans are existing or permitted already (building permit on hand). The whole site was given a special exception to be commercial by the board of adjustment.

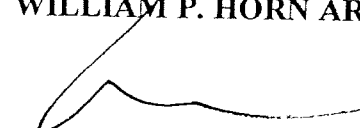
The one story "restaurant and retail building" is existing and the interior of the restaurant kitchen is almost complete. The ticket booth and carts are existing.

The two story building has 3 existing units permitted on the second floor and they are being renovated. The first floor has a permitted (and half completed) open pavillion for retail on the Petronia Street side. The remaining original part of the two story house will be converted to retail use.

A variance was given for the new buildings setbacks.

Please call if you have any questions.

WILLIAM P. HORN ARCHITECT, P.A.



**William P. Horn,
Principal**

Attachment D

Date Rec'd _____
(Applications will not be accepted
until they are complete)

Site Plan and CIAS Application

City of Key West PLANNING DEPARTMENT

Site Plan X Community Impact Assessment Statement _____

Please print or type a response to the following:

1. Site Address 804 Whitehead St. / 809,811 Terry Lane
2. Name of Applicant William P. Horn Architect, P.A.
3. Applicant is: Owner _____ Authorized Representative X
(attached Authorization Form must be completed)
4. Address of Applicant 915 Eaton Street
 Key West, FL 33040
5. Phone Number of Applicant 296-8302
6. Name of Owner, if different than above Bahama Village Market, Ltd.
7. Address of Owner 201 Front Street, Suite 310
 Key West, FL 33040
8. Phone Number of Owner 294-3225
9. Future Land Use District of Parcel HNC-3
10. Zoning District of Parcel HP-3 RE# 1401, 1401-001, 1402, 1405, 1406
11. Description of Proposed Development and Use. Please be specific. List all existing and proposed buildings and uses of the property (including number of dwelling units). If there is more than one use please describe in detail the nature of each use (use a separate sheet of paper if necessary) Add new retail one story building (1025 S.F.) existing buildings include one story CBS restaurant and retail building, 2 story frame retail with 3 residential units on 2nd level, ticket booth and 8 carts for retail use.

13. Is Subject Property located within the Historic District? Yes X No _____
If Yes, indicate the date HARC granted approval of the proposed development, as well as the HARC Number assigned to that application
Date 9-9-97 HARC# H9-97-2905, 06-17815-97, H10-97-3571
VARIANCE APPROVED FEBRUARY 5, 1998

14. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes _____ No X If Yes, please describe and attach relevant documents. _____

The following must be included with this application:

- X Copy of a deed showing ownership and a legal description of the subject property
- X Two (2) Signed and sealed site survey illustrating buildings and structures existing on property, as well as area of requested easement
- X Photograph of area of requested easement
- X Application fee -- payable to the City of Key West:
 - 1) for Site Plan Review Only, \$100.00; or
 - 2) for Site Plan and CIAS Review, \$600.00
- X Notarized Verification Form
- X Notarized Authorization Form (if applicable)

Authorization Form

Please complete this form if someone other than the property owner is representing the property.

I, Bahama Village Mkt, authorize WILLIAM P. HORN to
Property Owner's Name Applicant's Name

represent my property for this application. (SHE ALSO APPROVAL)

[Signature]
Signature of Property Owner

Subscribes and sworn to (or affirmed) before me on _____ (date) by _____
(name of affiant, deponent or other signer). He is personally known to me, or has presented _____ as identification.

[Signature]
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Title or Rank

Commission Number, if any



JOYCE A. PIVEC
MY COMMISSION # CC384479 EXPIRES
August 14, 1998
BONDED THRU TROY FAIN INSURANCE, INC

Verification Form

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or legal representative of the property. If a legal representative, please have the property owner complete the following page, "Authorization Form".

I, William P. Horn, being duly sworn, depose and say that: I am (check one) the owner ___/ legal representative X of the property which is the subject matter of this application. All of the answers to the above questions, sketches and attached data which make up this application, are true and correct to the best of my knowledge and belief.



Signature of Applicant

Subscribes and sworn to (or affirmed) before me on _____ (date) by _____ (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.

Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Title or Rank

Commission Number, if any

2015

Return to: Michael H. Cates
#8 Key Lime Square
Key West, Florida 33040

This instrument prepared by:
Michael H. Cates
#8 Key Lime Square
Key West, Florida, 33040

Property Appraisers Parcel I.D:
0001401, 0001401-001 & 0001402
Grantee(s) SS# or FEIN
65-0476595

FILED FOR RECORD
95 MAR -9 AM 59
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MONROE COUNTY FLA

.....space above for recording data.....

THIS WARRANTY DEED, Made the 1st day of January, 1995 by BAHAMA VILLAGE MARKET, INC, a Florida Corporation, hereinafter called the Grantor, to BAHAMA VILLAGE MARKET, LTD, a Florida Limited Partnership whose post office address is #8 Key Lime Square, Key West, Florida, 33040

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to the instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations or partnerships.)

WITNESSETH, That the Grantor, for and consideration of the sum of \$10.00 and other valuable considerations; receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situated in MONROE COUNTY, State of Florida, viz:

See attached exhibit "A" attached for complete legal description
SUBJECT to existing mortgage in favor of Barbara K. Murphy which the grantee hereby agrees to assume and pay.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances; except taxes accruing subsequent to December 31, 1993 and as otherwise setforth herein.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Michael H. Cates
Print name: Michael H. Cates

Julie Lopez
Print name: Julie Lopez

Edwin O. Swift, III
by: Edwin O. Swift, III, president & secretary Bahama Village Market, Inc

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 8 day of March, 1995, by EDWIN O SWIFT, III, president and secretary of BAHAMA VILLAGE MARKET, Inc, who is personally known to me and did take an oath.

Joyce A. Pivec
Notary Signature

Printed Name: Joyce A. Pivec
My Commission Expires:

JOYCE A. PIVEC
MY COMMISSION / CC384479 EXPIRES
August 14, 1998

forms/deed
DS FILED 2016-30 Date 3/8/95
MONROE COUNTY

OFF 1344 PAGE 1667
REC

882069

... and designated on Charles W. Tift's
... as part of Lot No. 2 in the Subdivision
... Square No. 1, in part of Tract J known as Simonton's
Addition to the City of Key West; COMMENCING at a point on
Whitehead Street, distant 63 feet from the corner of Petronia
and Whitehead Sts. and run thence in a S.E.'ly direction 31
feet and 6 inches; thence at right angles in a S.W.'ly direction
96 feet; thence at right angles N.W.'ly 31 feet and 6 inches,
thence at right angles N.E.'ly 96 feet to the place of
beginning.

ALSO

In the City of Key West, Monroe County, Florida and is
designated on Charles W. Tift's Map of said City as part of
Lot 1 of Square 1 in Tract J of Simonton's Addition to the

City of Key West and herein described more particularly by metes
and bounds as follows: BEGIN at the intersection of the Southerly
Right-of-Way line of Petronia St. and the W'ly Right-of-Way
boundary line of Whitehead Street for a Point of Beginning;
thence Southerly along the said Westerly line of Whitehead Street
62.25 feet to a point; thence Westerly at right angles 96 feet to
a point; thence Northerly at right angles 23.48 feet to a point;
thence Easterly at right angles 5 feet to a point; thence Northerly
at right angles 38.77 feet to a point on the said line of Petronia
St., 91 feet back to the Point of Beginning.

ALSO

Part of Lot One (1) of Square One (1), Tract Three (3) of Simonton's
Addition to the City of Key West, Florida; COMMENCING at the
intersection of the Westerly Right-of-Way boundary line of Whitehead
Street and the Southerly Right-of-Way boundary line of Petronia
Street and run thence Westerly along the said line of Petronia 91
feet to the Point of Beginning of the Parcel herein being described;
thence continue along the said line of Petronia Street 74 feet to
a point; thence Southerly and at right angles 62.25 feet to a
point; thence Easterly and at right angles 69 feet to a point;
thence Northerly and at right angles 23.48 feet to a point;
thence Easterly at right angles 5 feet to a point; thence Northerly
at right angles 38.77 feet back to the Point of Beginning on
Petronia Street.

ALSO

On the Island of Key West, as known on Charles W. Tift's map of
the City of Key West, as Part of Square One (1) in Tract Three
(3) and its part of Subdivision Two (2) in Square One (1) according
to a diagram made of portion of said Tract Three (3), which
diagram is recorded in Book "I" deeds page 421 of Monroe County
Records; COMMENCING at a point on an Eighteen foot alley-way,
Sixty three (63) feet and four (4) inches distant from the corner
of Petronia Street and said alley-way and running thence along
said alley-way in a Southeasterly direction Thirty-one feet and
six inches, and extending back in a Northeasterly direction on
both lines a distance of Ninety-six (96) feet.

ALSO

In the City of Key West, Monroe County, Florida and is designated
on Charles W. Tift's Map of said City as Part of Lot 1 of Square
1 in Tract J of Simonton's Addition to the City of Key West and
herein described more particularly by metes and bounds as follows:
COMMENCE at the intersection of the Southerly Right-of-Way
boundary of Petronia Street and the Westerly Right-of-Way
boundary line of Whitehead St. 62.25 feet to the Point of
Beginning; thence continue along the said Westerly line of
Whitehead Street 0.75 feet to a point; thence Westerly at
right angles 96 feet to a point; thence Northerly at right
angles 0.75 feet to a point, thence Easterly at right angles
96 feet back to the Point of Beginning.

Recorded to ONZAR 11/24/20
in Monroe County, Florida
Record Year 2011
DANNY L. KOLBADE
Clerk Circuit Court

93 .65

OFF REC 1388 PAGE 218
0218

90
58
70

Return to: Michael H. Cates
#8 Key Lime Square
Key West, Florida 33040

This instrument prepared by:
Michael H. Cates
#8 Key Lime Square
Key West, Florida, 33040

Property Appraisers Parcel I.D.:
0001401, 0001401-001 & 0001402
Grantee(s) SS# or FEIN
65-0476595

70 2296
BARBARA K. MURPHY
unremarried widow

.....space above for recording data.....

THIS WARRANTY DEED, Made the 26 day of January, 1996 by BARBARA K. MURPHY, an unremarried widow, hereinafter called the Grantor, to BAHAMA VILLAGE MARKET, LTD, a Florida Limited Partnership whose post office address is #8 Key Lime Square, Key West, Florida, 33040

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to the instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations or partnerships.)

WITNESSETH, That the Grantor, for and consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situated in MONROE COUNTY, state of Florida, viz:

See attached exhibit "A" attached for complete legal description
SUBJECT to existing mortgage in favor of Barbara K. Murphy.

THIS IS NOT HOMESTEAD PROPERTY

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1993 and as otherwise set forth herein.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Andi Tudermin
Print name: Andi Tudermin
Luella K. Miller
Print name: _____

by: Barbara K. Murphy
BARBARA K. MURPHY an
unremarried widow

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this 26 day of January, 1996, by BARBARA K. MURPHY an unremarried widow, who is personally known to me or has produced as identification and did (did not) take an oath.

Joyce A. Piver
Notary Signature Joyce A. Piver

Printed Name: Joyce A. Piver
My Commission Expires August 14, 1998
BONDED TRUSTEES INSURANCE, INC.

seal
forms\deed

FILED
96 FEB -2 P 4 04

010 0411
899

OFF REC 1352 PA. 339

Return to: Michael H. Cates
#8 Key Lime Square
Key West, Florida 33040

This instrument prepared by:
Michael H. Cates
#8 Key Lime Square
Key West, Florida, 33040

Property Appraisers Parcel I.D.:
00014050-000000
Grantee(s) SS# or FEIN
267-24-4757

.....space above for recording data.....

THIS WARRANTY DEED, Made the 8 day of May, 1995 as heirs of HAZELINE LOPEZ, a/k/a HAZELINE S LOPEZ, and her son, VERNON I. LOPEZ, her daughters BESSIE LOPEZ and ELIZABETH L. MATHEWS hereinafter called the Grantors, to BAHAMA VILLAGE MARKET, LTD, a Florida Limited Partnership whose post office address is #8 Key Lime Square, Key West, Florida; 33040

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to the instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations or partnerships.)

WITNESSETH, That the Grantor, for and consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situated in MONROE COUNTY, State of Florida, viz:

PART OF LOT TWO (2) IN SQUARE ONE (1) OF TRACT THREE (3) ALSO KNOWN AS 809 TERRY LANE, IN THE CITY OF KEY WEST, COUNTY OF MONROE, STATE OF FLORIDA.

RE NO. 1405, ALTERNATE KEY NO. 1014435 AS

THIS IS NOT HOMESTEAD AND IS A VACANT LOT
REFERENCE PROBATE PROCEEDING CASE NO: 95-50-CP-08

FILED FOR RECORDS
MAY 10 AM 2:00
MONROE COUNTY FLORIDA

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

AS TO HERMAN I. LOPEZ

William H. Goddard
Witness Signature
Print name: William H. Goddard

Eldric L. Edgerton
Witness Signature
Print name: Eldric L. Edgerton

Herman I. Lopez
Herman I. Lopez
4500 Shannon Blvd. #7B
Union City, GA 30291

otkw/deed.war

DS Paid 245.00 Date 5/10/95
MONROE COUNTY
DANNY L. KOLHAR, CLERK OF CIR. CL.
By [Signature] D.C.

AS TO BESSIE LOPEZ;

Witness Signature
Print name: Kenneth J Lopez

Witness Signature
Print name: Douglas M Roche

Bessie Lopez
Bessie Lopez
315 Myrtle Avenue
Albany, NY 12208

AS TO ELIZABETH L. MATHEWS

+ Witness Signature
Print name: Beatrice Henry

+ Witness Signature
Print name: JOSEPH E HENRY

Elizabeth Lopez Matthews
Elizabeth L. Mathews
147 N. Robinson Street
Philadelphia, PA 19139

STATE OF GEORGIA
COUNTY OF FAYETTE

The foregoing instrument was acknowledged before me this 1st day of MAY, 1995, by HERMAN I. LOPEZ, who produced GA STATE DRIVERS LICENSE as identification.

seal

Notary Signature [Signature]

Printed Name: MICHAEL LUNTSFORD

My Commission Expires:

STATE OF NEW YORK
COUNTY OF Albany

The foregoing instrument was acknowledged before me this 24th day of April, 1995, by BESSIE LOPEZ who produced City of NY Drivers License as identification.

seal

Notary Signature [Signature]

Printed Name: DOUGLAS M. ROCHE
Notary Public, State of New York
Qualified in Saratoga County
Commission Expires October 31 1996

My Commission Expires:

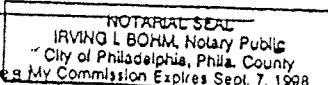
STATE OF PENNSYLVANIA
COUNTY OF Philadelphia

The foregoing instrument was acknowledged before me this 24 day of April, 1995, by ELIZABETH L. MATHEWS, who produced City of Philadelphia License as identification.

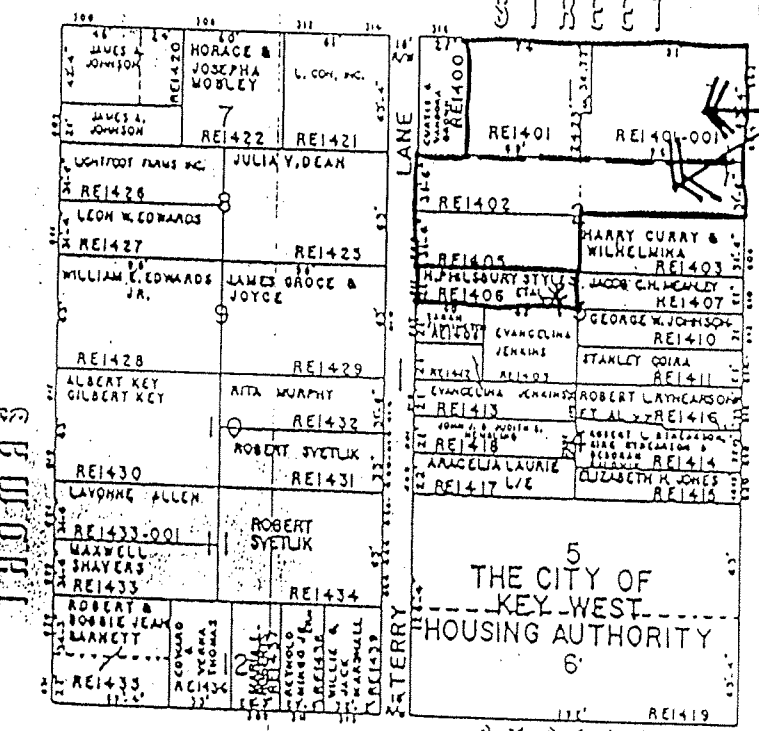
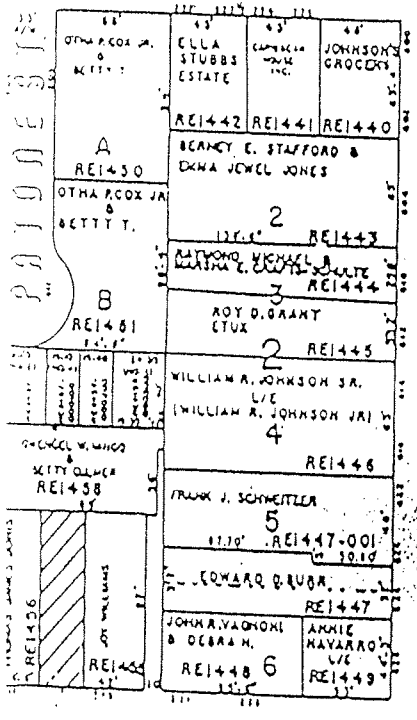
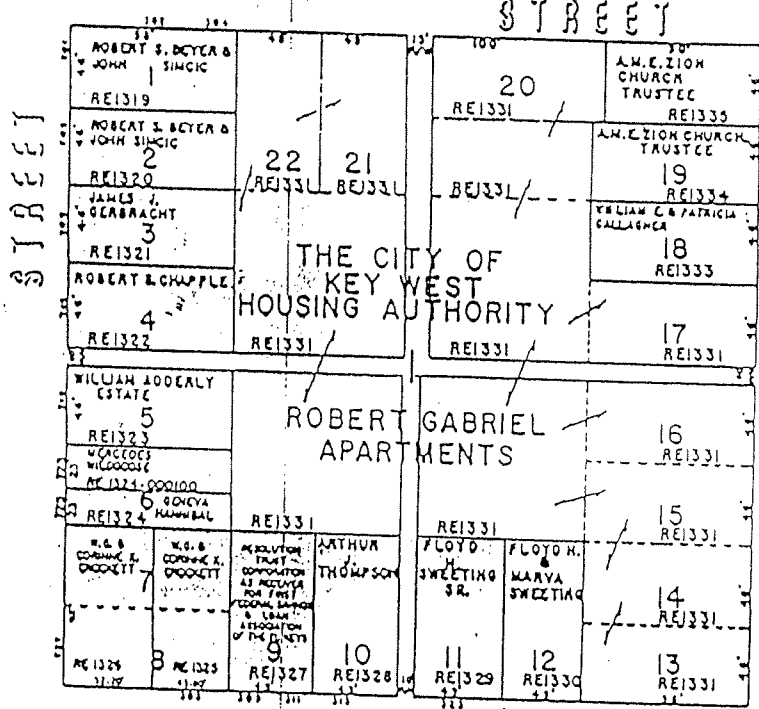
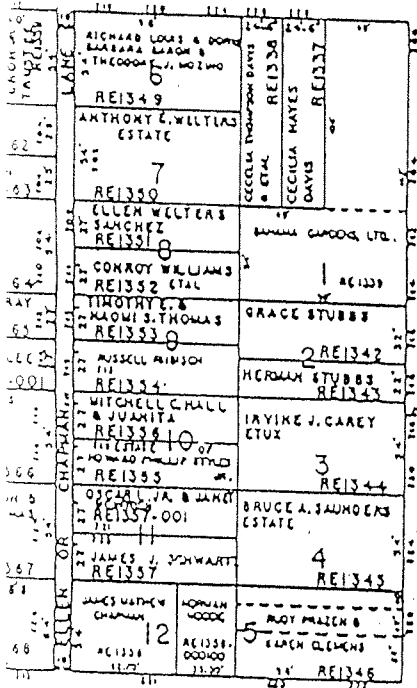
seal

Notary Signature [Signature]

Printed Name: IRVING L BOHM
My Commission Expires Sept. 7, 1998



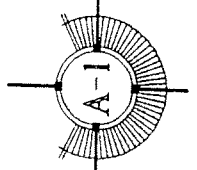
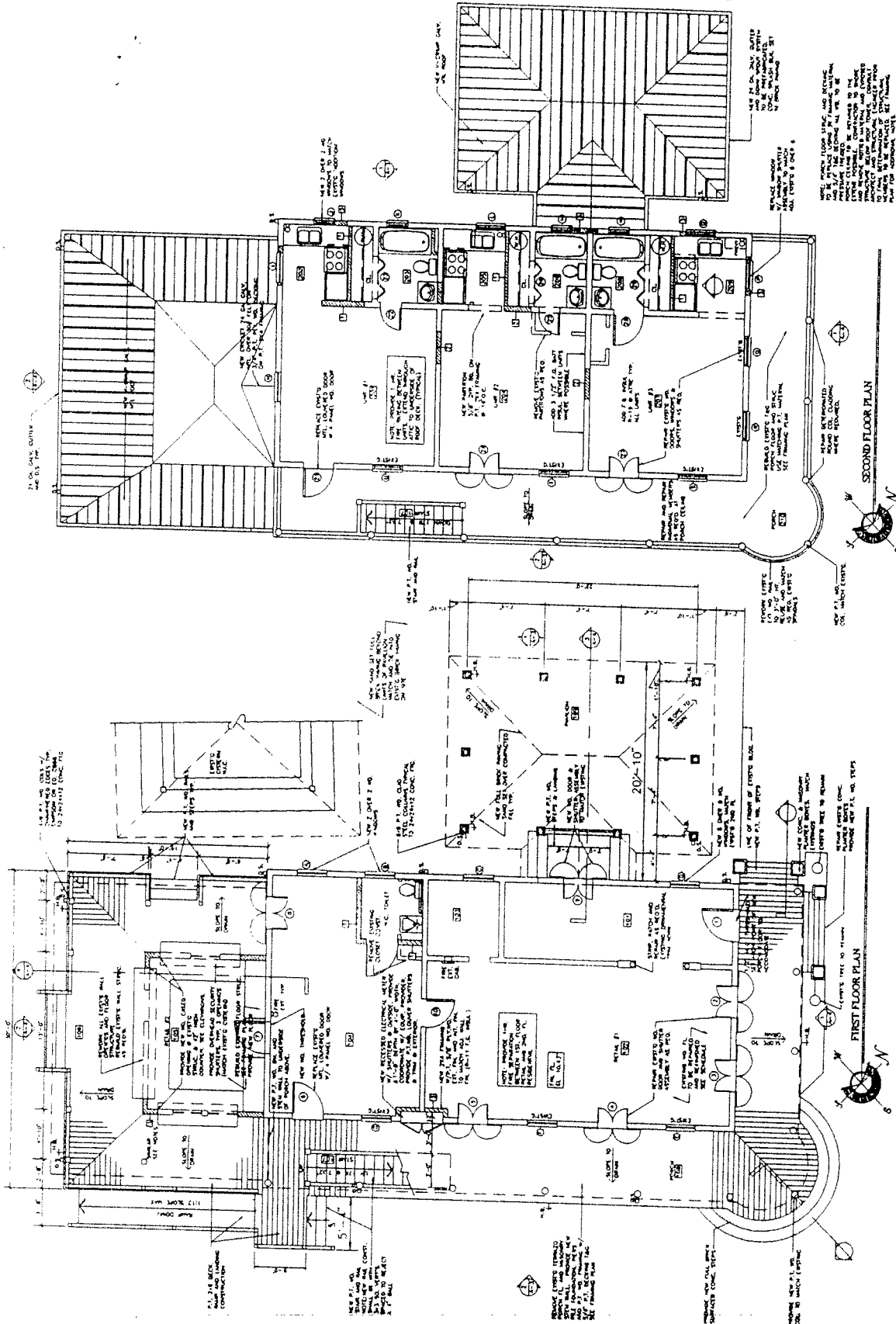
CONTINUED ON PAGE NO. 15



CONTINUED ON PAGE NO. 26

CONTINUED ON PAGE NO. 24

SCALE 1" = 30'
DRAWN BY R. H. HOLL
19 13



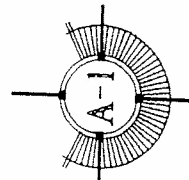
FLOOR PLAN
NOT TO SCALE

PROJECT NUMBER
9725

PHASE II - EXISTING BUILDING
BAHAMA VILLAGE MARKET
WHITEHEAD & PETRONIA STREET
KEY WEST, FLORIDA

LICENCE NO.
AR 001537
TEL (305) 296-8802
FAX (305) 296-1033

WILLIAM P. HORN
ARCHITECT, P.A.



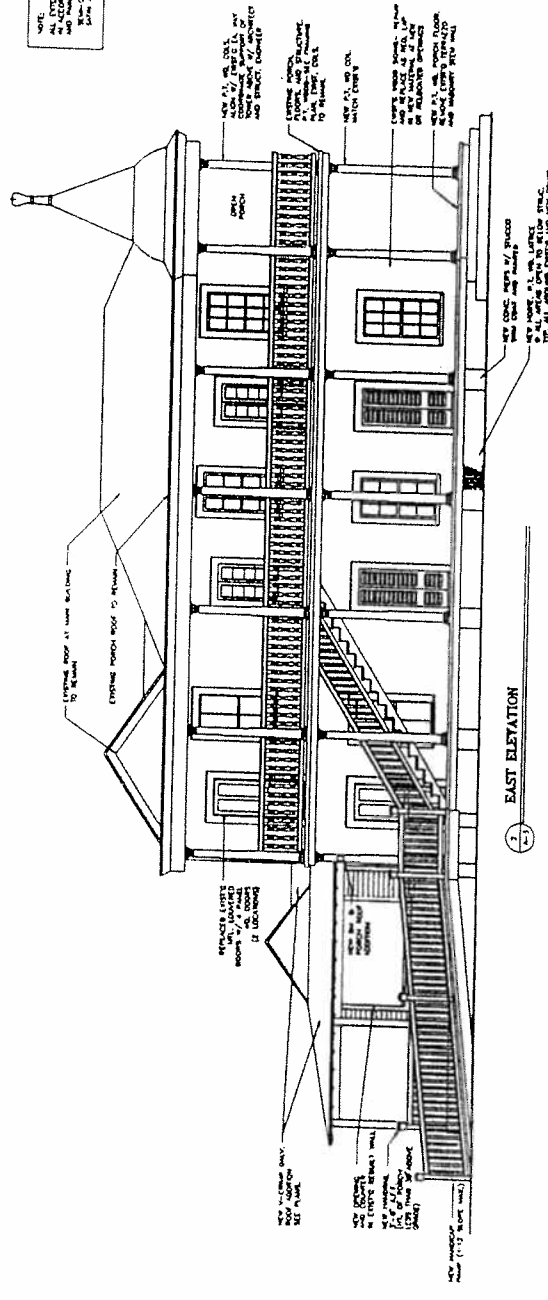
ELEVATIONS
NOT TO SCALE

PROJECT NUMBER
 9725

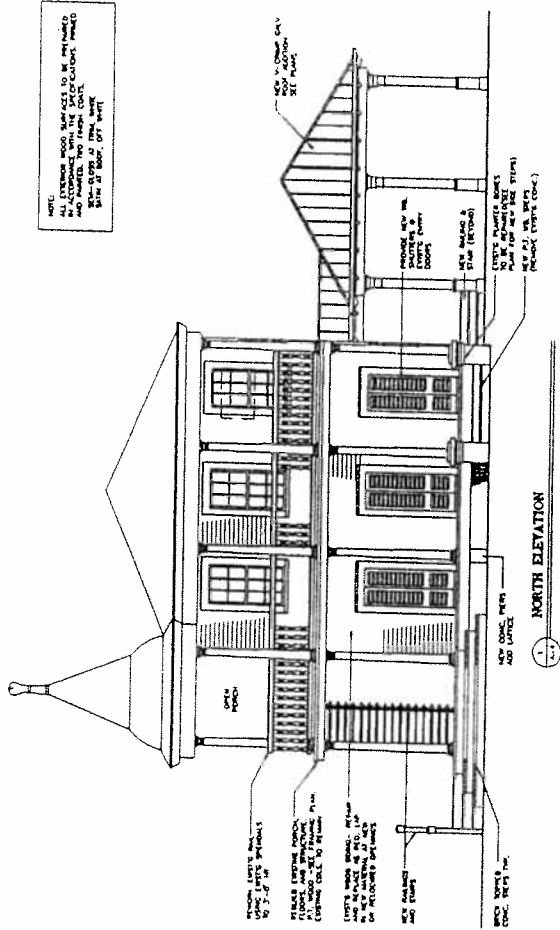
BAHAMA VILLAGE MARKET
 WHITEHEAD & PETRONIA STREET
 KEY WEST, FLORIDA

LICENCE NO.
 AR 001557
 TEL (305) 296-8902
 FAX (305) 296-1033

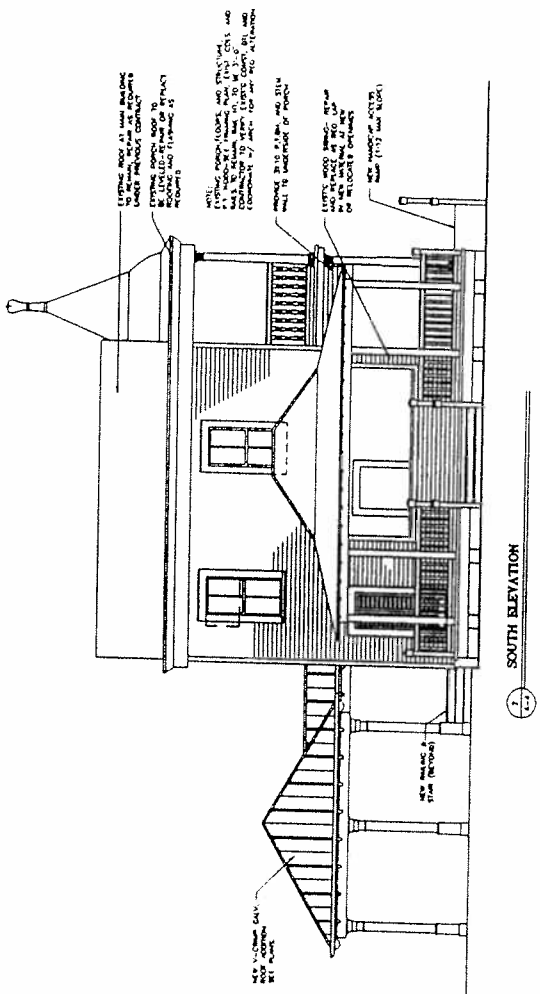
WILLIAM P. HORN
 ARCHITECT, P.A.



NOTE:
 ALL ELEVATIONS ARE SUBJECT TO THE REVIEW AND APPROVAL OF THE ARCHITECTURAL BOARD OF THE COUNTY OF MONTESSANO, FLORIDA. ANY CHANGES TO THESE ELEVATIONS MUST BE APPROVED BY THE ARCHITECT AND THE ARCHITECTURAL BOARD OF THE COUNTY OF MONTESSANO, FLORIDA.



NORTH ELEVATION



SOUTH ELEVATION

NOTES:
 ALL EXTERIOR WOOD SURFACES TO BE FINISHED
 WITH A WATER-BASED, TRANSPARENT, PENETRATING
 FINISH. SEE SPECIFICATIONS FOR FINISH.
 FINISH TO BE APPLIED TO ALL EXPOSED
 SURFACES OF ROOF, GUTTERS, ETC.

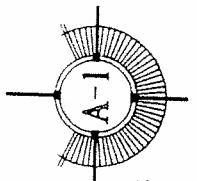
LICENCE NO.
 AR 0018337
 TEL (906) 296-8302
 FAX (906) 296-1033

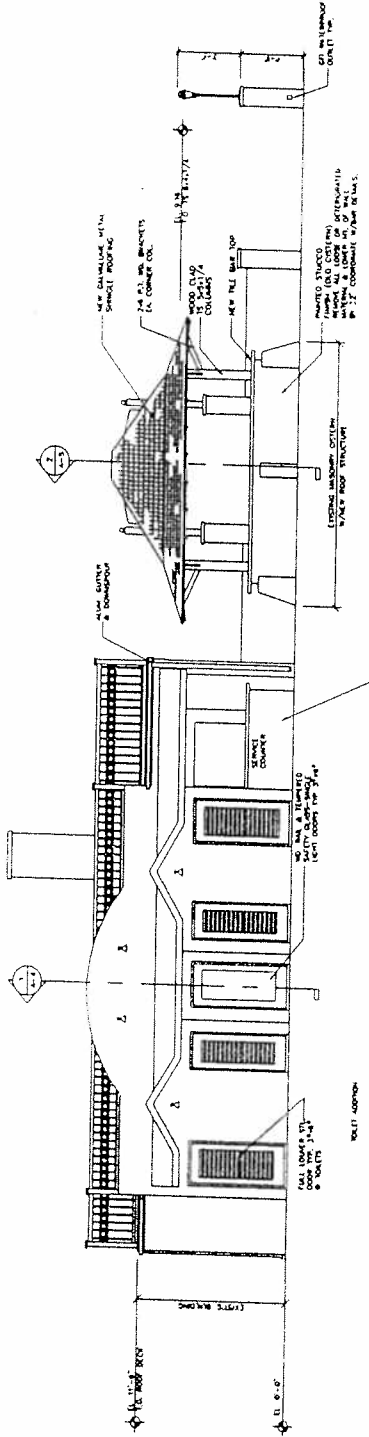
WILLIAM P. HORN
 ARCHITECT, P.A.

BAHAMA VILLAGE MARKET
 WHITEHEAD & PETRONIA STREET,
 KEY WEST, FLORIDA

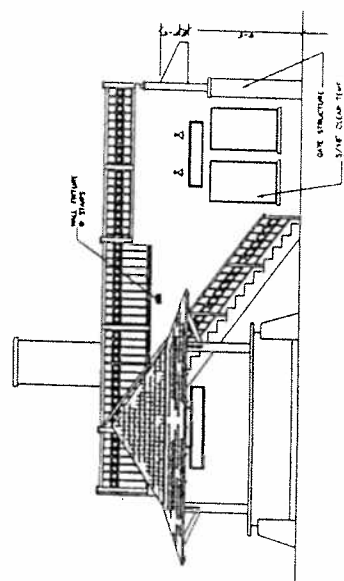
PROJECT NUMBER
 9725

ELEVATIONS
 NOT TO SCALE

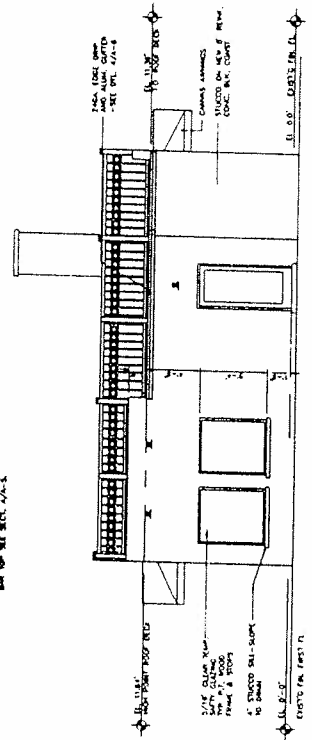




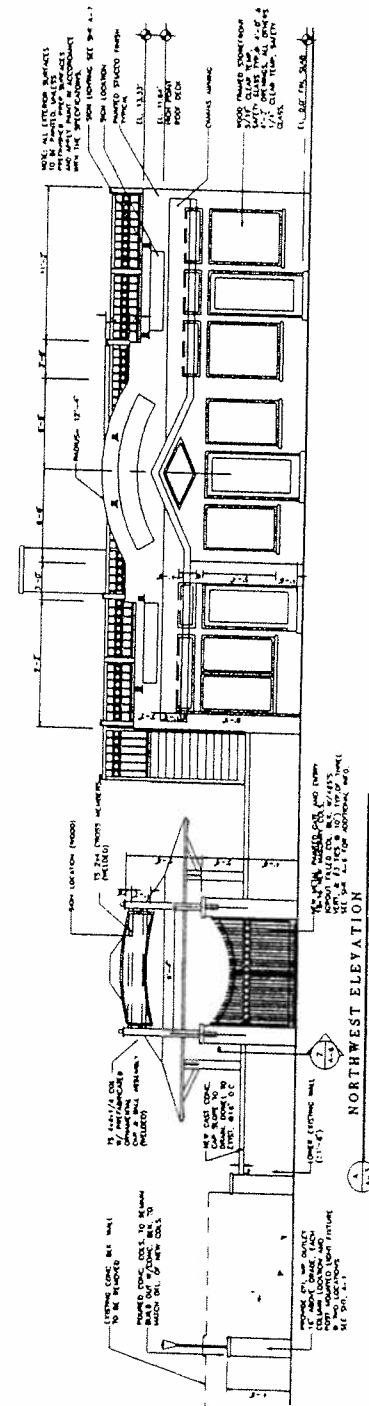
SOUTHEAST ELEVATION



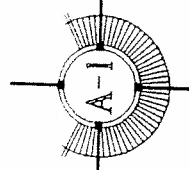
NORTHEAST ELEVATION



SOUTHWEST ELEVATION



NORTHWEST ELEVATION



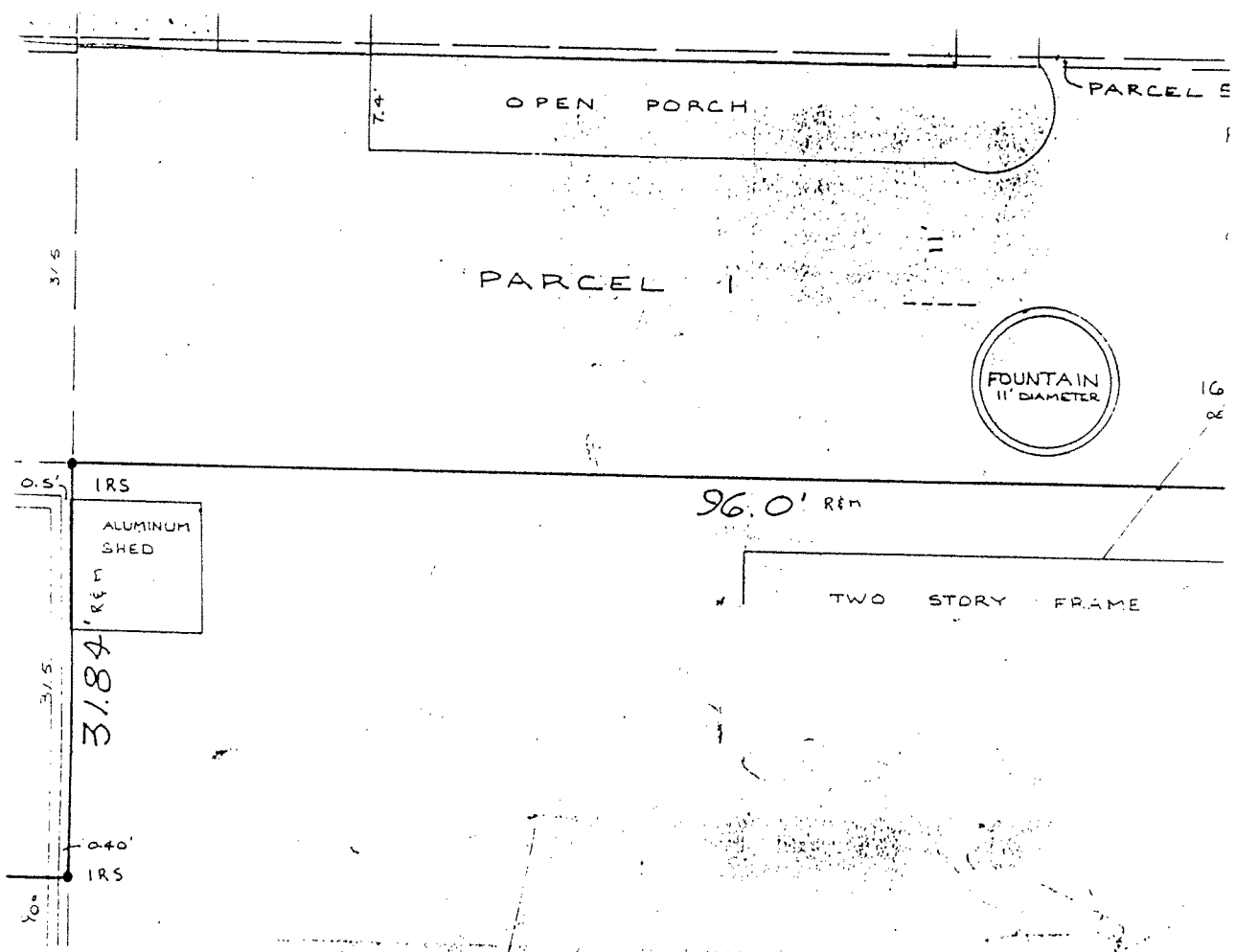
WILLIAM P. HORN
ARCHITECT, P.A.

LICENCE NO.
 AR 0015557
 TEL (905) 296-8302
 FAX (905) 296-1033

BAHAMA VILLAGE MARKET
 WHITEHEAD & PETRONIA STREET
 KEY WEST, FLORIDA

PROJECT NUMBER
 9725

ELEVATIONS
 9/07/2005



PARCEL 1: On the Island of Key West, and designated on Charles W. Tift's Map of said Island as part of Lot No. 2 in the Subdivision of Square No. 1, in part of Tract 3 known as Simonton's Addition to the City of Key West; COMMENCING at a point on Whitehead Street, distant 63 feet from the corner of Petronia and Whitehead Sts. and run thence in a S.E.'ly direction 31 feet and 6 inches; thence at right angles in a S.W.'ly direction 96 feet; thence at right angles N.W.'ly 31 feet and 6 inches; thence at right angles N.E.'ly 96 feet to the place of beginning.

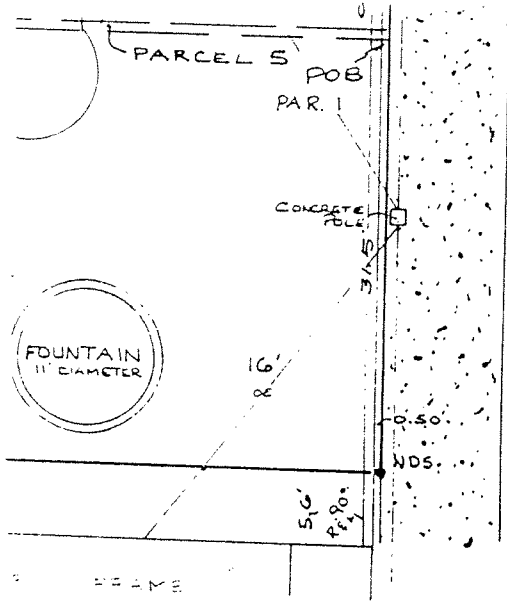
ALSO

PARCEL 2: In the City of Key West, Monroe County, Florida and is designated on Charles W. Tift's Map of said City as part of Lot 1 of Square 1 in Tract 3 of Simonton's Addition to the City of Key West and herein described more particularly by metes and bounds as follows: BEGIN at the intersection of the Southerly Right-Of-Way line of Petronia St. and the W'ly Right-Of-Way boundary line of Whitehead Street for a Point of Beginning; thence Southerly along the said Westerly line of Whitehead Street 62.25 feet to a point; thence Westerly at right angles 96 feet to a point; thence Northerly at right angles 23.48 feet to a point; thence Easterly at right angles 5 feet to a point; thence Northerly at right angles 38.77 feet to a point on the said line of Petronia St.; 91 feet back to the Point of Beginning.

ALSO

PARCEL 3: Part of Lot One (1) of Square One, in Tract Three (3) of Simonton's Addition to the City of Key West, Florida; COMMENCING at the intersection of the Westerly Right-Of-Way boundary line of Whitehead Street and the Southerly Right-Of-Way boundary line of Petronia Street and run thence Westerly along the said line of Petronia Street 91 feet to the Point of Beginning of the Parcel herein being described; thence continue along the said line of Petronia Street 74 feet to a point; thence Southerly and at right angles 62.25 feet to a point; thence Easterly and at right angles 69 feet to a point; thence Northerly and at right angles 23.48 feet to a point; thence Easterly at right angles 5 feet to a point; thence Northerly at right angles 38.77 feet back to the Point of Beginning on Petronia Street.

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WHITEHEAD

- PT = Point of
- PCC = Point of
- PK = Parker K
- SQ = Square
- POB = Point of
- R = Record
- D = Deed
- FF = Finished
- CONC = Concrete
- E/P = Edge of
- C/S = Concrete
- CBS = Concrete
- C-L = Chain-link
- O = Utility po
- N/A = Not appli
- FDOT = Florida D
- OH = Roof ove
- NDS = NAIL & D
(PIT F 15)
- IRS = IRON ROD
(PHILLIPS & S)
- NDF = NAIL & D
(FHH # 27)
- IRF = IRON ROD
(NO CAP)

ALSO

PARCEL 4: On the Island of Key West, as known on Charles W. Tift's Map of the City of Key West, as Part of Square One (1) in Tract Three (3) and is part of Subdivision Two (2) in Square One (1) according to a diagram made of portion of said Tract Three (3), which diagram is recorded in Book "I" deeds page 42 of Monroe County Records: COMMENCING at a point on an Eighteen foot alley-way, Sixty Three (63) feet and four (4) inches distant from the corner of Petronia Street and said alley-way and running thence along said alley-way in a Southeastly direction Thirty-One feet and six inches, and extending back in a Northeastly direction on both lines a distance of Ninety-Six (96) feet.

ALSO

PARCEL 5: In the City of Key West, Monroe County, Florida and is designated on Charles W. Tift's Map of said City as Part of Lot 1 of Square 1 in Tract 3 of Simonton's Addition to the City of Key West and herein described more particularly by metes and bounds as follows: COMMENCE at the intersection of the Southerly Right-Of-Way boundary of Petronia Street and the Westerly Right-Of-Way boundary line of Whitehead St. 62.77 feet to the Point of Beginning; thence continue along the said Westerly line of Whitehead Street 0.75 feet to a point; thence Westerly at right angles 96 feet to a point; thence Northerly at right angles 0.75 feet to a point; thence Easterly at right angles 96 feet back to the Point of Beginning.

ALSO

Part of Lot Two (2) in Square One (1) of Tract Three (3) also known as 809 Terry Lane, in the City of Key West, County of Monroe, State of Florida.

Charles W. Tift's
Subdivision
Addition
Whitehead Street,
Petronia Sts. and
Whitehead St. thence at
right angles
N.E. 11'

Florida and is
Part of Lot 1
City of Key
West and bounds as
described herein
Right-Of-Way
boundary line of
Petronia Street
N.E. 11' along
to a point;
thence Northerly
at right angles
69.77 feet
back to

Tract Three (3)
COMMENCING
at the intersection
of the southerly
boundary line of
Petronia Street
and the westerly
boundary line of
Whitehead Street
62.77 feet to a
point; thence
westerly at right
angles 96 feet
to a point; thence
northerly at right
angles 0.75 feet
to a point; thence
easterly at right
angles 96 feet
back to the Point
of Beginning.

EXHIBIT "A"

On the Island of Key West, Monroe County, Florida and being a part of Lot 1 in Square 1 of a "Sub-division of a part of the Estate of John W. Simonton TRACT 3, Key West, Florida" as recorded in Deed Book 1 at page 421 Public Records of Monroe County, Florida and being described more particularly as follows: Commence at the point of intersection of the Southerly line of Petronia Street with the Easterly line of Terry Lane; thence SouthEasterly along the said line of Terry Lane 63.34 feet to a point; thence Northeasterly at a right angle 27 feet to the Point of Beginning of the parcel of land herein described; thence Northwesterly at a right angle 1.09 feet to a point; thence Northeasterly at a right angle 69 feet to a point; thence Southeasterly at a right angle 1.09 feet to a point; thence Southwesterly at a right angle 69 feet back to the Point of Beginning.

Recorded in Official Records
Monroe County, Florida
Record Verified
DANNY L. KUMHAGE
Clerk Circuit Court



BUILDING #2

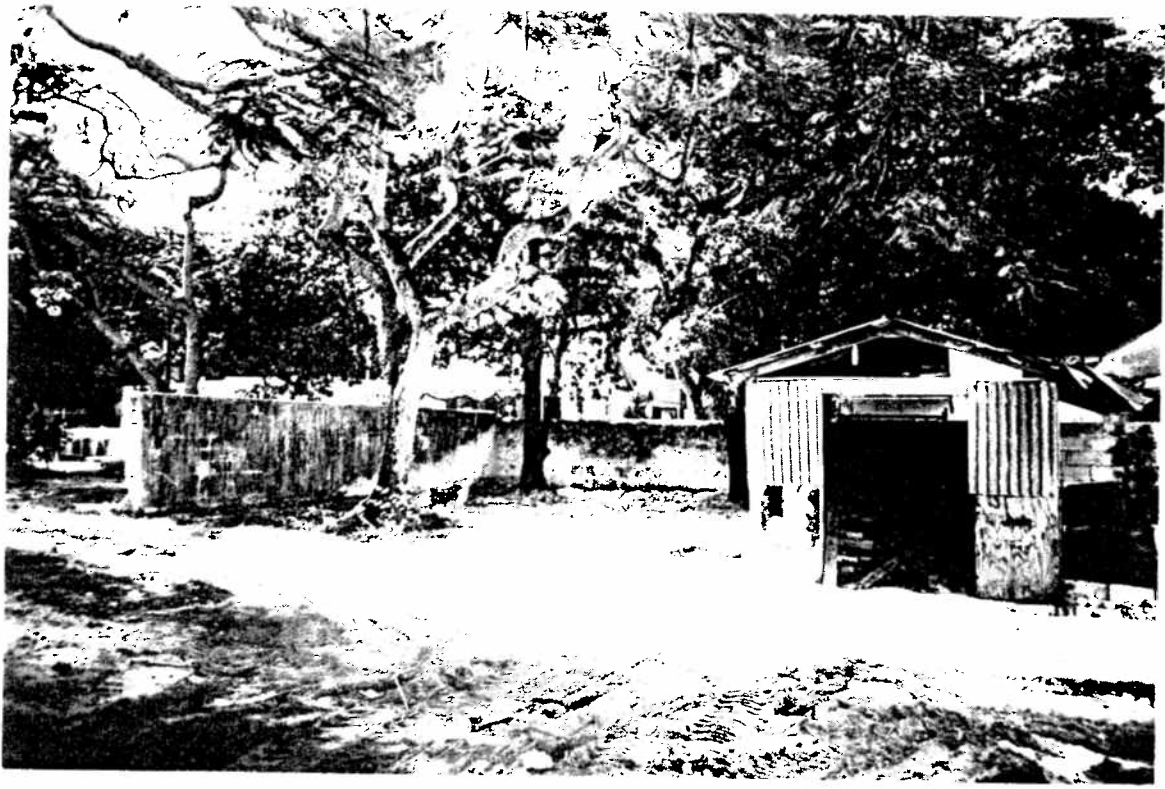




BUILDING #2



SITE AND ADJACENT BUILDING



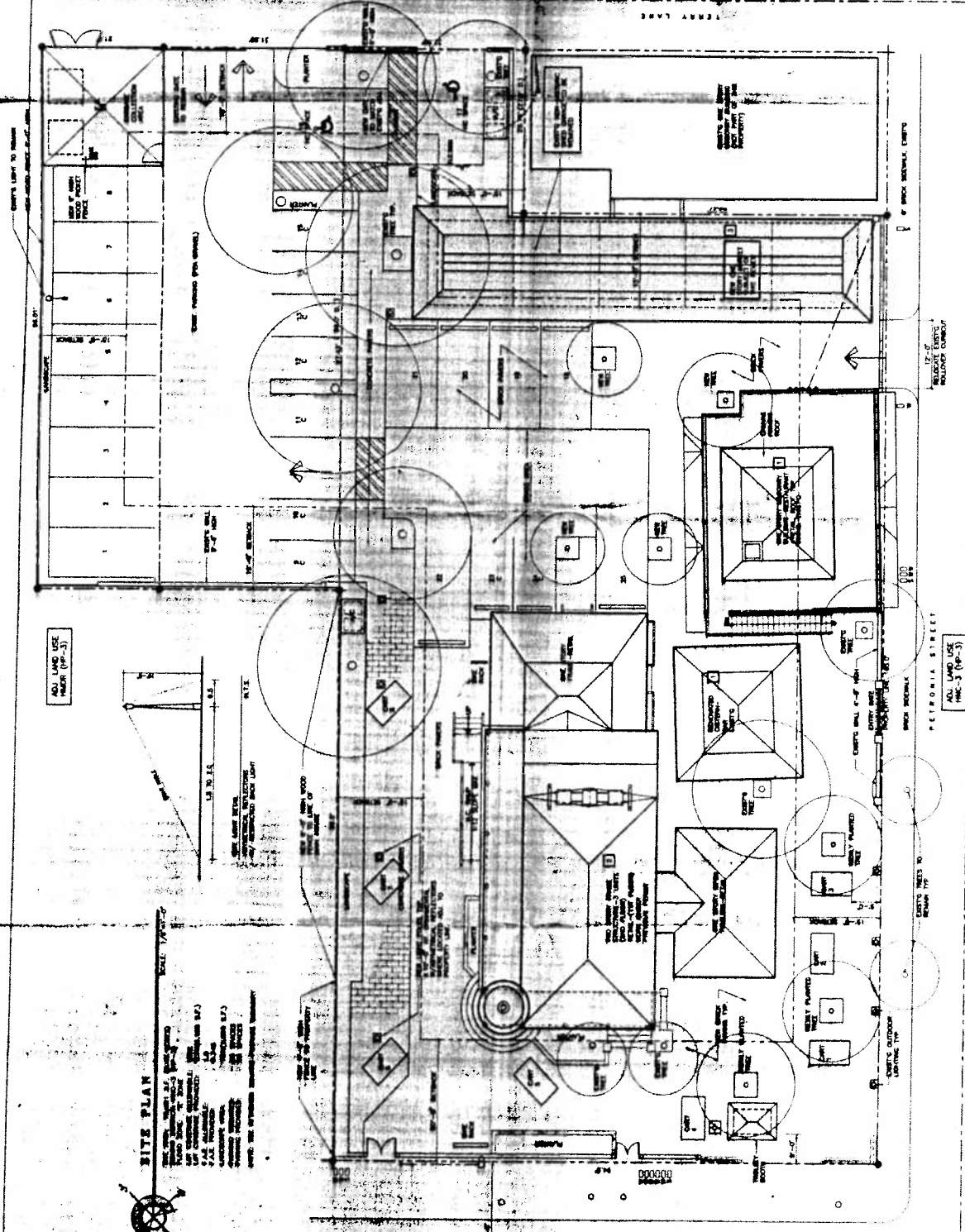
SITE AND ADJACENT BUILDING

WILLIAMS, BDA
ARCHITECT, P.A.

DATE: 08-04-04
REVISIONS:
08-04-04
08-04-04
08-04-04
DRAWN BY: G.L.
PROJECT NUMBER: 04-001
P/N



1/8" = 1' - 0"



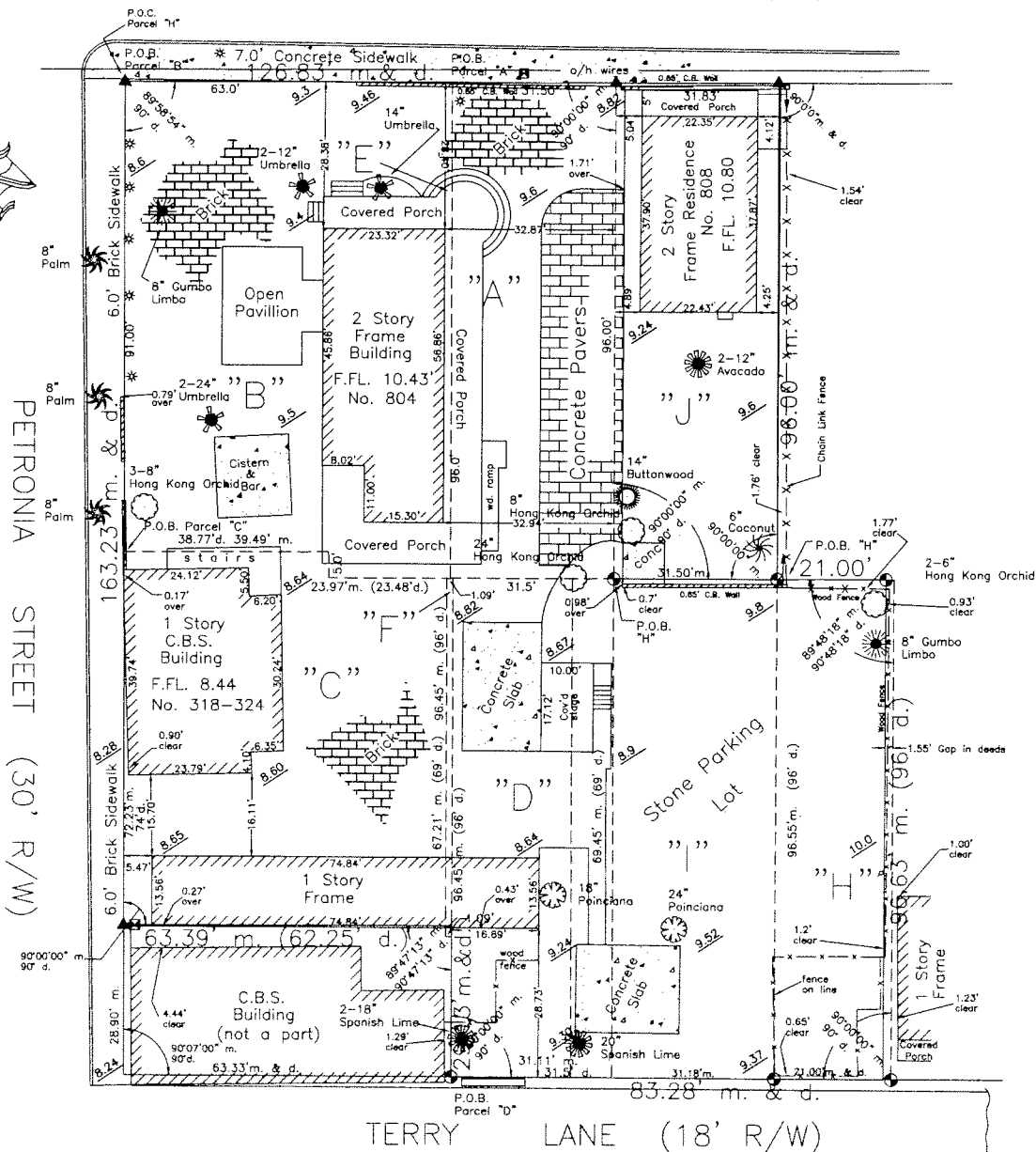
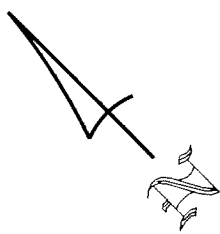
SITE PLAN

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

BAHAMA VILLAGE MARKET
WITHERSPOD & PETROSIA STREET
KEY WEST, FL

Attachment E

WHITEHEAD STREET (50' R/W)



Attachment F

Keys Electric
Records

Nicole Malo

From: Mira, Mundy [Mundy.Mira@KeysEnergy.com]

Sent: Thursday, August 26, 2010 4:22 PM

To: Nicole Malo

Subject: RE: Records request

Attachments: DOC000.PDF

HER IS INFO REQUESTED. PLEASE CALL SO I CAN EXPLAIN WHAT I FOUND. WILL BE HERE TOMORROW, NOT HERE MONDAY-WEDNESDAY OF NEXT WEEK.

THANKS,

ARMANDO MIRA
CUST. PROGRAM'S REP. (FIELD)

From: Nicole Malo [mailto:nmalo@keywestcity.com]

Sent: Monday, August 23, 2010 12:47 PM

To: Mira, Mundy

Subject: Records request

Armando,

I was hoping you could tell me if any meters have been removed in the past 10 years for properties at 804, 806, 808 Whitehead St, 320-324 Petronia Street and 809-811 Terry Lane. Or if the accounts were closed by the property owner, or closed due to disuse and when this occurred. I am trying to establish that the utilities on the site have not been abandoned.

Thank you for your help!

Nicole Malo

Planner, City of Key West

305-809-3778

File Look & Feel Help

Account Gateway CAPE Cashing Journals Reports Meter Reading Credit Control Utilities Setup

Mundy's Profile

Account #: 1041371-4
 LINENS IN PARADISE LLC
 804 WHITEHEAD ST 101
 KEY WEST FL 33040
 (305)923-9443

Menu Glance Calls

- * Main Selections
- * Additional Information
- * History Details
- * CARe
- * Meter Details
- * Pay Plan/Arrangements
- * Pending CARe Calls Charges In
- * Post Dated Payments Informat
- * Other Billing Items
- * Voluntary Subscription Service
- * Water
- * Deposits Review

(1041371-4) Mundy's Profile (1041371-4)

Quick Info Account Details

Service Location Info

Account Number: 1041371 Occupant: 4 Name: LINENS IN PARADISE LLC Customer: 543026

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: 101 Region: City: KEY WEST State: FL Zip: 33040 Home phone: (305)923-9443

- Use the navigation buttons to browse records
- Deposits Information (BROWSE)
 - Account Comments (BROWSE)
 - Premise Information (BROWSE)
 - Web Access Information (BROWSE)
 - Account Balance History (BROWSE)
 - Additional Customer Info (BROWSE)
 - Customer/Landlord Setup (BROWSE)
 - Service Details (BROWSE)
 - Call Maintenance (BROWSE)
 - Sentinel Light Setup (BROWSE)
 - Payment Plan (BROWSE)
 - Street Light Setup (BROWSE)
 - Electric Usage History (BROWSE)
 - Billed Demand History (BROWSE)
 - Electric Reading History (BROWSE)
 - Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	2	E000080428		2010-07-30	Regular Bill	392	MR	3.92 kW	210	
2010-08-01 0...	1	E000080428		2010-07-30	Regular Bill	432	MR	197.00 kWh	210	
2010-07-01 0...	2	E000080428		2010-07-01	Regular Bill	166	MR	1.66 kW	210	
2010-07-01 0...	1	E000080428		2010-07-01	Regular Bill	235	MR	180.00 kWh	210	
2010-06-01 0...	2	E000080428		2010-06-01	Regular Bill	171	MR	1.71 kW	210	
2010-06-01 0...	1	E000080428		2010-06-01	Regular Bill	55	MR	55.00 kWh	210	
2010-05-01 0...	2	E000080428		2010-05-14		0	IN	0.00 kW		
2010-05-01 0...	1	E000080428		2010-05-14		0	IN	0.00 kWh		
2010-06-01 0...	2	0000047029		2010-05-13	Regular Bill	160	RE	1.60 kW	210	
2010-06-01 0...	1	0000047029		2010-05-13	Regular Bill	10577	RE	26.00 kWh	210	
2010-05-01 0...	2	0000047029		2010-04-30	Regular Bill	160	MR	1.60 kW	210	
2010-05-01 0...	1	0000047029		2010-04-30	Regular Bill	10551	MR	145.00 kWh	210	
2010-04-01 0...	2	0000047029		2010-04-01	Regular Bill	162	MR	1.62 kW	210	
2010-04-01 0...	1	0000047029		2010-04-01	Regular Bill	10406	MR	70.00 kWh	210	
2010-03-01 0...	2	0000047029		2010-03-01	Regular Bill	256	MR	2.56 kW	210	
2010-03-01 0...	1	0000047029		2010-03-01	Regular Bill	10336	MR	61.00 kWh	210	

Mundy's Profile

Account #: 1041372-0
 BAHAMA VILLAGE MARKET LTD
 804 WHITEHEAD ST HOUSE
 MTR
 KEY WEST FL 33040

Menu Glance Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plan/Arrangements
- Pending CARE Calls Charges In
- Post Dated Payments Informa
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4) Mundy's Profile (1041372-0)

Quick Info Account Details

Service Location auto

Account Number: 1041372 Document: 0 Name: BAHAMA VILLAGE MARKET LTD Customer: 156335

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: Region: HOUSE MTR
 City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

- Deposits Information (BROWSE)
- Account Comments (BROWSE)
- Promise Information (BROWSE)
- Web Access Information (BROWSE)
- Account Balance History (BROWSE)
- Additional Customer Info (BROWSE)
- Customer/Landlord Setup (BROWSE)
- Service Details (BROWSE)
- Call Maintenance (BROWSE)
- Sentinel Light Setup (BROWSE)
- Payment Plan (BROWSE)
- Street Light Setup (BROWSE)
- Electric Usage History (BROWSE)
- Billed Demand History (BROWSE)
- Electric Reading History (BROWSE)
- Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	2	E000080426		2010-07-30	Regular Bill	214	MR	2.14 kW	210	
2010-08-01 0...	1	E000080426		2010-07-30	Regular Bill	2759	MR	1043.00 kWh	210	
2010-07-01 0...	2	E000080426		2010-07-01	Regular Bill	219	MR	2.19 kW	210	
2010-07-01 0...	1	E000080426		2010-07-01	Regular Bill	1716	MR	1072.00 kWh	210	
2010-06-01 0...	2	E000080426		2010-06-01	Regular Bill	213	MR	2.13 kW	210	
2010-06-01 0...	1	E000080426		2010-06-01	Regular Bill	644	MR	644.00 kWh	210	
2010-06-01 0...	2	0000045609		2010-05-14	Regular Bill	222	RE	2.22 kW	210	
2010-06-01 0...	1	0000045609		2010-05-14	Regular Bill	12028	RE	459.00 kWh	210	
2010-05-01 0...	2	E000080426		2010-05-14		0	IN	0.00 kW		
2010-05-01 0...	1	E000080426		2010-05-14		0	IN	0.00 kWh		
2010-05-01 0...	2	0000045609		2010-04-30	Regular Bill	233	MR	2.33 kW	210	
2010-05-01 0...	1	0000045609		2010-04-30	Regular Bill	11569	MR	1016.00 kWh	210	
2010-04-01 0...	2	0000045609		2010-04-01	Regular Bill	220	MR	2.20 kW	210	
2010-04-01 0...	1	0000045609		2010-04-01	Regular Bill	10553	MR	981.00 kWh	210	
2010-03-01 0...	2	0000045609		2010-03-01	Regular Bill	403	MR	4.03 kW	210	
2010-03-01 0...	1	0000045609		2010-03-01	Regular Bill	9572	MR	977.00 kWh	210	

Mundy's Profile

Account #: 1041405-16
VACANT
804 WHITEHEAD ST
KEY WEST FL 33040

- Menu
- Glance
- Calls
- Main Selections
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- History Details
- CARE
- Meter Details
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- Pending CARE Calls Charges In
- Post Dated Payments Informat
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041373-9) Mundy's Profile (1041405-16)

Account Management (BROWSE)

Quick Info Account Details

Service Location Info

Account Number: 1041405 16 Name: VACANT

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: Region: City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

- Call Maintenance (BROWSE)
- Street Light Setup (BROWSE)
- Payment Plan (BROWSE)
- Street Light Setup (BROWSE)
- Electric Usage History (BROWSE)
- Billed Demand History (BROWSE)
- Electric Reading History (BROWSE)
- Electric Meter Positions (BROWSE)
- Deposits Information (BROWSE)
- Account Comments (BROWSE)
- Premise Information (BROWSE)
- Web Access Information (BROWSE)
- Account Balance History (BROWSE)
- Additional Customer Info (BROWSE)
- Customer/Landlord Setup (BROWSE)
- Service Details (BROWSE)

Main Additional

Service Information

Service:	E ELECTRIC	No. units:	1	Invent. amount:	
Location:	In City	Start:	1999-01-21	Code:	N
Category:	R RESIDENTIAL	Final:		Reason:	No
Bill code:	110 RESIDENTIAL	Final pend:		Date:	
Bill period:	1 MONTHLY BILLING	Inactive from:		Reconnect:	
ERC code:	1 RESIDENTIAL	Inactive to:			

Exemptions

Late pay:	N
Interest:	N
Estimate:	N
Disconnect:	

Notices

Current:	1 N	2 N	3 N
Prior:	N	N	N

Reconnects

Last read:	
Last billed:	
Amount:	
Last payment:	

Mundy's Profile

Account #: 1041406-13
 JOHN D KERR
 804 WHITEHEAD ST 203
 KEY WEST FL 33040
 (305)295-6414

Menu Glance Calls

- Man Selections
- Additional Information
- History Details
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- Meter Details
- Pay Plan/Arrangements
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- Post Dated Payments Informat
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Renew

(1041371-4) Mundy's Profile (1041406-13)

Quick Info Account Details

Service Location info:

Account Number: 1041406 Occupant: 13 Name: JOHN D KERR Customer: 7184

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: 203 Region: City: KEY WEST State: FL Zip: 33040 Home phone: (305)295-6414

- Use the navigation buttons to browse records
- Deposits Information (BROWSE)
 - Account Comments (BROWSE)
 - Premise Information (BROWSE)
 - Web Access Information (BROWSE)
 - Account Balance History (BROWSE)
 - Additional Customer Info (BROWSE)
 - Customer/Landlord Setup (BROWSE)
 - Service Details (BROWSE)
 - Call Maintenance (BROWSE)
 - Sentinel Light Setup (BROWSE)
 - Payment Plan (BROWSE)
 - Street Light Setup (BROWSE)
 - Electric Usage History (BROWSE)
 - Billed Demand History (BROWSE)
 - Electric Reading History (BROWSE)
 - Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	1	E000074082		2010-07-30	Regular Bill	2272	MR	854.00 kWh	110	
2010-07-01 0...	1	E000074082		2010-07-01	Regular Bill	1418	MR	960.00 kWh	110	
2010-06-01 0...	1	E000074082		2010-06-01	Regular Bill	458	MR	442.00 kWh	110	
2010-06-01 0...	1	0000047396		2010-05-13	Regular Bill	71695	FE	344.00 kWh	110	
2010-05-01 0...	1	E000074082		2010-05-13		16	IN	0.00 kWh		
2010-05-01 0...	1	0000047396		2010-04-30	Regular Bill	71351	MR	434.00 kWh	110	
2010-04-01 0...	1	0000047396		2010-04-01	Regular Bill	70917	MR	365.00 kWh	110	
2010-03-01 0...	1	0000047396		2010-03-01	Regular Bill	70552	MR	440.00 kWh	110	
2010-02-01 0...	1	0000047396		2010-01-29	Regular Bill	70112	MR	564.00 kWh	110	
2010-01-01 0...	1	0000047396		2009-12-30	Regular Bill	69548	MR	482.00 kWh	110	
2009-12-01 0...	1	0000047396		2009-11-30	Regular Bill	69066	MR	865.00 kWh	110	
2009-10-01 0...	1	0000047396		2009-10-29	Regular Bill	68201	MR	611.00 kWh	110	
2009-10-01 0...	1	0000047396		2009-09-28	Regular Bill	67590	MR	1119.00 kWh	110	
2009-09-01 0...	1	0000047396		2009-08-28	Regular Bill	66471	MR	1191.00 kWh	110	
2009-09-01 0...	1	0000047396		2009-07-29	Regular Bill	65280	MR	1042.00 kWh	110	
2009-07-01 0...	1	0000047396		2009-06-29	Regular Bill	64238	MR	998.00 kWh	110	

Mundy's Profile

Account #: 1041407-1
 BAHAMA VILLAGE MARKET LTD
 804 WHITEHEAD ST HOUSE
 KEY WEST FL 33040
 (305)294-3225

Menu Glance Calls

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- Voluntary Subscription Service
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- Deposits Review

(1041371-4) Mundy's Profile (1041407-1)

Quick Info Account Details

Service Location Info

Account Number: 1041407 Account ID: 1 Name: BAHAMA VILLAGE MARKET LTD Customer: 156333

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt.: HOUSE Region: City: KEY WEST State: FL Zip: 33040 Home phone: (305)294-3225

Use the navigation buttons to browse records

- Deposits Information (BROWSE)
- Account Balance History (BROWSE)
- Call Maintenance (BROWSE)
- Electric Usage History (BROWSE)
- Account Comments (BROWSE)
- Additional Customer Info (BROWSE)
- Sentinel Light Setup (BROWSE)
- Billed Demand History (BROWSE)
- Premise Information (BROWSE)
- Customer/Landlord Setup (BROWSE)
- Percent Plan (BROWSE)
- Electric Reading History (BROWSE)
- Web Access Information (BROWSE)
- Service Details (BROWSE)
- Street Light Setup (BROWSE)
- Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-09-01 0...	2	E000080427		2010-07-30	Regular Bill	152	MR	1.52 kW	210	
2010-08-01 0...	1	E000080427		2010-07-30	Regular Bill	349	MR	114.00 kWh	210	
2010-07-01 0...	2	E000080427		2010-07-01	Regular Bill	121	MR	1.21 kW	210	
2010-07-01 0...	1	E000080427		2010-07-01	Regular Bill	235	MR	133.00 kWh	210	
2010-06-01 0...	2	E000080427		2010-06-01	Regular Bill	134	MR	1.34 kW	210	
2010-06-01 0...	1	E000080427		2010-06-01	Regular Bill	102	MR	102.00 kWh	210	
2010-05-01 0...	2	E000080427		2010-05-14		0	JN	0.00 kW		
2010-05-01 0...	1	E000080427		2010-05-14		0	JN	0.00 kWh		
2010-06-01 0...	2	0000056607		2010-05-13	Regular Bill	164	RE	1.64 kW	210	
2010-06-01 0...	1	0000056607		2010-05-13	Regular Bill	6129	RE	71.00 kWh	210	
2010-05-01 0...	2	0000056607		2010-04-30	Regular Bill	156	MR	1.56 kW	210	
2010-05-01 0...	1	0000056607		2010-04-30	Regular Bill	6058	MR	182.00 kWh	210	
2010-04-01 0...	2	0000056607		2010-04-01	Regular Bill	153	MR	1.53 kW	210	
2010-04-01 0...	1	0000056607		2010-04-01	Regular Bill	5876	MR	227.00 kWh	210	
2010-03-01 0...	2	0000056607		2010-03-01	Regular Bill	155	MR	1.55 kW	210	
2010-03-01 0...	1	0000056607		2010-03-01	Regular Bill	5649	MR	231.00 kWh	210	

File Look & Feel Help

Account Gateway CARE Cashing Journals Reports Meter Reading Credit Control Utilities Setup

Mundy's Profile

Current Account

Account #: 1041408-10
 VACANT
 804 WHITEHEAD ST 202
 KEY WEST FL 33040

Menu Glance Calls

- * Main Selections
- * Additional Information
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- * Post Dated Payments Informat
- * Other Billing Items
- * Voluntary Subscription Service
- * Water
- * Deposits Review

(1041371-4) Mundy's Profile (1041408-10)

Quick Info Account Details

Service Location Info

Account Number: 1041408 Customer: 10 Name: VACANT Customer: 0

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: 202 Region: City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

- Deposits Information (BROWSE)
- Account Comments (BROWSE)
- Premise Information (BROWSE)
- Web Access Information (BROWSE)
- Account Balance History (BROWSE)
- Additional Customer Info (BROWSE)
- Customer/Landlord Setup (BROWSE)
- Service Details (BROWSE)
- Call Maintenance (BROWSE)
- Sentinel Light Setup (BROWSE)
- Payment Plan (BROWSE)
- Street Light Setup (BROWSE)
- Electric Usage History (BROWSE)
- Billed Demand History (BROWSE)
- Electric Reading History (BROWSE)
- Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	1	E000075174		2010-08-02	Final Bill	1582	MR	744.00	kWh	110
2010-07-01 0...	1	E000075174		2010-07-01	Regular Bill	838	MR	590.00	kWh	110
2010-06-01 0...	1	E000075174		2010-06-01	Regular Bill	248	MR	248.00	kWh	110
2010-06-01 0...	1	0000044381		2010-05-13	Regular Bill	49177	RE	216.00	kWh	110
2010-05-01 0...	1	E000075174		2010-05-13		0	IN	0.00	kWh	
2010-05-01 0...	1	0000044381		2010-04-30	Regular Bill	48961	MR	184.00	kWh	110
2010-04-01 0...	1	0000044381		2010-04-01	Regular Bill	48777	MR	233.00	kWh	110
2010-03-01 0...	1	0000044381		2010-03-01	Regular Bill	48544	MR	156.00	kWh	110
2010-02-01 0...	1	0000044381		2010-01-29	First Bill	48388	MR	93.00	kWh	110
2010-01-01 0...	1	0000044381		2009-12-30	No Bill	48295	MR		kWh	110
2009-11-01 0...	1	0000044381		2009-11-24	Final Bill	48295	MR	124.00	kWh	110
2009-10-01 0...	1	0000044381		2009-10-29	Regular Bill	48171	MR	339.00	kWh	110
2009-10-01 0...	1	0000044381		2009-09-28	Regular Bill	47832	MR	740.00	kWh	110
2009-09-01 0...	1	0000044381		2009-08-28	Regular Bill	47092	MR	802.00	kWh	110
2009-08-01 0...	1	0000044381		2009-07-29	Regular Bill	46290	MR	820.00	kWh	110
2009-07-01 0...	1	0000044381		2009-06-29	Regular Bill	45470	MR	743.00	kWh	110

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Account Gateway CARE Cashing Journals Reports Meter Reading Credit Control Utilities Setup

Mundy's Profile (1041371-4) Mundy's Profile (1041408-10)

Account #: 1041408-10
 VACANT
 804 WHITEHEAD ST 202
 KEY WEST FL 33040

Menu Glance Calls

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- Water
- Deposits Review

Quick Info Account Details

Service Location Info

Account Number: 1041408 Account ID: 10 Name: VACANT Customer: 0

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: 202 Region: City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

Call Maintenance (BROWSE)	Sentinel Light Setup (BROWSE)	Payment Plan (BROWSE)	Street Light Setup (BROWSE)
Electric Usage History (BROWSE)	Billed Demand History (BROWSE)	Electric Reading History (BROWSE)	Electric Meter Positions (BROWSE)
Deposits Information (BROWSE)	Account Comments (BROWSE)	Premise Information (BROWSE)	Web Access Information (BROWSE)
Account Balance History (BROWSE)	Additional Customer Info (BROWSE)	Customer/Landlord Setup (BROWSE)	Service Details (BROWSE)

main Utilities / Balances / Aging

Billing Information

	Total	Current	Overdue	Interest	Late Charge
ELECTRIC	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00

Main Additional

Service Information

Service:	E ELECTRIC	No units:	1	Disconnect Code:	N
Location:	In City	Start:	2010-08-02	Reason:	No
Category:	R RESIDENTIAL	Final pend:		Date:	
Bill code:	110 RESIDENTIAL	Inactive from:	2010-08-02	Reconnect:	
Bill period:	1 MONTHLY BILLING	Inactive to:			
SIC code:	1 RESIDENTIAL				

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File Look & Feel Help

Account Gateway **CAPE** Cashing Journals Reports Meter Reading Credit Control Utilities **Setup**

Mundy's Profile

(1041371-4) Mundy's Profile (1041409-12)

Account #: 1041409-12
 VACANT
 804 WHITEHEAD ST 201
 KEY WEST FL 33040

- Menu Glance Calls
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- Voluntary Subscription Service
- Water
- Deposits Review

Quick Info **Account Details**

Service Location Info

Account Number: 1041409 Accountant: 12 Name: VACANT Customer: 0

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: 201 Region: City: KEY WEST State: FL Zip: 33040 Home phone:

- [Deposits Information \(BROWSE\)](#)
- [Account Comments \(BROWSE\)](#)
- [Premises Information \(BROWSE\)](#)
- [Web Access Information \(BROWSE\)](#)
- [Account Balance History \(BROWSE\)](#)
- [Additional Customer Info \(BROWSE\)](#)
- [Customer/Landlord Setup \(BROWSE\)](#)
- [Service Details \(BROWSE\)](#)
- [Call Maintenance \(BROWSE\)](#)
- [Sentinel Light Setup \(BROWSE\)](#)
- [Payment Plan \(BROWSE\)](#)
- [Street Light Setup \(BROWSE\)](#)
- [Electric Usage History \(BROWSE\)](#)
- [Billed Demand History \(BROWSE\)](#)
- [Electric Reading History \(BROWSE\)](#)
- [Electric Meter Positions \(BROWSE\)](#)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	1	E000059900		2010-07-30	No Bill	46008	MR		kWh	110
2010-07-01 0...	1	E000059900		2010-07-01	No Bill	46008	MR		kWh	110
2010-06-01 0...	1	E000059900		2010-06-01	No Bill	46008	MR		kWh	110
2010-08-01 0...	1	0000047263		2010-05-13	No Bill	45287	RE		kWh	110
2010-07-01 0...	1	0000047263		2010-05-13	No Bill	45287	RE		kWh	110
2010-06-01 0...	1	0000047263		2010-05-13	No Bill	45287	RE		kWh	110
2010-05-01 0...	1	E000059900		2010-05-13		46008	DN	0.00	kWh	
2010-04-01 0...	1	0000047263		2010-04-29	Final Bill	45287	MR	159.00	kWh	110
2010-04-01 0...	1	0000047263		2010-04-01	Regular Bill	45128	MR	267.00	kWh	110
2010-03-01 0...	1	0000047263		2010-03-01	Regular Bill	44861	MR	317.00	kWh	110
2010-02-01 0...	1	0000047263		2010-01-29	Regular Bill	44544	MR	452.00	kWh	110
2010-01-01 0...	1	0000047263		2009-12-30	Regular Bill	44092	MR	226.00	kWh	110
2009-12-01 0...	1	0000047263		2009-11-30	Regular Bill	43866	MR	196.00	kWh	110
2009-10-01 0...	1	0000047263		2009-10-29	First Bill	43670	MR	160.00	kWh	110
2009-10-01 0...	1	0000047263		2009-09-28	No Bill	43510	MR		kWh	110
2009-09-01 0...	1	0000047263		2009-08-28	No Bill	43510	MR		kWh	110

Mundy's Profile

Current Account

Account #: 1041409-12
 VACANT
 804 WHITEHEAD ST 201
 KEY WEST FL 33040

Menu Glance Calls

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- Post Dated Payments Informat
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- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4): Mundy's Profile (1041409-12)

Account Management View (BROWSE)

Quick Info Account Details

Service Location Info

Account Number: 1041409 Account: 12 Name: VACANT Customer: 0

Service Address: House #: 804 Mod: Street: WHITEHEAD ST Apt: 201 Region: City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

- Call Maintenance (BROWSE)
- Sentinel Light Setup (BROWSE)
- Payment Plan (BROWSE)
- Street Light Setup (BROWSE)
- Electric Usage History (BROWSE)
- Billed Demand History (BROWSE)
- Electric Reading History (BROWSE)
- Electric Meter Positions (BROWSE)
- Deposits Information (BROWSE)
- Account Comments (BROWSE)
- Promise Information (BROWSE)
- Web Access Information (BROWSE)
- Account Balance History (BROWSE)
- Additional Customer Info (BROWSE)
- Customer/Landlord Setup (BROWSE)
- Service Details (BROWSE)

main: Details Balances Aging

Billing Information

	Total	Current	Overdue	Interest	Late Charge
ELECTRIC	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00

Main Additional

Service Information

Service:	E ELECTRIC	No units:	1	Disconnect Code:	N
Location:	I In City	Start:	2010-04-29	Reason:	No
Category:	R RESIDENTIAL	Final:		Date:	
Bill code:	110 RESIDENTIAL	Final pend:		Reconnect:	
Bill period:	1 MONTHLY BILLING	Inactive from:	2010-04-29		
BIC code:	1 RESIDENTIAL	Inactive to:			

File Look & Feel Help

Account Gateway CAPE Cashing Journals Reports Meter Reading Credit Control Utilities Setup

Mundy's Profile

Account #: 1041425-18
 VACANT
 808 WHITEHEAD ST
 DOWN
 KEY WEST FL 33040

Menu Glance Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plan/Arrangements
- Pending CARE Calls Charges In
- Post Dated Payments Informat
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4) Mundy's Profile (1041425-18)

Quick Info **Account Details**

Service Location Info

Account Number: 1041425 Occupant: 18 Name: VACANT Customer: 0

Service Address: House #: 808 Mod: Street: WHITEHEAD ST Apt: DOWN Region: City: KEYWEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

- Deposits Information (BROWSE)
- Account Comments (BROWSE)
- Premise Information (BROWSE)
- Web Access Information (BROWSE)
- Account Balance History (BROWSE)
- Additional Customer Info (BROWSE)
- Customer/Landlord Setup (BROWSE)
- Service Details (BROWSE)
- Call Maintenance (BROWSE)
- Seasonal Light Setup (BROWSE)
- Payment Plan (BROWSE)
- Street Light Setup (BROWSE)
- Electric Usage History (BROWSE)
- Billed Demand History (BROWSE)
- Electric Reading History (BROWSE)
- Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-09-01 0...	1	0000018924		2010-05-07	No Bill	70807	RE		kWh	110
2010-07-01 0...	1	0000018924		2010-05-07	No Bill	70807	RE		kWh	110
2010-06-01 0...	1	0000018924		2010-05-07	No Bill	70807	RE		kWh	110
2010-05-01 0...	1	0000018924		2010-04-30	No Bill	70807	MR		kWh	110
2010-04-01 0...	1	0000018924		2010-04-01	No Bill	70807	MR		kWh	110
2010-03-01 0...	1	0000018924		2010-03-01	No Bill	70807	MR		kWh	110
2010-02-01 0...	1	0000018924		2010-01-29	No Bill	70807	MR		kWh	110
2010-01-01 0...	1	0000018924		2009-12-30	No Bill	70807	MR		kWh	110
2009-12-01 0...	1	0000018924		2009-11-30	No Bill	70807	MR		kWh	110
2009-10-01 0...	1	0000018924		2009-10-29	No Bill	70807	MR		kWh	110
2009-10-01 0...	1	0000018924		2009-09-28	No Bill	70807	MR		kWh	110
2009-09-01 0...	1	0000018924		2009-08-28	No Bill	70807	MR		kWh	110
2009-08-01 0...	1	0000018924		2009-07-29	No Bill	70807	MR		kWh	110
2009-07-01 0...	1	0000018924		2009-06-29	No Bill	70807	MR		kWh	110
2009-06-01 0...	1	0000018924		2009-05-29	No Bill	70807	MR		kWh	110
2009-05-01 0...	1	0000018924		2009-04-29	No Bill	70807	MR		kWh	110

Mundy's Profile

Account #: 1043047-3
 VACANT
 320 PETRONIA ST
 KEY WEST FL 33040

Menu Glance Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plan/Arrangements
- Pending CARE Calls Charges Inf
- Post Dated Payments Informa
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4) Mundy's Profile (1043047-3)

Quick Info Account Details

Service Location Info

Account Number: 1043047 Occupant: 3 Name: VACANT Customer: [G]

Service Address: House #: 320 Mod: [] Street: PETRONIA ST Apt: [] Region: []

City: KEY WEST State: FL Zip: 33040 Home phone: []

- Use the navigation buttons to browse records
- Deposits Information (BROWSE)
 - Account Comments (BROWSE)
 - Promise Information (BROWSE)
 - Web Access Information (BROWSE)
 - Account Balance History (BROWSE)
 - Additional Customer Info (BROWSE)
 - Customer/Landlord Setup (BROWSE)
 - Service Details (BROWSE)
 - Call Maintenance (BROWSE)
 - Sentinel Light Setup (BROWSE)
 - Payment Plan (BROWSE)
 - Street Light Setup (BROWSE)
 - Electric Usage History (BROWSE)
 - Billed Demand History (BROWSE)
 - Electric Reading History (BROWSE)
 - Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	2	E000080415		2010-07-30	No Bill	0	MR		KWh	210
2010-07-01 0...	1	E000080415		2010-07-30	No Bill	0	MR		KWh	210
2010-07-01 0...	2	E000080415		2010-07-01	No Bill	0	MR		KWh	210
2010-07-01 0...	1	E000080415		2010-07-01	No Bill	0	MR		KWh	210
2010-06-01 0...	2	0000045762		2010-06-01	No Bill	0	RE		KWh	210
2010-08-01 0...	1	0000045762		2010-06-01	No Bill	58099	RE		KWh	210
2010-07-01 0...	2	0000045762		2010-06-01	No Bill	0	RE		KWh	210
2010-07-01 0...	1	0000045762		2010-06-01	No Bill	58099	RE		KWh	210
2010-06-01 0...	2	E000080415		2010-06-01		0	IN	0.00KW		
2010-06-01 0...	1	E000080415		2010-06-01		0	IN	0.00KWh		
2010-06-01 0...	2	0000045762		2010-06-01	No Bill	0	MR		KWh	210
2010-06-01 0...	1	0000045762		2010-06-01	No Bill	58099	MR		KWh	210
2010-05-01 0...	2	0000045762		2010-04-30	No Bill	0	MR		KWh	210
2010-05-01 0...	1	0000045762		2010-04-30	No Bill	58099	MR		KWh	210
2010-04-01 0...	2	0000045762		2010-04-01	No Bill	0	MR		KWh	210
2010-04-01 0...	1	0000045762		2010-04-01	No Bill	58099	MR		KWh	210

Mundy's Profile

Correct Account

Account #: 1043047-3
 VACANT
 320 PETRONIA ST
 KEY WEST FL 33040

Menu: Glance Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plan/Arrangements
- Pending CARE Calls Charges In
- Post Dated Payments Informa
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4) Mundy's Profile (1043047-3)

Quick Info Account Details

Service Location Info

Account Number: 1043047 Department: 3 Name: VACANT Customer: 0

Service Address: House #: 320 Mod: Street: PETRONIA ST Apt: Region: City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records:

Call Maintenance (BROWSE)	Sentinel Light Setup (BROWSE)	Payment Plan (BROWSE)	Street Light Setup (BROWSE)
Electric Usage History (BROWSE)	Billed Demand History (BROWSE)	Electric Reading History (BROWSE)	Electric Meter Positions (BROWSE)
Deposits Information (BROWSE)	Account Comments (BROWSE)	Premise Information (BROWSE)	Web Access Information (BROWSE)
Account Balance History (BROWSE)	Additional Customer Info (BROWSE)	Customer/Landlord Setup (BROWSE)	Service Details (BROWSE)

main: Detail Business / Aging

Billing Information

	Total	Current	Overdue	Interest	Late Charge
ELECTRIC	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00

Man Additional

Service Information

Service:	E	ELECTRIC	No units:	1	Disconnect Code:	PI
Location:	I	In City	Start:	2005-04-15	Reason:	No
Category:	SC	COM SM 210	Final:		Date:	
Bill code:	210	SMALL COML	Final pend:		Reconnect:	
Bill period:	1	MONTHLY BILLING	Inactive from:	2005-04-15		
EO code:	2	RETAIL	Inactive to:			

Mundy's Profile

Account #: 1043049-3
 VACANT
 322 PETRONIA ST
 KEY WEST FL 33040

Menu Glance Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plan/Arrangements
- Pending CARE Calls Charges In
- Post Dated Payments Informa
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4) Mundy's Profile (1043049-3)

Account Management Menu (BROWSE)

Quick Info Account Details

Service Location Info

Account Number: 1043049 Customer: 3 Name: VACANT

Service Address: House # 322 Mod: Street PETRONIA ST Apt. Region: City KEY WEST State FL Zip 33040 Home phone:

Use the navigation buttons to browse records

- Deposits Information (BROWSE)
- Account Balance History (BROWSE)
- Call Maintenance (BROWSE)
- Electric Usage History (BROWSE)
- Account Comments (BROWSE)
- Additional Customer Info (BROWSE)
- Sentinel Light Setup (BROWSE)
- Billed Demand History (BROWSE)
- Premium Information (BROWSE)
- Customer/Landlord Setup (BROWSE)
- Payment Plan (BROWSE)
- Electric Reading History (BROWSE)
- Web Access Information (BROWSE)
- Service Details (BROWSE)
- Street Light Setup (BROWSE)
- Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	2	E000080417		2010-07-30	No Bill	0	MR		KW	210
2010-08-01 0...	1	E000080417		2010-07-30	No Bill	0	MR		KWh	210
2010-07-01 0...	2	E000080417		2010-07-01	No Bill	0	MR		KW	210
2010-07-01 0...	1	E000080417		2010-07-01	No Bill	0	MR		KWh	210
2010-06-01 0...	2	E000080417		2010-06-01	No Bill	0	MR		KW	210
2010-06-01 0...	1	E000080417		2010-06-01	No Bill	0	MR		KWh	210
2010-08-01 0...	2	0000045759		2010-05-14	No Bill	0	PE		KW	210
2010-08-01 0...	1	0000045759		2010-05-14	No Bill	0	PE		KWh	210
2010-07-01 0...	2	0000045759		2010-05-14	No Bill	3731	PE		KWh	210
2010-07-01 0...	1	0000045759		2010-05-14	No Bill	0	PE		KW	210
2010-06-01 0...	2	0000045759		2010-05-14	No Bill	3731	PE		KWh	210
2010-06-01 0...	1	0000045759		2010-05-14	No Bill	0	PE		KW	210
2010-05-01 0...	2	E000080417		2010-05-14	No Bill	3731	PE		KWh	210
2010-05-01 0...	1	E000080417		2010-05-14		0	IN	0.00KW		
2010-05-01 0...	2	0000045759		2010-04-30	No Bill	0	MR		KW	210
2010-05-01 0...	1	0000045759		2010-04-30	No Bill	3731	MR		KWh	210

Harris NorthStar 6.2.9 2008-02-22 00:05:39 (cust-key-6_2_9-branch) Keys Live Live Live

File Look & Feel Help

Account Gateway CARE CASHIERING Journals Reports Meter Reading Credit Control Utilities Setup

Mundy's Profile (1041371-4): Mundy's Profile (1043049-3)

Account # 1043049-3
 VACANT
 322 PETRONIA ST
 KEY WEST FL 33040

Menu Glance Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plan/Arrangements
- Pending CARE Calls Charges In
- Post Dated Payments Informat
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

Quick Info Account Details

Service Location Info

Account Number: 1043049 Occupant: 3 Name: VACANT Customer: 0

Service Address: House #: 322 Mod: Street: PETRONIA ST Apt: Region: City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

Call Maintenance (BROWSE)	Sentinel Light Setup (BROWSE)	Payment Plan (BROWSE)	Street Light Setup (BROWSE)
Electric Usage History (BROWSE)	Billed Demand History (BROWSE)	Electric Reading History (BROWSE)	Electric Meter Positions (BROWSE)
Deposits Information (BROWSE)	Account Comments (BROWSE)	Premise Information (BROWSE)	Web Access Information (BROWSE)
Account Balance History (BROWSE)	Additional Customer Info (BROWSE)	Customer/Landlord Setup (BROWSE)	Service Details (BROWSE)

near [PARAM] BROWSE / ADMIN

	Total	Current	Oversus	Interest	Line Charge
ELECTRIC	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00

Man Additional

Service Information

Service	E	ELECTRIC	No units	1	Assignment
Location	I	In City	Start	2005-07-21	Code
Category	SC	COM SM 210	Final		Reason
Bill code	210	SMALL COML	Final pend		Date
Bill period	1	MONTHLY BILLING	Inactive from	2005-07-21	Reconnect
Bill code	23	RESTAURANT-INDEPEND	Inactive to		

Done 83M of 264M 10:00 AM

Mundy's Profile

Default Account

Account #: 1043050-2
 VACANT
 324 PETRONIA ST KITCHEN
 KEY WEST FL 33040

Menu **Glance** Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plan/Arrangements
- Pending CARE Calls Charges Inf
- Post Dated Payments Informa
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4) Mundy's Profile (1043050-2)

Quick Info Account Details

Service Location Info

Account Number: 1043050 Occupant: 2 Name: VACANT Customer: 0

Service Address: House #: 324 Mod: Street: PETRONIA ST Apt.: Region: KITCHEN

City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

Deposits Information (BROWSE) Account Comments (BROWSE) Premise Information (BROWSE) Web Access Information (BROWSE)

Account Balance History (BROWSE) Additional Customer Info (BROWSE) Customer/Landlord Setup (BROWSE) Service Details (BROWSE)

Call Maintenance (BROWSE) Sentinel Light Setup (BROWSE) Payment Plan (BROWSE) Street Light Setup (BROWSE)

Electric Usage History (BROWSE) Billing Demand History (BROWSE) Electric Reading History (BROWSE) Electric Meter Positions (BROWSE)

Browse Record Details

Month	Me...	Meter Num...	Time Band	Read Date	Bill Type	Reading	Type	Us...	Unit	Bill Code
2010-08-01 0...	2	E000074747		2010-07-30	No Bill	0	MR		KW	210
2010-08-01 0...	1	E000074747		2010-07-30	No Bill	0	MR		kWh	210
2010-07-01 0...	2	E000074747		2010-07-01	No Bill	0	MR		KW	210
2010-07-01 0...	1	E000074747		2010-07-01	No Bill	0	MR		kWh	210
2010-06-01 0...	2	E000074747		2010-06-01	No Bill	0	MR		KW	210
2010-06-01 0...	1	E000074747		2010-06-01	No Bill	0	MR		kWh	210
2010-08-01 0...	2	000004682		2010-05-13	No Bill	0	RE		KW	210
2010-08-01 0...	1	000004682		2010-05-13	No Bill	24257	RE		kWh	210
2010-07-01 0...	2	000004682		2010-05-13	No Bill	0	RE		KW	210
2010-07-01 0...	1	000004682		2010-05-13	No Bill	24257	RE		kWh	210
2010-06-01 0...	2	000004682		2010-05-13	No Bill	0	RE		KW	210
2010-06-01 0...	1	000004682		2010-05-13	No Bill	24257	RE		kWh	210
2010-05-01 0...	2	E000074747		2010-05-13		0	IN	0.00kWh		
2010-05-01 0...	1	E000074747		2010-05-13		0	IN	0.00kWh		
2010-05-01 0...	2	000004682		2010-04-30	No Bill	0	MR		KW	210
2010-05-01 0...	1	000004682		2010-04-30	No Bill	24257	MR		kWh	210

Mundy's Profile

Account # 1043050-2
 VACANT
 324 PETRONIA ST KITCHEN
 KEY WEST FL 33040

Menu Glance Calls

- Main Selections
- Additional Information
- History Details
- CARE
- Meter Details
- Pay Plans/Arrangements
- Pending CARE Calls Charges In
- Post Dated Payments Informat
- Other Billing Items
- Voluntary Subscription Service
- Water
- Deposits Review

(1041371-4) Mundy's Profile (1043050-2)

Quick Info Account Details

Service Location Info

Account Number: 1043050 Customer: 2 Name: VACANT Customer: 0

Service Address: House #: 324 Mod: Street: PETRONIA ST Apt. Region: KITCHEN

City: KEY WEST State: FL Zip: 33040 Home phone:

Use the navigation buttons to browse records

Call Maintenance (BROWSE)	Sentinel Light Setup (BROWSE)	Payment Plan (BROWSE)	Street Light Setup (BROWSE)
Electric Usage History (BROWSE)	Billed Demand History (BROWSE)	Electric Reading History (BROWSE)	Electric Meter Positions (BROWSE)
Deposits Information (BROWSE)	Account Comments (BROWSE)	Promise Information (BROWSE)	Web Access Information (BROWSE)
Account Balance History (BROWSE)	Additional Customer Info (BROWSE)	Customer/Landlord Setup (BROWSE)	Service Details (BROWSE)

Bill Information

	Total	Current	Overdue	Interest	Late Charge
ELECTRIC	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00

Main Additional

Service Information

Service: E	ELECTRIC	No units: 1	Disconnect Code: N
Location: 1	In City	Start: 2005-07-21	Reason: No
Category: SC	COM 9M 210	Final:	Date:
Bill code: 210	SMALL COML	Final pend:	Reconnect:
Bill period: 1	MONTHLY BILLING	Inactive from: 2005-07-21	
SIC code: 23	RESTAURANT-INDEPEND	Inactive to:	

Nicole Malo

From: Shirley Sealey
Sent: Thursday, September 02, 2010 11:54 AM
To: Nicole Malo
Subject: RECORD REQUEST

HI NICOLE,

HERE'S THE ITEMS YOU REQUESTED FROM VALERIE, I'M SORRY BUT I'VE BEEN OUT SICK FOR A COUPLE OF DAYS.

HOPE THIS IS WHAT YOU WERE ASKING FOR, IF NOT JUST LET ME KNOW.

804 WHITEHEAD STREET	(NO ACCOUNT)	NOT BILLING		
804 WHITEHEAD STREET UNIT	101 DN	BILLING	ACCOUNT OPENED 7/14/99	SERVICING 1
804 WHITEHEAD STREET UNIT	201	BILLING	ACCOUNT OPENED 2/26/99	SERVICING 1
804 WHITEHEAD STREET UNIT	202	BILLING	ACCOUNT OPENED 2/26/99	SERVICING 1
804 WHITEHEAD STREET UNIT	203	BILLING	ACCOUNT OPENED 2/26/99	SERVICING 1
806 WHITEHEAD STREET	(NO ACCOUNT)	NOT BILLING		
808 WHITEHEAD STREET UNIT		BILLING	ACCOUNT OPENED 7/20/98	SERVICING 1
320 PETRONIA STREET UNIT		BILLING	ACCOUNT OPENED 5/1/95	SERVICING 1
324 PETRONIA STREET UNIT		BILLING	ACCOUNT OPENED 5/1/95	SERVICING 1
324 PETRONIA STREET UNIT		BILLING	ACCOUNT OPENED 5/1/95	SERVICING 1
809 TERRY LANE	(NO ACCOUNT)	NOT BILLING		
811 TERRY LANE	(NO ACCOUNT)	NOT BILLING		
822 FLEMING STREET 4 UNITS		BILLING	ACCOUNT OPENED 5/1/95	SERVICING
822 FLEMING STREET UNITS	REAR	BILLING	ACCOUNT OPENED 9/13/05	SERVICING 2
823 FLEMING STREET UNITS		BILLING	ACCOUNT OPENED 5/1/95	SERVICING 6
420 MARGARET STREET UNITS		BILLING	ACCOUNT OPENED 5/1/95	SERVICING 2
2 LOPEZ LANE 2 UNITS		BILLING	ACCOUNT OPENED 5/1/95	SERVICING

Shirley Sealey
Customer Services Rep.
City Of Key West
Phone # 305 809-3861
Faxes # 305 809-3857

9/2/2010

Attachment G

Key West, Florida, Code of Ordinances >> Subpart B - LAND DEVELOPMENT REGULATIONS >> Chapter 122 - ZONING >> ARTICLE V. - SUPPLEMENTARY DISTRICT REGULATIONS >> DIVISION 12. - ADULT ENTERTAINMENT ESTABLISHMENTS >>

DIVISION 12. - ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 122-1531. - Adult entertainment establishments—Findings.

Sec. 122-1532. - Definitions.

Sec. 122-1533. - General regulations.

Sec. 122-1534. - Licensing.

Sec. 122-1535. - Separation requirements.

Sec. 122-1536. - Judicial review.

Secs. 122-1537—122-1540. - Reserved.

| Sec. 122-1531. - Adult entertainment establishments—Findings.

- (a) The city commission's recital (the whereas clauses) is hereby incorporated by reference and made a part of this division.
- (b) The purpose of this division is to regulate adult entertainment establishments for the health, safety, morals and welfare of the residents and visitors of Key West; and to establish reasonable regulations for adult entertainment establishments currently located and to be located in Key West, in order to eliminate or reduce adverse secondary effects of such establishments upon both residents and visitors. Unless there is a determination of obscenity or other illegality, nothing herein shall be construed to prohibit constitutionally protected expression or speech or to deny access by adults to sexually oriented materials or performances that are protected by the First Amendment. These regulations shall be construed consistently with Florida's obscenity law, chapter 847, Florida Statutes. Finally, nothing herein is intended to prohibit or to regulate works of serious artistic or literary value.

(Ord. No. 97-10, § 1(2-7.28(A)), 7-3-1997; Ord. No. 04-14, § 4, 7-7-2004)

| Sec. 122-1532. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult entertainment establishment means any commercial activity, whether conducted intermittently or full time, that involves either the sale, display, exhibition, or viewing of adult material or an adult performance, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual or sexually oriented activities or specified anatomical areas. The term "adult entertainment establishment" includes but is not limited to adult bookstores, adult-themed merchandise stores, adult performance establishments, adult motion picture theaters, limited adult cabarets and adult businesses, or any combination thereof. These terms shall have the following meanings:

- (1) *Adult bookstore/video store* means an establishment having at least 25 percent of its stock in trade, for sale, rent, lease, inspection, or viewing, books, films, videocassettes, compact discs, magazines, or other adult material that is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities and/or specified anatomical areas.
- (2) *Adult performance establishment* means any establishment where any worker (an employee or independent contractor) engages in a private performance, acts as an adult model, or displays or exposes any specified anatomical areas to a customer, regardless of whether the worker engages in dancing or any particular activity; or wears and displays to a customer any covering, tape, pasties, or other device that simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas, regardless of whether the worker actually engages in performing or dancing; or offers, solicits, or contracts to dance or perform with or for a customer and accepts any consideration, tip, remuneration or compensation from or on behalf of that customer.
- (3) *Adult-themed merchandise store* means a commercial establishment in which at

least ten percent of the unused individual items publicly displayed in the establishment as stock in trade, for sale or rent, constitute adult material.

(4) *Adult motion picture theater* means an enclosed building used for presenting films and/or videos which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities and/or specified anatomical areas, for observation by patrons therein.

(5) *Adult business* means a commercial enterprise that offers or provides for any form of consideration, physical contact between persons of the opposite sex or of the same sex in the form of a massage or rubdown or washing or scrubbing, where one or more of the persons is in a state of nudity or is seminude; provided, however, that a massage therapist licensed by the State of Florida pursuant to chapter 480, Florida Statutes, or a person licensed by the State of Florida as a physician, nurse, physical therapist or athletic trainer are not deemed to be engaged in an adult business. An adult business shall also mean any other similar adult entertainment establishment not specifically described herein, including but not limited to: a business whose customers are or are invited to be in a state of nudity for sexually oriented purposes (but not for mere sunbathing), and a business that offers the use of adult booths.

(6) *Limited adult cabaret* means an adult performance establishment where live performers provide adult-themed entertainment and do so either clothed or seminude, without exposing specified anatomical areas and without engaging in specified sexual activities.

Adult booth means a separate booth inside an adult entertainment establishment accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth or arcade; or a booth used to view "adult material" or engage in adult performance; or a booth used for sexual contact between persons in a public location.

Adult material means one or more of the following, regardless of whether it is new or used:

(a) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videotapes, video cassettes, compact disks, slides, computer digital graphic recordings, or other visual representations, tape recordings, disks or other audio matter, which have as their primary or dominant theme matters depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(b) Instruments, novelties, devices, merchandise or paraphernalia which are designed for use in connection with specified sexual activities; provided, however, that adult material shall not be interpreted to include bona fide birth control devices.

Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the areola; or the depiction of covered male genitals in a discernibly turgid state.

Parcel means any quantity of land capable of being described with such definiteness that its location and boundaries may be or are established. See also the definition of "Lot" in section 86-9.

Seminude means a state of dress in which clothing covers no more than the genitals, pubic region, and/or areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

Specified anatomical areas means:

- (1) Less than completely opaquely covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola; and/or
- (2) Human male genitalia in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals, covered or uncovered, in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, simulated sexual intercourse, sexual bestiality, sadomasochistic abuse, or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- (4) Any act or conduct constituting sexual battery.

(Ord. No. 97-10, § 1(2-7.28(B)), 7-3-1997; Ord. No. 01-13, § 3, 9-18-2001; Ord. No. 04-14, § 5, 7-7-2004)

Cross reference—Definitions generally, § 1-2.

Sec. 122-1533. - General regulations.

(a) The purpose of this section is to limit the number of adult entertainment establishments within the corporate boundaries of Key West in order to address their adverse secondary effects. The city commission finds the potential and actual adverse secondary effects to be: The incidence of crime inside and around adult entertainment establishments (the city commission reaches no conclusion as to whether adult entertainment establishments cause a disproportionate increase to crime); detrimental effects on minors; the potential deterioration of a preserved historic district; pornographic litter; an increase in the incidence of obscenity; an increase in the incidence of disease; and land use incompatibilities. Regarding the latter, due to the small geographic size of Key West, there is no commercial district that does not also contain residences and houses of worship; therefore, the city commission recognizes that there can be no substantial separation between these amiable uses and adult entertainment establishments.

(b) As of May 1, 2004, there are nine* adult entertainment establishments in the HRCC-1 zoning district. This number establishes a cap in HRCC-1. An existing adult entertainment business may move its location within HRCC-1 so long as it complies with section 122-1535. The city shall extinguish any surrendered adult entertainment licenses so that, by attrition, only five of them shall remain in the HRCC-1 zoning district. Thereafter, the city shall re-issue a surrendered license via a lottery devised by the city manager, so long as the winning applicant for the license is capable of complying and does comply with all federal, state and local regulations.

Note—

*As of the effective date of this Ordinance No. 04-14, the proprietor of a tenth location —507 Southard Street— is in litigation with the City of Key West. If the plaintiff prevails, then the city will license it as the tenth location in HRCC-1.

(c) An adult entertainment establishment that either is not located in the HRCC-1 zoning district** or does not comply with the separation requirements set forth in section 122-1535 is legally nonconforming and is subject to the regulations set forth in chapter 122, article II; provided, however, that the abandonment of an adult entertainment use shall occur when such use has ceased for a period of 120 days. Section 122-30 shall be interpreted consistent herewith. Nothing in this subsection is intended to alter nonconformities previously established.

** As of the effective date of this Ordinance No. 04-14, the City of Key West and the property owner of 1125 Duval Street are engaged in determining whether zoning supports partial use of the property as a cabaret. If it does then the property may obtain a limited adult cabaret license.

(d) Within 60 days after the effective date of this Ordinance No. 04-14, all adult entertainment establishments existing in Key West shall provide the licensing division with a drawing showing the dimensions of the adult entertainment use on the parcel as of May 1, 2004. If the adult entertainment use occupies a portion of a parcel, the total floor area devoted to adult entertainment use shall not be increased above the floor area in use as of May 1, 2004, but may be relocated within the parcel. Except as provided in subsection (e), the operator of an adult entertainment establishment may change the adult entertainment use at the parcel. The operator shall notify the licensing division and the business tax receipt shall be reclassified accordingly. Any proposed change of adult entertainment use at a parcel is subject to all applicable codes and laws.

(e) An adult-themed merchandise store, adult bookstore, adult business or limited adult cabaret shall not be entitled to change to another classification of adult entertainment establishment and shall not obtain licensing therefor.

(f) If an existing adult entertainment establishment is operating pursuant to a set of conditions, either imposed by a governmental agency or bargained for in a contract, those conditions shall remain in effect to the extent that they are consistent with sections 122-1531 through 122-1536.

(g) An adult entertainment establishment of any classification shall not display or exhibit any adult material on the exterior of the premises, including in doors and windows.

(h) No adult entertainment establishment licensed hereunder shall be permitted to allow specified sexual activities to occur on the premises.

(i) This section 122-1533 shall sunset automatically, and the city commission shall enact new adult entertainment regulations consistent with the First Amendment of the United States Constitution, when there exist no functioning adult entertainment establishments in the HRCC-1 zoning district.

(Ord. No. 97-10, § 1(2-7.28(C)), 7-3-1997; Ord. No. 01-13, § 3, 9-18-2001; Ord. No. 04-14, § 6, 7-7-2004; Res. No. 06-292, § 1, 9-6-2006)

Sec. 122-1534. - Licensing.

(a) The owner or operator of an adult entertainment establishment shall obtain a business tax receipt pursuant to section 66-87. The licensing official shall notate the license as "adult entertainment establishment: _____," filling in this blank by reference to the following classifications: adult

bookstore/video store, adult-themed merchandise store, adult performance establishment, limited adult cabaret, adult motion picture theater or adult business.

(b) Adult entertainment businesses existing and recognized by the city as of May 1, 2004, are granted a de facto temporary license to continue in operation while they comply with the terms of section 122-1533.

(c) Any applicant aggrieved by a decision of the licensing official, either by the choice of adult entertainment classification(s) or by the refusal to license a business as adult entertainment, may appeal the decision to a special master (other than the code enforcement special master) appointed by the city commission. The appeal shall be made in writing not later than ten days from the date the decision of the licensing official is rendered to the applicant. The special master shall conduct a hearing at the earliest mutually convenient time, giving notice and opportunity to be heard to the applicant. The applicant may be represented by counsel. The special master shall issue a written decision within ten days of the hearing. The decision of the special master shall constitute final administrative agency action.

(d) All city licensing approvals shall be provided to an owner of an adult entertainment establishment not later than 45 days from the date of application for a business tax receipt and the applicant's compliance with all building codes.

(e) In addition to the business tax set forth in section 66-109(1), the owner of an adult entertainment establishment shall pay to the city on or before each October 1 an annual fee of \$200.00 to defray the expense of regulation.

(Ord. No. 01-13, § 3, 9-18-2001; Ord. No. 04-14, § 7, 7-7-2004; Res. No. 06-292, § 1, 9-6-2006)

Sec. 122-1535. - Separation requirements.

(a) Except as provided in subsection (b), an adult entertainment establishment in the HRCC-1 zoning district shall not be located within 250 feet of any parcel upon which any of the following uses is located:

- i. Any public park or playground;
- ii. Any public or private school;
- iii. Any licensed day care facility;
- iv. Any church, synagogue or other place that is used primarily for purposes of religious worship.
- v. Any publicly owned building, including but not limited to a government building and a library.
- vi. Any other adult entertainment establishment.

(b) The separation requirement for an adult-themed merchandise store only shall be 150 feet from the uses set forth in subsection (a).

(c) The separation requirements set forth above shall be measured by following the shortest route of ordinary fare from the nearest point of the parcel of the proposed or existing adult entertainment establishment to the other parcel (as listed above).

(Ord. No. 01-13, § 3, 9-18-2001; Ord. No. 04-14, § 8, 7-7-2004)

Sec. 122-1536. - Judicial review.

Any person or entity denied licensing for an adult entertainment establishment may apply, in the manner provided by law, to the circuit court for relief from such decision.

(Ord. No. 04-14, § 9, 7-7-2004)

Secs. 122-1537—122-1540. - Reserved.